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IV. CONCLUDING OBSERVATIONS, CONTINUED

CERD

- Croatia, CERD, A/57/18 (2002) 24 at para. 92.

92. The Committee notes with appreciation the State party's statement of cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY) as well as with relevant United Nations bodies, including the Office of the High Commissioner for Human Rights (OHCHR), and regional organizations.

- Republic of Moldova, CERD, A/57/18 (2002) 41 at para. 211.

211. The Committee notes that...the State cannot exercise its jurisdiction on part of its territory, the region of Transnistria, because of the ethnic conflict. The Committee is concerned about the impact of the conflict on the implementation of the Convention.

- Solomon Islands, CERD, A/57/18 (2002) 44 at para. 234.

234. The Committee recognizes the challenging economic and social conditions faced by Solomon Islands and is aware of the political and ethnic conflicts which have exacerbated the situation there. It is also aware of the violent conflict between the Isatabu Freedom Movement (IFM) and the Malaita Eagle Force (MEF), which has led to gross violations of human rights in Solomon Islands. Internal displacement, hostage taking, killings, torture, rape, looting and the burning of village homes have been reported by a number of intergovernmental and non-governmental organizations. The Committee is concerned that, despite several attempts at securing peace, favourable results have been limited, as tension between the two groups remains high. The Committee is hopeful that the successful elections held in December 2001 and the new ruling party's stated promise to rehabilitate the country politically and economically and to ensure better security will lead to sustainable peace and security in Solomon Islands.

- Côte d'Ivoire, CERD, A/58/18 (2003) at para. 38.

38. The Committee invites the Government, political parties, civil society and the armed forces to honour the State party's commitments under the Convention in order to restore peace and security and to maintain a frank and constructive dialogue with the population of Côte d'Ivoire, as is done by the Forum for National Reconciliation.

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- Fiji, CERD, A/58/18 (2003) 25 at para. 82.

82. The Committee is deeply concerned about the damage to race relations caused by the 1987 and 2000 *coups d'état* in Fiji. It encourages the State party to address perceptions that the State party continues to politicize culture, identity and ethnicity in order to maintain indigenous Fijian hegemony.

- Russian Federation, CERD, A/58/18 (2003) 38 at para. 194.

194. With regard to the upcoming referendum in Chechnya, the Committee recommends that the State party support public debate on the constitution of the Chechen Republic and make every effort to ensure that the referendum will serve as a step towards bringing peace back to the region.

- Uganda, CERD, A/58/18 (2003) 50 at para. 278.

278. While noting the efforts made by the State party to resume the dialogue with rebels of the Lord's Resistance Army in the north of the country, the Committee remains concerned about reports of grave acts of violence against tribes in the Gulu and Kitgum districts committed in the course of internal strife. The Committee invites the State party to continue its efforts to restore peace in the region and to protect vulnerable groups from human rights violations, notably tribal groups and children.

- Nepal, CERD, A/59/18 (2004) 24 at para. 124.

124. The Committee expresses concern over the effects of the insurgency, especially its impact on vulnerable groups, who are particularly affected. It is also concerned that this has also resulted in the diversion of State resources away from social and development programmes.

While acknowledging the State party's national security concerns, the Committee recommends that the State party seek to balance those concerns with its human rights obligations, in particular regarding members of vulnerable groups, and allocate its budgets accordingly. Furthermore, the Committee underscores the importance of the restoration of Parliament in order to expedite the process of resuming normality in the country.

- Suriname, CERD, A/59/18 (2004) 36 at para. 199.

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199. The Committee welcomes the delegation's statement that the 1992 Amnesty Act did not terminate the proceedings concerned with human rights violations committed during the civil strife of 1985-1991, including the 1986 Moiwana massacre. It is, however, disturbed that the inquiries into those events have still not reached a conclusion.

The Committee recommends the State party to attach high priority to ensuring that those guilty of human rights violations during the civil war do not go unpunished, and that the victims are offered appropriate compensation as swiftly as possible.

- France, CERD, A/60/18 (2005) 26 at para. 114.

114. The Committee considers, as it has done in previous conclusions relating to the State party, that the prohibition of attempts to justify crimes against humanity, and of their denial, should not be limited to acts committed during the Second World War.

The Committee encourages the State party to criminalize attempts to deny war crimes and crimes against humanity as defined in the Statute of the International Criminal Court, and not only those committed during the Second World War.

- Lao People's Democratic Republic, CERD, A/60/18 (2005) 35 at paras. 173 and 174.

173. The Committee remains concerned at persistent allegations of conflict between the Government and members of the Hmong minority who have taken refuge in the jungle or mountainous areas of the Lao People's Democratic Republic since 1975. According to various corroborating reports, this group is living in difficult humanitarian conditions (art. 5).

The Committee calls on the State party to take all measures, if necessary with the support of the Office of the United Nations High Commissioner for Human Rights, the United Nations and the international community, to find a political and humanitarian solution to this crisis as quickly as possible and to create the necessary conditions for the initiation of a dialogue with this group. The Committee strongly encourages the State party to authorize United Nations agencies to provide emergency humanitarian assistance to this group.

174. The Committee is concerned at reports that serious acts of violence have been perpetrated against members of the Hmong minority, in particular allegations that soldiers brutalized and killed a group of five Hmong children on 19 May 2004 (art. 5).

The Committee...strongly recommends that the State party allow United Nations bodies for

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the protection and promotion of human rights to visit the areas in which members of the Hmong minority have taken refuge.

ICCPR

- United Kingdom of Great Britain and Northern Ireland, ICCPR, A/57/40 vol. I (2002) 36 at para. 75(6).

(6) The Committee notes with concern that the State party, in seeking *inter alia* to give effect to its obligations to combat terrorist activities pursuant to Security Council resolution 1373 (2001), is considering the adoption of legislative measures which may have potentially far-reaching effects on rights guaranteed in the Covenant and which, in the State party's view, may require derogations from human rights obligations.

The State party should ensure that any measures it undertakes in this regard are in full compliance with the provisions of the Covenant, including, when applicable, the provisions on derogation contained in article 4 of the Covenant.

- Israel, ICCPR, A/58/40 vol. I (2003) 64 at paras. 85(11) and 85(14).

(11) The Committee has noted the State party's position that the Covenant does not apply beyond its own territory, notably in the West Bank and in Gaza, especially as long as there is a situation of armed conflict in these areas. The Committee reiterates the view, previously spelled out in paragraph 10 of its concluding observations on Israel's initial report (CCPR/C/79/Add.93 of 18 August 1998), that the applicability of the regime of international humanitarian law during an armed conflict does not preclude the application of the Covenant, including article 4 which covers situations of public emergency which threaten the life of the nation. Nor does the applicability of the regime of international humanitarian law preclude accountability of States parties under article 2, paragraph 1, of the Covenant for the actions of their authorities outside their own territories, including in occupied territories. The Committee therefore reiterates that, in the current circumstances, the provisions of the Covenant apply to the benefit of the population of the Occupied Territories, for all conduct by the State party's authorities or agents in those territories that affect the enjoyment of rights enshrined in the Covenant and fall within the ambit of State responsibility of Israel under the principles of public international law.

The State party should reconsider its position...

...

