IV. CONCLUDING OBSERVATIONS

CERD

• Bosnia and Herzegovina, CERD, A/48/18 (1993) 87 at para. 471.

Those responsible for massive, gross and systematic human rights violations and crimes against international humanitarian law should be held responsible and prosecuted. In that connection, the Government is urged to assist efforts to arrest, bring to trial and punish all those responsible for crimes which would be covered by the terms of reference of the International Tribunal established pursuant to Security Council resolution 808 (1993).

See also:

- Yugoslavia (Serbia and Montenegro), CERD, A/48/18 (1993) 95 at para. 545.
- Yugoslavia (Serbia and Montenegro), CERD, A/48/18 (1993) 95 at para. 544.

The need for urgent measures in respect of the situation in Kosovo is emphasized, in order to prevent persisting ethnic problems there from escalating into violence and armed conflict. The Government should strengthen the territorial integrity of the State by considering ways of assuring autonomy in Kosovo with a view to ensuring the effective representation of the Albanians in political and judicial institutions and their participation in democratic processes.

• Senegal, CERD, A/49/18 (1994) 53 at paras. 357 and 360.

Paragraph 357

Serious concern is expressed over the conflict in the Casamance region, where, despite the signing of agreements between the Government of Senegal and secessionists, violence has reoccurred, taking the form of an ethnic conflict.

Paragraph 360

The Government of Senegal should intensify efforts aimed at finding a durable and peaceful solution to the problems in the Casamance region, with a view to avoiding any further violence and normalizing the situation.

• Egypt, CERD, A/49/18 (1994) 57 at para. 383.

Concern is expressed about terrorist attacks, some of which could be of a xenophobic nature, and their consequences for the State party.

• Sudan, CERD, A/49/18 (1994) 68 at paras. 471, 472 and 476.

Paragraph 471

Further to the Committee's concluding observations adopted at its forty-second session, concern continues regarding the dichotomy between legal provisions and their actual application. It is noted that continuing social and economic disparities between the northern and southern populations may constitute *de facto* discrimination and obstacles to the resolution of the ongoing conflict.

Paragraph 472

Deep concern is expressed over the large number of Sudanese who have become homeless as a result of the continuing conflict and who remain either internally displaced or as refugees living outside the country.

Paragraph 476

The Committee supports all efforts to end the continuing conflict with the aim of restoring the rule of law and respect for human rights, particularly with regard to the elimination of all forms of racial discrimination. In that connection, concrete steps should be taken to encourage the voluntary return of all refugees and persons displaced in the conflict.

• Cyprus, CERD, A/50/18 (1995) 23 at para. 74.

Grave concern is expressed at the deprivation of the specific rights guaranteed under the Convention of a great number of Cypriots due to the Turkish occupation of part of the territory of Cyprus, and the call for an end to this totally unacceptable state of affairs is reiterated.

• Croatia, CERD, A/50/18 (1995) 36 at paras. 168 and 169.

Paragraph 168

Great concern has been expressed concerning the earlier intention of the State party not to permit the military, civilian and police components of the United Nations Protection Force to remain in the country. It is considered that withdrawal may have the gravest implications for minority ethnic groups and displaced persons in the United Nations Protected Areas (UNPAs), the demilitarized zone and elsewhere.

Paragraph 169

Note is taken that many Bosnian Muslim refugees have failed or had great difficulty and extreme delay in obtaining the necessary documentation to allow them access to essential social and humanitarian services in Croatia, and have thus been obliged to return to sometimes life-threatening situations in Bosnia and Herzegovina. Concern is also expressed about the incident in late summer of 1994 when the State party refused to allow some 30,000 externally displaced persons, all Bosnian Muslims, to leave appalling camp conditions in UNPA North and the demilitarized zone and enter areas of Croatia under its control.

• Bosnia and Herzegovina, CERD, A/50/18 (1995) 46 at para. 221.

It is noted that the secessionist forces are mainly responsible for systematic violations of human rights in areas under their *de facto* control, including rights ensured by the Convention, the principal victims of which are those belonging to the Muslim community. Being aware of the inherent right to self-defence of all States, as recognized in Article 51 of the Charter of the United Nations, it is noted that the Government has been prevented from protecting human rights throughout its territory.

• Yugoslavia (Serbia and Montenegro), CERD, A/50/18 (1995) 48 at paras. 241 and 245.

Paragraph 241

The unwillingness of the State party to recognize the jurisdiction of the International Criminal Tribunal for the former Yugoslavia is deplored and extreme concern is expressed with regard to the apparent policy of the Government to purport to bestow impunity on perpetrators of fundamental violations of international human rights and humanitarian law.

Paragraph 245

It is insisted that all perpetrators of violations of the Convention be brought to justice. The State party is called upon to cooperate fully with the International Criminal Tribunal for the former Yugoslavia.

• Russian Federation, CERD, A/51/18 (1996) 25 at paras. 143, 144, 153 and 154.

Paragraph 143

The use of excessive and disproportionate force in suppressing the attempted secession in Chechnya, resulting in unnecessary civilian casualties, is a matter of very grave concern. Reports of arbitrary arrests, ill-treatment of detainees, excessive destruction of civilian property and pillage in Chechnya also give rise to concern.

Paragraph 144

Reports concerning the situation in the so-called filtration camps are of grave concern. It is deplored that representatives of humanitarian organizations, such as the International Committee of the Red Cross, have not been permitted to visit such camps.

