

POLITICAL RIGHTS

IV. CONCLUDING OBSERVATIONS

CERD

- Croatia, CERD, A/48/18 (1993) 90 at para. 505.

The Government should encourage multi-ethnic organizations and movements and foster an ongoing dialogue among leaders and representatives of the various communities to ensure respect for the observance of human rights and the rights of the minority communities and their participation in the democratic process. By no means are trends for separation or secession encouraged.

- Yugoslavia (Serbia and Montenegro), CERD, A/48/18 (1993) 95 at paras. 538 and 544.

Paragraph 538

Alarm is expressed over the deteriorating situation in Kosovo. A number of measures were implemented there which were in violation of the provisions of the Convention, including the enactment of discriminatory laws, the closing of minority schools, the mass dismissal of Albanians from their jobs and the imposition of restrictions on the use of the Albanian language. Such measures resulted in the increasing marginalization of the Albanians in Kosovo. In that regard, it is noted that Albanians in Kosovo did not participate in public life.

Paragraph 544

The need for urgent measures in respect of the situation in Kosovo in order to prevent persisting ethnic problems there from escalating into violence and armed conflict is emphasized. 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.

- Australia, CERD, A/49/18 (1994) 78 at para. 548.

Measures should be strengthened to remedy any discrimination suffered by members of non-English-speaking minorities and Aboriginals in the fields of the administration of justice, education, employment, housing and health services. The participation of all in the conduct of political affairs should be promoted.

POLITICAL RIGHTS

- Guatemala, CERD, A/50/18 (1995) 58 at para. 305.

Profound concern is expressed regarding widespread discrimination affecting the indigenous communities and excluding them from the enjoyment of their civil, political, economic, social and cultural rights. It is particularly regretted that members of the indigenous communities, contrary to article 5 (c) of the Convention, are not in any position to participate equally in the conduct of public affairs at all levels.

- Colombia, CERD, A/51/18 (1996) 15 at paras. 48 and 51.

Paragraph 48

The structural discriminatory attitudes towards the indigenous and Afro-Colombian communities, appearing at various levels of the political, economic and social life of the country are noted. Those discriminatory attitudes relate to, among other things, the right to life and security of persons, political participation, educational and occupational opportunities, access to basic public services, the right to health, the right to adequate housing, the application of the law, and land ownership and use.

Paragraph 51

Efficient mechanisms should be created immediately by the Government to coordinate and evaluate the various policies of protection of the rights of indigenous and Afro-Colombian communities, including their institutional aspects. Such mechanisms should promote full enjoyment of all human rights by the members of these communities and should guarantee their life and security, as well as real and adequate participation by representatives of these communities in public life.

- Finland, CERD, A/51/18 (1996) 29 at para. 178.

Concern is expressed over the Sami people's participation in the Sami parliament in their mother tongue.

- United Kingdom of Great Britain and Northern Ireland, CERD, A/51/18 (1996) 35 at paras. 232 and 242.

Paragraph 232

Persons belonging to ethnic minority groups are underrepresented in political and public life, as reflected in their representation among the voting public, the police and armed forces and holders of public office.

Paragraph 242

POLITICAL RIGHTS

Comprehensive, action-oriented studies should be undertaken to ascertain the reasons behind the low participation of persons belonging to ethnic minority groups in elections, both as voters and as candidates for public office, the reason for their low representation in the police and armed forces, and the reason for their disproportionately high level of unemployment.

- Bolivia, CERD, A/51/18 (1996) 41 at para. 277.

Attention is drawn to article 5 (c), in accordance with which all persons have the right to have equal access to the public service. In this regard, it is regretted that the law on the public service does not expressly prohibit racial discrimination in the selection of public servants.

- Brazil, CERD, A/51/18 (1996) 45 at paras. 299, 302, 303 and 307.

Paragraph 299

Discriminatory attitudes towards the indigenous, black and mestizo populations persist within Brazilian society and are apparent at a number of levels in the political, economic and social life of the country. These discriminatory attitudes concern, *inter alia*, the right to life and security of person, political participation, access to education and employment, access to basic public services, the right to health, the right to decent housing, land ownership, land use and law enforcement.

Paragraph 302

The fact that illiterate citizens, who are found especially among the indigenous, black or mestizo populations, or other vulnerable groups, cannot be elected in political elections is contrary to the spirit of article 5 (c) of the Convention.

Paragraph 303

Particular note is taken of the fact that the indigenous populations encounter serious discrimination in regard to enjoyment of their civil, political, economic, social and cultural rights. Concern is expressed about their social protection and the discrimination they suffer in the spheres of health, education, culture, employment, access to public office and housing.

Paragraph 307

The State Party should take measures to allow illiterate citizens from the most underprivileged population groups to be elected in political elections.

- India, CERD, A/51/18 (1996) 51 at paras. 360 and 362.

POLITICAL RIGHTS

Paragraph 360

It is noted with concern that the denial of the equal enjoyment of political rights, as provided for in article 5 (c) of the Convention, has led to an increase of violence, in particular in Jammu and Kashmir.

Paragraph 362

It is regretted that certain communities do not enjoy representation in proportion to their size.

- China, CERD, A/51/18 (1996) 57 at para. 414.

Consideration should be given to the inclusion of more members of minority nationalities in positions of leadership, not only in the Government but also in the Party and other institutions at both the national and local levels.

- Guatemala, CERD, A/52/18 (1997) 14 at paras. 83 and 91.

Paragraph 83

It is noted with concern that adequate and proportionate participation of the indigenous population in Parliament, in the public service and in public life at the national level has not been achieved; in particular, members of indigenous communities are under-represented among judges and in the administration of justice.

Paragraph 91

Efforts should be continued to ensure the full participation of all citizens in public life, in particular in elections, after they have been adequately informed in the respective languages spoken in the State party.

- Pakistan, CERD, A/52/18 (1997) 28 at para. 183.

The fact that members of minorities are now entitled to participate directly in the general election process, in addition to electing their own representatives, is a positive development.

- Iraq, CERD, A/52/18 (1997) 37 at para. 263.

It is noted with regret that because of the prevailing situation and restraints imposed on the exercise of the jurisdiction of Iraq, the Kurdish population living in the Northern Governorates was unable to participate in the popular referendum.

POLITICAL RIGHTS

- Bulgaria, CERD, A/52/18 (1997) 39 at para. 285.

Although the right to associate and to found political parties is stated as a general principle in the Constitution, it is noted with concern that the State party prohibits the foundation and registration of political parties formed on ethnic, racial or religious bases.

- Mexico, CERD, A/52/18 (1997) 42 at para. 319.

The State party should take the necessary steps to allow citizens from indigenous populations to be elected in political elections and to have access to the civil service.

- Panama, CERD, A/52/18 (1997) 46 at paras. 342 and 352.

Paragraph 342

It is noted with regret that indigenous people have a low rate of participation in elections and are under-represented in the public service.

Paragraph 352

The State party should take appropriate measures to enable indigenous persons to participate in elections and to provide them with equal access to employment in the public service.

- Sweden, CERD, A/52/18 (1997) 65 at paras. 499 and 504.

Paragraph 499

It is noted with appreciation that in Sweden non-nationals have the right to vote and stand for election at municipal elections.

Paragraph 504

Concern is expressed about the low and declining participation by non-nationals in local elections.

- The Former Yugoslav Republic of Macedonia, CERD, A/52/18 (1997) 67 at paras. 518 and 524.

POLITICAL RIGHTS

Paragraph 518

It is noted that the representation of various ethnic groups in the judiciary, Parliament and other public bodies and agencies of government continues to be below their respective percentages in the population.

Paragraph 524

The State party is encouraged to continue its programmes of affirmative action in order to increase the representation of ethnic minorities in public life; including in the civil service, army and police.

- Norway, CERD, A/52/18 (1997) 77 at para. 607.

The view expressed openly by the leader of a Norwegian political party that the Sami parliament should be dissolved is a matter of concern.

- Czech Republic, CERD, A/53/18 (1998) 35 at para. 121.

It is of concern that a political party represented in Parliament promotes racial discrimination and disseminates a magazine that promotes racist propaganda and ideas of racial superiority aimed at the ethnic minorities resident in the country.

- Croatia, CERD, A/53/18 (1998) 59 at para. 319.

With respect to article 2 of the Convention, the State party should reinstate provisions for the fair and proportionate representation of the Serbian ethnic community in the Croatian Parliament.

- Peru, CERD, A/54/18 (1999) 21 at para. 154.

It is noted that the indigenous population, the members of which often have no identity papers and are illiterate, is deprived of the possibility of exercising its civic and political rights.

- Islamic Republic of Iran, CERD, A/54/18 (1999) 32 at para. 300.

In relation to article 5 (c) of the Convention, the information indicating a high level of participation in both local and national elections, including the population in regions inhabited by national and ethnic minorities, is welcomed. It is noted with appreciation that ethnic and national minorities, in particular the Kurds, are represented in the Parliament in proportion to the demographic composition

POLITICAL RIGHTS

of the country.

- Australia, CERD, A/55/18 (2000) 17 at para. 32.

Concern is expressed at the unsatisfactory response to the Committee decisions 2 (54) (March 1999) and 2 (55) (August 1999) and at the continuing risk of further impairment of the rights of Australia's indigenous communities. All aspects of decisions 2 (54) and 2 (55) are reaffirmed. The State party should ensure effective participation by indigenous communities in decisions affecting their land rights, as required under article 5 (c) of the Convention and General Recommendation XXIII, which stresses the importance of securing the "informed consent" of indigenous peoples.

- Estonia, CERD, A/55/18 (2000) 24 at para. 77.

The fact that the right to vote in local elections has been granted to all permanent residents, regardless of their nationality is welcomed.

- Slovenia, CERD, A/55/18 (2000) 45 at paras. 242 and 244.

Paragraph 242

The specific measures taken for the promotion and the protection of the human rights of the Roma population are noted, including their right to vote and to be elected, the possibility given to this community to gain access to education, including pre-school education, and programmes for professional training.

Paragraph 244

It is noted that different minority groups are provided by law with different protective measures in different areas of daily life, such as political representation, access to media, education and culture. Minority groups such as Croats, Serbs, Bosnians and Roma do not enjoy the same level of protection as the Italian and Hungarian minorities. In this connection, it is recommended that the State party, in accordance with article 2 of the Convention, ensure that persons or groups of persons belonging to other minority groups are not discriminated against.

- Czech Republic, CERD, A/55/18 (2000) 50 at para. 281.

It is of concern that some organizations, including political parties, promoting racial hatred and

POLITICAL RIGHTS

superiority are hidden behind legally registered civic associations whose members are promoting xenophobia and racism. Concern is also expressed at the ineffective implementation of existing legislation to prosecute those who incite racial hatred and support racist movements. In light of article 4 of the Convention, the State party should strengthen law enforcement to ensure that these organizations are dismantled and their members prosecuted.

- The Netherlands, CERD, A/55/18 (2000) 55 at para. 319.

While acknowledging the efforts to recruit members of minorities into government service, including the police and armed forces, concern remains about the disproportionately high number of members of minorities leaving the police forces. The State party should strengthen its efforts to create a police force reflective of the total population.

- Sweden, CERD, A/55/18 (2000) 57 at para. 341.

Concern remains about the difficult access to employment for members of ethnic minorities. The State party should take all necessary measures to increase its efforts to facilitate the occupational integration of all persons belonging to ethnic minorities into the public administration.

- Argentina, CERD, A/56/18 (2001) 18 at para. 50.

It is noted with concern that, although progress has been made to consult with indigenous peoples to participate in decisions which affect them with a view to securing their agreement, there are still situations where consultation and participation do not occur. It is recommended that the State party find ways and means to facilitate such participation.