(14) The Committee is concerned about the vagueness of definitions in Israeli counter-terrorism legislation and regulations which, although their application is subject to

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judicial review, appear to run counter to the principle of legality in several aspects owing to the ambiguous wording of the provisions and the use of several evidentiary presumptions to the detriment of the defendant. This has adverse consequences for the rights protected under article 15 of the Covenant, which is non-derogable under article 4, paragraph 2, of the Covenant.

The State party should ensure that measures designed to counter acts of terrorism, whether adopted in connection with Security Council resolution 1373 (2001) or in the context of the ongoing armed conflict, are in full conformity with the Covenant.

- Philippines, ICCPR, A/59/40 vol. I (2003) 15 at para. 63(15).

(15) The Committee is concerned at continuing reports of displacement of persons and evacuation of populations, including indigenous population groups, in areas of counter-insurgency operations.

The State party should take urgent measures to ensure the protection of civilians in areas affected by military operations, in accordance with its human rights obligations.

- Russian Federation, ICCPR, A/59/40 vol, I (2003) 20 at paras. 64(13) and 64(16).

(13) The Committee remains deeply concerned about continuing substantiated reports of human rights violations in the Republic of Chechnya, including extrajudicial killings, disappearances and torture, including rape. The Committee notes that some 54 police and military personnel have been prosecuted for crimes committed against civilians in Chechnya, but remains concerned that the charges and sentences handed down do not appear to correspond with the gravity of the acts as human rights violations. The Committee is also concerned that investigations into a number of large-scale abuses and killings of civilians in 1999 and 2000, in the locations of Alkhan Yurt, Novye Aldy and Staropromyslovskii district of Grozny, have still not been brought to a conclusion. The Committee acknowledges that abuse of and violations against civilians also involve non-State actors, but reiterates that this does not relieve the State party of its obligations under the Covenant. In this regard, the Committee is concerned about the provision in the Federal Law "On Combating Terrorism" which exempts law enforcement and military personnel from liability for harm caused during counter-terrorist operations.

The State party should ensure that operations in the Republic of Chechnya are carried out in compliance with its international human rights obligations. The State party should ensure that abuse and violations are not committed with impunity *de jure* or *de facto*, including violations committed by military and law enforcement personnel during counter-terrorist

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operations. All cases of extrajudicial executions, enforced disappearances and torture, including rape, should be investigated, their perpetrators prosecuted and victims or their families compensated (arts. 2, 6, 7 and 9).

...

(16) The Committee notes the statement by the delegation that all persons who have returned to Chechnya have done so voluntarily. However, it also observes that there are reports of undue pressure on displaced persons living in camps in Ingushetia to make them return to Chechnya.

The State party should ensure that internally displaced persons in Ingushetia are not coerced into returning to Chechnya, including by ensuring the provision of alternative shelter in case of closure of camps (art. 12).

- Sri Lanka, ICCPR, A/59/40 vol. I (2003) 30 at para. 66(10).

(10) The Committee is concerned about the large number of enforced or involuntary disappearances of persons during the time of the armed conflict, and particularly about the State party's inability to identify, or inaction in identifying those responsible and to bring them to justice. This situation, taken together with the reluctance of victims to file or pursue complaints (see paragraph 9 above), creates an environment that is conducive to a culture of impunity.

The State party is urged to implement fully the right to life and physical integrity of all persons (articles 6, 7, 9 and 10, in particular) and give effect to the relevant recommendations made by the United Nations Commission on Human Rights Working Group on Enforced or Involuntary Disappearances and by the Presidential Commissions for Investigation into Enforced or Involuntary Disappearances. The National Human Rights Commission should be allocated sufficient resources to monitor the investigation and prosecution of all cases of disappearances.

- Colombia, ICCPR, A/59/40 vol. I (2004) 35 at paras. 67(8) and 67(14).

(8) The Committee has taken note of the efforts by the State party to encourage members of illegal armed groups to lay down their arms and rejoin civil society. In this context, mention has been made of the so-called "alternative penalties bill", which seeks to offer certain legal benefits, such as the suspension of punishments involving imprisonment, to members of illegal armed groups who lay down their arms. The Committee is concerned that such benefits may be extended to persons responsible for war crimes or crimes against humanity.

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The State party should ensure that the proposed legislation on alternative penalties does not grant impunity to persons who have committed war crimes or crimes against humanity (art. 2).

...

(14) The Committee reiterates its concern about the high levels of violence to which women are subjected. The Committee is particularly disturbed about the limited number of investigations into cases of domestic violence and sexual violence experienced by women during the internal armed conflict and by internally displaced women. The Committee also continues to be concerned about the current rules for prosecuting cases of rape, which require the consent of the victim in order to proceed further.

The State party should strengthen existing measures aimed at protecting women against all types of violence, especially domestic violence. Furthermore, it is recommended that the State party should periodically monitor the number of investigations and convictions for such crimes compared to the number of complaints received. The State party should also revise its legislation on investigations into cases of rape with respect to the role of consent of the victim in the proceedings (arts. 3, 7 and 26).

- Germany, ICCPR, A/59/40 vol. I (2004) 39 at para. 68(11).

(11) The Committee notes with concern that Germany has not yet taken a position regarding the applicability of the Covenant to persons subject to its jurisdiction in situations where its troops or police forces operate abroad, in particular in the context of peace missions. It reiterates that the applicability of the regime of international humanitarian law does not preclude accountability of States parties under article 2, paragraph 1, of the Covenant for the actions of its agents outside their own territories.

The State party is encouraged to clarify its position and to provide training on relevant rights contained in the Covenant specifically designed for members of its security forces deployed internationally.

- Uganda, ICCPR, A/59/40 vol. I (2004) 47 at para. 70(12).

(12) The Committee regrets that the State party has not taken sufficient steps to ensure the right to life and the right to liberty and security of persons affected by the armed conflict in northern Uganda, in particular internally displaced persons currently confined to camps (arts. 6 and 9).

The State party should take immediate and effective measures to protect the right to life and liberty of the civilian population in areas of armed conflict in northern Uganda from

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violations by members of the security forces. In particular, it should protect internally displaced persons confined in camps, which are constantly exposed to attacks from the Lord's Resistance Army.

- Belgium, ICCPR, A/59/40 vol. I (2004) 56 at para. 72(10).

(10) The Committee is concerned at the small number of convictions in criminal and disciplinary proceedings of military personnel suspected of human rights violations during the United Nations operation in Somalia. It does note that the State party has removed the jurisdiction of military courts over acts committed by military personnel in peacetime (art. 2).

The State party should prohibit, and punish effectively, any conduct by military personnel, whether in peacetime or wartime, that is contrary to human rights, in particular the conduct set forth in articles 6 and 7 of the Covenant.

- Serbia and Montenegro, ICCPR, A/59/40 vol. I (2004) 68 at paras. 75(3), 75(9), 75(11) and 75(12).

(3) The State party explained its inability to report on the discharge of its own responsibilities with regard to the human rights situation in Kosovo, and suggested that, owing to the fact that civil authority is exercised in Kosovo by the United Nations Interim Administration Mission in Kosovo (UNMIK), the Committee may invite UNMIK to submit to it a supplementary report on the human rights situation in Kosovo. The Committee notes that, in accordance with Security Council resolution 1244 (1999), Kosovo currently remains a part of Serbia and Montenegro as successor State to the Federal Republic of Yugoslavia, albeit under interim international administration, and the protection and promotion of human rights is one of the main responsibilities of the international civil presence (paragraph 11 (j) of the resolution). It also notes the existence of provisional institutions of self-government in Kosovo that are bound by the Covenant by virtue of article 3.2 (c) of UNMIK Regulation No. 2001/9 on a Constitutional Framework for Provisional Self-Government in Kosovo. The Committee considers that the Covenant continues to remain applicable in Kosovo. It welcomes the offer made by the State party to facilitate the consideration of the situation of human rights in Kosovo and encourages UNMIK, in cooperation with the Provisional Institutions of Self-Government (PISG), to provide, without prejudice to the legal status of Kosovo, a report on the situation of human rights in Kosovo since June 1999.

