

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

### **IV. CONCLUDING OBSERVATIONS, CONTINUED**

#### **CERD**

- Austria, CERD, A/57/18 (2002) 15 at para. 32.

32. The Committee is concerned about the significant number of allegations which have been brought to its attention which reflect the existence of racist and xenophobic attitudes among some sections of the population. It is further concerned about allegations of racist incidents involving police officers and other State employees. In the light of general recommendation XIX, the Committee encourages the State party to continue to monitor all tendencies which may give rise to racial or ethnic segregation and to endeavour to combat the negative consequences of such tendencies. The Committee further recommends that the State party strengthen existing educational measures for civil servants who deal with issues involving foreigners. Efforts should be made to recruit more members of minority groups into the public administration, in particular law enforcement.

- Belgium, CERD, A/57/18 (2002) 17 at paras. 42, 45, 51 and 55.

42. With regard to article 4 of the Convention the Committee notes with appreciation the State party's efforts in the field of legislative reform, especially the amendment to article 150 of the Constitution, which transfers jurisdiction over acts motivated by racism and xenophobia committed through the media to lower instance criminal courts. It also welcomes the imposition of financial sanctions on anti-democratic political parties that disseminate racism and xenophobia.

...

45. The Committees welcomes the measures taken by the State party to raise awareness of racism and racial discrimination, in particular in the army and among criminal justice officials. It also welcomes the measures taken to limit the information given by the judicial and police authorities to the press regarding the ethnic origin and the nationality of the alleged offenders.

...

51. The Committee is concerned that there is no legislation prohibiting racist organizations and propaganda activities. It is also concerned about the increasing influence of xenophobic ideology on political parties, especially in Flanders...Taking into account the mandatory nature of article 4 of the Convention, the Committee also recommends that the State party enact legislation that declares illegal and prohibits any organization which promotes or incites to racism and racial discrimination and consider withdrawing its reservation to this article. In this context, the Committee draws the attention of the State party to its general recommendation XV.

...

## PUBLIC AND PRIVATE ACTORS - GENERAL

55. The Committee is concerned about the difficulties of access to employment and housing of members of ethnic minorities. The Committee recommends that the State party take all necessary measures to facilitate the occupational integration, in both the public and private sectors, and the access to housing, of persons belonging to ethnic minorities...

- Costa Rica, CERD, A/57/18 (2002) 21 at para. 74.

74. The Committee is concerned at the situation of indigenous people, in particular:

...

(b) Problems of ownership of land; that land has reportedly been appropriated by migrants and transnational enterprises;

(c) Difficulties faced by indigenous people in obtaining public funds for the improvement of their living standards;

...

The Committee invites the State party to continue to pay due attention to the specific needs of this population. It recommends that the State party undertake the necessary measures to protect indigenous lands from being invaded and to enable the restitution of those lands that have been occupied by non-indigenous persons.

- Denmark, CERD, A/57/18 (2002) 27 at paras. 115 and 118.

115. The Committee is aware of reports of an increase in hate speech in Denmark. While it acknowledges the need for balance between freedom of expression and measures to eradicate racist abuse and stereotyping, the Committee recommends that the State party carefully monitor such speech for possible violations of articles 2 and 4 of the Convention. In this regard, the Committee invites the State party to take particular note of paragraphs 85 and 115 of the Durban Declaration and Programme of Action, respectively, which highlight the key role of politicians and political parties in combating racism, racial discrimination, xenophobia and related intolerance. Political parties are encouraged to take steps to promote solidarity, tolerance, respect and equality by developing voluntary codes of conduct so that their members refrain from public statements and actions that encourage or incite racial discrimination.

...

118. The Committee commends the State party for having invested in its human rights institutions and in a number of non-governmental organizations, which have promoted human rights and served the needs of minority groups, but is concerned by plans to reduce the level of funds and the potential impact this would have on the NGOs concerned. In light of the recommendations of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to strengthen human rights national institutions and

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

NGOs, the Committee urges the State party to ensure that the organizational restructuring of the Board of Ethnic Equality and the Centre for Human Rights will strengthen the overall work on human rights and in particular the protection of the rights of ethnic minorities...

- Liechtenstein, CERD, A/57/18 (2002) 33 at paras. 151, 152 and 158.

151. The Committee notes that the State party is supporting efforts made by non-governmental organizations to help foreigners to integrate into society. The Committee recommends that the State party continue to lend its support to such organizations in this work which includes providing German language courses, counselling services and information. The Committee recommends that such activities be expanded, with a view to raising multicultural awareness and enhancing mutual understanding. To that end, the State party might consider ensuring adequate financial support on a continuing basis.

152. The Committee further notes that the State party provides facilities to foreign associations organizing mother-tongue language courses and courses on the culture of countries of origin, but that it does not provide financial support for teachers or educational material. The Committee therefore recommends that the State party consider providing funding for associations that organize such courses.

...

158. The Committee requests the State party to disseminate its report and the Committee's concluding observations widely among all levels of society, and in particular State officials and the judiciary, and to inform the Committee on steps taken to implement them in its next periodic report. It also encourages the State party to continue to involve non-governmental organizations and other members of civil society in the preparation of their next periodic report.

- Lithuania, CERD, A/57/18 (2002) 35 at paras. 177 and 178.

177. The Committee is concerned about information relating to expressions of racial hatred by politicians and the media. In this regard, the Committee stresses that the new criminal code should satisfy the requirements of article 4 of the Convention, especially paragraphs (a) and (b).

178. The Committee notes that the Parliamentary ombudsmen have received no complaints alleging discrimination by civil servants against persons on the ground of national origin, and that no criminal cases based on racial discrimination have been brought to court since 1995. The Committee recommends that awareness on these issues be raised among the police and the judiciary...

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

- Republic of Moldova, CERD, A/57/18 (2002) 41 at para. 226.

226. The Committee expresses its concern about reports that minorities experience discrimination in the areas of employment, housing, education and health care. It is also concerned at reports that the Roma population is sometimes denied access to, and service in, places intended for the general public. The Committee recommends that the State party undertake effective measures to eradicate practices of discrimination against minorities and, in particular, the Roma population...

- Turkmenistan, CERD, A/57/18 (2002) 49 at para. 265.

265. The Committee...notes with deep concern that, according to information received, only the Russian Orthodox Church and the Sunni branch of Islam enjoy legal status, while other confessions are denied registration by the State party and their members are subject to increased persecution, such as disruption of religious services, including in private homes, prohibition of literature, detentions and ill-treatment of religious leaders, destruction of places of worship and restriction of freedom of movement imposed on religious leaders, which may be in contravention with article 5 of the Convention.

- Canada, CERD, A/57/18 (2002) 56 at paras. 326 and 327.

326. The Committee reiterates that the principal responsibility for the implementation of the Convention lies with the Federal Government of Canada. The Committee is concerned that the Federal Government cannot compel the provincial and territorial governments to align their laws with the requirements of the Convention. Noting in this connection the inter-provincial consultative procedure in which the federal authorities are appropriately involved, the Committee expresses the hope that this procedure will be intensified so that proper implementation of the Convention is ensured at all levels.

327. The Committee notes that the Canadian Charter of Rights and Freedoms does not impose obligations on non-state actors and suggests that the possibility of enlarging the scope of this instrument in that respect be considered.

- Estonia, CERD, A/57/18 (2002) 60 at paras. 356 and 358.

356. The Committee is concerned by the scope of language requirements in the Language Law in relation to employment, particularly in the private sector, and is of the opinion that

## PUBLIC AND PRIVATE ACTORS - GENERAL

they could lead to discrimination against minorities in violation of article 5 of the Convention...

...

358. The Committee is concerned that the limited access to remedies hinders the bringing of complaints of discrimination in relation to, *inter alia*, the labour market, housing and education. The Committee recommends that the equality council mentioned in the draft equality act be established, in accordance with general recommendation XVII, as a national human rights institution with the mandate to advise and to monitor relevant legislation and practice and with competence to deal with individual complaints against acts of discrimination in the public or private sector.

- Hungary, CERD, A/57/18 (2002) 63 at para. 385.

385. The Committee expresses concern about discriminatory practices against persons belonging to the Roma minority in respect of access to public places such as restaurants, bars and cafés. The Committee recommends that the State party continue to intensify its efforts to combat such behaviour and raise the awareness of the population about all aspects of racial discrimination.

- Senegal, CERD, A/57/18 (2002) 72 at paras. 440 and 441.

440. The Committee notes with satisfaction the State party's efforts to establish institutions for the protection of human rights, such as the Human Rights Committee, the Inter-Ministerial Committee on Human Rights and the Human Rights and Humanitarian Law Office, and notes the enhanced presence of women in public bodies, their access to ownership of property and the banning of genital mutilation...

441. The Committee regrets the lack of statistics relating to the ethnic breakdown of the population and the representation of the various ethnic groups in Senegal's political institutions, as well as their participation in public bodies entrusted with ensuring respect for human rights. The Committee reminds the State party of general recommendations IV and XXIV, dated 25 August 1973 and 28 August 1999, respectively...

- Yemen, CERD, A/57/18 (2002) 74 at para. 454.

454. The Committee welcomes the State party's willingness to cooperate with United Nations bodies and NGOs in the field of human rights, including on issues relating to racial

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

discrimination, and the progress made by Yemen in opening up a dialogue with civil society.

- Côte d'Ivoire, CERD, A/58/18 (2003) 19 at paras. 23, 28, 37, 38 and 41.

23. The Committee welcomes the State party's commitment to prosecute any media which incite hatred or racial discrimination.

...

28. Taking note with satisfaction of the action taken on 4 October 2001 to raise awareness of human rights among the security forces, the Committee encourages the State party to continue and expand these efforts to cover political parties, press organs and civil society.

...

37. The Committee recommends that the State party take all necessary steps to educate officials, political leaders and the public about, and make them aware of, the provisions of the Convention. Due account must be taken of general recommendation XIII, according to which law enforcement officials should receive training to ensure that, in the performance of their duties, they respect and protect the human rights of all persons without distinction as to ethnic origin or religion.

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

...

41. The Committee urges the State party to strengthen the measures guaranteeing the contribution of civil society organizations to the promotion of inter-ethnic harmony...

- Ecuador, CERD, A/58/18 (2003) 22 at para. 58.

58. Serious concern is expressed about reported instances of excessive use of force by the police and armed forces against indigenous people, particularly in the context of political demonstrations and civil unrest. The Committee recommends that the State party ensure that such acts are avoided and, in this connection, recommends that the State party include human rights education in the professional training of police and armed forces, as well as prison staff, and requests it to report on any measures taken in this regard.

- Fiji, CERD, A/58/18 (2003) 25 at paras. 76, 79, 86 and 87.

76. The Committee notes with satisfaction that the State party considers the Convention as a solid basis for dialogue and cooperation with civil society. It appreciates that human rights

## PUBLIC AND PRIVATE ACTORS - GENERAL

non-governmental organizations were consulted in the compilation of the report, and the assurances that the State party would continue this dialogue in the future.

...

79. The Committee appreciates the 2002 Agreed Statement by the Prime Minister and the Parliamentary Leader of the Fiji Labour Party urging their respective parties to refrain from making racial statements during parliamentary sessions.

...

86. The Committee is concerned about current perceptions amongst some Fijians that the State party is not paying enough attention to the issue of reconciling the different population groups in Fiji. It encourages the State party to explicitly promote a national identity that unites rather than divides indigenous and Indo-Fijians, as well as other communities, and to include this objective in its development plans.

87. The Committee expresses concern about the underrepresentation of Indo-Fijians and other ethnic minorities in the police, the army and other public services in general, and recommends that specific programmes be adopted to ensure appropriate representation of all ethnic communities in these services...

- Morocco, CERD, A/58/18 (2003) 33 at para. 134.

134. The Committee...welcomes the establishment of an Ombudsman, known as the Diwan Al Madhalim, which is required, *inter alia*, to receive and consider complaints submitted by Moroccan citizens who consider themselves harmed by a decision or action taken by a State authority.

- Russian Federation, CERD, A/58/18 (2003) 38 at paras. 175, 184 and 194.

175. The Committee welcomes the efforts taken to enhance cooperation between the State party and civil society organizations, including the ongoing activities relating to the 2001 Civic Forum.

...

184. While appreciating the particular history of Cossacks in the Russian Federation, the Committee is concerned at reports that some Cossack organizations have engaged in acts of intimidation and violence against ethnic groups. According to information received by the Committee, these organizations, which function as paramilitary units and are used by local authorities to carry out law enforcement functions, enjoy special privileges, including State funding. In this regard, the Committee recommends, in accordance with article 2(b) of the Convention, that the State party ensure that no support is provided to organizations which promote racial discrimination and that it prevent Cossack paramilitary units from carrying out law enforcement functions against ethnic groups.

## PUBLIC AND PRIVATE ACTORS - GENERAL

...