Paragraph 153

The State Party should urgently take all measures to restore peace in Chechnya and to ensure full protection of human rights in the region. It is strongly recommended that the Government take all steps to ensure the full respect of fundamental human rights in the region, without discrimination. Persons responsible for massive, gross and systematic human rights violations and gross violations of international humanitarian law should be held responsible and prosecuted.

Paragraph 154

The State Party should guarantee the rights of all victims, especially refugees, of the conflict in Ingushetia and North Ossetia.

• Zaire, CERD, A/51/18 (1996) 70 at para. 524.

It is noted with serious concern that, in violation of their obligations under article 5 (b) of the Convention, the authorities scarcely intervened to ease the tribal and ethnic conflicts in Shaba and Kivu and to protect the population.

• Guatemala, CERD, A/52/18 (1997) 14 at paras. 81 and 92.

Paragraph 81

The problems of allocation of land and/or compensation continue, especially with respect to the return of lands to the indigenous peoples after the end of the armed conflict. Of special concern are confrontations arising over the ownership of property, in the course of which indigenous peoples have been detained and threatened.

Paragraph 92

The State party should take measures to ensure a fair and equitable distribution of land, taking into account the needs of the indigenous population, including those persons returning to the territory after the end of the armed conflict.

• Burundi, CERD, A/52/18 (1997) 73 at para. 591.

Being aware that the resolution of the ethnic conflict in Burundi cannot be achieved without a

resolution of the conflict in the Great Lakes region, the authorities are urged to take all necessary measures, in cooperation with neighbouring countries, to find ways and means to restore peace and security in Burundi.

• Israel, CERD, A/53/18 (1998) 30 at paras. 71 and 77.

Paragraph 71

The Convention is far from fully implemented in Israel and the occupied Palestinian territory. This shortfall contributes very significantly to the dangerous escalation of tension in the region.

Paragraph 77

The Israeli settlements in the occupied Palestinian territory are not only illegal under contemporary international law but are an obstacle to peace and to the enjoyment of human rights by the whole population in the region, without distinction as to national or ethnic origin.

• Yugoslavia, CERD, A/53/18 (1998) 45 at para. 204.

It is noted with serious concern that a great number of victims of the recent events in Kosovo and Metohija are civilians, including women and children whose deaths cannot be justified by any means. A military solution to the long-standing crisis in Kosovo could have distressing consequences.

• Colombia, CERD, A/54/18 (1999) 44 at para. 463.

Concern is expressed at reports indicating that violence in Colombia has been largely concentrated in areas where indigenous and Afro-Colombian communities live; that increasingly these communities have been targeted by armed groups; and that the Government's tactics in fighting the drug trade have led to a further militarization of these regions, creating an atmosphere that is conducive to human rights violations and the destruction of cultural autonomy and identity.

• France, CERD, A/55/18 (2000) 26 at para. 94.

The Committee considers that the prohibition of attempts to justify crimes against humanity, and of their denial, should not be limited to those committed during the Second World War.

• Rwanda, CERD, A/55/18 (2000) 31 at paras. 138, 139 and 151.

Paragraph 138

The Committee bears in mind the events of 1994 and thereafter, involving genocide and the massive loss of life, and recognizes the difficulty for the population of the State party to overcome this recent history. The Committee is aware that the genocide continues to affect most aspects of life. The problems posed by the attacks of armed opposition groups from outside its territory since 1994 is also recognized.

Paragraph 139

It is noted that State financial and material resources were reduced to a minimum by acts of destruction and theft during the armed conflicts in 1994. While noting the progress made by the State party in addressing some of the economic problems facing the country, the Committee is aware that the continuing economic difficulties in the State party, its heavy dependence upon scarce international assistance, and the limited resources available to the State party are significant obstacles to the full implementation of the Convention.

Paragraph 151

Recent reports on the setting up of village-based local defence forces are of concern. Such forces are armed with firearms and machetes. They receive very limited training and include among their recruits very young persons. It is recommended that the State party avoid any action which might lead to new outbursts of ethnic violence, especially violence involving juveniles.

• Uzbekistan, CERD, A/55/18 (2000) 70 at para. 432.

Reports of isolated cases of inter-ethnic conflict are noted with concern. It is recommend that the State party pay particular attention to the effective prevention and monitoring of possible areas of ethnic conflict.

• Sudan, CERD, A/56/18 (2001) 40 at para. 214.

Concern remains about the large number of internally displaced communities within the territory of the State party, due to the civil war and natural disasters. The Committee reiterates its recommendation to consider giving effect to the provisions of the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2) of the Special Representative of the UN Secretary General on Internally Displaced Persons and to implement the right to free return of all displaced persons to their homes of origin under conditions of safety. The State party is further urged to do everything in its power to achieve a peaceful settlement of the war, which undermines efforts of combating ethnic, racial and religious discrimination.

• Sri Lanka, CERD, A/56/18 (2001) 56 at para. 333.

Concern is expressed about the situation of civilians living in the north and east of the country, and particularly about those persons internally displaced by the conflict. The State party should continue to provide assistance to the civilian population in the north and eastern provinces and cooperate with humanitarian agencies.

• Liberia, CERD, A/56/18 (2001) 70 at para. 439.

The State party is urged to take immediate and effective measures aimed at bringing to justice the perpetrators of human rights abuses during the civil war which targeted members of certain ethnic groups.

ICCPR

• El Salvador, ICCPR, A/49/40 vol. I (1994) 38 at para. 214.