...

(9) The Committee is concerned at the persistence of impunity for serious human rights violations, both before and after the [regime] changes of October 2000. Although the Committee appreciates the declared policy of the State party to carry out investigations and

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to prosecute perpetrators of past human rights violations, it regrets the scarcity of serious investigations leading to prosecutions and sentences commensurate with the gravity of the crimes committed (arts. 2, 6, 7).

The State party is under an obligation to investigate fully all cases of alleged violations of human rights, in particular violations of articles 6 and 7 of the Covenant during the 1990s and to bring to trial those persons who are suspected of involvement in such violations. The State party should also ensure that victims and their families receive adequate compensation for violations. Persons alleged to have committed serious violations should be suspended from official duties during the investigation of allegations and, if found guilty, dismissed from public service in addition to any other punishment.

...

(11) The Committee notes the State party's public statements emphasizing its commitment to cooperate with the International Criminal Tribunal for the Former Yugoslavia (ICTY) in order to ensure that all persons suspected of grave human rights violations, including war crimes and crimes against humanity, are brought to trial. However, it remains concerned at the State party's repeated failure to fully cooperate with ICTY, including with regard to the arrest of indictees (art. 2).

The State party should extend to ICTY its full cooperation in all areas, including the investigation and prosecution of persons accused of having committed serious violations of international humanitarian law, and by apprehending and transferring those persons who have been indicted and remain at large, as well as granting ICTY full access to requested documents and potential witnesses.

(12) While welcoming the measures taken to establish a system for trying war crimes before domestic courts, including the creation of a special war crimes trial chamber of the Belgrade District Court, and the establishment of the Office of a Special War Crimes Prosecutor, concern remains as to the absence of provisions in domestic legislation implementing the principle of command responsibility, the absence of an adequate system for witness protection, and the absence of investigators assigned solely to the prosecutor's office (arts. 2, 6, 7).

The State party should take all necessary measures to ensure that those responsible for war crimes and crimes against humanity are brought to justice, to ensure that justice is carried out in a fair manner and to establish an adequate system for witness protection.

- Syrian Arab Republic, ICCPR, A/60/40 vol. I (2005) 78 at para. 94(6).

(6) The Committee notes with concern that the state of emergency declared some 40 years ago is still in force and provides for many derogations in law or practice from the rights

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guaranteed under articles 9, 14, 19 and 22, among others, of the Covenant, without any convincing explanations being given as to the relevance of these derogations to the conflict with Israel and the necessity for these derogations to meet the exigencies of the situation claimed to have been created by the conflict. The Committee has further noted that the State party has not fulfilled its obligation to notify other States parties of the derogations it has made and of the reasons for these derogations, as required by article 4 (3) of the Covenant. In this regard, the Committee has noted the statement of the delegation that the Baath Party Congress in June 2005 had resolved that emergency provisions would be limited to activities which threaten State security. The Committee, however, remains concerned at the absence of any indication that the resolution has become law (art. 4).

The State party, guided by the Committee's general comment No. 29 (2001) on derogations during a state of emergency (article 4 of the Covenant), should ensure firstly that the measures it has taken, in law and practice, to derogate from Covenant rights are strictly required by the exigencies of the situation; secondly, that the rights provided for in article 4 (2) of the Covenant are made non-derogable in law and practice; and thirdly, that States parties are duly informed, as required by article 4 (3) of the Covenant, of the provisions from which it has derogated and the reasons therefor, and of the termination of any particular derogation.

ICESCR

- Colombia, ICESCR, E/2002/22 (2001) 110 at para. 760.

760. The Committee notes with serious concern the increasing number of internally displaced persons. The Committee is particularly concerned that the internally displaced persons come from the most disadvantaged and marginalized groups, predominantly women and children, peasants and members of the country's indigenous and Afro-Colombian community who have been driven out of their areas by violence and armed conflict. In particular, the Committee notes with concern the negative consequences of the military part of "Plan Colombia", which has led to further displacements of population groups affected by the spraying of illegal crops.

- Algeria, ICESCR, E/2002/22 (2001) 116 at paras. 813 and 828.

813. The Committee is deeply concerned at the continuing violence and acts of terrorism in the country, which impede the full realization of the rights guaranteed in the Covenant.

...

828. The Committee urges the State party to take, as a matter of priority, all steps necessary to guarantee a full measure of security to all persons within its jurisdiction, in order to fulfil

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its obligations under the Covenant and ensure the enjoyment of the rights guaranteed therein.

- Israel, ICESCR, E/2004/22 (2003) 42 at paras. 254, 258 and 274.

254. The Committee reiterates its statement made in its concluding observations on the initial report of Israel,^{11/} that the State party's continuing emphasis on its security concerns, which have even increased in recent years, has impeded the realization of economic, social and cultural rights within Israel and the occupied territories.

...

258. The Committee...reiterates its concern about the State party's position that the Covenant does not apply to areas that are not subject to its sovereign territory and jurisdiction, and that the Covenant is not applicable to populations other than the Israelis in the occupied territories. The Committee further reiterates its regret at the State party's refusal to report on the occupied territories.^{14/} In addition, the Committee is deeply concerned at the insistence of the State party that, given the circumstances in the occupied territories, the law of armed conflict and humanitarian law are considered as the only mode whereby protection may be ensured for all involved, and that this matter is considered to fall outside the sphere of the Committee's responsibility.

...

274. The Committee recognizes that the State party has serious security concerns, which must be balanced with its efforts to comply with its obligations under international human rights law. However, the Committee reaffirms its view that the State party's obligations under the Covenant apply to all territories and populations under its effective control. The Committee repeats its position that, even in a situation of 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. Moreover, the applicability of rules of humanitarian law does not by itself impede the application of the Covenant or the accountability of the State under article 2, paragraph 1, for the actions of its authorities...

Notes

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^{11/} *Official Records of the Economic and Social Council, 1999, Supplement No. 2 (E/1999/22-E/C.12/1998/26), chap. IV, para. 233.*

...

^{14/} [*Official Records of the Economic and Social Council*], 1999, Supplement No. 2 (E/1999/22-E/C.12/1998/26), chap. IV, para. 237.

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- Guatemala, ICESCR, E/2004/22 (2003) 59 at paras. 402, 411, 420 and 429.

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402. The Committee is concerned by the insufficient progress made by the State party towards the effective implementation of the peace agreements of 1996 (including the Comprehensive Agreement on Human Rights, the Agreement on Social and Economic Aspects and the Agrarian Situation) which has led to persistent serious problems, such as violence at the national level, intimidation, corruption, impunity and lack of constitutional, fiscal, educational and agrarian reforms. All these have impacted adversely on the full realization of economic, social and cultural rights enshrined in the Covenant, particularly with regard to indigenous peoples.

...