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

- Saudi Arabia, CERD, A/58/18 (2003) 41 at para. 205.

205. The Committee welcomes the dialogue and cooperation of the State party with the United Nations human rights mechanisms, including the Special Rapporteur on the independence of judges and lawyers, as well as with international human rights NGOs.

- Uganda, CERD, A/58/18 (2003) 50 at paras. 265 and 278.

265. The Committee welcomes the establishment of the Ugandan Human Rights Commission, which represents a positive step in combating violations of human rights and promoting the implementation of the Convention. In addition, the Committee commends the Commission for the important role it plays in disseminating human rights information, *inter alia* by introducing human rights education in training schools for police, army and prison officers.

...

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

- Albania, CERD, A/58/18 (2003) 53 at para. 318.

318. The Committee is concerned at reports of the problems encountered by Roma and members of the community who call themselves Egyptians in having access to places and services intended for public use.

The Committee invites the State party to adopt appropriate measures to guarantee that access to all places and services intended for public use is not denied to anyone on the grounds of race, colour, ancestry, or national or ethnic origin.



## PUBLIC AND PRIVATE ACTORS - GENERAL

- Bolivia, CERD, A/58/18 (2003) 58 at paras. 339 and 340.

339. While welcoming the State party's efforts aimed at ensuring the enjoyment and exercise of the rights of indigenous peoples through the adoption of constitutional, legal and institutional reforms, the Committee notes with concern the information received on the issue of indigenous lands allegedly allotted to private companies, especially in the communities of Chiquitano, Beni and Santa Cruz.

The Committee invites the State party to implement consistently in practice the commendable legislation it adopted in order to recognize the fundamental rights of indigenous peoples and to improve their living conditions. In this regard, the Committee draws the attention of the State party to its general recommendation XXIII which, *inter alia*, calls upon States parties to recognize and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources and, where they have been deprived of their lands and territories traditionally owned or otherwise inhabited or used without their free and informed consent, to take steps to return those lands and territories.

340. The Committee is also concerned about reports that human rights defenders providing assistance to members of indigenous groups in the context of land disputes continue to be threatened and harassed by police officers, especially in the region of Chapare.

The Committee recommends that the State party take all necessary measures for the protection of human rights defenders against any violence, threats, retaliation, *de facto* discrimination, pressure or any arbitrary action as a consequence of their activities. In this regard, the Committee recalls its general recommendation XIII on the training of law enforcement officials in the protection of human rights and encourages the State party to improve the training of law enforcement officials, especially police officers, so that the standards of the Convention are fully implemented.

- Cape Verde, CERD, A/58/18 (2003) 62 at para. 365.

365. While the Committee welcomes the efforts made by the State party to ensure the implementation of the Convention with respect to women and the existence of civil society organizations working in the field of promotion and protection of women's rights, it is concerned about the stereotyping of women in particular those of foreign origin in Cape Verde, as well as the insufficient representation of women at high political level in the labour market and in cultural affairs.

The Committee recommends that the State party take all appropriate measures to guarantee the equal enjoyment by women, free from racial discrimination, of the rights under the

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

Convention and draws the attention of the State party to its general recommendation XXV on gender-related dimensions of racial discrimination.

- Czech Republic, CERD, A/58/18 (2003) 65 at paras. 378 and 388.

378. ...[T]he Committee welcomes the existence of a number of advisory bodies of the Government dealing with human rights and specifically the rights of national minorities, which work in cooperation with civil society. It notes in particular the Council of the Government of the Czech Republic for the Affairs of the Roma Community, the Human Rights Council of the Government of the Czech Republic and the Government Council for National Minorities.

388. The Committee welcomes the anti-racism campaigns conducted annually and the broad population targeted by them, and notes the numerous other initiatives of the State party to combat discriminatory attitudes and practices. Unfortunately, that negative attitudes towards minorities and refugees persist among public officials, in the media and among the general public, is a matter of concern to the Committee. Furthermore, the Committee is concerned that the judiciary, unlike the police, does not seem to be the object of sensitization and educational activities.

The Committee recommends that the State party continue and intensify its anti-racism campaigns and other efforts aimed at combating racial and ethnic stereotyping. It recommends that the State party, while pursuing public education campaigns, continue and diversify targeted training programmes for professionals, such as the police, judges and other public officials working with the Roma and other vulnerable groups.

- Finland, CERD, A/58/18 (2003) 69 at para. 409.

409. With respect to article 5, the Committee is concerned about the difficulties faced by Roma in the fields of employment, housing and education, as well as about reported cases of discrimination in daily life such as denial of access to public places, restaurants or bars.

The Committee draws the attention of the State party to its general recommendation XXVII on discrimination against Roma and recommends that the State party take all necessary measures with a view to promoting tolerance and overcoming prejudices and negative stereotypes in order to avoid any form of discrimination against members of the Roma community.

- Latvia, CERD, A/58/18 (2003) 75 at paras. 443, 445, 453 and 454.

## PUBLIC AND PRIVATE ACTORS - GENERAL

443. The Committee welcomes the Supreme Court ruling of 6 June 2003 declaring unconstitutional section 19, paragraph 5, of the Law on Radio and Television which restricts the airtime of broadcasts in languages spoken by minorities in Latvian private media.

...

445. The Committee notes the entry into force in September 2000 of the State Language Law aimed at promoting the Latvian language and better integration of members of ethnic minorities into Latvian society. The Committee is concerned at the possible negative effects of a narrow and strict interpretation of this legislation. Furthermore, the scope of language requirements in the State Language Law in relation to employment, particularly in the private sector, may lead to discrimination against minorities.

The Committee recommends that the State party ensure that the State Language Law does not result in unnecessary restrictions that may have the effect of creating or perpetuating ethnic discrimination. The Committee calls on the State party to ensure that vulnerable groups, such as prisoners, sick and poor persons, among non-Latvian speakers have the possibility of communicating with the relevant authorities through provision of, if necessary, translation facilities.

...

453. While recognizing the possibility of establishing private schools offering, *inter alia*, education in minority languages, the Committee urges the State party to ensure that the manner in which funding to private schools is provided is in conformity with the Convention.

454. The Committee regrets the lack of any information with respect to article 5 (f) of the Convention relating to the right of access to any place or service intended for use by the general public.

The Committee requests...recommends that the State party ensure that the relevant provisions are incorporated into the new anti-discrimination legislation which is currently being drafted.

- Norway, CERD, A/58/18 (2003) 79 at para. 478.

478. The Committee notes with concern that, although there have been few court cases concerning discrimination consisting in refusing access to places serving the general public such as bars, discos, nightclubs and restaurants, discrimination in this area continues to exist. In this respect, the Committee also notes that domestic courts can determine whether persons are refused entry to such places on racial grounds.

The Committee encourages the State party to include adequate provisions to combat

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

discrimination in relation to access to places intended for use by the general public in the proposed Act on protection against ethnic discrimination.

- Saint Vincent and the Grenadines, CERD, A/58/18 (2003) 85 at paras. 511 and 513.

511. The Committee is concerned that no information has been provided by the State party on the economic, social and cultural situation of minority groups. It is further concerned that persons of Carib ancestry tend to be viewed as the base of the social pyramid and experience discrimination. In general, access to health care and educational opportunities depends on the level of family income.

...The enjoyment of economic, social and cultural rights, including access to public services, must be ensured for all without discrimination, in accordance with article 5 of the Convention.

...

513. The Committee notes that information was provided by the State party on existing human rights associations in the country, but remains concerned about the reported weakness of civil society organizations in Saint Vincent and the Grenadines.

The Committee encourages the State party to facilitate the activities of non-governmental organizations, in particular in the areas of better enjoyment of human rights and of combating racial discrimination. The State party is encouraged to consult with such organizations during the preparation of the next periodic report.

- United Kingdom of Great Britain and Northern Ireland, CERD, A/58/18 (2003) 88 at paras. 523-525, 528, 531, 532, 537 and 542.

523. The Committee welcomes the Race Relations Amendment Act of 2000, which strengthens the 1976 Race Relations Act by outlawing discrimination in all public authority functions, including the police, as well as the Race Relations Act (Amendment) Regulations of 2003, which widen the definition of indirect discrimination and shift the burden of proof from the victim to the alleged offender.

524. The Committee commends the State party's efforts to address more stringently the issue of incitement to racial hatred, including the introduction of a mechanism whereby the Metropolitan Police will provide a central advice point for all forces in England and Wales in relation to possible offences of incitement to racial hatred, as well as the increase in the maximum penalty for incitement to racial hatred from two to seven years' imprisonment under the Anti-Terrorism, Crime and Security Act 2001.

## PUBLIC AND PRIVATE ACTORS - GENERAL

525. The Committee welcomes the Police Reform Act, which includes provisions to create a new and more effective police complaints system in England and Wales; the establishment of the Police Ombudsman for Northern Ireland; and the consultations in Scotland on enhancing the independence of the Police Complaints System.

...

528. The Committee commends the State party's efforts to prepare a National Plan of Action against Racism, in consultation with non-governmental organizations, in pursuance of the recommendations of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

...

531. The Committee...reiterates its concern over the fact that the State party continues to uphold its restrictive interpretation of the provisions of article 4 of the Convention. It recalls that such interpretation is in conflict with the State party's obligations under article 4 (b) of the Convention and draws the State party's attention to the Committee's general recommendation XV according to which the provisions of article 4 are of a mandatory character.

In the light of the State party's recognition that the right to freedom of expression and opinion are not absolute rights, and in the light of statements by some public officials and media reports that may adversely influence racial harmony, the Committee recommends that the State party reconsider its interpretation of article 4.

532. The Committee is concerned about the increasing racial prejudice against ethnic minorities, asylum-seekers and immigrants reflected in the media and the reported lack of effectiveness of the Press Complaints Commission in dealing with this issue. The Committee recommends that the State party consider further how the Press Complaints Commission can be made more effective and can be further empowered to consider complaints received from the Commission for Racial Equality as well as other groups or organizations working in the field of race relations.

...

537. While the Committee welcomes the initiatives taken for further reforms within the police force, including enhanced representation of ethnic minorities, it recalls its previous concerns about the disproportionately high incidence of deaths in custody of members of ethnic or racial minority groups.

The Committee...encourages the State party to adopt measures conducive to integrating the different ethnic and racial representation within the police force.

...

542. The Committee expresses concern about the discrimination faced by Roma/Gypsies/Travellers that is reflected, *inter alia*, in their higher child mortality rate, exclusion from schools, shorter life expectancy, poor housing conditions, lack of available camping sites, high unemployment rate and limited access to health services.

## PUBLIC AND PRIVATE ACTORS - GENERAL

The Committee draws the attention of the State party to its general recommendation XXVII on discrimination against Roma and recommends that the State party develop further appropriate modalities of communication and dialogue between Roma/Gypsy/Traveller communities and central authorities. It also recommends that the State party adopt national strategies and programmes with a view to improving the situation of the Roma/Gypsies/Travellers against discrimination by State bodies, persons or organizations.

- Brazil, CERD, A/59/18 (2004) 14 at para. 58.

58. The Committee is concerned about *de facto* racial segregation faced by some black, mestizo and indigenous peoples in rural and urban areas, such as the commonly known “*favelas*”, and regrets that the State party has not provided sufficient information in this regard.

In the light of its general recommendation XIX, the Committee reminds the State party that racial segregation may also arise without any initiative or direct involvement by the public authorities, and encourages the State party to continue monitoring all trends which may give rise to racial or ethnic segregation and to work for the eradication of the resulting negative consequences.

- Libyan Arab Jamahiriya, CERD, A/59/18 (2004) 21 at para. 108.

108. The Committee notes that, according to some information, there is no recognition of Amazigh language and culture in the Libyan Arab Jamahiriya and Amazighs are impeded from preserving and expressing their cultural and linguistic identity.

The Committee stresses the obligation of the State party, under article 5 of the Convention, to respect the right of Amazighs to enjoy their own culture and to use their own language, in private and public, freely and without discrimination. It invites the State party to enhance the enjoyment of the right of association for the protection and promotion of Amazigh culture, and to take measures especially in the field of education in order to encourage knowledge of the history, language and culture of Amazighs.

- Nepal, CERD, A/59/18 (2004) 24 at paras. 127, 130 and 136.

127. The Committee remains deeply concerned at the persistence of the *de facto* caste-based discrimination and the culture of impunity that apparently permeates the higher strata of a hierarchical social system. In particular, it is concerned at information on the existence of segregated residential areas for Dalits, social exclusion of inter-caste couples, restriction

## PUBLIC AND PRIVATE ACTORS - GENERAL

to certain types of employment, and denial of access to public spaces, places of worship and public sources of food and water, as well as at allegations that public funds were used for the construction of separate water taps for Dalits.