- Georgia, CERD, A/56/18 (2001) 24 at para. 95.

In the context of the implementation of article 5, concern is expressed at the under-representation of ethnic minorities in Parliament. The barriers to participation of minorities in political institutions, for instance with regard to the limitation on the participation of minorities in local executive bodies for a lack of knowledge of the Georgian language, are noted with concern. The State party should take all necessary steps to increase the representation of national minorities in Parliament and in local bodies.

- United States of America, CERD, A/56/18 (2001) 64 at paras. 397 and 400.

Paragraph 397

POLITICAL RIGHTS

The political disenfranchisement of a large segment of the ethnic minority population who are denied the right to vote by disenfranchising laws and practices based on the commission of more than a certain number of criminal offences, and also sometimes by preventing them from voting even after the completion of their sentences, is of concern. The right of everyone to vote on a non-discriminatory basis is a right contained in article 5 of the Convention.

Paragraph 400

It is noted with concern that treaties signed by the Government and Indian tribes, described as “domestic dependent nations” under national law, can be abrogated unilaterally by Congress and that the land they possess or use can be taken without compensation by a decision of the Government. Further concern is expressed with regard to information on plans for expanding mining and nuclear waste storage on Western Shoshone ancestral land, placing their land up for auction for private sale, and other actions affecting the rights of indigenous peoples. The State party should ensure effective participation by indigenous communities in decisions affecting them, including those on their land rights, as required under article 5 (c) of the Convention, and the attention of the State party is drawn to general recommendation XXIII on indigenous peoples which stresses the importance of securing the “informed consent” of indigenous communities and calls, *inter alia*, for recognition and compensation for loss. The State party is also encouraged to use as guidance the ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.

- Viet Nam, CERD, A/56/18 (2001) 68 at para. 413.

The presence of a significant number of representatives of minority groups in the State party’s parliament is welcomed.

ICCPR

- Belgium, ICCPR, A/47/40 (1992) 94 at para. 430.

The State party should more adequately reflect in internal administrative practice the provisions of the Covenant which are not reflected in the European Convention for the Protection of Human Rights and Fundamental Freedoms (e.g. articles 25, 26 and 27).

- Belarus, ICCPR, A/47/40 (1992) 124 at para. 561.

It is particularly important that constitutional and legislative reforms be expedited and that they be

POLITICAL RIGHTS

in full conformity with the existing international standards enshrined in the Covenant. In drafting new legislation affecting human rights, special attention should be paid to the establishment of effective judicial guarantees for the safeguard of civil and political rights. Attention should be paid in all legislation to ensure that any limitations on human rights are in strict conformity with the limitations to those rights permitted in the Covenant.

- Mongolia, ICCPR, A/47/40 (1992) 134 at para. 601.

In regard to a number of fundamental rights recognized in the Covenant, some requirements and limitations presently in force in Mongolian law are so broad and numerous as to severely restrict the effective exercise of such rights in actual practice. This is true, for example, with regard to the requirement that political parties be registered and the criteria for refusing registration.

- Luxembourg, ICCPR, A/48/40 vol. I (1993) 30 at paras. 133 and 145.

Paragraph 133

The practice of including a suspension of voting rights as part of sentencing raises a number of problems under article 21 of the Covenant.

Paragraph 145

The State party should consider abolishing the deprivation of the right to vote as part of legitimate punishment.

- United Republic of Tanzania, ICCPR, A/48/40 vol. I (1993) 35 at paras. 172 and 188.

Paragraph 172

Concern is expressed over the lack of clarity of the situation in Zanzibar. The Committee has been informed that there were no political prisoners in Zanzibar, yet numerous cases of political detention have been reported.

Paragraph 188

The vital role played by the responsible exercise of the freedom of expression in the transition to democracy is affirmed. The State party should ensure that the exercise of this right is fully respected. Steps should also be taken to guarantee freedom of assembly without the requirement for pre-permission or such other restrictions as may jeopardize the freedom in question without necessarily being a threat to public order. Ongoing and active monitoring should be undertaken to ensure that democratic guarantees which have recently been established in law are observed in practice. To this end, an active and independent judiciary is considered to be indispensable and measures should be

POLITICAL RIGHTS

taken in this regard to further strengthen it.

- Islamic Republic of Iran, ICCPR, A/48/40 vol. I (1993) 44 at paras. 262 and 269.

Paragraph 262

The extent of limitations to the freedom of expression, assembly and association is of concern. In this connection, contrary to the provisions of articles 18 and 19 of the Covenant, members of certain political parties who did not agree with what the authorities believe to be Islamic thinking or who expressed opinions in opposition to official positions have been discriminated against.

Paragraph 269

Measures restricting eligibility for government service to members of the predominant religion, or giving economic privileges to such persons, or imposing special restrictions on the practice of other faiths, are incompatible with the prohibition of discrimination based on religion or belief and the guarantee of equal protection under article 26 of the Covenant.

- Niger, ICCPR, A/48/40 vol. I (1993) 88 at para. 424.

That article 27 is not fully implemented in Niger, as well as the particularly low level of participation during the recent elections, especially in the north of the country, is regretted.

- Ireland, ICCPR, A/48/40 vol. I (1993) 119 at paras. 609 and 615.

Paragraph 609

Civil servants are unduly restricted with respect to their right to participate in public affairs and the right to strike.

Paragraph 615

Additional affirmative action aimed at improving the situation of the "Travelling Community" and, in particular, facilitating and enhancing the participation of "Travellers" in public affairs, including the electoral process, should be undertaken.

- Hungary, ICCPR, A/48/40 vol. I (1993) 128 at para. 663.

The very low participation of women in the decision-making process and the conduct of public affairs

POLITICAL RIGHTS

is of concern.

- Bulgaria, ICCPR, A/48/40 vol. I (1993) 149 at para. 754.

Restrictions on the formation of political parties appear to be excessive.

- Mexico, ICCPR, A/49/40 vol. I (1994) 33 at paras. 176 and 180.

Paragraph 176

Doubts and concerns are expressed over the electoral system and practices and the climate of violence in which the most important elections have taken place. It is noted that this situation precludes the full guarantee of free choice by all voters and the participation of all citizens in the conduct of public affairs, in particular through freely chosen representatives, in accordance with article 25 of the Covenant.

Paragraph 180

Article 25 of the Covenant, in particular with regard to elections, should be fully implemented by taking legal and practical measures to ensure equitable representation of the entire electorate and to ensure that the balloting is free from fraud and takes place in an atmosphere of calm, which is essential to the voters' exercise of free choice. To that end, the willingness of the authorities to accept international observers during the balloting would contribute to the transparency of the elections.

- Cameroon, ICCPR, A/49/40 vol. I (1994) 36 at paras. 198 and 200.

Paragraph 198

The conditions in which the presidential elections of 1992 were held, particularly the numerous allegations of fraud made during the different ballots, are of concern.

Paragraph 200

Measures should be taken to organize free, equitable and transparent elections.

- El Salvador, ICCPR, A/49/40 vol. I (1994) 38 at paras. 215 and 218.

Paragraph 215

POLITICAL RIGHTS

Grave concern is expressed over the adoption of the Amnesty Law, which prevents relevant investigation and punishment of perpetrators of past human rights violations, and consequently precludes relevant compensation. It also seriously undermines efforts to re-establish respect for human rights in El Salvador and to prevent a recurrence of the massive human rights violations experienced in the past. Furthermore, failure to exclude violators from service in the Government, particularly in the military, the National Police and the judiciary, will seriously undermine the transition to peace and democracy.

Paragraph 218

A number of concerns remain, including the full and effective application of the Covenant in matters pertaining to the full enjoyment by women of the rights guaranteed under the Covenant and the difficulties encountered in ensuring the full participation of all citizens in the electoral process.

See also:

- Togo, ICCPR, A/49/40 vol. I (1994) 44 at para. 250.

- Jordan, ICCPR, A/49/40 vol. I (1994) 41 at para. 236.

A rigid interpretation of the provisions of the new Press Act and Political Parties Act and prosecutions of defamation offences might affect the effective enjoyment of those rights stipulated under articles 19 and 25 of the Covenant.

- Togo, ICCPR, A/49/40 vol. I (1994) 44 at paras. 257 and 269.

Paragraph 257

Serious doubts and concerns are expressed over the existing electoral system, as well as the conditions under which the presidential and legislative elections have recently taken place, which preclude the full guarantee of free choice by all voters and the participation of all citizens in the conduct of public affairs, as provided for in article 25 of the Covenant.

Paragraph 269

Measures should be taken to ensure that elections are organized in full conformity with the requirements of article 25 of the Covenant.

- Italy, ICCPR, A/49/40 vol. I (1994) 47 at para. 289.

Further efforts are required to ensure equal participation by women in public life.

POLITICAL RIGHTS

- Azerbaijan, ICCPR, A/49/40 vol. I (1994) 50 at paras. 303 and 309.

Paragraph 303

The power of the Ministry of Justice to refuse to register a political party or an association, which is an obstacle to the pluralism of political parties as provided for in article 25 of the Covenant, is of concern.

Paragraph 309

The Government of Azerbaijan should ensure the pluralism of political parties and remove obstacles to their registration.

- Cyprus, ICCPR, A/49/40 vol. I (1994) 53 at paras. 322, 325 and 331.

Paragraph 322

The restrictions on the press, particularly with regard to seditious intent, are of concern. The freedom to criticize the authorities and challenge government policies are a normal and essential part of a functioning democracy.

Paragraph 325

With respect to article 25 of the Covenant, it is of concern that since 1974 elections in accordance with the 1960 Constitution could not be held since 1974 for government positions allocated to Turkish Cypriot representatives. Under such continuing circumstances, Cypriot citizens of Turkish origin cannot effectively exercise their right to vote and run for public office, as guaranteed under the Covenant.

Paragraph 331

With respect to the equality and rights of women, affirmative measures should be taken to ensure their participation in the political process.

- Slovenia, ICCPR, A/49/40 vol. I (1994) 56 at paras. 342, 345 and 352.

Paragraph 342

Concern is expressed over the remaining areas of discrimination against women, particularly regarding the extent of their participation in the conduct of public affairs.

Paragraph 345

It is noted that the State party singles out Italians and Hungarians for special protection as minorities, including the right to political representation. Gypsies are also granted certain special protection as

POLITICAL RIGHTS

a minority. While this protection is welcome, all minorities are entitled to protection of their rights under article 27. Immigrant communities constituting minorities under the meaning of article 27 are entitled to the benefit of that article.

Paragraph 352

Appropriate measures should be taken to ensure the full and equal enjoyment by all persons belonging to minorities of their rights under article 27 of the Covenant. All persons, including members of minorities, are entitled to receive the guarantees laid down in articles 25 and 26 of the Covenant. In this connection, the State party should take into account the recommendations contained in the Committee's General Comment No. 23 (50) on article 27 of the Covenant.

- Burundi, ICCPR, A/49/40 vol. I (1994) 58 at para. 366.

It is essential to take urgent measures to reorganize public institutions so as to ensure balanced participation by all population groups in the conduct of public affairs and to permit all citizens, without distinction, to have access to public service, the administration, the army, the police, the gendarmerie, the security forces and the judiciary. In addition, the army should be brought under the effective control of the civilian authorities. The judiciary and the civil service should also be opened immediately to those groups, so that they can be seen by the population to be impartial and representative of the population as a whole, thus restoring some degree of public confidence in national institutions.

- New Zealand, ICCPR, A/50/40 vol. I (1995) 38 at para. 182.