411. The Committee...takes note of the efforts made by the State party towards the implementation of the National Reparations Programme for victims of war. However, the Committee expresses concern at the lack of effective measures to reunite families separated by the conflict, to establish the whereabouts of children who have disappeared and to safeguard the rights of children orphaned by the war.

...

420. The Committee recommends that the State party make every possible effort, including through international assistance, to provide adequate follow-up to various issues contained in the peace agreements of 1996, which, following over 30 years of civil unrest, laid the foundation for national reconciliation and for the promotion of human rights.

...

429. The Committee urges the State party to increase its efforts to reunite separated families, to continue seeking children who have disappeared and to safeguard the situation of war orphans while facilitating access to the judicial system for affected persons.

- Russian Federation, ICESCR, E/2004/22 (2003) 64 at paras. 452, 470, 472, 480, 498 and 500.

452. The Committee is deeply concerned about the poor living conditions in the Republic of Chechnya and notes with regret that sufficient information was not provided on this problem in the State party's report. While acknowledging the difficulties posed by the ongoing military operations, the Committee is concerned about the problems faced by people in the Republic of Chechnya with regard to the provision of basic services, including health care and education.

...

470. The Committee is concerned about delays in the payment of compensation for houses destroyed during military operations in Chechnya.

...

472. The Committee is concerned about the precarious situation of more than 100,000 internally displaced persons from Chechnya living in Ingushetia. The Committee emphasizes in this respect its view that the closing down of tent camps without provision of

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alternative lodging would be in contravention of the Covenant.

...

480. The Committee urges the State party to allocate sufficient funds to reinstate basic services, including the health and education infrastructure, in the Republic of Chechnya.

...

498. The Committee calls upon the State party to guarantee that timely and adequate compensation is duly provided to all persons whose property has been destroyed during the military operations in Chechnya.

...

500. The Committee reminds the State party of its obligation under the Covenant to ensure the provision of adequate temporary housing for those people who fear that Chechnya is too insecure for them to return.

- Serbia and Montenegro, ICESCR, E/2006/22 (2005) 41 at paras. 283, 296, 310 and 323.

283. The Committee expresses its deep concern about the high incidence of domestic violence, often resulting from psychological distress caused by unemployment and traumatic disorders related to armed conflict.

...

296. The Committee regrets the absence of information on mental health services in the State party's report, including provision of psychological rehabilitation to victims of physical and sexual violence and other traumatizing experiences related to armed conflict.

...

310. The Committee urges the State party to take effective measures to combat domestic violence, to provide counselling to victims and perpetrators, including those suffering from traumatic disorders related to armed conflict...

...

323. The Committee requests the State party to ensure the provision of adequate counselling and other assistance to victims of physical and sexual violence and other traumatizing experiences related to armed conflict, in particular women and children...

CEDAW

- Sri Lanka, CEDAW, A/57/38 part I (2002) 31 at paras. 286, 287, 298 and 299.

286. The Committee is alarmed by the high and severe incidences of rape and other forms of violence targeted against Tamil women by the police and security forces in the conflict

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areas. While recognizing the prohibition of torture in the Constitution and the establishment of the inter-ministerial working group to counter these acts of violence, the Committee is concerned that victims in remote areas might be unaware of their rights and of the manner in which to seek redress.

287. The Committee urges the State party to monitor strictly the behaviour of the police and the security forces, to ensure that all perpetrators be brought to justice and to take all necessary measures to prevent acts of violence against all women.

...

298. The Committee expresses its concern about the continued situation of armed conflict in the north and east of Sri Lanka and the increase of internally displaced persons, the majority of whom are women and children.

299. The Committee urges the State party to allocate more resources to meet the needs of internally displaced women and children and to ensure their privacy, access to health facilities, security and protection from violence. The Committee calls on the State party to ensure full and equal participation of women in the process of conflict resolution and peace-building.

- Russian Federation, CEDAW, A/57/38 part I (2002) 40 at paras. 391 and 392.

391. ...The Committee is...disturbed by the fact that, despite strong evidence that members of the Russian forces have committed acts of rape or other sexual violence against women in the context of the armed conflict in Chechnya, the State party has failed to conduct the necessary investigations or hold anyone accountable in the vast majority of cases.

392. The Committee...urges the State party to adopt preventive measures, including swift disciplinary inquiries and human rights education programmes for the armed forces and law enforcement personnel.

- Uganda, CEDAW, A/57/38 part III (2002) 164 at paras. 155 and 156.

155. While noting the positive involvement of women in peace-building initiatives, the Committee notes with concern that some areas of northern and western Uganda continue to experience insecurity as a result of civil strife. The Committee is particularly concerned that many women and girls in the conflict areas have been victims of violence, including abduction and sexual slavery.

156. The Committee urges the State party to include women in national reconciliation and peace-building initiatives. The Committee recommends that the State party include women

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from all ethnic groups affected by armed conflict in peace negotiations. It also recommends that the State party include in peace negotiations measures of accountability, redress and rehabilitation for women and girls who have been victims of violence, including enslavement, in those conflicts.

- Guatemala, CEDAW, A/57/38 part III (2002) 171 at paras. 176 and 205.

176. The Committee commends the State party for involving women in the negotiation of the peace accords and for ensuring the incorporation of gender issues in the various components of those accords.

...

205. The Committee recommends that the State party take steps to introduce a mental health care programme for women, particularly in view of the specific traumas suffered by women in conflict situations, such as that which took place in Guatemala for more than 30 years...

- Nepal, CEDAW, A/59/38 part I (2004) 34 at paras. 202 and 203.

202. The Committee expresses its concern about the internal armed conflict that has continued in Nepal since 1996 and its impact on women. It is also concerned about the dissolution of the House of Representatives since May 2002, as this has an adverse impact on the capacity of the State party to implement the Convention, in particular in respect of the passage of legislation.

203. The Committee calls on the State party to ensure the full and equal participation of women in the process of conflict resolution and peace-building. It urges the State party to allocate sufficient resources to meet the needs of women who have suffered damage as a result of the conflict and to ensure their security and protection from violence. The Committee also calls on the State party to ensure that legislative functions are not abandoned or neglected to the detriment of women in the period until the House of Representatives is reconvened. It encourages the State party to prepare a legislative agenda for action by Parliament.

- Israel, CEDAW, A/60/38 part II (2005) 129 at paras. 241-244, 257 and 258.

241. The Committee is aware that the persistence of conflict and violence hinders the full implementation of the Convention and notes that recently steps have been taken towards its resolution. In this regard, the Committee welcomes the draft law on women in peacemaking, which will require 25 per cent participation of women in the peacemaking process.

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242. The Committee encourages the State party to continue its efforts towards conflict resolution and to fully involve all women concerned in all stages of the peace process.

243. The Committee regrets the State party's position that the Convention does not apply beyond its own territory and, for that reason, the State party refuses to report on the status of implementation of the Convention in the Occupied Territories, although the delegation acknowledged that the State party had certain responsibilities. The Committee further regrets that the delegation did not respond to questions by the Committee concerning the situation of women in the Occupied Territories. The Committee notes that the State party's view that the Convention is not applicable in the Occupied Territories is contrary to the views of the Committee and of other treaty bodies, including the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee against Torture, and also of the International Court of Justice, which have all noted that obligations under international human rights conventions as well as humanitarian law apply to all persons brought under the jurisdiction or effective control of a State party and have stressed the applicability of the State party's obligations under international human rights conventions to the Occupied Territories.