The Committee recommends that the State party, as a matter of priority, take measures to prevent, prohibit and eliminate private and public practices that constitute segregation of any kind, and make determined efforts to ensure the practical and effective implementation of these measures...

...

130. The Committee is concerned at the allegations of ill-treatment and ineffective protection of and discrimination against Dalits and other vulnerable groups in society, by law enforcement officials, especially the police. The Committee stresses that prompt and impartial investigations are paramount in counteracting discriminatory attitudes and practices.

The Committee recommends that the State party intensify its efforts to end such discriminatory practices. It further recommends that the procedure relating to the investigation of complaints with respect to the work of the police be conducted and overseen by a body independent of the police.

...

136. The Committee notes that the Government broadcasts in several national languages. The Committee is concerned, however, with the lack of representation of disadvantaged groups in the State-owned media, and that issues such as racial discrimination and human rights receive little coverage by the media in general.

The Committee invites the State party to consider introducing special measures to ensure due representation in the mass media of members of disadvantaged groups, including Dalits.

- The Netherlands, CERD, A/59/18 (2004) 29 at paras. 152 and 155.

152. The Committee regrets that no reference is made in the report to article 3 of the Convention in relation to racial segregation and continues to express concern at the situation of *de facto* school segregation in some parts of the country.

In the light of its general recommendation XIX on the prevention, prohibition and eradication of racial segregation and apartheid, the Committee recalls that racial segregation can also arise without any initiative or direct involvement by the public authorities and encourages the State party to continue monitoring all trends which may give rise to racial or ethnic segregation and take measures to minimize the resulting negative consequences...

...

155. While the Committee notes with satisfaction the information that the number of police

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

officers belonging to ethnic minorities has increased in recent years, it remains concerned about the high percentage of resignations among these groups.

The Committee encourages the State party to continue promoting the effective implementation of measures aimed at ensuring that the ethnic composition of the police appropriately reflects the ethnic composition of Dutch society...

- Suriname, CERD, A/59/18 (2004) 36 at paras. 192 and 198.

192. While also noting the State party's assertion that there are mechanisms guaranteeing that indigenous and tribal peoples are notified and consulted before any forestry or mining concessions within their lands are awarded, the Committee is disturbed at reports that consultation of that kind is rare.

The Committee invites the authorities to check that the established mechanisms for notifying and consulting the indigenous and tribal peoples are working, and recommends that the State party strive to reach agreements with the peoples concerned, as far as possible, before awarding any concessions.

...

198. The Committee is disturbed at the continuing lack of health and education facilities and utilities available to indigenous and tribal peoples. It regrets that no special measures have been taken to secure their advancement on the grounds that there are no available data suggesting that they need special protection.

The Committee recommends that greater efforts be undertaken by the State party, in particular as regards the education plan of action for the interior. It also recommends the inclusion in agreements with large business ventures - in consultation with the peoples concerned - of language specifying how those ventures will contribute to the promotion of human rights in areas such as education.

- Sweden, CERD, A/59/18 (2004) 41 at paras. 215 and 226.

215. The Committee takes note with satisfaction of the creation in 2003, with State funding, of the Centre against Racism and Related Intolerance, consisting of more than 100 nongovernmental organizations working in the field of racial discrimination.

...

226. While the Committee is encouraged by the State party's affirmation that Sweden is a country of immigration and that integration policies to counteract the social exclusion experienced by some persons born abroad are a priority, it remains concerned at the persistence of discriminatory attitudes faced by persons of immigrant origin in certain areas,



## **PUBLIC AND PRIVATE ACTORS - GENERAL**

such as the labour market, housing and access to public services.

The Committee encourages the State party to pursue and strengthen its efforts in these areas, in accordance with article 5 (e) and (f) of the Convention.

- Argentina, CERD, A/59/18 (2004) 45 at para. 251.

251. The Committee remains concerned at the slow pace of the proceedings relating to the 1992 and 1994 attacks in Buenos Aires on the Israeli Embassy and the Argentine-Jewish Mutual Association.

The Committee recommends that, in accordance with article 6 of the Convention, these proceedings be completed by the State party as a matter of urgency so as to comply with its obligation to ensure the right to just and adequate reparation and compensation for damage suffered as a result of human rights violations.

- Belarus, CERD, A/59/18 (2004) 50 at para. 271.

271. The Committee...expresses concern over the restrictions placed by the authorities on civil society organizations, including organizations working to combat racial discrimination.

The Committee underlines the importance of the role of civil society in the full implementation of the Convention and recommends that the State party remove all legal, practical and administrative obstacles to the free functioning of civil society organizations that contribute to promoting human rights and combating racial discrimination...

- Kazakhstan, CERD, A/59/18 (2004) 54 at paras. 290 and 298.

290. The Committee notes that the ethnic representation in State institutions does not correspond to the proportion of the different ethnic communities represented in the population of the State party.

The Committee recommends that the State...adopt practical measures to ensure that ethnic minorities have equal access to those institutions.

...

298. The Committee...expresses concern over the restrictions placed by the authorities on

## PUBLIC AND PRIVATE ACTORS - GENERAL

civil society organizations, including organizations working to combat racial discrimination.

The Committee underlines the importance of the role of civil society in the full implementation of the Convention and recommends that the State party remove all legal, practical and administrative obstacles to the free functioning of civil society organizations that contribute to promoting human rights and combatting racial discrimination...

- Mauritania, CERD, A/59/18 (2004) 61 at paras. 338, 340, 341 and 348.

338. The Committee is concerned that some non-governmental human rights organizations have not been officially recognized, despite having applied for such recognition.

The Committee recommends that the State party remove all constraints on the exercise of freedom of association and that it recognize the non-governmental human rights organizations.

...

340. The Committee regrets the lack of information on the implementation of Order No. 091-024 of 25 July 1991, which prohibits political parties from identifying with a race, an ethnic group, a region, a tribe, or a brotherhood. It is concerned at reports that the Order has sometimes been improperly applied to certain political parties.

The Committee recommends that the State party guarantee respect for the freedoms of expression and association in its implementation of article 4 (a) and (b) of the Convention...

341. The Committee remains concerned about allegations concerning the very low proportions of black Moors and black Africans in the army, the police, the administration, Government and other State institutions.

The State party...should in any case ensure that the various sectors of the Mauritanian population are effectively represented in State institutions and that they have equal access to public service.

...

348. The Committee notes with concern the State party's policy of ensuring that the curricula in private and public schools are identical. While taking account of the State party's desire to monitor the quality of private education, the Committee nevertheless has doubts whether such control over private schools is conducive to the teaching of the languages and cultures of minority groups.

The Committee recommends that the State party respect parents' freedom to choose the type of education they wish for their children and to choose for their children private schools that offer programmes meeting their expectations in terms of culture and language.

## PUBLIC AND PRIVATE ACTORS - GENERAL

- Portugal, CERD, A/59/18 (2004) 66 at paras. 360, 366 and 367.

360. The Committee welcomes the enactment of Decree Law 251/2002 of 22 November 2002 which, *inter alia*, enlarges the structure and competencies of the Office of the High Commissioner for Immigration and Ethnic Minorities and establishes the Advisory Board for Immigration Affairs, tasked with ensuring the participation of associations representative of immigrants, employers' associations and social solidarity institutions in the elaboration of policies promoting social integration and combating exclusion.

...

366. While noting the efforts undertaken by the State party to counter racially motivated violence and discrimination, the Committee continues to be concerned that racially motivated acts and incitement to hatred continue to occur and that intolerance and *de facto* discrimination, in particular towards ethnic minorities, persist. Furthermore, the Committee is concerned about the activities of the National Renovation Party, which targets immigrants in its manifestos and campaigns.

The Committee recommends that the Government pursue and intensify its efforts to eradicate all incitement to, and acts of, racial discrimination. In this respect, in light of its general recommendation XXX, the Committee recommends that the State party introduce in its criminal law a provision to the effect that committing an offence with racist motivation or aim constitutes an aggravating circumstance...

367. The Committee expresses concern about allegations it has received of instances of police misconduct towards ethnic minorities or persons of non-Portuguese origin, including excessive use of force, ill-treatment and violence.

The Committee recommends that the State party investigate thoroughly, impartially and effectively all allegations of ill-treatment, violence or excessive use of force by police officers, bring those responsible to justice and provide adequate remedies and compensation to the victims. Furthermore, in light of its general recommendation XIII, the Committee recommends that the State party continue to provide intensive training to law enforcement officials so as to ensure that in the performance of their duties they respect and protect human dignity and maintain and uphold the human rights of all persons without distinction as to race, colour, descent, or national or ethnic origin.

- Australia, CERD, A/60/18 (2005) 13 at paras. 27 and 31.

27. The Committee welcomes the adoption of a Charter of Public Service in a Culturally Diverse Society to ensure that government services are provided in a way that is sensitive to the language and cultural needs of all Australians.

## PUBLIC AND PRIVATE ACTORS - GENERAL

...

31. The Committee is concerned about the abolition of the Aboriginal and Torres Strait Islander Commission (ATSIC), the main policymaking body in Aboriginal affairs consisting of elected indigenous representatives. It is concerned that the establishment of a board of appointed experts to advise the Government on indigenous peoples' issues, as well as the transfer of most programmes previously provided by the ATSIC and the Aboriginal and Torres Strait Islander Service to government departments, will reduce the participation of indigenous peoples in decision-making and thus alter the State party's capacity to address the full range of issues relating to indigenous peoples (arts. 2 and 5).

The Committee recommends that the State party take decisions directly relating to the rights and interests of indigenous peoples with their informed consent, as stated in its general recommendation XXIII. The Committee recommends that the State party reconsider the withdrawal of existing guarantees for the effective representative participation of indigenous peoples in the conduct of public affairs as well as in decision- and policymaking relating to their rights and interests.

- Azerbaijan, CERD, A/60/18 (2005) 18 at paras. 65 and 66.

65. The Committee, while noting the information provided by the delegation, remains of the view that measures taken to educate the public, law enforcement officials, members of political parties and media professionals on the provisions of the Convention could be strengthened (art. 7).

The Committee encourages the State party to expand and strengthen existing efforts regarding human rights education. Furthermore, particular attention should be paid to general recommendation XIII, according to which law enforcement officials should receive specific training to ensure that, in the performance of their duties, they respect and protect the human rights of all persons without distinction as to race, colour, descent or national or ethnic origin.

66. The Committee notes the lack of sufficient information on efforts taken by the State party to involve non-governmental organizations in the preparation of the periodic report and is concerned about the ability of civil society organizations, including organizations working to combat racial discrimination, to operate freely.

The Committee underlines the importance of the role of civil society in the full implementation of the Convention and recommends to the State party that it promote the free functioning of civil society organizations that contribute to promoting human rights and combating racial discrimination. Furthermore, the Committee encourages the State party to consult with civil society groups working in the area of combating racial discrimination in

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

the elaboration of its next periodic report.

- Bahrain, CERD, A/60/18 (2005) 22 at para. 83.

83. The Committee is concerned over the lack of integrationist multiracial organizations and movements in the State party and in particular over the banning of the Bahrain Centre for Human Rights.

In the light of article 2 (e) of the Convention, the Committee requests that the State party permit such organizations and movements and create an enabling environment for such organizations, and encourages it to maintain dialogue with all civil society organizations, including those critical of its policies.

- France, CERD, A/60/18 (2005) 26 at para. 99.

99. The Committee welcomes the fact that, under the Act of 10 December 2003, persecution of asylum-seekers need no longer come from the State.

- Ireland, CERD, A/60/18 (2005) 30 at paras. 136 and 143.

136. While noting the existence, in the area of the application of the Convention, of a diversified NGO community in Ireland and welcoming in particular the establishment by the State party of several independent institutions and judicial bodies in the field of human rights and non-discrimination...the Committee wishes to underscore the importance of providing adequate resources to these institutions, in order to enable them to efficiently and effectively exercise their duties and functions (art. 2).

The Committee recommends that the State party provide the newly established institutions in the field of human rights and non-discrimination with adequate funding and resources to enable them to exercise the full range of their statutory functions, and also support the NGO community.

...

143. The Committee is concerned that the non-discrimination requirement stipulated in the 2000 Equal Status Act only covers government functions falling within the definition of a “service” as defined by the Act itself (art. 5 (f)).

In order to ensure comprehensive protection against discrimination by public authorities, the Committee urges the State party to consider expanding the scope of the Equal Status Act so as to cover the whole range of government functions and activities, including controlling

## PUBLIC AND PRIVATE ACTORS - GENERAL

duties.

- Lao People's Democratic Republic, CERD, A/60/18 (2005) 35 at para. 165.

165. The Committee is concerned at the situation with respect to independent non-governmental organizations (NGOs) working in the area of human rights and the prevention of discrimination (art. 2).

The Committee invites the State party to pave the way for the emergence of independent national NGOs.

- Luxembourg, CERD, A/60/18 (2005) 40 at para. 200.