It is of concern that, despite the signing of the peace accord over two years ago, the rule of law has not yet been effectively re-established. It is also of concern that human rights violations continue in El Salvador, particularly serious and systematic violations of the right to life carried out by paramilitary groups. In this regard, it is noted with alarm that politically motivated summary and arbitrary executions, death threats and cases of torture have continued to occur since the signing of the peace accord. It is also noted that most recommendations of the Truth Commission still have not been implemented. A significant gap persists between constitutional and legal guarantees and the actual application of those legal guarantees. It is noted with concern that the rights and freedoms in the Covenant have not been fully included in the Constitution.

• Togo, ICCPR, A/49/40 vol. I (1994) 44 at para. 259.

The Government should proceed with national reconciliation and restore the confidence of all ethnic groups.

• Azerbaijan, ICCPR, A/49/40 vol. I (1994) 50 at para. 298.

The events that have occurred recently in Azerbaijan in the context of the armed conflict and that have involved numerous violations of the rights guaranteed by the Covenant are deeply deplored. There have been reports of cases of summary execution, enforced or involuntary disappearance,

torture and other acts of violence against the person, as well as arbitrary detention. The practice of hostage-taking as a retaliatory measure or for bargaining purposes also seems widespread. Such violations have not been investigated and the persons responsible for them have not been punished, nor have the victims or their families been compensated.

• Burundi, ICCPR, A/49/40 vol. I (1994) 58 at paras. 361, 362, 364, 365 and 367.

Paragraph 361

The massacres following clashes between Hutus and Tutsis that have occurred in Burundi since the Committee's consideration of the initial report in October 1992 and the increasingly serious obstacles to the peaceful coexistence of the various elements of the Burundi population are deplored. The attempts to restore civil peace, to assuage the tensions of daily life in society and to redress the balance in the various State institutions, particularly the army, the police, the gendarmerie, the security forces and the judiciary, so as to make them more representative of the various elements of the population, have clearly failed. The pattern of gross violations of human rights in the form of numerous summary executions, disappearances and instances of torture which occurred following the events of autumn 1993 is also deplored. The army, the police, the gendarmerie and the security forces have continued to be responsible for many violations of human rights. The civilian population continues to be armed and further violations of human rights are feared.

Paragraph 362

The lack of any inquiry into the above-mentioned violations is deplored. As a result, the perpetrators have remained unpunished and continue to perform, and sometimes to abuse, their functions in the army, police, gendarmerie or security forces. The victims or their families have received no compensation of any kind. The judiciary has shown itself incapable of carrying out its duties independently and impartially and has been unable to initiate the necessary investigations or bring those responsible to trial. Furthermore, the fact that the commissions of inquiry recently set up to identify those responsible for human rights violations consist of individuals belonging to only one of the country's population groups is a source of serious concern and has served only to shake the population's confidence in the authorities and exacerbate strife and violence between the various population groups.

Paragraph 364

The State party should initiate without delay a process of national reconciliation. This process should be accompanied by various specific measures such as the establishment of commissions of inquiry made up of members of each of the country's population groups. Impartial foreign observers could participate in the inquiries in order to identify those responsible for gross violations of human rights in the autumn of 1993, bring them to trial and punish them and remove all persons involved in such crimes from the various State bodies, particularly the army, the police, the gendarmerie and the security forces. The victims and their families should also be compensated.

Paragraph 365

The media should be used to promote national reconciliation and harmony among Burundi's various population groups. Strenuous efforts should be made to educate and inform the whole of Burundi society regarding human rights. This campaign should take account of Burundi's traditions and customs, including the role of mothers in educating their children.

Paragraph 367

In view of the considerable difficulties encountered by the State party in implementing the Covenant, the gross violations of human rights that occurred in autumn 1993 and the serious danger of a recurrence of such violations, Burundi should receive the resolute support of the international community in its efforts at internal pacification and national reconciliation.

• Haiti, ICCPR, A/50/40 vol. I (1995) 40 at paras. 232 and 237.

Paragraph 232

It is of concern that failure to screen and exclude human rights violators from service in the military, the police force and the judiciary will seriously weaken the transition to security and democracy. It is also of concern that human rights violations by members of the armed forces, agents of security services, and members of former paramilitary groups still occur. The lack of full and effective control by civilian authorities over the military is of particular concern. It is also of concern that the composition, command and number of the armed forces is not clearly defined.

Paragraph 237

In order to guarantee the safety of the population, a clear policy should be implemented to disarm members of former paramilitary groups and effective measures should be taken to reduce the number of weapons in the community.

• Yemen, ICCPR, A/50/40 vol. I (1995) 43 at paras. 245 and 252.

Paragraph 245

It is noted that the civil war has left much of the infrastructure destroyed and created severe economic difficulties, which have served to restrict the resources allocated to the protection of human rights. It is also noted that national reconstruction and reconciliation remains handicapped by internal disorder.

Paragraph 252

The general amnesty granted to civilian and military personnel for human rights violations they may have committed against civilians during the civil war is noted with concern. In this regard it is noted that some amnesty laws may prevent appropriate investigation and punishment of perpetrators of past

human rights violations, undermine efforts to establish respect of human rights, contribute to an atmosphere of impunity among perpetrators of human rights violations, and constitute impediments to efforts undertaken to consolidate democracy and promote respect for human rights.

See also:

- Lebanon, ICCPR, A/52/40 vol. I (1997) 53 at para. 342.
- Russian Federation, ICCPR, A/50/40 vol. I (1995) 60 at paras. 388 and 389.

Paragraph 388

Article 4 of the Covenant is applicable to the situation in Chechnya, where the use of weapons by combatants has led to the loss of life and deprivation of freedom of large numbers of persons, regardless of the fact that a state of emergency has not been formally declared.