244. The Committee urges the State party to reconsider its position and to give full effect to the implementation of its obligations under the Convention in regard to all persons under its jurisdiction, including women in the Occupied Territories...

...

257. The Committee is concerned about the number of incidents at Israeli checkpoints which have a negative impact on the rights of Palestinian women, including the right of access to health-care services for pregnant women.

258. The Committee calls upon the State party to ensure that the Israeli authorities at the checkpoints are instructed to ensure access to health-care services for pregnant women, while protecting the security of Israel.

CAT

- Indonesia, CAT, A/57/44 (2002) 22 at para. 42.

42. The Committee is concerned about:

- (a) The large number of allegations of acts of torture and ill-treatment committed by

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members of the police forces, especially the mobile police units (“Brimob”), the army (TNI), and paramilitary groups reportedly linked to authorities, and in areas of armed conflict (Aceh, Papua, Maluku, etc.);

...

(c) Allegations that paramilitary groups, reported to be perpetrators of torture and ill-treatment in Indonesia, are supported by some parts of the military, and sometimes reportedly are joined by military personnel;

...

(e) Allegations that human rights abuses related to the Convention are sometimes committed by military personnel employed by businesses in Indonesia to protect their premises and to avoid labour disputes;

...

- Russian Federation, CAT, A/57/44 (2002) 42 at paras. 89, 93 and 95.

89. The Committee notes the following positive developments:

...

(e) Assurances by the representative of the State party that alternative service, and a "voluntary military on a contract basis" would be introduced to replace mandatory conscription into the armed forces;

(f) The Procurator General's Order No. 46, which requires the presence of representatives of the Prosecutor's Office during "special operations" carried out in Chechnya, and Order No. 80 of the Commander of the Federal Forces of the North Caucasus, requiring troops to identify themselves, record detentions, notify relatives, and take other measures to safeguard civilians from abuse;

...

93. The Committee is particularly concerned over the following: in connection with the events in Chechnya:

(a) Numerous, ongoing reports of severe violations of human rights and the Convention, including arbitrary detention, torture and ill-treatment, including forced confessions, extrajudicial killings, and forced disappearances, particularly during "special operations" or "sweeps", and the creation of illegal temporary detention centres, including "filtration camps". Allegations of brutal sexual violence are unusually common. Additionally, armed units which are reported to be very brutal towards civilians have been sent again into the conflict area;

(b) Numerous armed units and forces operating under the authority of various departments and services in Chechnya, which hinder the identification of the personnel responsible for the reported abusive actions cited above;

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(c) A lack of effective implementation of Orders Nos. 46 and 80, as referred to above among the positive aspects;

(d) The dual system of jurisdiction in Chechnya involving both military and civilian prosecutors and courts, which leads to long and unacceptable delays in registering cases, resulting in a cyclical process whereby case information and the responsibility for opening investigations continue to be passed from one official to another and back, without resulting in the initiation of prosecutions. The Committee notes with concern that it is impossible for the civil prosecutor to question military personnel and carry out investigations at military sites in order to collect the evidence required to oblige the military prosecutor's office to take up the case. Also of concern is the insufficient independence of military courts, prosecutors and judges, with the result that few cases are registered to prosecute officials alleged to be responsible for the abuses.

...

95. With regard to the situation in Chechnya, the Committee also recommends that the State party:

(a) Clarify the jurisdiction over the events in Chechnya, which currently have an uncertain status, as there is no state of exception and there is also a non-international armed conflict in progress. Such clarification could provide individuals with an effective means of seeking redress for any violations committed, so they will not be caught in a vicious circle of various military and civilian departments and agencies with differing degrees of responsibility;

(b) While a number of mechanisms have been put in place in Chechnya in connection with allegations of human rights violations, none has possessed the attributes associated with an independent impartial investigating body. Accordingly, the Committee reiterates its 1996 conclusion calling upon the Government of the State party to establish a credible impartial and "independent committee to investigate allegations of breaches of the Convention by the military forces of the Russian Federation and Chechen separatists, with a view to bringing to justice those against whom there is evidence that establishes their involvement or complicity in such acts" (A/52/44,para. 43(h));

(c) Ensure the effective implementation of Orders Nos. 46 and 80 and elaborate comprehensive guidelines on the conduct of sweep operations;

(d) Strengthen the powers of the Special Representative of the President for human and civil rights and freedoms in Chechnya to conduct investigations and make recommendations to the prosecutor as to possible criminal cases;

(e) Take steps to ensure civilian control over the army and ensure, in practice, that hazing, torture and ill-treatment are prohibited in the military, among conscripts and officers;

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(f) Consider the formation of a joint investigative group of both military and civilian procuracy officials until specific responsibility can be identified and jurisdiction can be established.

- Colombia, CAT, A/59/44 (2003) 33 at paras. 65-69.

65. The Committee is aware of the difficulties with respect to human rights and international humanitarian law arising from the current complex situation in the country, especially in a context characterized by the activities of illegal armed groups. The Committee nonetheless reiterates that, as stated in article 2 of the Convention, no exceptional circumstances whatsoever may be invoked as a justification of torture.

66. The Committee reiterates its concern at the numerous acts of torture and ill-treatment reported widely and systematically committed by the State security forces and organs in the State party both during and outside armed operations. It also expresses its concern at the high number of forced disappearances and arbitrary executions.

67. The Committee expresses its concern that measures adopted or being adopted by the State party against terrorism and illegal armed groups could encourage the practice of torture. In this regard the Committee expresses its concern, in particular, at:

(a) The recruitment of part-time "peasant soldiers", who continue to live in their communities but participate in armed action against guerrillas, so that they and their communities may be the target of action by the illegal armed groups, including acts of torture and ill-treatment;

(b) Constitutional reform bill No. 223/2003, which, if adopted, would seem to confer judicial powers on the armed forces and enable persons to be detained and questioned for up to 36 hours without being brought before a judge.

68. The Committee also expresses its concern at:

(a) The climate of impunity that surrounds human rights violations by State security forces and organs and, in particular, the absence of prompt, impartial and thorough investigation of the numerous acts of torture or other cruel, inhuman or degrading treatment or punishment and the absence of redress and adequate compensation for the victims;

(b) The allegations of tolerance, support or acquiescence by the State party's agents concerning the activities of the paramilitary groups known as "self-defence groups", which are responsible for a great deal of torture or ill-treatment;

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(c) The judicial reform bill, should it be approved, would reportedly provide for constitutional limitation of *amparo* proceedings and reduce the powers of the Constitutional Court, particularly with respect to the review of declarations of states of emergency. Similarly, the Committee expresses its concern at the "alternative penalties" bill, which, if approved, would, even if they had committed torture or other serious breaches of international humanitarian law, grant conditional suspension of their sentences to members of armed groups who voluntarily laid down their arms;

(d) The allegations and information indicating:

...

(ii) Inadequate protection against rape and other forms of sexual violence, which are allegedly frequently used as forms of torture or ill-treatment. The Committee further expresses its concern at the fact that the new Military Penal Code does not expressly exclude sexual offences from the jurisdiction of the military courts;

(iii) The fact that the military courts are allegedly still, despite the promulgation of the new Military Penal Code and the Constitutional Court's decision of 1997 that crimes against humanity did not fall within the jurisdiction of the military courts, investigating offences that are totally excluded from their competence, such as torture, genocide and forced disappearance in which members of the police or armed forces are suspected of having been involved;

(iv) The widespread, serious attacks on human rights defenders, who are playing an essential role in reporting torture and ill-treatment; in addition, the repeated attacks on members of the judiciary, threatening their independence and physical integrity;

(e) The numerous forced internal displacements of population groups as a result of the armed conflict and insecurity in the areas in which they live, taking into account the continuing absence in those areas of State structures that observe and ensure compliance with the law;

...