200. The Committee is concerned at allegations of discriminatory or vexatious conduct towards non-nationals on the part of officials working in various national or local authorities.

While aware of the information provided by the State party about human rights training for State employees, the Committee encourages the State party to include within the training a specific focus on the problems of racism and discrimination, and to ensure that all officials who come into contact with minority groups receive training of this type.

- Barbados, CERD, A/60/18 (2005) 43 at paras. 215 and 216.

215. The Committee is concerned over the lack of social movements that promote integrationist multiracial values in the State party and in particular that the report was not made more widely available to civil society before it was submitted.

In the light of article 2 (e) of the Convention, the Committee requests that the State party create an enabling environment for integrationist multiracial organizations, and encourages the State party to maintain dialogue with civil society organizations.

216. The Committee expresses concern at the "invisible crypto-racism" mentioned in the report which arises as a result of the separation of black and white communities and which is rooted in social relations at the interpersonal level.

The Committee reminds the State party of its general recommendation XIX according to

## PUBLIC AND PRIVATE ACTORS - GENERAL

which de facto racial segregation can arise without any initiative or direct involvement by the public authorities. The Committee thus encourages the State party to monitor all trends which can give rise to such segregation, to work for the eradication of any negative consequences that ensue...

- Georgia, CERD, A/60/18 (2005) 46 at para. 241.

241. The Committee notes the absence of legislation regarding the status of languages, the lack of sufficient knowledge of the Georgian language by minority groups and of effective measures to remedy this situation as well as to increase the use of ethnic minority languages in the public administration (art. 5).

The Committee recommends that the State party adopt legislation on the status of languages as well as effective measures to improve the knowledge of the Georgian language amongst minority groups and to increase the use of ethnic minority languages in the public administration.

- Iceland, CERD, A/60/18 (2005) 51 at paras. 262, 265, 266 and 269.

262. The Committee welcomes the establishment in 2001 of an office of the Reykjavik police functioning as a link between the police and persons of foreign origin which, *inter alia*, refers complaints made by foreigners to the competent authorities.

...

265. The Committee notes that direct funding for the Icelandic Human Rights Centre has been cut in the national budget for 2005 and that funds previously earmarked for the Centre have been reallocated to human rights projects in general (art. 2, para. 1 (e)).

The Committee invites the State party to maintain its level of cooperation with non-governmental organizations combating racial discrimination, including helping to ensure the adequate funding and independence of such organizations, bearing in mind that, according to article 2, paragraph 1 (e), of the Convention, each State party undertakes to encourage, where appropriate, integrationist multiracial organizations and movements.

266. While noting that members of the border police receive training on international human rights standards and refugee law, the Committee is concerned about reports that asylum requests are not always properly handled by border guards (art. 5).

The Committee encourages the State party to intensify its efforts to provide systematic training to border guards, with a view to increasing their knowledge about all relevant aspects of refugee protection, as well as about the situation in the countries of origin of

## PUBLIC AND PRIVATE ACTORS - GENERAL

asylum-seekers.

...

269. The Committee is concerned at reported cases where access to public places such as bars, discotheques, etc. has been denied on racist grounds, and notes the absence of court judgements under article 180 of the General Penal Code prohibiting such discriminatory acts (art. 5 (f)).

The Committee recalls the right of all individuals to access public places without discrimination and recommends that the State party regulate the burden of proof in civil proceedings involving denial of access to public places based on race, colour, descent, and national or ethnic origin so that once an individual has established a *prima facie* case that he or she has been a victim of such denial, it shall be for the respondent to provide evidence of an objective and reasonable justification for the differential treatment.

- Nigeria, CERD, A/60/18 (2005) 54 at paras. 283, 290, 291, 293 and 294.

283. The Committee welcomes the establishment of human rights desks in police stations to deal with complaints relating to human rights violations committed by members of the police force.

...

290. While noting that the 1958 Osu Abolition Law legally abolished work- and descent-based discrimination, the Committee remains concerned about persistent allegations that members of the Osu and other similar communities are still subjected to social exclusion, segregation and mistreatment, as well as discrimination in employment and marriage (arts. 2, 3 and 5).

The Committee draws the State party's attention to its general recommendation XXIX (2002) concerning racial discrimination based on descent...It strongly recommends that the State party develop, in cooperation with non-governmental organizations and religious leaders, effective programmes to prevent, prohibit and eliminate private and public practices that constitute segregation of any kind, including a wide-ranging information and public-awareness campaign to put an end to these practices.

291. The Committee expresses deep concern about numerous reports of ill-treatment, use of excessive force and extrajudicial killings as well as arbitrary arrests and detentions by law enforcement officials in attempts to quell incidents of intercommunal, inter-ethnic and interreligious violence. The Committee is particularly disturbed at reports of serious acts of violence targeting members of particular ethnic groups in reprisal for attacks on security forces, including the October 2001 incident in Benue State. While the Committee takes note of the establishment of numerous bodies to investigate these incidents, including panels of enquiry, it is concerned that most of the investigations have failed to produce prosecutions



## **PUBLIC AND PRIVATE ACTORS - GENERAL**

and sentences commensurate with the gravity of the crimes committed, leading to the appearance of impunity (arts. 2, 4 and 5).

The Committee recommends that the State party intensify its action to halt this phenomenon and requests that it submit detailed information about the number of persons who died and their ethnic affiliations, the prosecution of persons in relation to these events, and the sentences, if any, that were pronounced. The Committee urges the State party to make public the results of all investigations previously announced in response to these events and to sanction those responsible.

...

293. The Committee is concerned about the persistence of discrimination against persons belonging to various ethnic groups in the fields of employment, housing and education, including discriminatory practices by people who consider themselves to be the original inhabitants of their region against settlers from other states. While noting the efforts taken by the State party to improve the representation of different ethnic groups in the public service, most notably by the Federal Character Commission, the Committee remains concerned about the reports of continuing practices of patronage and traditional linkages based on ethnic origin, leading to the marginalization of certain ethnic groups in Government, legislative bodies and the judiciary (arts. 2 and 5).

The Committee recommends that the State party continue to promote equal opportunities for all persons without discrimination in order to ensure their full enjoyment of their rights, in accordance with article 2, paragraph 2, and article 5 of the Convention. In this connection, the Committee urges the State party to strengthen its Affirmative Action Plans in favour of underrepresented or marginalized groups, including women, in its employment policies with regard to the public service...

294. The Committee is deeply concerned about the adverse effects on the environment of ethnic communities through large-scale exploitation of natural resources in the Delta Region and other River States, in particular, the Ogoni areas. It is concerned at the State party's failure to engage in meaningful consultation with the concerned communities, and about the deleterious effects of the oil production activities on the local infrastructure, economy, health and education. In this regard, the Committee also notes with concern that the Land Use Act of 1978 and the Petroleum Decree of 1969 are contrary to the provisions of the Convention. Furthermore, the Committee is alarmed at the reports of assaults, use of excessive force, summary executions and other abuses against members of local communities by law enforcement officers as well as by security personnel employed by petroleum corporations (arts. 2 and 5).

In the light of general recommendation XXIII (1997) on the rights of indigenous peoples, the Committee urges the State party to take urgent measures to combat "environmental racism" and degradation. In particular, it recommends that the State party repeal the Land

## PUBLIC AND PRIVATE ACTORS - GENERAL

Use Act of 1978 and the Petroleum Decree of 1969 and the adoption of a legislative framework which clearly sets forth the broad principles governing the exploitation of the land, including the obligation to abide by strict environmental standards as well as fair and equitable revenue distribution. The Committee reiterates that along with the right to exploit natural resources there are specific, concomitant obligations towards the local population, including effective and meaningful consultation. It further urges the State party to conduct full and impartial investigations of cases of alleged human rights violations by law enforcement officials and by private security personnel, institute proceedings against perpetrators and provide adequate redress to victims and/or their families.

- Turkmenistan, CERD, A/60/18 (2005) 61 at paras. 309, 314, 317 and 319.

309. The Committee notes with deep concern the major contradictions between, on the one hand, consistent information from both intergovernmental and non-governmental sources relating to the existence of grave violations of the Convention in Turkmenistan, and, on the other hand, the sometimes categorical denials by the State party. The Committee stresses that the consideration of reports is designed to institute a constructive and sincere dialogue, and encourages the State party to increase its efforts to that end.

...

314. The Committee welcomes the amendment of 2 November 2004 of the Criminal Code rescinding article 223/1, which stipulated criminal penalties for unregistered activities of public associations, including non-governmental organizations.

...

317. The Committee is deeply concerned about reported instances of hate speech against national and ethnic minorities, including statements attributed to high-ranking government officials and public figures supporting an approach to Turkmen ethnic purity, which is reported to have a significant detrimental impact on the population given the severe restrictions on freedoms of opinion and expression impeding opposition to such discourses. The Committee is further concerned that such speech is inconsistent with the fundamental principle of racial and ethnic equality underlying the Convention (art. 4).

The Committee urges the State party to abide by its obligation under article 4 (c) of the Convention not to permit public authorities or public institutions, national or local, to promote or incite racial discrimination...

...

319. The Committee is concerned that, according to some information, and in the light of paragraph 2(e) of General Assembly resolution 59/206 of 22 December 2004, national and ethnic minorities face severe restrictions on their participation in the labour force, in particular in public sector employment. It is particularly disturbed about reports relating to the removal of many non-ethnic Turkmen from State employment and to “third generation tests” imposed on persons wishing to access higher education and public sector employment

## PUBLIC AND PRIVATE ACTORS - GENERAL

(arts. 2 and 5).

The Committee invites the State party to verify whether “third generation tests” exist and to ensure the right to work without discrimination based on national or ethnic origin...

- United Republic of Tanzania, CERD, A/60/18 (2005) 67 at para. 353.

353. The Committee is concerned about allegations of arbitrary arrests and detention, excessive use of force and ill-treatment of refugees, in particular women, by law enforcement officials, and about the lack of investigation of those cases (arts. 5 and 6).

The Committee recommends that the State party take appropriate measures to eradicate all forms of ill-treatment by law enforcement officials of refugees, in particular women, and ensure prompt, thorough, independent and impartial investigations into all allegations of ill-treatment of refugees. The Committee further recommends that the persons responsible for the ill-treatment be prosecuted and punished, and victims granted compensation.

- Venezuela (Bolivarian Republic of), CERD, A/60/18 (2005) 71 at paras. 375, 380 and 382.

375. The Committee notes with satisfaction progress in the interaction between the Government and non-governmental organizations representing Afro-descendants and, as one of the expressions of this interaction, the designation of 10 May as Afro-Venezuelan Day.

...

380. The Committee notes with great concern that between 1995 and 2003, 61 persons, most of whom were indigenous or Afro-descendants, were murdered in land conflicts, presumably by private armed groups (*sicarios*), and that this problem has worsened since 2001.

The Committee requests the State party to take efficient and urgent measures to end this violence, which mainly affects indigenous peoples and Afro-descendants, including the establishment of an independent monitoring mechanism to investigate such incidents in order to ensure that they do not go unpunished.

...

382. While the Committee takes note of the State party’s efforts to demarcate indigenous lands, such as the promulgation of the Indigenous Peoples Habitat and Lands, Demarcation and Protection Act, it is concerned that the effective ownership and use of indigenous lands and resources continue to be threatened and restricted by repeated aggression from individuals and private groups against indigenous peoples, in order to move them from their land.

In the light of general recommendation XXIII on the rights of indigenous peoples, the

## PUBLIC AND PRIVATE ACTORS - GENERAL

Committee recommends that the State party take measures to recognize and protect the rights of indigenous peoples to own, develop, control and use their lands, territories and resources...

- Zambia, CERD, A/60/18 (2005) 75 at para. 403.

403. The Committee notes with concern that *de facto* racial discrimination by non-State actors poses daily challenges to the State party (arts. 4 and 5).

The Committee urges the State party to develop strategies to tackle this issue, in cooperation with the Zambian Human Rights Commission and other stakeholders.

## ICCPR

- Ukraine, ICCPR, A/57/40 vol. I (2002) 32 at paras. 74(9), 74(13), 74(21) and 74(22).

(9) While recognizing that there has been some progress in achieving equality for women in political and public life, the Committee remains concerned that the level of representation of women in Parliament and in senior positions in both the public and private sectors remains low.

The State party should undertake appropriate measures to give effect to its obligations under articles 3 and 26 so as to improve the representation of women in Parliament and in senior positions, in both the public and private sectors. The State party should consider the adoption of positive measures, including educational measures, to improve the status of women within the society.

...

(13) The Committee is concerned about allegations of police harassment, particularly of the Roma minority and aliens.

The State party should take effective measures to eradicate all forms of police harassment, and set up an independent authority to investigate complaints against the police. It should take steps against those held responsible for such acts of harassment.

...