Paragraph 389

The excessive and disproportionate use of force by Russian forces in Chechnya, indicating grave violations of human rights, is deplored. The fact that no one has been made responsible for the inhumane treatment of prisoners and other detained persons, that investigations on charges of human rights violations by Russian forces, including killing of civilians, have so far been inadequate, that civilian installations such as schools and hospitals were destroyed by government forces, and that a large number of civilians have been killed or displaced as a consequence of the destruction of their homes is further deplored.

• India, ICCPR, A/52/40 vol. I (1997) 67 at para. 433.

The continued reliance on special powers under legislation such as the Armed Forces (Special Powers) Act, the Public Safety Act and the National Security Act in areas declared to be disturbed and the serious human rights violations, in particular with respect to articles 6, 7, 9 and 14 of the Covenant, committed by security and armed forces acting under these laws as well as by paramilitary and insurgent groups is of concern. The Committee endorses the views of the National Human Rights Commission that the problems in areas affected by terrorism and armed insurgency are essentially political in character and that the approach to resolving such problems must also, essentially, be political, and emphasizes that terrorism should be fought with means that are compatible with the Covenant.

• Congo, ICCPR, A/55/40 vol. I (2000) 43 at para. 275.

The political desire for an amnesty for the crimes committed during the periods of civil war may lead to a form of impunity that would be incompatible with the Covenant. The texts which grant amnesty to persons who have committed serious crimes make it impossible to ensure respect for the obligations undertaken under the Covenant, especially under article 2, paragraph 3, which requires that any person whose rights or freedoms recognized by the Covenant are violated shall have an effective remedy. Amnesty laws are generally incompatible with the duty of States to investigate such acts, to guarantee freedom from such acts within their jurisdiction and to ensure that they do not occur in the future.

• Croatia, ICCPR, A/56/40 vol. I (2001) 65 at paras. 80(10), 80(11), 80(15) and 80(18).

Paragraph 80(10)

While the establishment of specialised departments for the investigation of war crimes in the Ministry of the Interior is welcomed, it is of deep concern that many cases involving violations of articles 6 and 7 of the Covenant, committed during the armed conflict, including the 'Storm' and 'Flash' operations, have not yet been adequately investigated, and that only a small number of the persons suspected of involvement in those violations have been brought to trial. Although the declared policy of the present government to carry out investigations, irrespective of the ethnic identity of those suspected, is appreciated, it is regretted that the Committee was not provided with detailed information on the number of prosecutions brought, the nature of the charges and the outcome of the trials. The State party is under an obligation to investigate fully all cases of alleged violations of articles 6 and 7 and to bring to trial all persons who are suspected of involvement in such violations. Towards this end, the State party should proceed, as a matter of urgency, with the enactment of the draft law on the establishment of specialised trial chambers within the major county courts, specialised investigative departments, and a separate department within the Office of the Public Prosecutor for dealing specifically with the prosecution of war crimes.

Paragraph 80(11)

The implications of the Amnesty Law are of concern. While that law specifically states that the amnesty does not apply to war crimes, the term 'war crimes' is not defined and there is a danger that the law will be applied so as to grant impunity to persons accused of serious human rights violations. The State party should ensure that in practice the Amnesty Law is not applied or utilised for granting impunity to persons accused of serious human rights violations.

Paragraph 80(15)

While recent efforts to simplify procedures and remove obstacles in the way of those wishing to return to Croatia, in particular displaced persons of Serbian ethnicity, are noted, the number of cases which are still outstanding and the length of time these persons are having to wait for resolution of their cases are matters of concern. The State party should ensure that no difficulties are put in the way of persons who left Croatia as a result of the armed conflict in exercising their right, under article 12,

paragraph 4, of the Covenant to return to their own country. The deployment of sufficient resources towards providing those persons, who have a right under the Covenant to return to Croatia, with accommodation must be a priority with the State party as it is essential to render enjoyment of this right meaningful.

Paragraph 80(18)

The delegation's concession that its law on association, which was prepared at the time the State party was engaged in armed conflict, fails to provide for full freedom of association as guaranteed under article 22 of the Covenant, is acknowledged. In light of the Constitutional Court's judgment holding unconstitutional a variety of provisions in the Act, the time is particularly appropriate to adopt a new comprehensive code providing to persons within the State party's jurisdiction full and comprehensive rights to freedom of association. The process of developing a new Law on Association is underway. The State party should proceed, as a matter of priority, with the enactment of the draft law to give full effect to its obligations under article 22 of the Covenant.

• The Netherlands, ICCPR, A/56/40 vol. I (2001) 76 at para. 82(8).

Concern remains that, six years after alleged involvement of members of the State party's peacekeeping forces in the events surrounding the fall of Srebrenica, Bosnia-Herzegovina, in July 1995, the responsibility of the persons concerned has yet to be publicly and finally determined. In respect of an event of such gravity, it is of particular importance that issues relating to the State party's obligations to ensure the right to life be resolved in an expeditious and comprehensive manner (articles 2 and 6 of the Covenant). The State party should complete its investigations as to the involvement of its armed forces in Srebrenica as soon as possible, publicise these findings widely and examine the conclusions to determine any appropriate criminal or disciplinary action.

• Guatemala, ICCPR, A/56/40 vol. I (2001) 93 at para. 85(8).

The Committee welcomes the State party's recognition of "institutional responsibility", as endorsed by the President of the Republic, for the Las Dos Erres massacre and other serious violations of human rights which occurred during the civil war for the purpose of being able to provide financial compensation to the victims and guarantee the prosecution of those responsible.