The proportion of Maori in Parliament and other high public offices, liberal professions and in the senior ranks of civil service remains low and is of concern.

- Paraguay, ICCPR, A/50/40 vol. I (1995) 42 at paras. 214 and 218.

Paragraph 214

The restriction on voting for students of military schools seems to be an unreasonable restriction on article 25 of the Covenant on the right to participate in public life.

Paragraph 218

The State party should encourage the political participation of women in public, particularly in political life. Their participation remains low despite the legal advances that have reduced restrictions in this area.

POLITICAL RIGHTS

- United States of America, ICCPR, A/50/40 vol. I (1995) 52 at para. 289.

The considerable financial costs that adversely affect the right of persons to be candidates in elections is of concern.

- Ukraine, ICCPR, A/50/40 vol. I (1995) 57 at para. 323.

The constitutional reform presently underway should be accelerated in order to ensure the adoption and implementation of the new Constitution. In this regard, the text of the Covenant should be taken into account. In drafting new legislation affecting human rights, attention should be systematically paid to the establishment of effective guarantees for the safeguard of civil and political rights. In that regard, the authorities may avail themselves of the advisory services and technical cooperation programmes developed by the United Nations Centre for Human Rights.

- Sri Lanka, ICCPR, A/50/40 vol. I (1995) 75 at para. 475.

Greater efforts should be undertaken to ensure that all ethnic groups are provided with the opportunity to participate fully in the conduct of public affairs and are ensured equitable access to public service.

- United Kingdom of Great Britain and Northern Ireland (Hong Kong), ICCPR, A/51/40 vol. I (1996) 13 at paras. 65 and 71.

Paragraph 65

The reservation made by the United Kingdom that article 25 of the Covenant does not require the establishment of an elected executive or legislative council is noted. However, once an elected legislative council is established, its election must conform to article 25. The electoral system in Hong Kong does not meet the requirements of article 25, or of articles 2, 3 and 26 of the Covenant. The fact that only 20 of 60 seats in the Legislative Council are subject to direct popular election and that the concept of functional constituencies, which gives undue weight to the views of the business community, discriminates among voters on the basis of property and functions, are particularly underscored. This clearly constitutes a violation of article 2, paragraph 1 and articles 25 (b) and 26. It is also of concern that laws depriving convicted persons of their voting rights for periods of up to 10 years may be a disproportionate restriction of the rights protected by article 25.

Paragraph 71

Immediate steps should be taken to ensure that the electoral system conforms with articles 21, 22 and 25 of the Covenant.

POLITICAL RIGHTS

- Estonia, ICCPR, A/51/40 vol. I (1996) 19 at paras. 112, 120 and 125.

Paragraph 112

It is of concern that the conditions for appointment to or employment in any position in a state or local government agency, in particular the automatic exclusion of persons unable to satisfy the requirements of the written oath of conscience regarding their previous activities (under the former regime), may give rise to an unreasonable restriction on the right of access to public service without discrimination.

Paragraph 120

Limitations to the exercise of freedom of association for long-term permanent residents in Estonia, particularly in the political sphere, are of concern.

Paragraph 125

The State party should review the Law on the Implementation of the Constitution with regard to the obligation to take an oath of conscience, with a view to bringing the Law fully into line with non-discrimination provisions and article 25 of the Covenant and to providing for the right to an effective remedy against a decision not to appoint or to dismiss a person in case of refusal to take such an oath.

- Zambia, ICCPR, A/51/40 vol. I (1996) 29 at para. 215.

All cases in which people are suspected of contempt of Parliament should be dealt with by the courts in a manner consistent with all the requirements of the Covenant.

- Nigeria, ICCPR, A/51/40 vol. I (1996) 37 at paras. 292 and 296.

Paragraph 292

Immediate steps should be taken to restore democracy and full constitutional rights.

Paragraph 296

Effective measures should be taken to ensure the full and equal enjoyment by women of rights and freedoms protected by the Covenant. These measures should ensure the equal participation by women at all levels of the political, social and economic life of the country.

- Brazil, ICCPR, A/51/40 vol. I (1996) 44 at para. 333.

The distinction between Brazilian-born and naturalized Brazilian citizens, adopted in article 12 (3)

POLITICAL RIGHTS

of the Constitution as a criterion of access to certain positions in public life, is incompatible with articles 2 and 25 of the Covenant and needs to be addressed accordingly.

- Peru, ICCPR, A/52/40 vol. I (1997) 28 at para. 168.

The necessary legislation should be adopted to allow political parties to operate effectively and democratically and to implement fully the rights protected by articles 22 and 25 of the Covenant.

- Germany, ICCPR, A/52/40 vol. I (1997) 32 at paras. 186 and 187.

Paragraph 186

It is of concern that membership in certain religious sects may, in some Länder of the State party, disqualify individuals from obtaining employment in the public service, which may, in certain circumstances, violate the rights guaranteed by articles 18 and 25 of the Covenant.

Paragraph 187

The criteria used to evaluate retaining or dismissing former German Democratic Republic public servants, including judges and teachers, are vague and leave open the possibility for deprivation of employment on the basis of political opinions held or expressed, and is of concern. Therefore, the criteria for dismissing public servants of the former German Democratic Republic should be made more precise so that no public servant will be dismissed on the grounds of political opinions held or expressed by him or her.

- Georgia, ICCPR, A/52/40 vol. I (1997) 40 at paras. 247 and 259.

Paragraph 247

The vague and overly general characterizations of crimes and the difficulty of determining their constituent elements (insubordination, sabotage, etc.) have allowed political opponents of the Government to be prosecuted.

Paragraph 259

Provisions which make it possible to prosecute political opponents for their beliefs under cover of upholding the law should be repealed.

- Portugal (Macau), ICCPR, A/52/40 vol. I (1997) 50 at paras. 322 and 326.

Paragraph 322

POLITICAL RIGHTS

The low percentage of locally born residents holding senior positions within the public administration raises the issue of implementation of article 25 of the Covenant.

Paragraph 326

Determined efforts should be made to ensure a substantial rise in the percentage of locally born residents holding senior posts within the public administration and the judiciary.

- Lebanon, ICCPR, A/52/40 vol. I (1997) 53 at para. 353.

The Committee notes with concern that every Lebanese citizen must belong to one of the religious denominations officially recognized by the Government, and that this is a requirement in order to be eligible to run for public office. This practice does not comply with the requirements of article 25 of the Covenant.

- Slovakia, ICCPR, A/52/40 vol. I (1997) 58 at para. 364.

Slovakia is still in a period of transition from an authoritarian to a democratic system and it recently acquired its independence after the dissolution of the Czech and Slovak Federation. Concern is expressed over the remnants of the former totalitarian rule which have not yet been completely overcome and the further steps that remain to be undertaken in consolidating and developing democratic institutions and strengthening the implementation of the Covenant. The persistence of political and social attitudes in the country adverse to the promotion and full protection of human rights is noted. The lack of clarity in the delimitation of the respective competences of the executive, legislative and judicial authorities may endanger the implementation of the rule of law and a consistent human rights policy and is also of concern.

- France, ICCPR, A/52/40 vol. I (1997) 62 at para. 401.

Active measures for the realization of women's rights should be pursued, especially by taking measures to achieve the equal representation of women at all levels of the public administration.

- India, ICCPR, A/52/40 vol. I (1997) 67 at para. 432.

Concern is expressed over the fact that women in India have not been accorded equality in the enjoyment of their rights and freedoms in accordance with article 2, paragraph 1, and articles 3 and 26 of the Covenant, nor have they been freed from discrimination. Women remain under-represented in public life and at the higher levels of the public service, and are subjected to personal laws which

POLITICAL RIGHTS

are based on religious norms and which do not accord equality in respect of marriage, divorce and inheritance rights. The enforcement of personal laws based on religion violates the rights of women to equality before the law and non-discrimination. Efforts should be strengthened towards ensuring the enjoyment by women of their rights without discrimination. Personal laws should be enacted which are fully compatible with the Covenant.

- Iraq, ICCPR, A/53/40 vol. I (1998) 18 at paras. 96, 102, 105 and 107.

Paragraph 96

Deep concern is expressed over the fact that all government power in Iraq is concentrated in the hands of an executive which is not subject to scrutiny or accountability, either politically or otherwise. It operates without any safeguards or checks and balances designed to ensure the proper protection of human rights and fundamental freedoms in accordance with the Covenant. This appears to be the most significant factor underlying many violations of Covenant rights in Iraq, both in law and in practice.

Paragraph 102

Steps should be taken to promote and ensure full equality between men and women in the political, economic, social and cultural life of the country, and to eliminate all forms of legal and *de facto* discrimination against women.

Paragraph 105

The severe restrictions on the right to express opposition to or criticism of the Government or its policies are of concern. Concern is also expressed over the law which imposes life imprisonment for insulting the President of the Republic, and in certain cases death. The law also imposes severe punishments for vaguely defined crimes which are open to wide interpretation by the authorities, such as writings detrimental to the President. Such restrictions on freedom of expression, which effectively prevent the discussion of ideas or the operation of political parties in opposition to the ruling Ba'ath party, constitute a violation of articles 6 and 19 of the Covenant and impede the implementation of articles 21 and 22 of the Covenant, which protect the rights to freedom of peaceful assembly and association. Penal laws and decrees, which impose restrictions on the rights to freedom of expression, peaceful assembly and association, should be amended so as to comply with articles 19, 21 and 22 of the Covenant.

Paragraph 107

Steps should be taken to ensure that citizens have the right and the opportunity to take part in the conduct of public affairs, either directly or through freely chosen representatives.

- Sudan, ICCPR, A/53/40 vol. I (1998) 22 at para. 135.

POLITICAL RIGHTS

The Government appears to consider that participation by citizens in the conduct of public affairs is met by a system of direct democracy. In that regard, it is emphasized that the enjoyment of the rights protected by article 25 of the Covenant requires full recognition of freedom of expression and the right to impart and receive ideas of all kinds, including those in opposition to the Government.

- Belarus, ICCPR, A/53/40 vol. I (1998) 26 at para. 143.

Remnants of the former totalitarian rule persist and the human rights situation in Belarus has deteriorated significantly since the Committee's consideration of the State party's third periodic report in 1992. Of note are the persistence of political attitudes that are intolerant of dissent or criticism and that are adverse to the promotion and full protection of human rights, the lack of legislative limits on the powers of the executive, and the growing concentration of powers, including legislative powers, in the hands of the executive, without judicial control.

- Lithuania, ICCPR, A/53/40 vol. I (1998) 30 at para. 167.

It is of concern that women still suffer from discrimination, especially in the area of employment and in access to leadership positions in politics and society, and that the proposed law on gender equality has not yet been enacted. Concrete measures should be taken to eliminate all discrimination against women and to enhance and reinforce the position of women in society by providing legal remedies for discrimination in all areas, including employment and commercial advertising. Mechanisms should be established to monitor non-discrimination laws, to receive and investigate complaints from victims, and to award compensation where appropriate.

- Zimbabwe, ICCPR, A/53/40 vol. I (1998) 35 at para. 225.

The extension of immunity to individuals committing acts of political violence against government opponents is of concern. The lack of political pluralism threatens the enjoyment of democracy in Zimbabwe.

- Italy, ICCPR, A/53/40 vol. I (1998) 50 at para. 340.

Structural and cultural problems preventing the full enjoyment by women of equal opportunities in public and political life and in employment remain. Urgent steps should be taken, by way of education, encouragement and legal means, to reduce or eliminate these inequalities.

POLITICAL RIGHTS

- Algeria, ICCPR, A/53/40 vol. I (1998) 52 at paras. 363-365.