69. The Committee recommends that the State party take all necessary measures to prevent the acts of torture and ill-treatment that are being committed in its territory, and in particular that it:

(a) Take firm steps to end impunity for persons thought to be responsible for acts of torture or ill-treatment; carry out prompt, impartial and thorough investigations; bring the perpetrators of torture and inhuman treatment to justice; and provide adequate compensation for the victims. It recommends in particular that the State party reconsider in the light of its

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obligations under the Convention the adoption of the "alternative penalties" bill;

(b) Reconsider also, in the light of its obligation to prevent torture and ill-treatment under the Convention:

(i) The use of "peasant soldiers";

(ii) The adoption of measures that appear to give military forces powers of criminal investigation under which suspects can be detained for long periods without judicial control;

(iii) The judicial reform bill, so as to provide full protection for *amparo* proceedings and respect and promote the role of the Constitutional Court in defending the rule of law;

(c) Ensure that anyone, especially any public servant, who backs, plans, foments, finances or in any way participates in operations by paramilitary groups, known as "self-defence groups", responsible for torture is identified, arrested, suspended from duty and brought to justice;

...

(e) Investigate, prosecute and punish those responsible for rape and other forms of sexual violence, including rape and sexual violence that occur in the framework of operations against illegal armed groups;

(f) That in cases of violation of the right to life any signs of torture, especially sexual violence, that the victim may show be documented. That evidence should be included in forensic reports so that the investigation may cover not only the homicide but also the torture. The Committee also recommends that the State party provide medical staff with the training necessary to determine when torture or ill-treatment of any kind has occurred;

(g) Respect the provisions of the Military Penal Code that exclude cases of torture from the jurisdiction of the military courts and ensure that those provisions are respected in practice;

(h) Take effective measures to protect human rights defenders against harassment, threats and other attacks and report on any judicial decisions and any other measures taken in that regard. The Committee also recommends the adoption of effective measures for the protection of the physical integrity and independence of members of the judiciary;

...

(j) Ensure, so as to preclude all instances of torture or cruel, inhuman or degrading punishment, that persons subjected to any form of arrest, detention or imprisonment are treated according to international standards;

...

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- Croatia, CAT, A/59/44 (2004) 38 at paras. 77 and 78.

77. The Committee is concerned about the following:

(a) In connection with torture and ill-treatment which reportedly occurred during the 1991-1995 armed conflict in the former Yugoslavia:

(i) The reported failure of the State party to carry out prompt, impartial and full investigations, to prosecute the perpetrators and to provide fair and adequate compensation to the victims;

(ii) Allegations that double standards were applied at all stages of the proceedings against Serb defendants and in favour of Croat defendants in war crime trials;

(iii) The reported harassment, intimidation and threats faced by witnesses and victims testifying in proceedings and the lack of adequate protection from the State party;

...

78. The Committee recommends that the State party:

(a) Take effective measures to ensure impartial, full and prompt investigations into all allegations of torture and other cruel, inhuman or degrading treatment, the prosecution and punishment of the perpetrators as appropriate and irrespective of their ethnic origin, and the provision of fair and adequate compensation for the victims;

(b) Ensure full cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY), *inter alia* by ensuring that all indicted persons in their territory are arrested and transferred to the custody of the Tribunal;

(c) Enforce all relevant legislation providing for the protection of witnesses and other participants in proceedings and ensure that sufficient funding is allocated for effective and comprehensive witness protection programmes;

...

- United Kingdom of Great Britain and Northern Ireland (Crown Dependencies and Overseas Territories), CAT, A/60/44 (2004) 16 at paras. 39 and 40.

39. The Committee expresses its concern at:

...

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(b) The State party's limited acceptance of the applicability of the Convention to the actions of its forces abroad, in particular its explanation that "those parts of the Convention which are applicable only in respect of territory under the jurisdiction of a State party cannot be applicable in relation to actions of the United Kingdom in Afghanistan and Iraq"; the Committee observes that the Convention protections extend to all territories under the jurisdiction of a State party and considers that this principle includes all areas under the *de facto* effective control of the State party's authorities;

...

(h) Reports of incidents of bullying followed by self-harm and suicide in the armed forces, and the need for full public inquiry into these incidents and adequate preventive measures;

...

40. The Committee recommends that:

...

(f) The State party should make public the result of all investigations into alleged conduct by its forces in Iraq and Afghanistan, particularly those that reveal possible actions in breach of the Convention, and provide for independent review of the conclusions where appropriate;

...

(j) The State party should ensure that the conduct of its officials, including those attending interrogations at any overseas facility, is strictly in conformity with the requirements of the Convention and that any breaches of the Convention that it becomes aware of should be investigated promptly and impartially, and if necessary the State party should file criminal proceedings in an appropriate jurisdiction;

...

- Canada, CAT, A/60/44 (2005) 25 at para. 56.

56. The Committee notes:

(a) The definition of torture in the Canadian Criminal Code that is in accordance with the definition contained in article 1 of the Convention and the exclusion in the Criminal Code of the defences of superior orders or exceptional circumstances, including in armed conflict, as well as the inadmissibility of evidence obtained by torture;

(b) The direct application of the criminal norms cited in subparagraph (a) above to the State party's military personnel wherever they are located, by means of the National Defence Act;

...

- Uganda, CAT, A/60/44 (2005) 39 at paras. 91, 93, 96 and 97.

91. The Committee acknowledges the difficult situation of internal armed conflict in

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northern Uganda. However, it points out that no exceptional circumstances whatsoever may be invoked as a justification of torture.

...

93. The Committee is...concerned about:

...

(h) The magnitude of the problem of abduction of children by the Lord's Resistance Army, in particular in northern Uganda;

...

96. Furthermore, the Committee regrets that the State party has not taken sufficient steps to ensure the protection of persons affected by the armed conflict in northern Uganda, in particular internally displaced persons currently confined in camps.

97. The Committee recommends that the State party take all necessary legislative, administrative and judicial measures to prevent acts of torture and ill-treatment in its territory, and in particular that it:

...

(n) Act without delay to protect the civilian population in areas of armed conflict in northern Uganda from violations by the Lord's Resistance Army and members of the security forces. In particular, the State party should protect internally displaced persons confined in camps, which are constantly exposed to attacks from the Lord's Resistance Army;

(o) Take the necessary steps, as a matter of extreme urgency and in a comprehensive manner, to prevent the abduction of children by the Lord's Resistance Army and to facilitate the reintegration of former child soldiers into society;

...

CRC

- Niger, CRC, CRC/C/118 (2002) 37 at paras. 187 and 188.

187. The Committee welcomes the State party's decision to review the "prytanée militaire" prior to ratifying the Optional Protocol on the involvement of children in armed conflict. In addition, the Committee notes the Peace Agreement concluded in 1995 between the State party and the various rebel groups, and the establishment of the Office of the High Commissioner for the Restoration of Peace, but remains concerned at the difficult situation of displaced persons, particularly children and women.