ICESCR

• Lebanon, ICESCR, E/1994/23 (1993) 39 at para. 173.

Concern is expressed over the large number of persons displaced as a result of the armed conflict, and the concomitant economic, social and cultural problems. In particular, the serious problems in housing are cited regarding displaced persons, especially farmers who have been forced to abandon their lands.

• Sri Lanka, ICESCR, E/1999/22 (1998) 22 at para. 71.

Grave concern is expressed at the situation of an estimated 800,000 persons displaced because of the armed conflict, many of whom have been living in temporary shelters for the past 15 years and who lack basic sanitation, education, food, clothing and health care. It is reported that Tamil families who were forced by the military to leave their ancestral villages in the Welioya region are among the displaced. The results of an independent survey which estimated the incidence of undernourishment of women and children living in temporary shelters to be as high as 70 per cent, and the reports that in many cases food assistance did not reach the intended beneficiaries are alarming.

• Congo, ICESCR, E/2001/22 (2000) 43 at paras. 193, 194, 197 and 206.

Paragraph 193

Note is taken of the violent political unrest that has plagued the Republic of the Congo intermittently since its independence. The consequences of this political unrest have been disastrous for the situation in the country in general, and on the enjoyment of economic, social, cultural, civil and political human rights in particular.

Paragraph 194

The Committee takes into account the massive population displacements caused by the violence during the 1997-1999 civil war, which seriously disrupted the functioning of the State public services, economic activity and social stability. The damage inflicted by the civil war has been tentatively estimated at approximately 55 per cent of the gross domestic product projected for 2000.

Paragraph 197

It is noted with satisfaction that two agreements to cease hostilities were signed between the Government and the various militia groups in November and December 1999. Hopefully, the process of national reconciliation that has been initiated will bring about political and social stability and will allow economic, social and cultural rights to be respected to a greater degree.

Paragraph 206

Grave concern is expressed regarding the decline of the standard of health in the Congo. The AIDS

epidemic is taking a heavy toll on the country, while the ongoing financial crisis has resulted in a serious shortage of funds for public health services, and for improving the water and sanitation infrastructure in urban areas. The war has caused serious damage to health facilities in Brazzaville. According to a joint study by WHO and UNAIDS, some 100,000 Congolese, including over 5,000 children, were affected by HIV at the beginning of 1997. More than 80,000 people are thought to have died from AIDS, with 11,000 deaths reported in 1997 alone. Some 45,000 children are said to have lost either their mother or both parents as a result of the epidemic.

• Jordan, ICESCR, E/2001/22 (2000) 49 at para. 228.

Note is taken of the relatively large number of refugees living since 1948 within the borders of the State party and of the effect of persistent conflicts in the region on its capacity to promote the country's economic and cultural development.

• Sudan, ICESCR, E/2001/22 (2000) 57 at paras. 296, 301, 303, 312 and 313.

Paragraph 296

The Peace Agreement of 1997 for the Sudan is welcomed, particularly since progress towards a peaceful settlement of the conflict in southern Sudan will greatly contribute to the creation of a better environment for the respect for human rights in the Sudan.

Paragraph 301

It is regretted that despite the 1997 Peace Agreement, the continuation of the war in southern Sudan is still adversely affecting the achievement of conditions conducive to the enjoyment of economic, social and cultural rights in the whole of the Sudan.

Paragraph 303

The factors impeding the realization of economic, social and cultural rights include the great size of the country, the lack of infrastructure, such as a road network, hospitals and schools, the civil war in the south, and the economic difficulties mentioned earlier, all of which have exacerbated the difficulties preventing the State party from adequately addressing the problem of widespread poverty.

Paragraph 312

Concern is expressed at the bombardment of villages and camps of the civilian population in the war zones in southern Sudan, including the bombing of schools and hospitals. In addition, concern is expressed about the reported resort to the weapon of deprivation of food and the creation of a man-made famine as an instrument of war, coupled with the diversion of humanitarian food aid supplies from groups of the population in need.

Paragraph 313

Grave concern is expressed about the considerable number of internally displaced persons, many of whom are women and abandoned children, who have migrated from the war zones in the south to the north, where they live in abject poverty and without adequate shelter or employment.

• Kyrgyzstan, ICESCR, E/2001/22 (2000) 62 at para. 339.

It is acknowledged that the ongoing armed conflict in the south of the country is a serious impediment to the implementation of economic, social and cultural rights in Kyrgyzstan.

• Israel, ICESCR, E/2002/22 (2001) 103 at paras. 703, 704 and 706.

Paragraph 703

The State party's assertion regarding the distinction under international law between human rights and humanitarian law to support its argument that the Committee's mandate "cannot relate to events in the Gaza Strip and West Bank" is rejected. The State party is reminded that even during armed conflict, fundamental human rights must be respected and that basic economic, social and cultural rights as part of the minimum standards of human rights are guaranteed under customary international law and are also prescribed by international humanitarian law.

Paragraph 704

Deep concern is expressed about the continuing gross violations of economic, social and cultural rights in the occupied territories, especially the severe measures adopted to restrict the movement of civilians between points within and outside the occupied territories, severing their access to food, water, health care, education and work. It is of particular concern that on frequent occasions, the State party's closure policy has prevented civilians from reaching medical services and that emergency situations have ended at times in death at checkpoints. There is alarm over reports that the Israeli security forces have turned back supply missions of the International Committee of the Red Cross and the United Nations Relief and Works Agency for Palestine Refugees in the Near East attempting to deliver food, water and medical relief to affected areas.