Paragraph 363

The compulsory, immediate and exclusive use of Arabic (pursuant to the Arabic Language Decree) in all areas of public activity would in effect impede large sections of the population who use Berber or French in the enjoyment of the rights guaranteed under articles 19, 25, 26 and 27 of the Covenant. The law should be urgently reviewed so as to remove the negative consequences that it produces.

Paragraph 364

The abolition of the State-controlled "reading committees" stationed at publishing establishments as well as the formal directives prohibiting the publication of unauthorized information relating to "security issues" is welcomed. In practice, numerous restrictions still persist with regard to freedom of expression dealing with, for example, coverage of allegations and discussion of corruption and criticism of government officials and of material regarded as an expression of sympathy or encouragement of subversion, all of which gravely prejudice the right of the media to inform the public and the right of the public to receive information. The threats against and assassinations of journalists, human rights defenders and lawyers are also of deep concern. Current legislation should be reviewed so as to protect fully the right to freedom of thought and opinion and freedom of expression as guaranteed under articles 18 and 19 of the Covenant.

Paragraph 365

The State party's restriction on the right to form political parties effectively prohibits political activists' rights to associate with one another or to vote for representatives of their choice, in view of the wide range of proscribed categories (religious, linguistic, racial, gender related, regional, corporatist). Since it took effect, this law has been invoked to ban or prevent the legalization of more than 30 parties. Current legislation should be amended so as to bring it into conformity with the conditions required by the Covenant with respect to restrictions on the freedom of association.

- United Republic of Tanzania, ICCPR, A/53/40 vol. I (1998) 57 at paras. 396 and 406.

Paragraph 396

The Committee is concerned about the application of personal laws which discriminate against women with respect to marriage, divorce, land and inheritance; customary attitudes that discourage women from pursuing their full educational rights and that result in a tendency for women to lack the qualifications needed to reach higher levels of achievement in all aspects of activity, such as the senior judiciary; and the under-representation of women in political spheres. The State party should put an end to these discriminatory laws and practices.

Paragraph 406

POLITICAL RIGHTS

The large number of election petitions currently before the High Court has so clogged the system that other proceedings, including trials for homicide, have been inordinately delayed. Suitable measures should be adopted to extinguish the backlog of pending cases, and a more expeditious procedure should be adopted to determine electoral disputes.

- Armenia, ICCPR, A/54/40 vol. I (1999) 29 at paras. 111 and 117.

Paragraph 111

Discrimination against women in employment and their under-representation in the conduct of public affairs are of concern.

Paragraph 117

The strict governmental control over electronic media may raise issues under article 19 and result in serious limitations to the exercise of the rights guaranteed in article 25, in particular with regard to elections.

- Libyan Arab Jamahiriya, ICCPR, A/54/40 vol. I (1999) 32 at para. 135.

The Committee expresses its deep concern about the numerous restrictions, in law and in practice, on the right to freedom of expression, and in particular on the right to express opposition to or criticism of the Government, of the established political, social and economic system and of the cultural values prevailing in the country. The Committee urges the State party to undertake a truly critical analysis of restrictions to articles 18, 19, 21, 22 and 25 and their effect in practice, with a view to fulfilling its obligations under those articles. More specifically, the Committee stresses that article 25 provides for genuine elections with secret ballot and the State party must comply with this requirement. The application of provisions of the Publication Act (1972) which are incompatible with article 19 of the Covenant should be immediately suspended and steps should be taken for its revision.

- Japan, ICCPR, A/54/40 vol. I (1999) 36 at para. 147.

The abolition of restrictions on women's eligibility to take the national public service examination is welcomed.

- Lesotho, ICCPR, A/54/40 vol. I (1999) 51 at paras. 265 and 268.

Paragraph 265

POLITICAL RIGHTS

Reports of harassment of and repeated libel suits against journalists who criticize the Government are of serious concern. The Committee is also gravely concerned about the reports it has received that newspapers which adopt a negative attitude towards the Government are boycotted by State and parastatal companies placing advertisements, and that journalists working for the State who are seen at opposition demonstrations are required to resign. The State party is urged to respect freedom of the press and to desist from taking any action which would violate the freedom of the press.

Paragraph 268

Although there has been improvement in the participation of women in the public and private sectors, the participation of women is still inadequate. The needed measures should be taken, including, if necessary, affirmative action, to further improve the participation of women in political life as well as in public life, including the public and judicial services.

See also:

- Chile, ICCPR, A/54/40 vol. I (1999) 44 at para. 215.
- Mexico, ICCPR, A/54/40 vol. I (1999) 61 at para. 330.

Measures to ensure equality of opportunity for women, their full participation in public life in conditions of equality and the removal of all remaining discriminatory provisions in regard to marriage, divorce and remarriage should be approved.

- Romania, ICCPR, A/54/40 vol. I (1999) 68 at para. 366.

Prompt action should be taken in order to combat discrimination against women, and, in particular, to ensure greater representation of women in politics and Government, and the more senior positions in the public and private sectors.

- Hong Kong Special Administrative Region (China), ICCPR, A/55/40 vol. I (2000) 40 at paras. 242, 249 and 250.

Paragraph 242

All necessary measures should be taken to strengthen the democratic representation of residents in public affairs.

Paragraph 249

Women are under-represented in public boards and public offices and this is of concern.

POLITICAL RIGHTS

Paragraph 250

The State party should adopt positive measures to overcome discrimination against women.

- Congo, ICCPR, A/55/40 vol. I (2000) 43 at paras. 291 and 292.

Paragraph 291

The Congolese people have been unable, owing to the postponement of general elections, to exercise their right to self-determination in accordance with article 1 of the Covenant, and Congolese citizens have been deprived of the opportunity to take part in the conduct of public affairs in accordance with article 25 of the Covenant.

Paragraph 292

General elections should be organized as soon as possible in order to enable citizens to exercise their rights under articles 1 and 25 of the Covenant and thus to participate in the process of reconstruction of their country.

- Kyrgyzstan, ICCPR, A/55/40 vol. I (2000) 57 at paras. 401, 402, 414-417, 419 and 420.

Paragraph 401

Although article 15 of the Constitution provides for the equality of men and women, the condition of women continues to decline in the private and public sectors. The number of women in Parliament, in public service and in management posts remains very low, a situation which constitutes a serious contravention of the fundamental principle of equality and which has a negative impact on the enjoyment of all other rights and on the harmonious development of society.

Paragraph 402

The State party is urged to take all necessary measures to sensitize the population, so as to improve the condition of women by eradicating all traditional and stereotypical attitudes that deny women equality in education, the workplace, public life, and in access to public service.

Paragraph 414

The intimidation and harassment, in particular by government officials, of journalists and human rights activists, including members of human rights NGOs, who have been subjected to prosecution, fines and imprisonment, is of concern, especially the use of libel suits against journalists who criticize the Government. Such harassment is incompatible with the freedom of expression and of the press as stipulated in article 19 of the Covenant.

Paragraph 415

The State party must protect journalists and human rights activists from harassment. It should ensure

POLITICAL RIGHTS

that journalists can exercise their profession without fear of being subjected to prosecution and libel suits for criticizing government policy or government officials.

Paragraph 416

The functions of the National Communications Agency, which is attached to the Ministry of Justice and has the discretionary power to grant or deny licences to radio and television broadcasters, are of concern. Delay in the granting of licences and the denial of licences have a negative impact on the exercise of freedom of expression and the press guaranteed under article 19 and result in serious limitations in the exercise of political rights prescribed in article 25, in particular with regard to fair elections.

Paragraph 417

The tasks and competences of the National Communications Agency should be clearly defined by law, and its decisions should be subject to appeal to judicial authority.

Paragraph 419

The conduct of the parliamentary elections in Kyrgyzstan in March 2000, in particular the non-participation of the political parties which had failed to register one year prior to the elections or whose statutes did not explicitly declare an intention to present candidates for elections, is of concern.

Paragraph 420

The State party should take the necessary measures to ensure that all its citizens enjoy the rights provided for in article 25 of the Covenant, taking due account of General Comment No. 25 on article 25.

- Ireland, ICCPR, A/55/40 vol. I (2000) 61 at paras. 441, 442, 448 and 449.

Paragraph 441

Despite the many advances that have been made in regard to the participation of women in all aspects of political, social and economic life, there are continuing inequalities faced by women in Ireland, which are reflected in the under-representation of women in certain occupations and in political life.

Paragraph 442

The State party is urged to intensify its efforts to ensure equality of women in all spheres, particularly in public and political life and in decision-making bodies, in accordance with articles 3 and 26 of the Covenant.

Paragraph 448

With respect to the Travelling community, the generally lower living standards of members of this community, their low levels of participation in national political and social life and their high levels

POLITICAL RIGHTS

of maternal and infant mortality, are of concern.

Paragraph 449

The State party is urged to continue its efforts to take positive action to overcome discrimination and to ensure the equal enjoyment of rights by members of the Travelling community and in particular to improve their access to health, education and welfare services, including accommodation, and their participation in political and public life.

- Kuwait, ICCPR, A/55/40 vol. I (2000) 65 at paras. 460-463, 480, 493 and 494.

Paragraph 460

Deep concern is expressed that in spite of constitutional provisions on equality, Kuwait's electoral laws continue to exclude women from voting and being elected to public office. It is noted with regret that the Amir's initiatives to remedy this situation were defeated in Parliament.

Paragraph 461

All the necessary steps should be taken to ensure to women the right to vote and to be elected on an equal footing with men, in accordance with articles 25 and 26 of the Covenant.

Paragraph 462

While commending the State party for recent progress achieved in granting women access to higher education and positions in public life, including the legal profession, it is of continuing concern that the percentage of women in those higher positions remains low and that, while women hold positions as investigative judges, there is not one woman serving as a judge in the courts.

Paragraph 463

The State party should ensure that women fully enjoy their rights under article 25 (c) of the Covenant.

Paragraph 480

The State party should confer its nationality on a non-discriminatory basis and ensure that those who are granted Kuwaiti nationality are treated equally with other Kuwaiti citizens with regard to voting rights (arts. 25, 26).

Paragraph 493

The absence of political parties in Kuwait is of concern.

Paragraph 494

Bearing in mind that political parties constitute an important component of democracy, the State party should take appropriate measures so as to ensure the right of Kuwaitis to establish such parties, in conformity with articles 22 and 25 of the Covenant.

POLITICAL RIGHTS

- Gabon, ICCPR, A/56/40 vol. I (2001) 41 at para. 75(3).

Gabon's shift towards a multi-party, pluralistic democracy, particularly since the amendments to the Constitution in 1994 and 1997, is welcomed.

- Peru, ICCPR, A/56/40 vol. I (2001) 45 at paras. 76(3) and 76(18).

Paragraph 76(3)

The announcement of the holding of early presidential elections in 2001 is welcomed and it is hoped that they will take place in an atmosphere of transparency and freedom, in accordance with international standards.

Paragraph 76(18)

It is deplored that, of the four opposition members of Parliament who were victims of repeated acts of intimidation and about whom it requested reports from the Government, vague replies were given only about Mr. Gustavo Molme Llona, who has since died; no explanation was given about the three others, Javier Díez Canseco, Henry Pease García, Jorge del Castillo and some of their co-workers, and not a single reference was made to the investigations conducted in order to find the persons responsible. The intimidation of members of Parliament, which prevents them from representing their constituents and exercising their functions freely and independently, must cease immediately and acts of intimidation must be investigated and the persons responsible punished.

- Venezuela, ICCPR, A/56/40 vol. I (2001) 49 at para. 77(21).