(21) The Committee is concerned about the intimidation and harassment, in particular by government officials, of human rights defenders.

The State party must take measures to end the intimidation and harassment of human rights defenders. Reported instances of intimidation and harassment should be investigated promptly.

## PUBLIC AND PRIVATE ACTORS - GENERAL

(22) The Committee is concerned about reports of intimidation and harassment of journalists. It is further concerned about the absence of criteria for granting or denying licences to electronic mass media, such as television and radio stations, which has a negative impact on the exercise of freedom of expression and the press provided for in article 19 of the Covenant. It is also concerned that the system of government subsidies to the press may be used to stifle freedom of expression.

(a) The State party should ensure that journalists can carry out their activities without fear of being subjected to prosecution and refrain from harassing and intimidating them, in order to give full effect to the right to freedom of expression and of the press provided for in article 19 of the Covenant;

(b) The State party should take effective measures to define clearly in law the functions and competences of the State Communications Committee of Ukraine. The decisions of the State Communications Committee should be subject to judicial control;

(c) The State party should ensure that clear criteria are established for payment and withdrawal of government subsidies to the press, so as to avoid the disbursement of such subsidies for the purpose of stifling criticism of the Government.

### *See also:*

- Georgia, ICCPR, A/57/40 vol. I (2002) 53 at para. 78(13).
- United Kingdom of Great Britain and Northern Ireland, ICCPR, A/57/40 vol. I (2002) 36 at paras. 75(5), 75(12), 75(13), 75(15) and 75(21).

(5) The Committee...welcomes the extension of the Race Relations Act to cover all public bodies...

...

(12) The Committee is disturbed at the sharply increased number of racist incidents within the criminal justice system, particularly those reported as having been committed by police and prison staff against inmates. Racist violence between prisoners inappropriately located together has also resulted in serious violations of prisoners' rights under the Covenant, including at least one case of murder.

The State party should encourage the transparent reporting of racist incidents within prisons and ensure that racist incidents are rapidly and effectively investigated. It should ensure that appropriate disciplinary and preventive measures are developed to protect those persons who are particularly vulnerable. To this end, the State party should pay particular attention to

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

improving the representation of ethnic minorities within the police and prison services.

(13) Although the Committee appreciates that a number of improvements over the reporting period in the representation of ethnic minorities in various walks of public life, as well as the extension in the Race Relations (Amendment) Act 2000 of a positive duty to certain public bodies to promote racial equality, the Committee remains concerned at the disproportionately low levels of participation by members of minority groups in government and the civil service, particularly the police and prison service.

The State party should take appropriate measures to ensure that its public life better reflects the diversity of its population.

...

(15) The Committee notes that, despite recent improvements, the proportions of women participating in public life, particularly at senior levels of the executive and judiciary and in Parliament, and also in the private sector, remain at low levels.

The State party should take the necessary steps towards achieving an appropriate representation of women in these fields.

...

(21) The Committee is concerned that powers under the Official Secrets Act 1989 have been exercised to frustrate former employees of the Crown from bringing into the public domain issues of genuine public concern, and to prevent journalists from publishing such matters.

The State party should ensure that its powers to protect information genuinely related to matters of national security are narrowly utilized and limited to instances where it has been shown to be necessary to suppress release of the information.

- United Kingdom of Great Britain and Northern Ireland (Overseas Territories), ICCPR, A/57/40 vol. I (2002) 36 at para. 75(24).

(24) The Committee is concerned at the absence throughout the overseas territories of appropriate training on the Covenant for public officials, a situation recognized by the State party.

The appropriate authorities should establish programmes of training and education for their public officials, aimed at inculcating a human rights culture in these persons who exercise governmental powers in the various overseas territories.

- Switzerland, ICCPR, A/57/40 vol. I (2002) 44 at paras. 76(9) and 76(10).

## PUBLIC AND PRIVATE ACTORS - GENERAL

(9) In relation to article 3 of the Covenant the Committee recognizes the progress made since the initial report in promoting equality of men and women and notes in particular the launching of the Plan of Action "Equality between women and men". Nevertheless, it remains concerned that women are still disadvantaged in many areas, especially in the achievement of equal remuneration for work of equal value and in appointment to senior positions, in both the public and private sectors.

The State party should implement its Plan of Action and adopt binding policies to ensure compliance with article 3 of the Covenant in all parts of its territory.

(10) The Committee is concerned that legislation protecting individuals against discrimination in the private sector does not exist in all parts of the State party's territory.

The State party should ensure that legislation exists throughout its territory to protect individuals against discrimination in the private field, pursuant to articles 2 and 3 of the Covenant.

- Azerbaijan, ICCPR, A/57/40 vol. I (2002) 47 at paras. 77(9), 77(19) and 77(23).

(9) The Committee is concerned at the lack of an independent mechanism for investigating complaints against members of the police and prison guards. This fact may account for the small number of recorded complaints, in contrast to information about large numbers of violations received from non-government sources (articles 2, 7 and 9 of the Covenant).

The State party should establish an independent body with authority to receive and investigate all complaints of excessive use of force and other abuses of power by law-enforcement officials, and initiate criminal and disciplinary proceedings against those found responsible.

...

(19) The Committee notes that, despite recent improvements, the proportion of women participating in public life and the private sector workforce, particularly at senior levels of the executive and in Parliament, remain at unacceptably low levels (article 3 of the Covenant).

The State party should take appropriate steps towards achieving a balanced representation of women in these fields.

...

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

(23) The Committee is concerned at reported obstacles imposed on the registration and free operation of non-governmental human rights organizations and political parties (articles 19, 22 and 25 of the Covenant).

The Committee urges the State party to take all necessary steps to enable national non-governmental human rights organizations to function without hindrance. With regard to political parties, the Committee urges the State party to take all necessary measures to ensure that registration is not used to silence political movements opposed to the Government and to limit the rights of association guaranteed by the Covenant. In particular, legislation should clarify the status of associations, non-governmental organizations and political parties in the period between the request for registration and the final decision; such status should be consistent with articles 19, 22 and 25.

- Georgia, ICCPR, A/57/40 vol. I (2002) 53 at para. 78(20).

(20) The Committee is concerned at the harassment of members of non-governmental organizations, particularly those defending human rights.

The State party should ensure that non-governmental organizations can safely carry out their functions in a manner consonant with the principles of a democratic society.

- Sweden, ICCPR, A/57/40 vol. I (2002) 57 at para. 79(13).

(13) The Committee expresses its concern at reports of persistent manifestations of racism and xenophobia, whether refusal of access to public places because of ethnicity or difficulties for foreigners in the job market (articles 19 and 26 of the Covenant).

The State party must make a sustained effort to improve the application of laws punishing racially motivated crimes, the integration into society of members of minority groups and the dissemination of a culture of tolerance, in particular as part of primary and secondary education.

- Hungary, ICCPR, A/57/40 vol. I (2002) 60 at paras. 80(9) and 80(12).

(9) The Committee is concerned at the low participation of women in political life and at their segregation in the labour market, as well as their low representation in senior levels of government and in the private sector.

The State party should implement positive measures in order to give effect to its Covenant



## PUBLIC AND PRIVATE ACTORS - GENERAL

obligations to ensure the equal participation of women in both the public and private sectors (article 3 of the Covenant).

...

(12) The Committee is concerned at the high number of reports of ill-treatment by law enforcement agencies, the limited number of investigations carried out by the State party in such cases, and the very limited number of convictions in those cases which are investigated.

The State party should take measures to educate law enforcement officials and judges with a view to preventing such treatment and, when it occurs, should ensure careful investigation and prosecution where necessary. It should also establish an independent system of investigation of complaints of abuses by law enforcement officials (article 7 of the Covenant).

- New Zealand, ICCPR, A/57/40 vol. I (2002) 63 at para. 81(13).

(13) The Committee notes with concern that the management of one prison and prison escort services have been contracted to a private company. While welcoming the information that the State party has decided that all prisons will be publicly managed after the expiry of the current contract in July 2005 and that the contractors are expected to respect the United Nations Minimum Standards for the Treatment of Prisoners, it nevertheless remains concerned about whether the practice of privatization, in an area where the State is responsible for protecting the rights of persons whom it has deprived of their liberty, effectively meets the obligations of the State party under the Covenant and its own accountability for any violations. The Committee further notes that there does not appear to be any effective mechanism of day-to-day monitoring to ensure that prisoners are treated with humanity and with respect for the inherent dignity of the human person and further benefit from treatment, the essential aim of which is directed to their reformation and social rehabilitation.

The State party should ensure that all persons deprived of their liberty are not deprived of the various rights guaranteed under article 10 of the Covenant.

- Viet Nam, ICCPR, A/57/40 vol. I (2002) 67 at paras. 82(11), 82(18) and 82(20).

(11) The Committee is concerned that the State party has not yet established an independent, legally constituted body with power to oversee and investigate complaints of human rights violations, including complaints against members of the police and the security services and prison guards. This fact may account for the small number of recorded complaints, in contrast to the information about large numbers of violations received from non-governmental sources (arts. 2, 7 and 10).

## PUBLIC AND PRIVATE ACTORS - GENERAL

The State party should establish, by legislation, a permanent independent human rights monitoring body with adequate powers and resources to receive and investigate allegations of torture or other abuses of power by public officials, including members of the security services, and to initiate criminal and disciplinary proceedings against those found responsible.

...

(18) The Committee is concerned at reports of the extensive limitations on the right to freedom of expression in the media and the fact that the Press Law does not allow the existence of privately owned media. It is also concerned at the press laws which impose restrictions on publications which, *inter alia*, are said to cause harm to political stability or insult national institutions. These broadly defined offences are incompatible with paragraph 3 of article 19 of the Covenant.

The State party should take all necessary measures to put an end to direct and indirect restrictions on freedom of expression. The press laws should be brought into compliance with article 19 of the Covenant.

...

(20) While noting the explanations provided by the delegation regarding the exercise of the right to freedom of association, the Committee is concerned at the absence of specific legislation on political parties and at the fact that only the Communist Party is permitted. The Committee is concerned at reported obstacles imposed on the registration and free operation of non-governmental human rights organizations and political parties (arts. 19, 22 and 25). It is especially concerned about obstacles placed in the path of national and international non-governmental organizations and special rapporteurs whose task it is to investigate allegations of human rights violations in the territory of the State party.

The State party should take all the necessary steps to enable national and international non-governmental human rights organizations and political parties to function without hindrance.

- Yemen, ICCPR, A/57/40 vol. I (2002) 72 at para. 83(13).

(13) While it welcomes the measures taken by the authorities in recent years to promote the participation of women in public life, the Committee notes the underrepresentation of women in the public and private sectors (arts. 3 and 26).

The State party is encouraged to pursue its efforts to secure better participation of women at all levels of society and of the State.

- Egypt, ICCPR, A/58/40 vol. I (2002) 31 at paras. 77(7), 77(13) and 77(21).

## PUBLIC AND PRIVATE ACTORS - GENERAL

(7) While welcoming the steps taken by the authorities in recent years to encourage participation by women in public life (in the diplomatic service, for example), the Committee notes that women are underrepresented in most areas of the public sector (for instance, the magistrature) and in the private sector (articles 3 and 26 of the Covenant).

The State party is encouraged to step up its efforts to secure greater participation by women at all levels of society and the State, including decision-making positions, *inter alia* by ensuring that women in rural areas learn to read and write.

...

(13) While noting the creation of institutional machinery and the introduction of measures to punish any violations of human rights by employees of the State, the Committee notes with concern the persistence of torture and cruel, inhuman or degrading treatment at the hands of law-enforcement personnel, in particular the security services, whose recourse to such practices appears to display a systematic pattern. It is equally concerned at the general lack of investigations into such practices, punishment of those responsible, and reparation for the victims. It is also concerned at the absence of any independent body to investigate such complaints (articles 6 and 7 of the Covenant).

The State party should ensure that all violations of articles 6 and 7 of the Covenant are investigated and, depending on the results of investigations, should take action against those held responsible and make reparation to the victims. It should also set up an independent body to investigate such complaints...

...

(21) The Committee is concerned at the restrictions placed by Egyptian legislation and practice on the foundation of non-governmental organizations and the activities of such organizations such as efforts to secure foreign funding, which require prior approval from the authorities on pain of criminal penalties (article 22 of the Covenant).

The State party should review its legislation and practice in order to enable non-governmental organizations to discharge their functions without impediments which are inconsistent with the provisions of article 22 of the Covenant, such as prior authorization, funding controls and administrative dissolution.

- Togo, ICCPR, A/58/40 vol. I (2002) 36 at paras. 78(11-13), 78(15) and 78(17-19).

(11) The Committee expresses its concern at the consistent information that law enforcement personnel make excessive use of force in student demonstrations and various gatherings organized by the opposition. The Committee is surprised at the State party's reply in this regard, to the effect that the security forces never make excessive use of force and that the demonstrators are principally the victims of movements within the crowd. The Committee regrets that the State party has made no mention of any inquiry having been

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

opened following these allegations.