Paragraph 706

The State party is urged to exercise its powers and responsibilities to put an end to the violence, the loss of human lives and the restrictions imposed on the movement of civilians between points within and outside the occupied territories. In this regard, the State party is urged to implement without delay its obligations under the Covenant and to desist from decisions and measures resulting in violations of the economic, social and cultural rights of the population living in the occupied territories. The Committee expresses its firm conviction that the implementation of the International Covenant on Economic, Social and Cultural Rights can play a vital role in procuring a lasting peace

in Israel and Palestine.

CEDAW

Croatia, CEDAW, A/50/38 (1995) 110 at paras. 585, 586, 588 and 591.

Paragraph 585

It is noted with concern that following the war in which Croatia was the victim, the situation of women in the occupied areas is alarming. Violations of the rights of women, violence, rape and sexual abuse were perpetrated against women and girls because of their sex.

Paragraph 586

It is noted with dismay that rape became systematic in nature and was used as a "weapon of war" in order to force women to undergo humiliation and torture and leave their homes. The specific objective of the aggression was not only territorial gain, but also part of the policy of "ethnic cleansing".

Paragraph 588

A national mechanism should be established to protect and expand the rights of women and encourage participation by women in the political field, decision-making and the struggle for peace. Although women were used by men as "a weapon of war", their solidarity and their organization in non-governmental organizations can constitute an instrument for peace.

Paragraph 591

Above all, it is necessary to break the silence concerning the sexual abuse and aggression of which women are the victims, identify the guilty parties and bring them before national and international courts, and provide financial compensation to the victims.

Rwanda, CEDAW, A/51/38 (1996) 36 at paras. 315, 320, 323 and 330.

Paragraph 315

The continual supply of arms to all involved in the conflict, which could seriously obstruct the peace process is of great concern.

Paragraph 320

The extreme poverty that prevails, the decimated economy, the destruction of economic and social infrastructure and the lack of funding for medical assistance for the survivors of the war are matters of deep concern.

Paragraph 323

The Government should support women's quest for equal rights and their contributions in all areas of society, in particular in the reconciliation process and maintenance of peace.

Paragraph 330

Resolution 1995/5, entitled "Situation of human rights in Rwanda" and resolution 1995/14, entitled "Systematic rape and sexual slavery during periods of armed conflict", of the Subcommission on Prevention of Discrimination and Protection of Minorities should be implemented immediately.

• Indonesia, CEDAW, A/53/38/Rev.1 part I (1998) 24 at para. 295.

Concern is expressed about the information provided on the situation of women in areas of armed conflict which reflects a limited understanding of the problem. The Government's remarks are confined to the participation of women in the armed forces and do not address the vulnerability of women to sexual exploitation in conflict situations, as well as a range of other human rights abuses affecting women in such contexts.

• India, CEDAW, A/55/38 part I (2000) 7 at paras. 71 and 72.

Paragraph 71

That women are exposed to the risk of high levels of violence, rape, sexual harassment, humiliation and torture in areas where there are armed insurrections is of concern.

Paragraph 72

A review of prevention of terrorism legislation and the Armed Forces Special Provisions Act, in consultation with the Human Rights Commission of India, the National Commission of Women and civil society, is recommended so that special powers given to the security forces do not prevent the investigation and prosecution of acts of violence against women in conflict areas and during detention and arrest. Women should be given an opportunity to make their contribution to peaceful conflict resolution.

• Democratic Republic of the Congo, CEDAW, A/55/38 part I (2000) 21 at paras. 209, 217 and 218.

Paragraph 209

One of the main obstacles to the full implementation of the Convention is the current war. The State party has been facing economic, social and political problems related to the war, which have had a negative impact on the whole population, particularly on girls and women, who are often victims of rape and gender-based violence, and on most refugees and displaced persons, who are experiencing great hardship.

Paragraph 217

Grave concern is expressed over reports of women who were raped, assaulted or severely tortured during the war. The situation of refugee and displaced women suffering from the consequences of war and the psychological and mental trauma experienced by women and girls as a result of the forced conscription of children, are also of concern.

Paragraph 218

The Government should adopt specific and structural measures, including legislation to protect women from such acts and provide to women victims of violence psychosocial support and socio-economic integration measures. Further, the Government should introduce awareness-raising measures to emphasize the importance of maintaining human rights standards in times of war. The Government should ensure that children are not recruited as soldiers.

• Burundi, CEDAW, A/56/38 part I (2001) 7 at paras. 48-50 and 54.

Paragraph 48

The civil war and the economic crisis in Burundi pose serious challenges to the full implementation of the Convention.

Paragraph 49

The absence of peace is the most serious obstacle to the full implementation of the Convention. Concern is expressed over the number of women who have been affected by violence during conflict. *Paragraph 50*

In the implementation of the Arusha Accords and in accordance with those Accords, emphasis should be placed on the role of women in reconstruction and the acceleration of women's equality should be integrated in all its aspects. Special efforts should be made to include women in national reconciliation and peace-building initiatives. The Government should encourage women from all ethnic groups and women who are victims of violence and armed conflict to become advocates for peace.

Paragraph 54

Post-trauma counselling should be provided, as stipulated in the Arusha Accords, for women who are victims of gender-based violence. The Government should ensure that relevant personnel are

trained to give such assistance.

CAT

• Egypt, CAT, A/49/44 (1994) 14 at para. 89.