The insufficient participation of women in political life, the judiciary, and other sectors is of concern. In order to comply with articles 3 and 25, the State party should take the appropriate measures to improve participation by women, through affirmative action programmes if necessary.

- Dominican Republic, ICCPR, A/56/40 vol. I (2001) 54 at para. 78(19).

The greater level of participation of women in political life is welcomed but concern is expressed over a number of issues where the rights of women are not properly respected, especially their rights to legal equality, equal opportunities in the workplace, their still limited participation in public and private life, and levels of domestic violence.

POLITICAL RIGHTS

- Uzbekistan, ICCPR, A/56/40 vol. I (2001) 59 at paras. 79(20) and 79(23).

Paragraph 79(20)

The limited contribution by women to civil society is of concern (articles 3 and 26 of the Covenant). The State party should take measures to overcome traditional attitudes regarding the role of women in society. It should take steps to increase the number of women in decision-making bodies at all levels and in all areas.

Paragraph 79(23)

Excessively restrictive provisions of Uzbek law with respect to the registration of political parties (article 6 of the Constitution, Political Parties Act of 1991) as public associations, by the Ministry of Justice, are of deep concern. This requirement could easily be used to silence political movements opposed to the government in violation of articles 19, 22 and 25 of the Covenant. A revision of the relevant part of the State party's legislation to ensure that registration is not used to limit the rights of association guaranteed by the Covenant is strongly recommended.

- Croatia, ICCPR, A/56/40 vol. I (2001) 65 at para. 80(21).

While recognising that there has been some progress in achieving equality for women in political and public life, that the representation of women in Parliament and in senior official positions, including the judiciary, still remains low, is of concern. The State party should make every effort to improve the representation of women in the public and private sectors, if necessary through appropriate positive measures, in order to give effect to its obligations under articles 3 and 26.

- Syrian Arab Republic, ICCPR, A/56/40 vol. I (2001) 70 at paras. 81(3), 81(4), 81(9), 81(23), 81(24) and 81(26).

Paragraph 81(3)

The information that a large number of political prisoners have been released since the early 1990s and, more recently, in July and November 2000 is welcomed.

Paragraph 81(4)

Evidence of developments within the State party that reflect some relaxation of political restraints that have raised serious questions of gross violations of rights protected by the Covenant is noted.

Paragraph 81(9)

It is of concern that the characterization of some political offences, which are punishable by the death penalty, is vague and imprecise and includes common law offences. The State party should make its legislation conform to article 6, paragraph 2, of the Covenant, which provides that a sentence of death

POLITICAL RIGHTS

may be imposed only for the most serious crimes.

Paragraph 81(23)

The activities of human rights defenders and of journalists who speak out for human rights remain subject to severe restrictions and this continues to be of concern. In this context, the case of Nizar Nayyuf is referred to, who in 1992 was sentenced to 10 years' imprisonment for his non-violent expression of opinions critical of the authorities. Such restrictions are incompatible with freedom of expression and opinion as provided for in article 19 of the Covenant. The State party should protect human rights defenders and journalists against any restriction on their activities and ensure that journalists can exercise their profession without fear of being brought before the courts and prosecuted for having criticized government policy.

Paragraph 81(24)

The assurance given by the delegation that the provision adopted under article 38 of the Constitution, which subjects the expression of opinions to limitations such as "constructive criticism" and "the integrity of the country and the nation" without establishing precise criteria, has never been applied and may be repealed, is noted. The delegation's statement that the provision of the 1965 legislative decree which makes opposition to the aims of the revolution a political offence has fallen into disuse and has apparently never been applied is also noted. Nonetheless, the numerous allegations received in this respect remain of concern. The State party should revise its legislation in this particular area.

Paragraph 81(26)

With respect to the right to freedom of association, concern remains at the absence of specific legislation on political parties and at the fact that only political parties wishing to participate in the political activities of the National Progressive Front, led by the Baath party, are allowed. The State party should ensure that the proposed law on political parties is compatible with the provisions of the Covenant. It should also ensure that the implementation of the Private Associations and Institutions Act No. 93 of 1958 is in full conformity with articles 22 and 25 of the Covenant.

- The Netherlands (Aruba), ICCPR, A/56/40 vol. I (2001) 76 at para. 82(22).

The increased participation of women in Aruba's political life and workforce is welcomed.

- Czech Republic, ICCPR, A/56/40 vol. I (2001) 83 at paras. 83(3), 83(12) and 83(24).

Paragraph 83(3)

The State party is commended for its commitment to rebuilding a democratic legal order and undertaking the process of bringing its legislation into harmony with its international obligations, since the transition to democracy which started in 1989.

POLITICAL RIGHTS

Paragraph 83(12)

Concern is expressed at the low participation of women in political life, as well as their inadequate representation in higher levels of administration. Measures should be adopted to increase the participation of women in the public and private sectors, if necessary through appropriate positive measures, in order to give effect to the obligations under articles 3 and 26.

Paragraph 83(24)

It is of concern that the Screening Act is applied without consideration of the individual circumstances of each person. This raises serious issues under article 25 of the Covenant. The State party must ensure that the Screening Act is not enforced in a blanket manner and is not used as a mechanism to deny persons access, on general terms of equality, to the public service.

- Guatemala, ICCPR, A/56/40 vol. I (2001) 93 at paras. 85(25) and 85(28).

Paragraph 85(25)

It is of concern that women do not participate enough in political life, the judiciary and other sectors. In order to comply with articles 3, 25 and 26, the State party should take appropriate measures to improve participation by women through affirmative action programmes.

Paragraph 85(28)

The laws on defamation may be used to restrict criticism of the Government or public officials. The legislation on defamation should be reformed to ensure a proper balance between the protection of a person's reputation and freedom of expression (article 19).

- Democratic People's Republic of Korea, ICCPR, A/56/40 vol. I (2001) 98 at paras. 86(25) and 86(27).

Paragraph 86(25)

The provisions of article 25 include the right of every citizen of a State party to have the right and the opportunity, without the restrictions mentioned in article 2 and without unreasonable restrictions, to take part in the conduct of public affairs, directly or through freely chosen representatives (art. 25(a)), and to vote or be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the wish of the electors. The delegation's explanation is that as there has been no popular manifestation of any desire to create new political parties, no regulation or legislation governing the creation and registration of political parties is currently envisaged. This situation runs counter to the provisions of article 25 of the Covenant, as it may adversely affect the rights of citizens to participate in the conduct of public affairs through freely chosen representatives, as required by article 25. The State party should refer to the Committee's General Comment 25 on article 25 as guidance in respect of the above issues, with a

POLITICAL RIGHTS

view to ensuring full compliance with the provisions of article 25.

Paragraph 86(27)

The low level of representation of women in more senior levels of the public sector is noted with concern. The State party should take measures to implement articles 3 and 26 of the Covenant by improving women's participation in the public sector workforce, especially in senior positions.

ICESCR

- Portugal (Macau), ICESCR, E/1997/22 (1996) 48 at paras. 256 and 261.

Paragraph 256

Although Chinese constitute about 95 per cent of the population in Macau, the requirements for the civil service effectively exclude many persons of Chinese origin who cannot satisfy the condition of being "local" because they lack a necessary language or other qualifications or for other reasons which cannot be overcome in a short time. It is therefore considered necessary to incorporate persons of Chinese origin into the civil service in order to facilitate the smooth transmission of administration to China.

Paragraph 261

The Portuguese Administration should take affirmative steps to facilitate the integration of persons of Chinese origin into the placement programme of the civil service.

- Belarus, ICESCR, E/1997/22 (1996) 51 at para. 279.

It is observed that the establishment of a regime that concentrates power in the presidency at the expense of the independent role of the Parliament and the independence of the judiciary is not consistent with the political environment necessary for the exercise of human rights, including economic, social and cultural rights.

- Iraq, ICESCR, E/1998/22 (1997) 50 at para. 275.

It is recommended that Law No. 104 of 1981 and the Penal Code, which provides for compulsory labour in cases of expression of political opinions or ideological opposition to the political, social or economic system, for breach of labour discipline or for participation in strikes, be reviewed and brought into conformity with article 6, paragraph 1, of the Covenant and ILO Convention No. 29 (Forced Labour Convention, 1930).

POLITICAL RIGHTS

- Nigeria, ICESCR, E/1999/22 (1998) 27 at paras. 128 and 130.

Paragraph 128

The restoration of democracy and the rule of law are prerequisites for the implementation of the International Covenant on Economic, Social and Cultural Rights in Nigeria. Elimination of the practice of governing by military decree and the strengthening of the authority of the Nigerian judiciary and the National Human Rights Commission are necessary first steps in restoring confidence in the regime's intention to reinstitute democratic civilian rule.

Paragraph 130

The Government is called upon to restore a democratic political system and respect for the rule of law, which is a prerequisite for the development of a system of government that promotes full respect for economic, social and cultural rights.

- Solomon Islands, ICESCR, E/2000/22 (1999) 40 at para. 199.

Despite a constitutional non-discrimination clause and the recent adoption of a national women's policy, women remain subject to patriarchy. Although women's place and role are respected, their status is nevertheless inferior to that of men. As a consequence, women have limited access to the political and economic life of the country. Women comprise only 3 per cent of administrators and managers and 27 per cent of professional and technical employees. Furthermore, women do not hold any government positions at the ministerial or sub-ministerial level; only one of the 47 members of Parliament is female.

- Armenia, ICESCR, E/2000/22 (1999) 54 at paras. 300 and 309.

Paragraph 300

Despite equality between men and women before the law, there are still discrepancies in practice in the enjoyment of economic, social and cultural rights by men and women. For instance, despite the high level of education enjoyed by women and the high number of professionally qualified women, the unemployment rate of women remains high and there is a relatively low percentage of women in high-level positions, particularly in Parliament.

Paragraph 309

The Government is requested to take measures which will promote employment for women and their greater participation in public life.

- Georgia, ICESCR, E/2001/22 (2000) 30 at para. 87.

POLITICAL RIGHTS

It is noted with concern that women suffer more than men from unemployment and that they are under-represented in the labour force, especially in public service, including Parliament.

- Egypt, ICESCR, E/2001/22 (2000) 38 at para. 155.

Grave concern is expressed about the considerable divergence in Egypt between the constitutional provisions on the one hand and the national legislation and practice on the other, with respect to the social status of women in general, women's participation in political life, the provisions in criminal law with respect to adultery, and female genital mutilation.

- Congo, ICESCR, E/2001/22 (2000) 43 at para. 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.

- Mongolia, ICESCR, E/2001/22 (2000) 53 at para. 270.

The absence of women at senior levels, both at work and in public office, is of concern.

- Sudan, ICESCR, E/2001/22 (2000) 57 at paras. 300 and 307.

Paragraph 300

The general unconditional amnesty granted by the President in June 2000 to all government opponents, inside and outside the Sudan, is acknowledged with appreciation.

Paragraph 307

Deep concern is expressed over the considerable divergence in the Sudan between the Constitutional provisions guaranteeing rights and freedoms, on the one hand, and some of the legal provisions, as well as traditional customs and practice, on the other hand. A flagrant example is the societal and legal status of women in general, the low degree of women's participation in public life and the provisions in criminal and family law regarding equality in marital relations.

- Belgium, ICESCR, E/2001/22 (2000) 77 at para. 482.

POLITICAL RIGHTS

The State party should adopt measures to ensure that xenophobia, racism and activities of racist organizations, groups or political parties are outlawed, with a view to complying with the principle of non-discrimination, set forth in article 2.2 of the Covenant.

- Yugoslavia (preliminary), ICESCR, E/2001/22 (2000) 80 at paras. 500 and 502.