The State party should open impartial inquiries following any allegation relating to the excessive use of force by the security forces. In particular, such inquiries should be carried out into the December 1999 demonstrations by students and teachers, and the demonstrations organized by non-governmental human rights organizations and political parties which were reported to have been violently broken up during 2001 and 2002.

(12) The Committee notes with concern the many allegations that torture is common practice in Togo, particularly on arrest, during police custody and in places of detention, whereas the State party claims that only a few rare cases of torture have taken place and that they were punished (art. 7).

The State party should honour its promise to transmit to the Committee as soon as possible, written information concerning the treatment of detainees in Landja and Temedja camps.

The State party should ensure that all acts of torture constitute offences under its criminal law, and prohibit any statement obtained under torture from being used as evidence. Impartial and independent inquiries should be carried out with a view to addressing all allegations of torture and inhuman and degrading treatment ascribed to public officials, and bringing the presumed perpetrators of the violations to justice...

(13) The Committee, taking note of the State party's acknowledgement that arbitrary arrests sometimes take place, is concerned at the many reports of the arbitrary arrest of members of the opposition and civil society, human rights defenders and journalists, in violation of article 9 of the Covenant.

The State party should identify the prisoners who have allegedly been detained for political reasons in Togo, and review their situation. The State party should also ensure that persons who have been arbitrarily arrested are released as soon as possible, and that judicial proceedings are instituted against the perpetrators of such violations.

...

(15) The Committee notes with concern that detention conditions in Togo are appalling, particularly in the civil prisons in Lomé and Kara, which are very overcrowded and where the food supply is uncertain and inadequate. This situation has been acknowledged by the State party, which draws attention to its financial difficulties and to its officers' lack of training.

The State party should develop alternative sentences to imprisonment. In addition, the State party should establish an independent inspectorate to carry out regular visits to all detention centres. That inspectorate should include elements independent of the Government, to ensure transparency and observance of articles 7 and 10 of the Covenant, and should be charged

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

with making all the necessary proposals concerning ways of improving detainees' rights and detention conditions, including access to health care.

...

(17) The Committee is concerned at reports that opposition political parties lack practical access to public audio-visual and sound media and that the members of such parties are the target of continuous public slander campaigns in the media (articles 19 and 26 of the Covenant).

The State party should guarantee the fair access of political parties to public and private media and ensure that their members are protected against slander...

(18) The Committee is concerned at reports that peaceful demonstrations organized by civil society are regularly prohibited and forcibly dispersed by the authorities, while marches in support of the President of the Republic are regularly organized by the authorities.

The State party should ensure the practical enjoyment of the right of peaceful assembly and should restrict the exercise of that right only as a last resort, in accordance with article 21 of the Covenant.

(19) The Committee is disturbed by the distinction that the State party makes between associations and non-governmental organizations, and reports that non-governmental human rights organizations have been unable to obtain permission to register.

...

The State party should ensure that this distinction does not violate, in law or in practice, the provisions of article 22 of the Covenant.

The Committee notes the assurance given by the delegation that human rights defenders who have submitted information to the Committee will not be harassed in Togo.

- Estonia, ICCPR, A/58/40 vol. I (2003) 41 at paras. 79(9), 79(12) and 79(16).

(9) While welcoming the additional explanations of the delegation on a case of alleged ill-treatment committed by police officers, the Committee remains concerned that acts of ill-treatment or other forms of violence perpetrated or condoned by law enforcement officials are not prosecuted on the basis of the most appropriate criminal charges but only as minor offences.

The State party should ensure that law enforcement officials are effectively prosecuted for acts that are contrary to article 7 of the Covenant, and that the charges correspond to the seriousness of the acts committed. The Committee also recommends that the State party guarantee the independence from police authorities of the newly created "police control

## PUBLIC AND PRIVATE ACTORS - GENERAL

department”, which is responsible for carrying out investigations of abuses committed by the police.

...

(12) In the light of the State party’s legislation on the use of firearms, the Committee expresses concern at the possibility of the use of lethal force in circumstances not presenting a risk to the lives of others.

The State party is invited to revise its outdated legislation to ensure that the use of firearms is restricted by the principles of necessity and proportionality as reflected in paragraphs 9 and 16 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (articles 7 and 10 of the Covenant).

...

(16) While welcoming the abolition of the requirement of proficiency in the Estonian language for standing as a candidate in elections and the assertion by the delegation that the use or size of advertisements and signs in other languages is not restricted, the Committee is concerned at the practical implementation of Estonian language proficiency requirements, including in the private sector, and the effect this may have on the availability of employment to the Russian-speaking minority. It is also concerned that, in those areas where a substantial minority speaks primarily Russian, public signs are not posted also in Russian.

The State party is invited to ensure that, pursuant to article 27 of the Covenant, minorities are able in practice to enjoy their own culture and to use their own language. It is also invited to ensure that legislation related to the use of languages does not lead to discrimination contrary to article 26 of the Covenant.

- Mali, ICCPR, A/58/40 vol. I (2003) 47 at para. 81(16).

(16) The Committee regrets that the State party has not given a clear response to the reports of slavery-like practices and hereditary servitude in the north of the country. While domestic law does not authorize such practices, the Committee is seriously concerned about their possible survival among the descendants of slaves and the descendants of slave-owners. The Committee stresses that the lack of complaints about such practices cannot be adduced as proof that the practices themselves do not exist (article 8).

The State party should conduct a careful study of the relations between the descendants of slaves and the descendants of slave-owners in the north of the country, with a view to determining whether slavery-like practices and hereditary servitude still continue...

- Slovakia, ICCPR, A/58/40 vol. I (2003) 52 at paras. 82(15), 82(17) and 82(19).

## PUBLIC AND PRIVATE ACTORS - GENERAL

(15) The Committee is concerned about the threat by governmental authorities of criminal prosecution of the authors of the publication “Body and Soul”, under article 199 of the Criminal Code, for “spreading false rumours”. While having been assured by the delegation that the Office of the Prosecutor General has dismissed the charges against the authors, the Committee is nevertheless concerned at the impact of the case on the exercise of the right to freedom of opinion and expression, particularly by human rights defenders (art. 19).

The State party should ensure that provisions of the Criminal Code are not used in such a way as to deter individuals from exercising their right to freedom of expression, in particular human rights defenders from carrying out independent research and publishing the results.

...

(17) The Committee reiterates the concern expressed in its previous concluding observations about reports that Roma are often victims of racist attacks, without receiving adequate protection from law enforcement officers. It further notes continued reports of statements by prominent politicians reflecting discriminatory attitudes *vis-à-vis* the Roma (arts. 2, 20, 26).

The State party should take all necessary measures to combat racial violence and incitement, provide proper protection to Roma and establish adequate mechanisms to receive complaints from victims and ensure adequate investigation and prosecution of cases of racial violence and incitement to racial hatred.

...

(19) The Committee has taken note of the position of the delegation as to the reasons for the lack of statistical data with regard to the situation of Roma as well as of women. However, the Committee emphasizes the importance of data in assessing the situation in the State party and in addressing possible inequalities and patterns of discrimination. Furthermore, the Committee is concerned at the large discrepancy between official census figures and data provided by non-governmental organizations as to the size of the Roma population in the State party. Such under-reporting may have a significant impact on the position of Roma in public life, including the exercise of certain rights, for instance under the Minority Language Law (arts. 2, 3 and 26).

While appreciating the complex nature of gathering such data, the Committee urges the State party to take steps to collect, through methods compatible with the principles of data protection, statistical data reflecting the current size of the Roma population, as well as the position of minorities and women in society, including in the workplace, both in the public and the private sectors.

- Portugal, ICCPR, A/58/40 vol. I (2003) 56 at paras. 83(9) and 83(15).

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

(9) The Committee notes with concern that Portuguese regulations on police use of firearms, as described in the periodic report, are not compatible with the United Nations Principles on the Use of Force and Firearms by Law Enforcement Officials. It is concerned that several persons have been shot dead by the police in recent years and that training in the use of firearms is reported to be insufficient (arts. 6 and 7).

The State party should ensure that principles 9, 14 and 16 of the United Nations Principles on the Use of Force and Firearms by Law Enforcement Officials, relating to legitimate cases of use of firearms, are fully integrated into Portuguese law and implemented in practice and that adequate training is effectively conducted.

...

(15) The Committee notes with concern that many of the provisions relating to terrorism in the Penal Code and the Code of Penal Procedure relate to exceptional situations, which may result in violations of articles 9, 15 and 17 of the Covenant.

The State party should ensure that measures taken against terrorism do not infringe the provisions of the Covenant and that exceptional provisions are not abused by State officials.

- El Salvador, ICCPR, A/58/40 vol. I (2003) 61 at paras. 84(8) and 84(11)-84(13).

(8) The Committee is sorry that the delegation did not give a proper answer to the question whether all military and court officials named in the report of the Truth Commission have been suspended from their duties as recommended by the Commission.

The State party is encouraged to follow the recommendations made by the Truth Commission in its report...

...

(11) The Committee is concerned at the conditions under which certain members of the National Civil Police are recruited, since those conditions do not disbar persons who might have committed violations of human rights or humanitarian law from recruitment.

The State party should take action to ensure that there is no one in the National Civil Police who has committed any violations of human rights or humanitarian law.

(12) The Committee is concerned at reports of PNC [National Civil Police] involvement in violations of the right to life (art. 6) and in torture, cruel, inhuman or degrading treatment and abuse of authority (art. 7), and regrets that it was unable to obtain precise information on the number of sackings that have resulted from cases of torture or similar conduct.

The Committee...recommends compliance by PNC with the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. It also requests the State



## PUBLIC AND PRIVATE ACTORS - GENERAL

party to consider establishing an external mechanism, independent of the National Civil Police, with the right to conduct inquiries and supervise the police.

(13) The Committee is concerned about various reports of threats received by the Procurator in the performance of her duties.

In the light of article 2 of the Covenant, the Committee urges the State party to support the Office of the Procurator and provide it with full institutional backing so as to ensure its independence, and furnish the requisite physical and human resources for the Office to be fully operational. It also recommends the State party to take additional steps to guarantee the security of all Office officials in the performance of their functions.

- Israel, ICCPR, A/58/40 vol. I (2003) 64 at paras. 85(11), 85(20) and 85(23).

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

The State party should reconsider its position...

...

(20) The Committee is concerned by public pronouncements made by several prominent Israeli personalities in relation to Arabs that may constitute advocacy of racial and religious hatred constituting incitement to discrimination, hostility and violence.

The State party should take the necessary action to investigate, prosecute and punish such acts in order to ensure respect for article 20, paragraph 2, of the Covenant.

...

(23) ...The Committee notes with concern that the percentage of Arab Israelis in the civil service and public sector remains very low and that progress towards improving their

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

participation, especially of Arab Israeli women, has been slow (arts. 3, 25 and 26).

The State party should adopt targeted measures with a view to improving the participation of Arab Israeli women in the public sector and accelerating progress towards equality.

- Philippines, ICCPR, A/59/40 vol. I (2003) 15 at paras. 63(8), 63(9), 63(16) and 63(17).

(8) The Committee is concerned about the lack of appropriate measures to investigate crimes allegedly committed by State security forces and agents, in particular those committed against human rights defenders, journalists and leaders of indigenous peoples, and the lack of measures taken to prosecute and punish the perpetrators. Furthermore, the Committee is concerned at reports of intimidation and threats of retaliation impeding the right to an effective remedy for persons whose rights and freedoms have been violated.

(a) The State party should adopt legislative and other measures to prevent such violations, in keeping with articles 2, 6 and 9 of the Covenant, and ensure effective enforcement of the legislation.

(b) The State party should provide information on the outcome of the proceedings related to the cases of Eden Marcellana and Eddie Gumanoy and the execution of 11 persons on Commonwealth Avenue, Manila, in 1995.

(9) The Committee has noted pending legislation related to terrorism awaiting adoption by the Congress of the Philippines. While the Committee is mindful of the security requirements associated with efforts to combat terrorism, it is concerned by the exceedingly broad scope of the proposed legislation, as acknowledged by the delegation. The draft legislation includes a broad and vague definition of acts of terrorism which could have a negative impact on the rights guaranteed by the Covenant.

The State party should ensure that legislation adopted and measures taken to combat terrorism are consistent with the provisions of the Covenant.

...

(16) The Committee welcomes the adoption of the Indigenous Peoples Rights Act (IPRA) in 1997 and the subsequent establishment of the National Commission on Indigenous Peoples (NCIP), but remains concerned about the lack of effective implementation of the legislation. The Committee welcomes the positive measures noted by the delegation, but considers their scope to be limited. It is further concerned at the human rights implications for indigenous groups of economic activities, such as mining operations.