The measures taken, or to be taken by the State party for the purpose of combatting terrorism must never result in non-compliance with the Convention or in any case justify torture. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political stability, an order from a superior officer or a public authority or any other public emergency, may be invoked as a justification of torture.

• Israel, CAT, A/49/44 (1994) 24 at para. 167.

The defences of "superior orders" and "necessity" are in clear breach of obligations under article 2 of the Convention.

• United Kingdom of Great Britain and Northern Ireland, CAT, A/51/44 (1996) 12 at para. 61.

The maintenance of emergency legislation in Northern Ireland and of separate detention or holding centres will inevitably continue to create conditions leading to the breach of the Convention. This is particularly so because at present the practice of permitting legal counsel to consult with their clients at their interrogations is not yet permitted.

• Senegal, CAT, A/51/44 (1996) 19 at para. 111.

While taking into account the particular problem of Casamance, which is threatening the integrity and security of the State, it is recalled that a democracy must, whatever the circumstances, ensure that only legitimate means are used to protect the security of the State, peace and stability.

• Croatia, CAT, A/51/44 (1996) 25 at paras. 160 and 162.

Paragraph 160

Information on serious breaches of the Convention indicating that in the wave of the events of 1995 and its aftermath, serious acts of torture were perpetrated by Croatian officials, particularly upon the Serb minority, is of concern.

Paragraph 162

The following is recommended:

Croatia should ensure that all allegations of torture or cruel, inhuman or degrading treatment or punishment arising out of the events of 1995 and its aftermath, are rigorously investigated by an impartial, independent commission;

A vigorous programme of education of police, as well as prison, medical, prosecution and judicial personnel should be undertaken to ensure that they understand their obligations pursuant to the relationship between the domestic law and the international human rights regime;

Croatia should continue to cooperate with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 to ensure that alleged war criminals within its jurisdiction are brought to justice pursuant to the Dayton peace accord;

Individual claims of violations of the constitutional rights of defendants in pre-trial detention should be justiciable by an effective judicial authority;

Police and judicial authorities should pay special attention to the implementation of the existing legal guarantees against torture of a constitutional and procedural nature.

• Russian Federation, CAT, A/52/44 (1997) 9 at paras. 42 and 43.

Paragraph 42

The following is of concern:

Young soldiers being brutalized by older soldiers without the authorities taking appropriate remedial measures;

Reported widespread abuses of human rights in the conflict in Chechnya, including acts of torture, and the apparent failure to check such abuses and address them speedily and effectively.

Paragraph 43

The State party should establish an independent committee to investigate allegations of torture and inhuman and degrading treatment committed by the military forces of the Russian Federation and

Chechen separatists, with a view to bringing to justice those against whom there is evidence tending to establish their involvement or complicity in such acts.

• Israel, CAT, A/52/44 (1997) 38 at para. 258.

A State party is precluded from raising exceptional circumstances as justification for acts prohibited by article 1 of the Convention, such as the terrible dilemma that Israel confronts in dealing with terrorist threats to its security.

• Yugoslavia, CAT, A/54/44 (1999) 6 at para. 42.

Unrest and ethnic friction in the province of Kosovo is taken into account. However, it is emphasized that no exceptional circumstances can ever provide a justification for failure to comply with the terms of the Convention.

• Italy, CAT, A/54/44 (1999) 19 at para. 168.

The lack of training in the field of human rights, in particular the prohibition against torture, of the troops participating in peacekeeping operations and the inadequate number of military police accompanying them are of concern.

• Egypt, CAT, A/54/44 (1999) 22 at para. 206.

A terrorist threat may not be invoked as justification for breaches of the provisions of the Convention, especially articles 1, 2 and 16.

• El Salvador, CAT, A/55/44 (2000) 28 at para. 165.

Cases of extrajudicial executions, whose victims show signs of torture, though very infrequent, would appear to reveal a persistence of the criminal practices employed during the armed conflict superseded by the Peace Agreements.

• Georgia, CAT, A/56/44 (2001) 35 at para. 80.

The problems and difficulties faced by the State party due to the secessionist conflicts in Abkhazia

and South Ossetia following independence and the resulting internal and external mass displacement of a large number of the population is noted. This has created an increased risk of human rights violations.

CRC

• Yugoslavia (Serbia and Montenegro), CRC, CRC/C/50 (1996) 17 at paras. 82 and 84.

Paragraph 82

Although the State party has not been the theatre of war, the consequences of hostilities in the neighbouring territories has had a severe impact on the population.

Paragraph 84

The consequences of the war on the territory of the former Yugoslavia, combined with the realities of sanctions, seem to have led to a worsening of the indicators of the health and education situation of the children of the Federal Republic, including lower immunization coverage, more nutrition-related disorders and illnesses, and an increase in the number of children suffering from mild and serious mental disorders. The sanctions against the Federal Republic may have led to the isolation of professionals dealing with the rights of the child.

• Croatia, CRC, CRC/C/50 (1996) 31 at para. 190.

The Committee welcomes the intentions expressed by the Government to prosecute people who committed crimes against the civilian population, including children, during and after "Operation Storm" in August 1995 in the Krajina area and to provide safe conditions for returnees.

• Lebanon, CRC, CRC/C/54 (1996) 7 at para. 69.

The relevant international agencies and institutions, as well as other Governments, should develop cooperation with Lebanese authorities and voluntary organizations, in the reconstruction effort after the many years of war devastation. Displaced persons and refugees should be given priority in such international cooperation.

• Guatemala, CRC, CRC/C/54 (1996) 31 at paras. 197-200.