Paragraph 500

As the State party formulates its laws, policies, programmes and projects for the implementation of the Covenant, it is urged to ensure that its processes are always transparent and participatory. Arrangements must be in place to ensure the free and fair participation of all communities and groups. Further, the State party must ensure that all its initiatives give particular attention to the needs of the most vulnerable and disadvantaged groups within the Federal Republic of Yugoslavia.

Paragraph 502

The State party is encouraged to speed up the democratization process on the basis of which economic, social and cultural rights can be realized.

- Honduras, ICESCR, E/2002/22 (2001) 33 at paras. 120 and 139.

Paragraph 120

Concern is expressed about the *de facto* inequality that exists between men and women in Honduran society, despite legislative guarantees of equality, which is particularly reflected in unequal wages for equal work, and the low-level of representation of women in public services and administration.

Paragraph 139

The State party is urged to implement existing legislation vigorously and to incorporate a gender perspective in legislation, with a view to ensuring greater equality of men and women, especially in the areas of employment, labour conditions and representation in public services and administration.

- Hong Kong Special Administrative Region (China), ICESCR, E/2002/22 (2001) 39 at para. 175.

While the "ultimate aim is the election of all the members of the Legislative Council by universal suffrage" (art. 68, Basic Law), it is noted that the current arrangements for the election of the Legislative Council include some undemocratic features which impede the full enjoyment of economic, social and cultural rights.

POLITICAL RIGHTS

- Bolivia, ICESCR, E/2002/22 (2001) 52 at paras. 270 and 286.

Paragraph 270

Notwithstanding the impressive number of legal instruments and policies adopted by the State party to ensure gender equality, concern is expressed about the *de facto* inequality between men and women, which is exacerbated by the perpetuation of traditional prejudices and social conditions, such as discrimination in education of the girl child in rural areas. Such discrimination is particularly reflected in the low level of representation of women in public service, the high female illiteracy rate, the unequal wages for work of equal value, and the high proportion of women working under inadequate conditions in the informal sector or as domestic workers.

Paragraph 286

The State party is urged to take effective measures to combat discrimination against women in public, economic and social life.

- Syrian Arab Republic, ICESCR, E/2002/22 (2001) 67 at para. 404.

Concern is expressed about the persisting discrimination in the political, social and economic spheres of life against women in society, which is particularly reflected in limited participation by women in the political and economic decision-making process, a low legal age of marriage for girls, more severe punishment of women for adultery and "honour crimes", and unequal treatment insofar as personal property and social security laws are concerned. It is regretted that the State party has not adopted any significant legislative or administrative measures to eliminate this discrimination, nor ratified the Convention on the Elimination of All Forms of Discrimination against Women.

- Ukraine, ICESCR, E/2002/22 (2001) 78 at para. 504.

The State party is called upon to take all effective legal measures to prohibit gender discrimination in all fields of civil, political, economic, social and cultural life.

- Nepal, ICESCR, E/2002/22 (2001) 83 at paras. 533, 541, 558 and 567.

Paragraph 533

Concern is expressed about the *de facto* inequality that exists between men and women in the Nepalese society, despite legislative guarantees of equality. The low representation of women in public service, the high female illiteracy rate and unequal wages for equal work are further noted with concern.

POLITICAL RIGHTS

Paragraph 541

It is regretted that there are provisions in the existing legislation whereby "moral turpitude", a term which is not defined with sufficient precision and which can lead to arbitrary interpretations, constitutes a valid ground for removal, dismissal or disqualification from employment in the civil service.

Paragraph 558

Existing legislation on gender equality should be implemented more vigorously, and a gender equality perspective should be incorporated in legislation, with a view to ensuring greater equality of men and women, especially in the areas of family, employment, labour conditions and representation in public services and administration.

Paragraph 567

The State party is urged to define with more precision the term "moral turpitude", so that it cannot be used arbitrarily as a ground for removal, dismissal or disqualification from employment in the civil service.

- Japan, ICESCR, E/2002/22 (2001) 90 at paras. 594 and 621.

Paragraph 594

Concern is expressed about widespread discrimination against women and the *de facto* inequality that still exists between men and women in Japanese society in professional and decision-making positions, in political representative bodies, public services and administration, and in the private sector.

Paragraph 621

The State party is urged to implement more vigorously existing legislation and to adopt new legislation with an appropriate gender perspective, with a view to ensuring greater equality of men and women, especially in the fields of employment, labour conditions, wages and representation in higher positions in political representative bodies, public services and administration.

CEDAW

- Zambia, CEDAW, A/49/38 (1994) 63 at para. 366.

Although structural adjustment programmes pose difficulties to the State party, women's issues should remain at centre stage even in times of economic distress. It is therefore recommended that women have access to budgetary and policy decision-making positions to mitigate some of the negative effects of the structural adjustment on women's lives.

POLITICAL RIGHTS

- Barbados, CEDAW, A/49/38 (1994) 80 at para. 446.

Concern is expressed at the serious lack of female participation in politics and in the representation of Barbados at the international level and in other decision-making positions.

- Ecuador, CEDAW, A/49/38 (1994) 94 at para. 539.

Deep concern is expressed at the serious discriminatory conditions affecting Ecuadorian women and at the steady reduction in the capacities of the agency concerned, the National Directorate for Women of the Ministry of Social Welfare, as demonstrated by the fact that, over the past three years, officials held only provisional appointments and lacked any support. The Directorate was short of economic resources, enjoyed little political support and had only very limited capacity in terms of coordinating programmes with other bodies. The fact that the few programmes it operated were dependent on international cooperation resources is of concern.

- Bolivia, CEDAW, A/50/38 (1995) 25 at para. 100.

For the effective political participation of women, quotas for women's high-level representation in the public administration should be established and the attention of political parties should be called to that effect.

- Croatia, CEDAW, A/50/38 (1995) 110 at para. 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.

- Iceland, CEDAW, A/51/38 (1996) 12 at para. 101.

The Equal Status Act should be amended to ensure representation of at least 40 per cent of each sex in public bodies.

- Ethiopia, CEDAW, A/51/38 (1996) 19 at paras. 150 and 157.

Paragraph 150

POLITICAL RIGHTS

The low representation of women at the higher decision-making levels is noted with concern. The effectiveness of programmes formulated and adopted with the involvement of women at those levels is doubtful. The efficiency of any measures to eradicate poverty as long as the percentage of women in Government remains as low as it is at present is also doubtful.

Paragraph 157

The number of women in decision-making positions in public administration should be increased and programmes should be developed to encourage women to take decision-making positions.

- Slovenia, CEDAW, A/52/38/Rev.1 part I (1997) 15 at para. 112.

New efforts should be directed at the political education of women and men and of political parties in order to ensure more effective temporary measures that would increase the representation of women at all levels of political life.

- Turkey, CEDAW, A/52/38/Rev.1 part I (1997) 24 at para. 199.

Temporary special measures with numerical goals and timetables should be initiated in the political sphere and the public sector.

- Armenia, CEDAW, A/52/38/Rev.1 part II (1997) 78 at para. 63.

Temporary special measures should be adopted to remedy the severe decrease in the political representation of women since independence, and to increase their participation in all areas of public life.

- Namibia, CEDAW, A/52/38/Rev.1 part II (1997) 82 at paras. 112 and 129.

Paragraph 112

Dissatisfaction is expressed over the fact that although the Director-General of the Department of Women Affairs had been upgraded to cabinet level she did not have the right to vote in the Cabinet.

Paragraph 129

Political parties should encourage the participation of women and should take all appropriate measures in that regard.

POLITICAL RIGHTS

- Israel, CEDAW, A/52/38/Rev.1 part II (1997) 87 at paras. 161, 164 and 176.

Paragraph 161

Concern is expressed over the fact that non-Jewish women have worse living conditions than Jewish women. They receive a lower level of education, participate less in the government service and occupy limited decision-making posts.

Paragraph 164

The very low percentage of women occupying political decision-making posts and that the situation has barely changed over the years is noted with concern.

Paragraph 176

The participation of Arab women in the civil service and in decision-making posts should be increased.

- Antigua and Barbuda, CEDAW, A/52/38/Rev.1 part II (1997) 97 at para. 263.

The Directorate of Women's Affairs should be elevated to a higher rank and thus upgraded and strengthened.

- Italy, CEDAW, A/52/38/Rev.1 part II (1997) 106 at para. 355.

Specific affirmative actions targeted to numerical goals and quotas is encouraged, in particular in those areas such as political and decision-making positions of public life, where women's *de facto* equality has not been improving at the desired pace.

- Bangladesh, CEDAW, A/52/38/Rev.1 part II (1997) 117 at para. 463.

The continuance of affirmative action measures such as quota seats for women in Parliament, in local bodies and in the civil service is recommended. This should be accompanied by capability building and skills training to enable women to participate actively in electoral politics as well as in the civil service.

- Azerbaijan, CEDAW, A/53/38/Rev.1 part I (1998) 7 at para. 62.

Of concern is the fact that paragraph 1 of article 4 of the Convention, which advocates the adoption

POLITICAL RIGHTS

of temporary special measures aimed at accelerating *de facto* equality between women and men, has not been used to eliminate the inequality between women and men, particularly in the context of the integration of women into politics and employment and with regard to assistance for displaced and refugee women.

- Croatia, CEDAW, A/53/38/Rev.1 part I (1998) 10 at para. 110.

Specific affirmative actions targeted to numerical goals and quotas are encouraged, in particular in those areas such as political and decision-making positions in public life where women's *de facto* equality has not been improving at the desired pace.

- Czech Republic, CEDAW, A/53/38/Rev.1 part I (1998) 16 at paras. 188 and 191.

Paragraph 188

The inadequate and declining representation of women in decision-making positions in the political and economic spheres and the Government's apparent lack of attention to this phenomenon are matters of concern.

Paragraph 191

The lack of measures and programmes to promote a positive image of women as actors in all areas and at all levels of public life are of concern.

- Bulgaria, CEDAW, A/53/38/Rev.1 part I (1998) 19 at para. 254.

Temporary special measures should be adopted in all necessary areas, particularly in the areas of employment and political decision-making, to accelerate the *de facto* situation of equality for women. Further consideration should be given to the nature and role of affirmative action. Experts could be called upon to provide further information and assistance to the Government in that respect.

- Mexico, CEDAW, A/53/38/Rev.1 part I (1998) 32 at para. 422.

Further steps should be taken to increase the number of women at all levels of the judiciary and law enforcement agencies.

- Slovakia, CEDAW, A/53/38/Rev.1 part II (1998) 55 at paras. 75 and 76.

POLITICAL RIGHTS

Paragraph 75

Concern is expressed over the fact that the definitions of affirmative action and temporary special measures as outlined in the Convention have been misunderstood and misinterpreted by the Government to be protective measures. While legislation and institutional structures are essential to the advancement of women's status, they are not sufficient to address the ongoing preference for men in employment and politics. While it is recognized that the establishment of quotas and other temporary special measures to promote women are often controversial, they have been shown to address effectively structural discrimination against women in politics and employment and to accelerate *de facto* equality of women.

Paragraph 76

The Government should reconsider its position on temporary special measures and note should be taken of the information and practice developed internationally in structural discrimination. Such discrimination can be eliminated through temporary special measures. Therefore, the provision of such measures is recommended, combined with numerical goals of a minimum of 30 per cent presence of women, as well as timetables to ensure women's increased presence in political parties, as well as in all sectors, segments and at all levels of employment.

- United Republic of Tanzania, CEDAW, A/53/38/Rev.1 part II (1998) 66 at para. 231.