...

188. The Committee encourages the State party to speed up the review of its "prytanée

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militaire". In addition, the Committee recommends that the State party reinforce its efforts to provide displaced children with adequate social services, including health care, immunization and education, and to socially reintegrate former combatants.

- Sudan, CRC, CRC/C/121 (2002) 53 at paras. 225, 278 and 279.

225. The Committee notes the extremely negative impact of the armed conflict on children and that it has created conditions in which even a minimal implementation of the Convention is difficult. While noting the *de facto* control by non-State actors of areas of the State party's territory, notably in southern Sudan, the Committee emphasizes the full responsibility of the State party; it invites all other parties to respect child rights within the area under their control.

...

278. While noting the demobilization of some children, the Committee is deeply concerned that:

- (a) Children are still being used as soldiers by the Government and opposition forces;
- (b) Landmines continue to pose problems for the safety of children, including in regions where armed conflict is no longer taking place;
- (c) Government forces have conducted indiscriminate bombing of civilian areas, including of food stocks;
- (d) Access to needy populations by humanitarian organizations has sometimes been impeded.

279. The Committee recommends that the State party and, as far as applicable, other relevant actors:

- (a) End all recruitment and use of children as soldiers, in accordance with applicable international standards; complete demobilization and rehabilitate those children who are currently serving as soldiers; and comply with Commission on Human Rights resolution 2001/18;
- (b) End the military recruitment of professionals working with children, such as teachers;
- (c) Include respect for children's rights in any negotiated agreement to end the armed conflict;
- (d) Ratify and fully implement the Convention on the Prohibition of the Use, Stockpiling,

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Production and Transfer of Anti-personnel Mines and On Their Destruction, of 1997;

(e) Respect the provisions of article 38 of the Convention and related provisions of international humanitarian law with regard to the protection of civilians, including children, in armed conflicts;

(f) Guarantee the delivery of humanitarian assistance to the populations in need, and respect the rights of children among civilian populations to, among others, food, water, medical care and adequate housing;

(g) Fully cooperate with the United Nations verification team investigating alleged abuses against civilians, including children, during the armed conflict.

- Israel, CRC, CRC/C/121 (2002) 131 at paras. 554, 555, 600 and 601.

554. In the present context of violence, the Committee recognizes the difficulties of the State party in fully implementing the Convention. Amidst continuing acts of terror on both sides, especially the deliberate and indiscriminate targeting and killing of Israeli civilians, including children, by Palestinian suicide bombers, the Committee recognizes the climate of fear which persists and the State party's right to live in peace and security. At the same time, the Committee recognizes that the illegal occupation of Palestinian territory, the bombing of civilian areas, extrajudicial killings, the disproportionate use of force by the Israeli Defence Forces, the demolition of homes, the destruction of infrastructure, mobility restrictions and the daily humiliation of Palestinians continue to contribute to the cycle of violence.

555. The Committee emphasizes that a peaceful and stable future for children in the region can only be achieved on the basis of international human rights and humanitarian law, compliance with which is essential to guarantee respect for the equal dignity of all people in Israel and the occupied Palestinian territory.

...

600. The Committee is deeply concerned at the large-scale demolition of houses and infrastructure in the occupied Palestinian territories, which constitutes a serious violation of the right to an adequate standard of living for children in those territories.

601. The Committee recommends, with reference to international humanitarian law, notably the Geneva Convention relative to the Protection of Civilian Persons in Time of War, that the State party fully comply with the rules of distinction (between civilians and combatants) and proportionality (of attacks that cause excessive harm to civilians) and thus refrain from the demolition of civilian infrastructure, including homes, water supplies and other utilities. It further recommends that the State party provide the victims of such demolitions with

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support for the rebuilding of their houses and with adequate compensation.

- Sri Lanka, CRC, CRC/C/132 (2003) 48 at paras. 230, 269 and 270.

230. The Committee is greatly encouraged by the ongoing peace process and the inclusion of human rights issues, including the human rights of children, in the peace talks.

...

269. The Committee is encouraged by the education reforms initiated by the State party in 1999, which focus on improving the quality of education and also emphasize early childhood development. At the same time, the Committee is concerned that all principals, teachers and parents, particularly in rural areas, are not fully aware of the objective of these reforms, that their implementation is not uniform across all regions and that there is no mechanism for monitoring and evaluating their implementation.

270. In light of articles 28, 29 and 31 of the Convention, as well as general comment No. 1 on the aims of education, the Committee recommends that the State party:

...

(b) Provide additional information on the reforms and adequate material resources for their implementation to principals, teachers and parents in rural and conflict-affected areas;

...

(d) Ensure that there is a sufficient number of trained teachers in rural and conflict-affected areas;

...

- Indonesia, CRC, CRC/C/137 (2004) 8 at paras. 75, 77, 87, 88 and 91.

75. While acknowledging the improvements in budget allocations to the health-care sector, the Committee remains concerned at the high maternal mortality rate, incidence of child malnutrition, proportion of children born with low birth weight and prevalence of infectious and, mosquito-borne diseases, including malaria, the low immunization rate and the lack of access to safe drinking water and sanitation, particularly in conflict-affected areas.

...

77. The Committee recommends that the State party:

(a) Ensure universal access to primary health care, especially maternal and child health-care services and facilities, including in rural and conflict-affected areas;

(b) Prioritize the provision of drinking water and sanitation services;

(c) Strengthen existing efforts to prevent malnutrition, malaria and other mosquito-borne

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diseases, to immunize as many children and mothers as possible, to make condoms and other contraceptives available throughout the country and to promote breastfeeding, and extend these programmes to all conflict-affected areas;

...

(e) Seek cooperation in this matter from, among others, WHO.

...

87. The Committee is alarmed at the high level of fatalities in Aceh, West Kalimantan, Central Sulawesi, Maluku and Ambon, as well as those which resulted from the conflict in East Timor in 1999. The Committee is further concerned that children affected by armed conflict remain a particularly vulnerable group and that the perpetrators of violations of their human rights, especially during conflicts, are rarely prosecuted.

88. The Committee is concerned that martial law in Aceh might have a negative impact on the protection and implementation of the rights of children.

...

91. The Committee urges the State party:

(a) To take measures to prevent and end the violence affecting children's lives and rights, especially in areas such as Aceh, Maluku and West Papua;

(b) To ensure that the application of martial law in Aceh under no circumstances contradicts the rights guaranteed in the Convention on the Rights of the Child;

(c) To take immediate measures to facilitate access to children and their families by national and international aid and humanitarian agencies, particularly in Aceh;

(d) To prevent the use of children in armed conflict by regular army, paramilitary and rebel groups;

(e) To abide faithfully by the principles of human rights law and international humanitarian law and the conventions to which Indonesia is party;

(f) To ensure that all persons, including senior officials, who have sponsored, planned, incited, financed or participated in military or paramilitary operations using child soldiers or children as sexual slaves, or violating any rights of the children, will be prosecuted, including those who committed abuses in East Timor in 1999.

- Angola, CRC, CRC/C/143 (2004) 78 at paras. 435, 436, 439 and 440.

435. The Committee notes with appreciation the many efforts undertaken by the State party to address the various problems resulting from massive internal and cross-border

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displacements. Despite the good results achieved in returning people to their places of origin, the Committee is concerned about the vulnerable situation of internally displaced and refugee families and children in the State party. It is also concerned that the returnees are facing many problems, particularly due to the lack of basic services, and that many children have still not been reunited with their parents.