Paragraph 197

Over 30 years of armed conflict in the country has left a legacy of human rights violations, impunity and a climate of fear and intimidation which hampers the confidence of the population in the ability of procedures and mechanisms to ensure respect for human rights.

Paragraph 198

The decades of conflict affecting society has resulted in the frequent use of violence, including within the family.

Paragraph 199

As recognized by the State party, the root causes of the armed conflict need to be tackled, embedded as they are in socio-economic disparities and uneven land distribution as well as in historical social contrasts within the country. High levels of poverty and illiteracy and discrimination against the indigenous population and those living in poverty contribute to widespread violations of human rights.

Paragraph 200

Problems relating to the situation of refugees, internally displaced persons and "returnees" have also arisen out of the armed conflict. In this connection, the difficult task of meeting the needs and expectations of the population which remained in or fled from the country during the period of armed conflict is recognized.

• Myanmar, CRC, CRC/C/62 (1997) 25 at paras. 152 and 154.

Paragraph 152

The high rates of infant mortality and malnutrition, as well as the low level of health services, which are partly due to poverty, deep disparities between urban and rural communities and the impact of the internal conflict, are of concern.

Paragraph 154

The impact of years of internal conflict which has generated important instability in several regions of the country and which has resulted in situations where families were forcibly relocated or displaced, or were encouraged to cross borders to seek protection as refugees, is of serious concern. The rights of most children involved in those population movements have not been properly addressed and safeguarded.

Algeria, CRC, CRC/C/66 (1997) 35 at para. 261.

The appropriate measures should be adopted with a view to preventing, to the maximum possible extent, the negative impact of prevailing violence, through education and information campaigns in schools on peaceful cohabitation and peaceful resolution of conflicts. Steps should also be taken to address the specific problem of the rising number of children orphaned by this violence.

• Azerbaijan, CRC, CRC/C/66 (1997) 41 at para. 269.

The major problems experienced as a consequence of the armed conflict, which has imposed serious hardships on the entire population, including heavy casualties, long-lasting physical, emotional and psychological effects, and the disruption of some basic services, are noted. Of particular note are the unknown number of children who have suffered the most fundamental violations of their right to life, and the existence of a large population of refugees and displaced persons, who are being attended to by international aid.

See also:

- Croatia, CRC, CRC/C/50 (1996) 31 at para. 192.
- Bolivia, CRC, CRC/C/80 (1998) 22 at para. 114.

All necessary measures, including awareness-raising programmes on landmines and training for the population at large, should be taken for the protection of children living in towns on the border with Chile, and whose lives are threatened by planted landmines. In this regard, international cooperation, and the conducting of bilateral consultations for the clearance of landmines, should be considered.

• Kuwait, CRC, CRC/C/80 (1998) 28 at para. 148.

It is recognized that landmines pose a continuing threat to the population and have already given rise to numerous casualties, including children. The importance of educating parents, children and the general public about the dangers of landmines is stressed. The situation with regard to landmines should be reviewed within the framework of technical assistance, including from United Nations agencies. It is further suggested that the State party become a party to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and of Their Destruction (1997).

See also:

• Iraq, CRC, CRC/C/80 (1998) 15 at para. 85.

• Sierra Leone, CRC, CRC/C/94 (2000) 24 at paras. 118, 120 and 131.

Paragraph 118

The State party's efforts to fulfil its reporting obligations under the Convention in spite of the internal armed conflict that has continued since 1991 is noted. The signing on 7 July 1999 of a peace agreement in Lomé and the end of hostilities within the State party are noted with satisfaction. The Committee is especially encouraged by the inclusion in the Lomé peace agreement of references to children's rights and to the Convention on the Rights of the Child.

Paragraph 120

The severe social and economic difficulties imposed upon the State party and upon the general population by the many years of armed conflict are recognized. The repeated changes of government within the State party, including through military action, have made it difficult to develop and implement a concerted policy of implementation of the Convention.

Paragraph 131

Deeply concerned at the overall situation of children in the State party and the severe damage caused to national infrastructure and the economy by the years of conflict, the Committee is concerned at the State party's limited resources with which to address such a wide array of problems.

• Burundi, CRC, CRC/C/100 (2000) 17 at para. 111.

Paragraph 111

Deep concern is expressed at the gross violations of the right to be protected from discrimination and at the impact of discrimination upon children in the State party. It is noted that discrimination takes different forms including by ethnic origin, gender, geographical origin (within the country) and social status. The Committee notes that killings and other acts committed in the armed conflict, and which have affected children, have frequently been perpetrated on the basis of ethnic origin.

• United Kingdom of Great Britain and Northern Ireland (Overseas Territories), CRC, CRC/C/100 (2000) 40 at paras. 255 and 256.

Paragraph 255

While it is noted that the State party has undertaken to evaluate the feasibility and cost of clearing the remaining landmines in the Falkland Islands, concern is expressed that efforts have not been made to locate and clear the landmines since the end of the conflict in 1982.

Paragraph 256

It is strongly recommended that all appropriate measures be taken to locate and clear the landmines in the Falkland Islands, promote awareness about the potential dangers and prevent accidents involving children and landmines. The State party is encouraged to consider extending the 1997 Convention on the Prohibition of the Use, Production, Transfer and Stockpiling of Anti-Personnel Landmines and on Their Destruction to the Overseas Territories, in particular the Falkland Islands.

• Tajikistan, CRC, CRC/C/100 (2000) 53 at para. 311.

Concern is expressed about the situation of Tajik returnees following the civil war, and of Afghan refugee and asylum-seeking children as a result of the conflict in Afghanistan.