Although legislation is in place to ensure equality between women and men in the United Republic of Tanzania, concern is expressed over the fact that women's human rights were often violated. Although some temporary special measures have been introduced to ensure the participation of women in policy-making, the number of women in the Parliament and authorities is still very small.

- New Zealand, CEDAW, A/53/38/Rev.1 part II (1998) 68 at paras. 282 and 283.

Paragraph 282

Despite progress made in achieving women's equal participation in political and public life, including in Parliament, the Judiciary and in statutory boards, there was little effort made to achieve targets set for gender balance through the use of temporary special measures.

Paragraph 283

The government should consider introducing a broad range of measures, including targets and flexible numerical goals. The advantages and disadvantages of the current electoral system, namely, Mixed Member Proportional Representation System, on the percentage of women in Parliament should be

POLITICAL RIGHTS

assessed and, if necessary, amendments introduced to increase the number of women in Parliament.

- Algeria, CEDAW, A/54/38/Rev.1 part I (1999) 12 at para 74.

The Government, non-governmental organizations, intellectuals and the mass media should encourage enlightened attitudes and accelerate women's emancipation through publicity and public awareness campaigns.

- Kyrgyzstan, CEDAW, A/54/38/Rev.1 part I (1999) 15 at para. 119.

A broad range of temporary special measures, including quotas, should be introduced to improve the representation of women in politics, at all levels of decision-making and in non-traditional fields of employment.

- Liechtenstein, CEDAW, A/54/38/Rev.1 part I (1999) 18 at para. 159.

The persistence of *de facto* inequality between women and men, which is particularly reflected in the low participation of women in public life and decision-making, in the economy and in their under-representation in tertiary education, is a concern.

- Greece, CEDAW, A/54/38/Rev.1 part I (1999) 20 at paras. 199 and 200.

Paragraph 199

As there has been an apparent decrease in the percentage of women in elected office, gender-sensitive legislative and policy measures should be adopted.

Paragraph 200

The Government is urged to adopt innovative measures to raise the percentage of women in all public bodies, including in the legislature, the executive and the judiciary. Efforts should also be made to encourage other entities, such as political parties and the private sector, to increase the number of women at senior and decision-making levels.

- Thailand, CEDAW, A/54/38/Rev.1 part I (1999) 24 at para. 234.

The under-representation of women in politics and decision-making structures, including the judicial system, is a concern. The introduction of affirmative action policies or temporary special measures,

POLITICAL RIGHTS

with goals and timetables to address the situation, is recommended.

- China (Hong Kong), CEDAW, A/54/38/Rev.1 part I (1999) 26 at paras. 293, 320 and 322.

Paragraph 293

Temporary special measures should be adopted to increase the number of women at the higher echelons of Government. The Government should also encourage gender-balance in the composition of village committees.

Paragraph 320

All necessary measures should be taken to ensure the equal representation of women in all constituencies, including rural committees, on the basis of the principle of universal and equal suffrage.

Paragraph 322

The Government should make use of affirmative action and temporary special measures to realize women's right to participation in all areas of public life and particularly at high levels of decision-making.

- Colombia, CEDAW, A/54/38/Rev.1 part I (1999) 33 at para. 370.

Consideration should be given to the possibility of adopting temporary special measures to promote the increased integration of women in decision-making in the country's administrative and political life.

- Georgia, CEDAW, A/54/38/Rev.1 part II (1999) 53 at paras. 98 and 104.

Paragraph 98

A review of the negative attitudes towards concepts and provisions such as, for example, temporary special measures, including quotas in the areas of political participation and in employment, is recommended.

Paragraph 104

The Government should consider introducing a broad range of measures within the framework of article 4.1 of the Convention to accelerate the improvement of the position of women in all areas and particularly in regard to political representation.

POLITICAL RIGHTS

- Ireland, CEDAW, A/54/38/Rev.1 part II (1999) 60 at para. 190.

The State party should make full use of temporary special measures to increase women's participation in politics and decision-making. Awareness-raising and educational measures are recommended to redress cultural stereotypes, increase men's sharing of domestic work and encourage mentoring, networking and support systems to facilitate women's entry into public life.

- Chile, CEDAW, A/54/38/Rev.1 part II (1999) 64 at para. 225.

The Government is urged to strengthen actions undertaken through comprehensive strategies, including temporary special measures, intended to encourage greater participation of women in public life, particularly in political decision-making, and to promote changes in attitudes and perceptions both of women and of men, with regard to their respective roles in the home, the family, the workplace and society as a whole. In particular, it is recommended that the Government strengthen and intensify actions aimed at raising awareness of the importance of the multiple roles, activities and contributions of women in the community and family, and in general to promote equality of rights and opportunities between women and men.

- United Kingdom of Great Britain and Northern Ireland, CEDAW, A/54/38/Rev.1 part II (1999) 71 at para. 302.

Specific strategies should be adopted to encourage women to seek public office and governmental appointments, including mentoring, networking and review of merit qualifications to reflect a broader range of experiences and skills.

- India, CEDAW, A/55/38 part I (2000) 7 at paras. 49, 80 and 81.

Paragraph 49

The Government is commended for introducing affirmative action measures that have enabled 33 per cent of seats in local government bodies to be reserved for women. The proposed bill to reserve 33 per cent seats in state and national assemblies for women is welcomed.

Paragraph 80

The low participation of qualified women in the administration and the judiciary, including family courts and *lok adalats* or conciliation tribunals, is of concern.

Paragraph 81

POLITICAL RIGHTS

The Government is urged to take affirmative action to increase women's participation in the judiciary and *lok adalats*.

- Myanmar, CEDAW, A/55/38 part I (2000) 12 at para. 132.

It is recommended that, in rebuilding its economic and political structures, the Government ensure the full and equal participation of women in an open and pluralistic society.

- Jordan, CEDAW, A/55/38 part I (2000) 16 at paras. 160, 161, 182 and 183.

Paragraph 160

The increasing trend in women's participation in the labour force, which contributes to women's empowerment and strengthens their participation in public life in general, is noted with satisfaction.

Paragraph 161

The active role that women's NGOs play in public life, in particular, their efforts to support women's political, economic and social mobilization and empowerment, is commended.

Paragraph 182

The very low representation of women in elected and appointed office is of concern. In particular, concern is expressed over the fact that there are no women in Parliament and few women are office holders in rural and municipal councils. That women hold a small percentage of ministerial positions is also a matter of concern.

Paragraph 183

The Government is urged to work with political parties, unions and other stakeholders to increase the number of women elected and appointed to political office and decision-making positions. In particular, the Government is encouraged to take temporary special measures, including the introduction of quotas, to remedy the low representation of women in the political sphere.

- Democratic Republic of the Congo, CEDAW, A/55/38 part I (2000) 21 at paras. 214, 221 and 222.

Paragraph 214

The Government is encouraged to find the necessary resources to entrench the principle of gender equality, particularly ensuring the equal participation of women and men at all levels of decision-making.

POLITICAL RIGHTS

Paragraph 221

The under-representation of women in political life and in the governing bodies of the State party, including those of the judicial system, is of concern. The importance of a social and political environment conducive to improving the situation of women in all sectors of public life and in private life is stressed.

Paragraph 222

The adoption of temporary special measures with specific objectives, in accordance with article 4, paragraph 1 of the Convention, is recommended.

- Burkina Faso, CEDAW, A/55/38 part I (2000) 25 at paras. 272 and 273.

Paragraph 272

Concern is expressed at the low level of representation of women, particularly in elective bodies.

Paragraph 273

The State party should implement temporary special measures set forth in article 4 (1) of the Convention and should use a quota system in order to achieve a substantial improvement in the number of women in Parliament and increase their participation in political life and decision-making.

- Germany, CEDAW, A/55/38 part I (2000) 29 at para. 300.

The Government is commended on the recent advances made in the participation of women in the political sphere, particularly with respect to the representation of women in the Parliament.

- Belarus, CEDAW, A/55/38 part I (2000) 34 at paras. 355 and 356.

Paragraph 355

It is of concern that the absence of an enabling environment in the country prevents women from fully participating in all aspects of public life in accordance with articles 3, 7 and 8 of the Convention. The small number of women holding political and decision-making positions is of particular concern.

Paragraph 356

The Government should take all necessary steps to ensure an open and enabling environment where women have equal opportunity to express their opinions and to participate equally in all aspects of the political process and in civil society organizations. Such an environment is necessary for the advancement of women and the full implementation of the Convention.

POLITICAL RIGHTS

- Luxembourg, CEDAW, A/55/38 part I (2000) 38 at paras. 404 and 405.

Paragraph 404

Concern is expressed at the persistence of traditional and stereotypical attitudes about the roles and responsibilities of women and men in public and in private life. These attitudes are reflected in people's behaviour and in legislation and policy, and limit women's full enjoyment of all their rights guaranteed under the Convention.

Paragraph 405

The Government is urged to intensify its awareness-raising efforts, supported by legislation, policy and specific projects, to overcome traditional and stereotypical attitudes, so as to emphasize women's and men's shared family responsibilities and the importance of women's full participation in public and economic life.

- Cameroon, CEDAW, A/55/38 part II (2000) 53 at paras. 55 and 56.

Paragraph 55

The extremely low percentage of women candidates for election and appointed to public office and decision-making posts, and the low percentage of women in ministerial posts, are matters of concern.

Paragraph 56

Effective measures should be taken to increase the number of women elected and appointed to public office and positions of decision-making.

- Republic of Moldova, CEDAW, A/55/38 part II (2000) 56 at paras. 96-98.

Paragraph 96

Urgent action should be taken to put in place an integrated gender equality policy to promote equality between women and men in all areas, and in particular in the economy, in political and public life, and in the family. Furthermore, it is emphasized that a gender equality policy in accordance with the Convention will require a new approach in the State party that focuses on women as individuals and active agents of change and claimants of rights.

Paragraph 97

The persistence of stereotyped attitudes and behaviour patterns about the roles of women and men in the family and in society, is noted with concern. It is also of concern that there is no clear understanding of article 4, paragraph 1, of the Convention. Stereotyped attitudes are reflected, for example, in the low level of women's participation in decision-making in political life, where women

POLITICAL RIGHTS

hold fewer than 10 per cent of the seats in Parliament.

Paragraph 98

Urgent measures should be taken to overcome stereotyped and patriarchal societal attitudes. The Government should use article 4, paragraph 1, of the Convention to increase the number of women in decision-making at all levels, and in all areas, including the establishment of targets and of timetables to monitor progress. The Government should also take urgent measures to modify social and cultural patterns of behaviour, including through information and public awareness-raising campaigns, so as to facilitate the emergence of non-discriminatory attitudes about the roles and responsibilities of women and men. The Government is invited to take fully into account general recommendation 23 on women in public life.

- Lithuania, CEDAW, A/55/38 part II (2000) 61 at paras. 138, 140, 141, 156 and 157.

Paragraph 138

The persistence of traditional stereotypes regarding the role of men and women in the family, in employment and in society, is of concern. Further concern is expressed about the lack of targeted educational programmes, mass media campaigns and temporary special measures in education, employment and politics to eliminate these stereotypes.

Paragraph 140

A clear understanding of temporary special measures according to article 4, paragraph 1, of the Convention and the Lithuanian Law on Equal Opportunities, as well as the reason for their application, seems to be lacking in large parts of Lithuanian society and in the government bureaucracy.

Paragraph 141

The Government should raise public awareness about the importance of temporary special measures and programmes by pointing to the positive example of Vilnius University and should encourage similar programmes in various areas, especially that of political decision-making. The Government should also introduce such special provisions in the educational field, including admission to disciplines in which one sex is under-represented, in government commissions and in public administration. Such provisions should be designed with measurable goals or quotas and time lines in order to accelerate the achievement of *de facto* equality between women and men in those areas.