436. The Committee urges the State party to give priority attention to the vulnerable situation of displaced families and children and ensure that adequate support is given to the reintegration of families and children who have returned to their places of origin after the end of the armed conflict. The State party should, in this regard, ensure compliance with the Norms on the Resettlement of Displaced Populations (Decree 1/01 of 5 January 2001) which provides, *inter alia*, for the voluntary nature of resettlement, the security of resettlement sites, the allocation of adequate land and the provision of certain basic amenities and services, such as water, sanitation, schools and health facilities.

...

439. The Committee notes with deep concern the large number of landmines which remain spread out across the country, causing many deaths and injuries every year and posing a threat to the life, survival and development of children in the State party.

440. The Committee recommends that the State party take all necessary measures to protect children against landmines, including by continuing and strengthening its mine clearance programmes and programmes for mine awareness and physical rehabilitation of child

- Nigeria, CRC, CRC/C/146 (2005) 135 at paras. 727-730.

727. The Committee notes that communal clashes linked to political, religious and ethnic differences have led to a large population of internally displaced persons in the State party, and that Nigeria is a host to a large group of refugees from neighbouring countries such as Chad, Sierra Leone and Liberia. The Committee is concerned about the situation of refugee and internally displaced children living in refugee camps, and regrets the paucity of information with regard to these children in the State party report and the State party's position that the issue of asylum-seeking children do not arise in Nigeria. The Committee is particularly concerned about reports of sexual exploitation of refugee girls and women within and outside of the camps, including female teenagers who are forced into prostitution. The Committee is also concerned that the incidence of teenage pregnancy is high in the camp.

728. The Committee recommends that the State party:

- (a) Seek to ensure, as a matter of priority, that all displaced and refugee children and their families have access to health and education services, and that all their rights contained in

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the Convention are protected, including the right to be registered at birth;

(b) Take measures to ensure that appropriate reproductive health education and child-sensitive counselling services are provided to adolescents living in camps;

(c) Take immediate measures to ensure that all displaced and refugee women and children are protected from all forms of sexual abuse and exploitation and that perpetrators are duly prosecuted;

(d) Ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;

...

(f) Continue its collaboration with, among others, UNHCR.

729. The Committee is deeply concerned by the impact of communal conflicts on children in Nigeria. The Committee is alarmed by the reports of indiscriminate extrajudicial killings in these conflicts, where children as well as adults are routinely killed, shot to death and burnt. The Committee is seriously concerned at the direct effects of this violence on child victims, including child combatants, and about the severe physical and psychological trauma inflicted upon them. The Committee notes that the State party has signed but not yet ratified the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict.

730. The Committee recommends the State party to take all possible measures to prevent the occurrence of communal conflicts, and to develop a comprehensive policy and programme for implementing the rights of children who have been affected by conflict, and allocate human, technical and financial resources accordingly. In particular, the Committee recommends that the State party:

(a) Develop, in collaboration with NGOs and international organizations, a comprehensive system of psychosocial support and assistance for children affected by conflict, in particular child combatants, unaccompanied IDPs and refugees, returnees;

(b) Take effective measures to ensure that children affected by conflict can be reintegrated into the education system, including through the provision of non-formal education programmes and by prioritizing the restoration of school buildings and facilities and provision of water, sanitation and electricity in conflict-affected areas; and

(c) Ratify the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict as a matter of priority.

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- Nepal, CRC, CRC/C/150 (2005) 66 at paras. 289, 291-294, 330, 331, 360 and 361.

289. The Committee welcomes the agreement entered into by the State party with the Office of the United Nations High Commissioner for Human Rights (OHCHR) on 11 April 2005, providing for the establishment of an OHCHR Office in Nepal that will “monitor the observance of human rights and international humanitarian law, bearing in mind the climate of violence and the internal armed conflict in the country”.

...

291. The Committee notes the extremely negative impact of the armed conflict between the State party and the Communist Party of Nepal (the Maoists) on children in Nepal, and that it has created conditions in which even minimal implementation of the Convention is difficult. The Committee notes that the climate of fear, insecurity and impunity resulting from the armed conflict and the states of emergency, declared in 2000 and 2004, have had a seriously negative physical and psychological impact on the sound development of children in the State party. The Committee is extremely concerned at the large-scale bombing, destruction and closing of schools by Maoist insurgents, which are violations of the fundamental rights to education of children. The Committee also notes with deep concern that the conflict has also exacerbated the existing problems in the implementation of the Convention in the State party, as outlined in the present concluding observations.

292. The Committee further notes with serious concern that the absence of the parliament which was dissolved in 2002, does not allow the State party to enact or amend legislation, nor to ratify international conventions, including the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

293. While noting the *de facto* control by non-State actors of areas of the State party’s territory, the Committee emphasizes the full responsibility of the State party, and urges the Communist Party of Nepal (the Maoists) to respect child rights within the areas in which they operate. The Committee reminds the State party of its obligation to respect the Convention at all times and not to derogate from any of its provisions, even in exceptional circumstances, including the state of emergency. The Committee further recommends the State party to take stronger measures to combat impunity with regard to violence against children.

294. The Committee recommends to the State party that it undertake all necessary measures to restore the regular functioning of the State party, including the parliament, and to ratify the Optional Protocols to the Convention.

...

330. The Committee is deeply concerned that an increasing number of families and children are facing the risks of family disintegration and separation as a consequence of the current armed conflict in the State party. The Committee is equally concerned at the increasing number of children placed in residential care facilities not only as a result of the armed

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conflict, but also of HIV/AIDS, and that many of these children still have both or one of the parents and/or close relatives. Furthermore, the Committee is concerned that these residential care facilities do not meet the standards set by the State party, and that many of them are not registered. The Committee is also concerned that adequate and effective monitoring of the quality of these facilities is lacking.

331. The Committee recommends the State party:

(a) To develop and implement programmes through community structures and social security benefits to support parents in the performance of their parental obligations, and to pay particular attention in this regard to families affected by the armed conflicts and vulnerable families such as single-parent households;

(b) To undertake effective measures for the reunification of separated families, by implementing programmes for the reinforcement of existing structures such as the extended family, and for the introduction of a foster care system that is well resourced, with adequately trained staff;

(c) To ensure that residential care facilities meet quality standards in conformity with the Convention, that they are registered and regularly monitored and that the placement of children in these facilities is regularly reviewed in accordance with article 25 of the Convention, to ensure that such placement is only used as the last resource and for the shortest time possible.

...

360. The Committee notes with regret the lack of information provided by the State party on the situation of internally displaced persons, including children, who have been forcibly displaced from their homes due to the ongoing armed conflict.

361. The Committee recommends that the State party:

(a) Ratify, as a matter of priority, the Convention relating to the Status of Refugees, the Convention on the Status of Stateless Persons and the Convention on the Reduction of Statelessness;

(b) Seek to ensure, as a matter of priority, that all internally displaced, refugee and asylum-seeking children and their families have access to health and education services, and that all their rights contained in the Convention are protected, including the right to be registered at birth;

(c) Take immediate measures to ensure that all internally displaced, refugee women and children under its jurisdiction are protected from all forms of sexual exploitation and that perpetrators are duly prosecuted;

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- ...
- (e) Continue to strengthen its collaboration with UNHCR among other organizations.