The State party should ensure effective enforcement of the above legislation and ensure that indigenous peoples' land and resource rights enjoy adequate protection in relation to mining

## PUBLIC AND PRIVATE ACTORS - GENERAL

and other competing usage, and that the capacity of the National Commission on Indigenous Peoples is strengthened. Positive measures should be expanded to include land rights issues.

(17) The Committee is concerned that the measures of protection of children are inadequate and the situation of large numbers of children, particularly the most vulnerable, is deplorable. While recognizing that certain legislation has been adopted in this respect, many problems remain in practice, such as:

...

(c) street children vulnerable to extrajudicial executions and various forms of abuse and exploitation;

(d) children as young as 13 allegedly being used by armed groups without adequate measures of protection by the State (art. 24);

...

The State party should:

...

(b) Devise programmes for street children which offer support and assistance. Support to relevant non-governmental organizations is encouraged in this respect;

(c) Take all appropriate measures to ensure protection of children who have been involved in armed conflict and provide them with adequate assistance and counseling for their rehabilitation and reintegration into society (art. 24); and

...

- Russian Federation, ICCPR, A/59/40 vol. I (2003) 20 at paras. 64(12)-64(15), 64(18), 64(19) and 64(24).

(12) While the Committee notes that a number of measures have been taken to prevent the use of excessive force and torture by law enforcement personnel during the process of questioning, it remains concerned that suspects and detainees are not sufficiently protected under current legislation. The Committee is concerned at the reported occurrence of torture or ill-treatment, especially during informal interrogations in police stations when the presence of a lawyer is not required.

The State party should ensure that law enforcement officials are prosecuted for acts contrary to article 7 of the Covenant, and that the charges correspond to the seriousness of the acts committed. The State party should ensure the implementation of existing applicable legislation, as well as the Covenant, through further professional training of law enforcement personnel on the rights of suspects and detainees.

(13) The Committee remains deeply concerned about continuing substantiated reports of

## PUBLIC AND PRIVATE ACTORS - GENERAL

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

The State party should ensure that operations in the Republic of Chechnya are carried out in compliance with its international human rights obligations. The State party should ensure that abuse and violations are not committed with impunity *de jure* or *de facto*, including violations committed by military and law enforcement personnel during counter-terrorist operations. All cases of extrajudicial executions, enforced disappearances and torture, including rape, should be investigated, their perpetrators prosecuted and victims or their families compensated (arts. 2, 6, 7 and 9).

(14) While acknowledging the serious nature of the hostage-taking situation, the Committee cannot but be concerned at the outcome of the rescue operation in the Dubrovka theatre in Moscow on 26 October 2002. The Committee notes that various attempts to investigate the situation are still under way but expresses its concern that there has been no independent and impartial assessment of the circumstances, regarding medical care of the hostages after their liberation and the killing of the hostage-takers.

The State party should ensure that the circumstances of the rescue operation in the Dubrovka theatre are subject to an independent, in-depth investigation, the results of which are made public, and, if appropriate, prosecutions are initiated and compensation paid to the victims and their families.

(15) The Committee welcomes the marked improvement registered since the consideration of the previous report with regard to overcrowding in prisons and the scheduled further reduction of the number of prisoners by more than 150,000. However, it was not clear whether all serious overcrowding in all places of detention had been resolved. The Committee remains concerned about reports of poor hygiene and violence by prison officers in some places of detention.

The State party should continue to reinforce efforts to reform the prison system to meet the

## PUBLIC AND PRIVATE ACTORS - GENERAL

requirements of article 10 of the Covenant. The State party should ensure that the problem of overcrowding is completely eliminated and that prisoners' complaints concerning violations of their rights are promptly and thoroughly investigated. Moreover, the Committee encourages the adoption of the draft federal law "On public control over ensuring human rights in places of forced detention and assistance of public associations in their activities", adopted in first reading by the State Duma in September 2003, which would allow for independent oversight of prison conditions.

...

(18) The Committee notes with concern the closure in recent years of a number of independent media companies and an increase in State control of major media outlets (TV channels, radio stations and newspapers), either directly or indirectly through State-owned corporations, such as the State-run company Gazprom, which took over the independent nationwide television network NTV in 2001.

The State party is invited to protect media pluralism and avoid state monopolization of mass media, which would undermine the principle of freedom of expression enshrined in article 19 of the Covenant.

(19) The Committee is concerned that the proposed amendments to the law "On Mass Media" and the law "On Combating Terrorism", adopted by the State Duma in 2001 in the aftermath of the events of 11 September 2001, are incompatible with article 19 of the Covenant. It notes with satisfaction that the President of the Russian Federation vetoed the amendments in November 2002.

The State party should ensure that the above-mentioned amendments, which were put in abeyance in November 2002, but are due to be debated again by a parliamentary commission, are brought into conformity with the State party's obligations under the Covenant.

...

(24) The Committee is concerned at the increase of racially motivated violent attacks against ethnic and religious minorities, as well as about reports of racial profiling by law enforcement personnel. It notes with concern reports of xenophobic statements made by public officials.

The State party should take effective measures to combat racially motivated crimes. It should ensure that law enforcement personnel receive clear instructions and proper training with a view to protecting minorities against harassment. The State party is also encouraged to introduce specific legislation to criminalize racist acts as well as racially motivated statements made by those in public office (arts. 2, 20 and 26).

- Latvia, ICCPR, A/59/40 vol. I (2003) 25 at paras. 65(7), 65(8), 65(14) and 65(18)-65(20).

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

(7) The Committee is concerned about allegations of ill-treatment of persons by police officers, as well as the lack of statistical data on the number, details and outcome of cases of ill-treatment by police officers. Although it notes that, as of 2003, statistics on physical ill-treatment by police officers are being systematized (art. 7).

The State party should take firm measures to eradicate all forms of police ill-treatment, including prompt investigations, prosecution of perpetrators and the provision of effective remedies to the victims.

(8) The Committee is concerned that no independent oversight mechanism exists for investigating complaints of criminal conduct against members of the police, which could contribute to impunity for police officers involved in human rights violations (arts. 2, 7 and 9).

The State party should establish an independent body with authority to receive and investigate all complaints of excessive use of force and other abuse of power by the police.

...

(14) The Committee notes that discrimination against women with regard to remuneration persists, notwithstanding the measures taken by the Government to guarantee equal treatment, including through employment law and the programme on the implementation of gender equality. The Committee regrets that insufficient information was provided by the State party in regard to the number and results of cases brought and whether compensation has been paid. (arts. 3 and 26).

The State party should take all necessary measures to ensure equal treatment of women and men 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.

...

(18) With regard to the status of non-citizens, the Committee notes the policy of the Government to further social integration through naturalization. However, the Committee is concerned about the large proportion of non-citizens in the State party, who by law are treated neither as foreigners nor as stateless persons but as distinct category of persons with long-lasting and effective ties to Latvia, in many respects comparable to citizens but in other respects without the rights that come with full citizenship. The Committee expresses its concern over the perpetuation of a situation of exclusion, resulting in lack of effective enjoyment of many Covenant rights by the non-citizen segment of the population, including political rights, the possibility to occupy certain State and public positions, the possibility to exercise certain professions in the private sector, restrictions in the area of ownership of agricultural land, as well as social benefits (art. 26).

The State party should prevent the perpetuation of a situation where a considerable part of

## PUBLIC AND PRIVATE ACTORS - GENERAL

the population is classified as "non-citizens". In the interim, the State party should facilitate the integration process by enabling non-citizens who are long-term residents of Latvia to participate in local elections and to limit the number of other restrictions on non-citizens in order to facilitate the participation of non-citizens in public life in Latvia.

(19) The Committee is concerned about the impact of the state language policy on the full enjoyment of rights stipulated in the Covenant. Areas of concern include the possible negative impact of the requirement to communicate in Latvian except under limited conditions, on access of non-Latvian speakers to public institutions and communication with public authorities (art. 26).

The State party should take all necessary measures to prevent negative effects of its language policy on the rights of individuals under the Covenant, and, if required, adopt measures such as the further development of translation services.

(20) While noting the explanation provided by the State party for the adoption of the Education Law of 1998, particularly the gradual transition to Latvian as the language of instruction, the Committee remains concerned about the impact of the current time limit on the move to Latvian as the language of instruction, in particular in secondary schools, on Russian-speakers and other minorities. Furthermore, the Committee is concerned about the distinction made in providing State support to private schools based on the language of instruction (arts. 26 and 27).

The State party should take all necessary measures to prevent negative effects on minorities of the transition to Latvian as the language of instruction. It should also ensure that if State subsidies are provided to private schools, they are provided in a non-discriminatory manner.

- Sri Lanka, ICCPR, A/59/40 vol. I (2003) 30 at paras. 66(9), 66(10) and 66(16)-66(18).

(9) The Committee remains concerned about persistent reports of torture and cruel, inhuman or degrading treatment or punishment of detainees by law enforcement officials and members of the armed forces, and that the restrictive definition of torture in the 1994 Convention against Torture Act continues to raise problems in the light of article 7 of the Covenant. It regrets that the majority of prosecutions initiated against police officers or members of the armed forces on charges of abduction and unlawful confinement, as well as on charges of torture, have been inconclusive due to lack of satisfactory evidence and unavailability of witnesses, despite a number of acknowledged instances of abduction and/or unlawful confinement and/or torture, and only very few police or army officers have been found guilty and punished. The Committee also notes with concern reports that victims of human rights violations feel intimidated from bringing complaints or have been subjected to intimidation and/or threats, thereby discouraging them from pursuing appropriate avenues

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

to obtain an effective remedy (article 2 of the Covenant).

The State party should adopt legislative and other measures to prevent such violations, in keeping with articles 2, 7 and 9 of the Covenant, and ensure effective enforcement of the legislation. It should ensure in particular that allegations of crimes committed by State security forces, especially allegations of torture, abduction and illegal confinement, are investigated promptly and effectively with a view to prosecuting perpetrators. The National Police Commission complaints procedure should be implemented as soon as possible. The authorities should diligently enquire into all cases of suspected intimidation of witnesses and establish a witness protection programme in order to put an end to the climate of fear that plagues the investigation and prosecution of such cases. The capacity of the National Human Rights Commission to investigate and prosecute alleged human rights violations should be strengthened.

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

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

...

(16) The Committee expresses concern that the procedure for the removal of judges of the Supreme Court and the Courts of Appeal set out in article 107 of the Constitution, read together with Standing Orders of Parliament, is incompatible with article 14 of the Covenant, in that it allows Parliament to exercise considerable control over the procedure for removal of judges.

The State party should strengthen the independence of the judiciary by providing for judicial, rather than parliamentary, supervision and discipline of judicial conduct.

(17) While appreciating the repeal of the statutory provisions relating to criminal defamation, the Committee notes with concern that State radio and television programmes still enjoy broader dissemination than privately owned stations, even though the Government has taken media-related initiatives, by repealing the laws that provide for State control of the



## **PUBLIC AND PRIVATE ACTORS - GENERAL**

media, by amending the National Security Act and by creating a Press Complaints Commission (art. 19).

The State party is urged to protect media pluralism and avoid state monopolization of media, which would undermine the principle of freedom of expression enshrined in article 19 of the Covenant. The State party should take measures to ensure the impartiality of the Press Complaints Commission.

(18) The Committee is concerned about persistent reports that media personnel and journalists face harassment, and that the majority of allegations of violations of freedom of expression have been ignored or rejected by the competent authorities. The Committee observes that the police and other government agencies frequently do not appear to take the required measures of protection to combat such practices (arts. 7, 14 and 19).

The State party should take appropriate steps to prevent all cases of harassment of media personnel and journalists, and ensure that such cases are investigated promptly, thoroughly and impartially, and that those found responsible are prosecuted.

- Colombia, ICCPR, A/59/40 vol. I (2004) 35 at paras. 67(8), 67(11) and 67(18).

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

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

...

(11) The Committee is concerned about the fact that a significant number of arbitrary detentions, abductions, forced disappearances, cases of torture, extrajudicial executions and murders continue to occur in the State party. The Committee is also concerned that such practices as the arrest of election candidates continue, and that murders of legislators dating from earlier years remain unpunished. Human rights defenders, political and trade union leaders, judges and journalists continue to be targets of such actions. The abduction of presidential candidate Ingrid Betancourt in February 2002 continues to be of concern to the Committee, as do the other abductions. The Committee is also disturbed about the

## PUBLIC AND PRIVATE ACTORS - GENERAL

participation of agents of the State party in the commission of such acts, and the apparent impunity enjoyed by their perpetrators.

The State party should take immediate and effective steps to investigate these incidents, punish and dismiss those found responsible and compensate the victims, so as to ensure compliance with the guarantees set forth in articles 2 (3), 6, 7 and 9 of the Covenant.

...