Paragraph 156

Concern is expressed at the fairly low rate of women holding parliamentary seats and political office at the municipal and national levels.

Paragraph 157

POLITICAL RIGHTS

The Government should strengthen its efforts in offering or supporting special training programmes for current and future women leaders, and should conduct, on a regular basis, awareness-raising campaigns regarding the importance of women's participation in political decision-making. It should also involve the mass media in promoting positive images of women leaders.

- Iraq, CEDAW, A/55/38 part II (2000) 66 at paras. 195 and 196.

Paragraph 195

While noting that, apparently, there is a quota provision in place in the country's main political party, the Ba'ath Party, to increase the number of women in leadership positions, concern is expressed about the continuing low representation of women in public life.

Paragraph 196

Measures should be introduced in accordance with article 4, paragraph 1, of the Convention, especially to increase the number of women in the political sphere.

- Austria, CEDAW, A/55/38 part II (2000) 70 at para. 238.

The decrease in women's representation in the legislature in the recent elections is of concern. The Government should undertake in this respect temporary special measures, in accordance with article 4, paragraph 1, of the Convention, and should consider the use of federal funding for political parties as an incentive for the increased representation of women in Parliament, as well as the application of quotas and numerical goals and measurable targets aimed at increasing women's political participation.

- Cuba, CEDAW, A/55/38 part II (2000) 73 at para. 256.

The increases, since 1996, in the women's employment rate in the civil-State sector, which has reached 43.6 per cent, women's participation in the National Assembly at 27.6 per cent, in leadership positions at 32.3 per cent, and in technical and professional mid- and higher-level posts at 66.1 per cent, are welcomed. The fact that women constitute 60 per cent of the judiciary is also welcomed.

- Romania, CEDAW, A/55/38 part II (2000) 77 at paras. 301 and 302.

Paragraph 301

Stereotypical attitudes about the roles of women and men in the family and society are reflected in women's low level of representation in decision-making at all levels and in all areas, and this is of

POLITICAL RIGHTS

concern.

Paragraph 302

Efforts should be increased to combat stereotypical attitudes. Temporary special measures should be implemented, in accordance with article 4, paragraph 1, of the Convention, to increase the number of women in all decision-making posts, including in Government and Parliament.

- Burundi, CEDAW, A/56/38 part I (2001) 7 at para. 51.

When introducing quotas for ethnic groups, the Government should also consider introducing measures, as permitted under article 4, paragraph 1, of the Convention and outlined in general recommendation 23 on women in public life, to increase the participation of women in decision-making at all levels. The importance of strict adherence to principles of gender equality in all reconstruction efforts is emphasized.

- Kazakhstan, CEDAW, A/56/38 part I (2001) 10 at paras. 89 and 90.

Paragraph 89

Concern is expressed over the lack of clear understanding of temporary special measures according to article 4, paragraph 1, of the Convention. Concern is also expressed that stereotypical attitudes regarding the role of women and men in society are reflected in the low representation of women in decision-making bodies, and the fact that women hold only 11 per cent of the seats in Parliament.

Paragraph 90

Steps should be taken to create an understanding of temporary special measures in accordance with article 4, paragraph 1, of the Convention and to implement such measures to increase the number of women in decision-making at all levels and in all areas. Efforts to promote women to positions of power should be strengthened by organizing special training programmes for women and by conducting awareness-raising campaigns on the importance of women's participation in decision-making at all levels.

See also:

- Guinea, CEDAW, A/56/38 part II (2001) 55 at paras. 132 and 133.
- Maldives, CEDAW, A/56/38 part I (2001) 15 at para. 124, 130, 131 and 134.

Paragraph 124

POLITICAL RIGHTS

The recent measures taken to increase the participation of women as atoll chiefs and in island women's committees and atoll development committees are commended.

Paragraph 130

The State party's reservations 7 (a) and 16 of the Convention are of concern. It is of concern that the reservation to article 7 (a) on political participation supports the retention of legislative provisions excluding women from the office of the President and the Vice-President of the country.

Paragraph 131

The Government should withdraw its reservations to articles 7(a) and 16 of the Convention and repeal legislation limiting women's political participation in public life.

Paragraph 134

The Government has not yet introduced temporary special measures according to article 4, paragraph 1, of the Convention to improve women's access to higher education, decision-making positions and legislative bodies at the national and local levels.

- Uzbekistan, CEDAW, A/56/38 part I (2001) 18 at paras. 170, 171 and 173.

Paragraph 170

The low representation of women in decision-making bodies, because of a number of factors, including traditional sex roles, is of concern.

Paragraph 171

Temporary special measures should be utilized according to article 4, paragraph 1, of the Convention, in order to increase the number of women in decision-making levels in government, governmental bodies, public administration and State-owned enterprises.

Paragraph 173

A comprehensive and holistic approach should be taken to promoting equality between women and men in all areas, including the economic, social, political, cultural and family domains. A shift from a welfare approach towards a human rights approach, whereby women are claimants of their rights, is also recommended.

- Jamaica, CEDAW, A/56/38 part I (2001) 22 at para. 220.

A full range of temporary special measures should be implemented to increase the number of women in decision-making at all levels, as well as in the public and private sectors. The social partners should be sensitized about the importance of these measures.

POLITICAL RIGHTS

- Mongolia, CEDAW, A/56/38 part I (2001) 26 at paras. 249, 250, 259 and 260.

Paragraph 249

The deteriorating situation of women in Mongolia in a period of economic transformation is noted with deep concern. The fact that the Government has failed to prevent the erosion of women's rights to economic advancement, health, education, political participation and personal security is of particular concern.

Paragraph 250

The Government should protect and promote women's human rights and utilize the development and technical resources available as well as the human resources of the country, including civil society and women's groups, so as to reverse this trend.

Paragraph 259

Concern is expressed over the fact that the high achievement levels of women in education are not reflected in their participation in legislative national and local government bodies, and in decision-making posts in administration.

Paragraph 260

The Government is urged to introduce temporary special measures, in conformity with the Convention, and public awareness and human rights education programmes that will create a supportive environment for women's greater participation in public life.

- Egypt, CEDAW, A/56/38 part I (2001) 33 at paras. 340 and 341.

Paragraph 340

Stereotypical attitudes about the roles of women and men in the family and society are reflected in the low level of representation of women in decision-making at all levels and in all areas. In particular, there is concern that, although there is no law that prohibits the appointment of women as judges, no woman has ever been appointed as a judge.

Paragraph 341

The number of women at all levels of decision-making should be increased, including in Government and Parliament. Temporary special measures, such as numerical goals and quotas connected to time frames, should be implemented in accordance with article 4, paragraph 1, of the Convention, in order to increase the representation of women at decision-making levels in all areas.

POLITICAL RIGHTS

- Singapore, CEDAW, A/56/38 part II (2001) 51 at paras. 87 and 88.

Paragraph 87

Concern is expressed about the very low level of representation of women in politics and decision-making.

Paragraph 88

Efforts to increase women's representation in politics and decision-making should be enhanced through a gender-sensitive application of the meritocracy principle and by taking measures to guarantee the equal opportunity of women to participate in these areas. Such measures may include the imposition of minimum quotas for women political candidates.

- Guyana, CEDAW, A/56/38 part II (2001) 60 at paras. 158 and 159.

Paragraph 158

The Government is commended for achieving an impressive level of representation of women in the highest political offices of the country. The appointment of a young woman of Amerindian descent to a ministerial office, for the first time in the history of Guyana, assigned with the portfolio of Amerindian Affairs, is welcomed.

Paragraph 159

The Government is commended for the mandatory representation of 33 1/3 per cent women on the lists of all political parties contesting the general elections and regional elections and a representation of a critical mass of women in a range of professions in the public sector.

- The Netherlands, CEDAW, A/56/38 part II (2001) 63 at paras. 217-220.

Paragraph 217

The low participation of women in political and public life is of concern. In the present Government, women hold 26.75 per cent of posts in ministries whereas, according to 1998 figures, only 7.5 per cent of posts at the level of ambassador, permanent representative and consul-general are filled by women.

Paragraph 218

Efforts should be made to facilitate an increase in the numbers of women in high-ranking posts, including in decision-making in politics, the economy and academia. Proactive measures should be adopted to encourage more women to apply for these posts and, where necessary, temporary special

POLITICAL RIGHTS

measures should be implemented, as provided for in article 4, paragraph 1, of the Convention.

Paragraph 219

It is noted with concern that there is a political party represented in the Parliament that excludes women from membership, which is a violation of article 7 of the Convention.

Paragraph 220

Urgent measures to address this situation should be taken, including through the adoption of legislation that brings the membership of political parties into conformity with its obligations under article 7.

- Viet Nam, CEDAW, A/56/38 part II (2001) 68 at paras. 252 and 253.

Paragraph 252

The low representation of women in decision-making bodies in political and public life at all levels is a matter of concern.

Paragraph 253

The number of women in decision-making at all levels and in all areas, including macroeconomic policy, should be increased. Temporary special measures should be introduced, in accordance with article 4, paragraph 1, of the Convention, to strengthen efforts to promote women to positions of power, supported by special training programmes and awareness-raising campaigns promoting the importance of women's participation in decision-making at all levels.

- Sweden, CEDAW, A/56/38 part II (2001) 76 at paras. 332 and 344-349.

Paragraph 332

The Government is commended for the progress made in ensuring gender equality in women's political participation and decision-making, where it is regarded by many other countries as a model. The fact that the application of measures in line with article 4, paragraph 1, of the Convention has led to concrete results in some areas is noted with satisfaction.

Paragraph 344

While the Government is commended for the impressive advances made by women in terms of representation in decision-making in politics, women's representation in executive and decision-making positions in the private economic sector, as well as on central governmental boards and

POLITICAL RIGHTS

boards of government-controlled companies, continues to be low. Concern is also expressed about the low representation of women as chairs of local and municipal boards.

Paragraph 345

Measures should be taken to increase the representation of women in decision-making positions in all sectors, including central governmental boards, county and municipal boards, particularly as chairs of those boards, and in government-controlled companies.

Paragraph 346

The low level of women's representation in the judiciary is a matter of concern.

Paragraph 347

A procedure should be adopted that ensures that women are not discriminated against when appointments to the judiciary are made.

Paragraph 348

While noting the high number of women in the lower ranks of the foreign service, concern is nevertheless expressed about the low level of representation of women in the higher echelons of the service, in particular in ambassadorial posts.

Paragraph 349

Current policies to increase the representation of women in the foreign service, particularly as ambassadors, should continue and measures should be taken to ensure that women in the foreign service are not disadvantaged in terms of posting to locations requiring senior staff.

CAT

- Belarus, CAT, A/56/44 (2001) 19 at para. 45.

Concern is expressed about the numerous continuing allegations of torture and other cruel, inhuman and degrading punishment or treatment, committed by officials of the State party or with their acquiescence, particularly affecting political opponents of the government and peaceful demonstrators, and including disappearances, beatings, and other actions in breach of the Convention.

CRC

POLITICAL RIGHTS

- Georgia, CRC, CRC/C/97 (2000) 18 at paras. 106 and 107.

Paragraph 106

It is noted with concern that the law prohibits youth from becoming members of political parties and that this prohibition limits the opportunity for youth to learn about the political process, delays their preparation for political leadership, and denies their full right to freedom of association.

Paragraph 107

In light of article 15 of the Convention, legislation should be amended to ensure that youth are allowed to join political parties and that they fully enjoy their right to freedom of association.