(18) The Committee deplores information received regarding actions taken against human rights defenders, including intimidation and verbal and physical attacks originating at the highest political and military levels, as well as the interception of communications. Such acts constitute restrictions of their rights to freedom of expression and association.

The State party should halt such practices, and should also strengthen the protective measures that already exist in Presidential Directive 07 so that human rights defenders may fully enjoy the rights to freedom of expression and association recognized in articles 19 and 22 of the Covenant.

- Germany, ICCPR, A/59/40 vol. I (2004) 39 at paras. 68(12) - 68(13) and 68(15).

(12) The Committee notes that owing to the State party's federal structure, in exercising its overall responsibility for compliance with the Covenant it may encounter acts and omissions of the authorities of the Länder in areas of their exclusive competence that are not consistent with the Covenant.

The State party is reminded of its responsibilities in relation to article 50 of the Covenant; it should establish proper mechanisms between the federal and Länder levels to further ensure the full applicability of the Covenant.

(13) While the Committee appreciates progress made in practice in the area of equality for men and women in the public service, it notes with concern that the number of women in senior positions is still very low. It is also concerned about wide disparities, in the private sector, of remuneration between men and women (arts. 3 and 26).

The State party should ensure equal treatment of men and women at all levels of the public service. Furthermore, it should continue to take necessary measures so that women enjoy equal participation in the labour market, in particular in terms of equal wages for work of equal value.

...

(15) While the Committee notes with satisfaction that the use of firearms by the police is restricted by law to a measure of coercion *in extremis* and that the number of persons killed or injured by the use of such force has declined in recent years, it is concerned that in some of these cases the use of firearms might not have been justified (art. 6).

## PUBLIC AND PRIVATE ACTORS - GENERAL

(a) The State party should ensure prompt, thorough and impartial investigation of all cases of persons killed or injured as a consequence of the use of firearms by police forces, bring to justice those responsible for violations of the law, and grant full reparation, including fair and adequate compensation, and rehabilitation to victims and their families.

(b) The State party should also provide training to police in methods of controlling difficult situations without using firearms.

- Uganda, ICCPR, A/59/40 vol. I (2004) 47 at paras. 70(16) and 70(17).

(16) While the Committee notes that several measures have been taken to prevent the excessive use of force by law enforcement officials, it remains concerned about situations in which they have allegedly extrajudicially executed civilians, such as the September 2002 incident in Gulu, or the one that took place during operation “Wembley” in June 2002 (art. 6).

The State party should ensure that law enforcement officials are prosecuted for any disproportionate use of firearms against civilians. Additionally, it should continue its efforts to train police agents, members of the military and prison officers to scrupulously respect applicable international standards.

(17) The Committee takes note of the explanation provided by the delegation about the outlawing of “safe houses”, places of unacknowledged detention where persons have been subjected to torture by military personnel. Nevertheless it remains concerned that State agents continue arbitrarily to deprive persons of their liberty, including in unacknowledged places of detention, in particular in northern Uganda. It is also concerned about the widespread practice of torture and ill-treatment of persons detained by the military as well as by other law enforcement officials (arts. 7 and 9).

The State party should take urgent and effective measures to prevent arbitrary detention and torture by State agents. It should thoroughly investigate any alleged case of arbitrary detention and torture, prosecute those held responsible and ensure that full reparation is granted, including fair and adequate compensation.

- Lithuania, ICCPR, A/59/40 vol. I (2004) 52 at para. 71(4).

(4) The Committee welcomes the amendment to the Law on Compensation for the Damage Caused by Unlawful Acts of State Authorities, which is currently pending before Parliament. It encourages the State party to adopt this legislative amendment, which will further improve the implementation of the Committee’s Views on communications under the Optional

## PUBLIC AND PRIVATE ACTORS - GENERAL

Protocol, including the provision of compensation.

- Belgium, ICCPR, A/59/40 vol. I (2004) 56 at para. 72(27).

(27) The Committee notes with concern that a number of racist, xenophobic, anti-Semitic and anti-Muslim acts have taken place in Belgium. It is concerned that political parties urging racial hatred can still benefit from the public financing system, and observes that a bill designed to put an end to that situation is still being considered by the Senate (art. 20).

The State party should take all necessary steps to protect communities resident in Belgium against racist, xenophobic, anti-Semitic and anti-Muslim acts. It should have the above-mentioned bill passed as soon as possible, and consider sterner measures to prevent individuals and groups from seeking to arouse racial hatred and xenophobia, in pursuance of article 20, paragraph 2, of the Covenant.

- Liechtenstein, ICCPR, A/59/40 vol. I (2004) 61 at paras. 73(7), 73(10) and 73(13).

(7) While noting the numerous measures taken by the State party to address the problem of inequality between men and women, the Committee notes the persistence of a passive attitude in society towards the role of women in many areas, especially in public affairs. The Committee is also concerned about the compatibility with the Covenant of laws governing the succession to the throne (arts. 2, 3, 25 and 26).

The State party should continue to take effective measures, including by legislative amendments, to address inequality between men and women. It is encouraged to take measures designed to enhance the participation of women in Government and decision-making processes, and to further promote equality of men and women in non-public areas. While noting Liechtenstein's interpretive declaration concerning article 3 of the Covenant, the State party may wish to consider the compatibility of the State party's exclusion of women from succession to the throne with articles 25 and 26 of the Covenant.

...

(10) The Committee notes with concern that the law on self-defence and the rules governing the use of firearms by law enforcement officials are not specific on the issue of proportionality as to their use of firearms (art. 6).

The State party should ensure that its law on self-defence and the provisions governing the use of force and firearms by law enforcement officials fully comply with the requirement of proportionality as reflected in the United Nations Basic Principles on the Use of Force and

## PUBLIC AND PRIVATE ACTORS - GENERAL

Firearms by Law Enforcement Officials.

...

(13) The Committee is concerned about the differential treatment of religious denominations in the allocation of public funds (arts. 2, 18 and 26).

The State party should review its policies in the allocation of public funds to religious denominations and ensure that all are assigned an equitable part of these funds.

- Namibia, ICCPR, A/59/40 vol. I (2004) 64 at paras. 74(3) and 74(14).

(3) The Committee notes the efforts made by the State party in establishing and developing democratic institutions since independence in 1990. The Committee commends the State party for doing so in a spirit of cooperation with non-governmental organizations and international bodies.

...

(14) While the Committee takes note that, at present, magistrates are mandated to carry out independent inspections of detention centres, the Committee reiterates the need for an additional external and independent body mandated with the task of visiting the centres and receiving and investigating complaints emanating therefrom. A strong and independent mechanism is also required for the investigation of allegations of acts of police brutality in general.

The State party should consider establishing an independent body that would be able to visit all places of detention and conduct investigations into violations of rights and abuses in prisons and places of detention, and to investigate acts of police brutality in general.

- Serbia and Montenegro, ICCPR, A/59/40 vol. I (2004) 68 at paras. 75(15), 75(16) and 75(22).

(15) While taking note of the establishment in Serbia of the Office of Inspector General of the Public Security Service in June 2003, the Committee is concerned that no independent oversight mechanism exists for investigating complaints of criminal conduct against members of the police, which could contribute to impunity for police officers involved in human rights violations (arts. 2, 7, 9).

The State party should establish independent civilian review bodies at the Republic level with authority to receive and investigate all complaints of excessive use of force and other abuse of power by the police.

(16) The Committee notes that Serbia and Montenegro is a main transit route for trafficking

## PUBLIC AND PRIVATE ACTORS - GENERAL

in human beings and increasingly a country of origin and destination. It welcomes the efforts made by the State party and the measures taken to address the situation regarding trafficking in women and children, including the establishment of national teams to combat trafficking in Serbia and in Montenegro, as well as the introduction of a criminal offence in the criminal codes of Montenegro and of Serbia directed to trafficking in human beings, although some concerns regarding the definition of trafficking remain. The Committee is also concerned at the lack of effective witness protection mechanisms and notes the apparent lack of awareness about trafficking in women and children on the part of law enforcement officials, prosecutors and judges. The Committee notes that shelters and SOS hotlines are managed by non-governmental organizations, which have also organized awareness campaigns, and regrets the lack of adequate involvement by the authorities in these initiatives (arts. 3, 8, 24).

The State party should take measures to combat trafficking in human beings, which constitutes a violation of several Covenant rights, including articles 3 and 24 and the right under article 8 to be free from slavery and servitude. Strong measures should be taken to prevent trafficking and to impose sanctions on those who exploit women and children in this way. Protection should be extended to all victims of trafficking so that they may have a place of refuge and an opportunity to give evidence against the persons responsible in criminal or civil proceedings.

...

(22) The Committee is concerned at the high number of proceedings initiated against journalists for media-related offences, in particular as a result of complaints filed by political personalities who feel that they have been subject to defamation because of their functions.

The State party, in its application of the law on criminal defamation, should take into consideration on the one hand the principle that the limits for acceptable criticism for public figures are wider than for private individuals, and on the other hand the provisions of article 19 (3), which do not allow restrictions to freedom of expression for political purposes.

- Finland, ICCPR, A/60/40 vol. I (2004) 22 at paras. 81(13), 81(15) and 81(17).

(13) The Committee notes with concern the overt attacks made by political authorities (members of the Government and Parliament) on the competence of the judiciary with a view to interfering in certain judicial decisions.

The State party should take action at the highest level to uphold the independence of the judiciary and maintain public trust in the independence of the courts (arts. 2 and 14 of the Covenant).

...

(15) While acknowledging the State party's efforts to enable the Roma minority to preserve

## PUBLIC AND PRIVATE ACTORS - GENERAL

its language and culture and to integrate fully into society, the Committee again notes with concern that Roma still face discrimination in housing, education, employment and access to public places.

The State party should step up its efforts to combat social exclusion and discrimination, and allocate the requisite resources to put into effect all plans to do away with obstacles to the Roma's practical exercise of the rights they enjoy under the Covenant (arts. 26 and 27).

...

(17) The Committee regrets that it has not received a clear answer concerning the rights of the Sami as an indigenous people (Constitution, sect. 17, subsect. 3), in the light of article 1 of the Covenant. It reiterates its concern over the failure to settle the question of Sami rights to land ownership and the various public and private uses of land that affect the Sami's traditional means of subsistence - in particular reindeer breeding - thus endangering their traditional culture and way of life, and hence their identity.

The State party should, in conjunction with the Sami people, swiftly take decisive action to arrive at an appropriate solution to the land dispute with due regard for the need to preserve the Sami identity in accordance with article 27 of the Covenant. Meanwhile it is requested to refrain from any action that might adversely prejudice settlement of the issue of Sami land rights.

- Albania, ICCPR, A/60/40 vol. I (2004) 25 at paras. 82(11) - 82(13) and 82(15).

(11) The Committee is troubled by the explanation provided in paragraph 196 of the report. It is concerned about the low level of participation of women in public affairs, and that women continue to have a disproportionately low presence in the political and economic life of the State party, particularly in senior positions of public administration (arts. 2, 3 and 26).

The State party should take immediate steps to change public attitude towards the suitability of women for positions in public affairs and consider adopting a policy of positive action. The State party should take appropriate measures to ensure the effective participation of women in political, public and other sectors of the State party.

(12) While welcoming the progress made by the State party in the fight against traditional "blood feuds" and situations where potential victims, including children, do not leave their homes, the Committee is concerned about these phenomena and the lack of detailed information provided about crimes related to customary law and traditional codes (arts. 6 and 7).

The State party should take firm measures to eradicate crimes committed under the guise of customary law and traditional codes. It should investigate such crimes and prosecute and

## PUBLIC AND PRIVATE ACTORS - GENERAL

punish all the perpetrators.

(13) The Committee is concerned about allegations of arbitrary arrests and detention, the excessive use of force by law enforcement officials, ill-treatment of detainees in police custody and use of torture to extract confession from suspects. It regrets that acts of torture by law enforcement officials are considered as “arbitrary acts” only and treated accordingly. It is also concerned that despite several cases of investigations and punishment of those responsible for ill-treatment, many cases have not been investigated properly and compensation to victims has not been provided (art. 7).

The State party should take firm measures to eradicate all forms of ill-treatment by law enforcement officials and ensure prompt, thorough, independent and impartial investigations into all allegations of torture and ill-treatment. It should prosecute perpetrators and ensure that they are punished in a manner proportionate to the seriousness of the crimes committed, and grant effective remedies including compensation to the victims.

...

(15) While the Committee acknowledges that Albania’s role has decreased as a transit route for trafficking in human beings and welcomes the legal and practical measures taken by the State party to address and combat trafficking in women and children originating from the country, it remains concerned about this phenomenon, about reports on the involvement of police and government officials in acts of trafficking, and about the lack of effective witness and victim protection mechanisms (arts. 8, 24 and 26).

The State party should continue to reinforce international cooperation as well as practical measures to combat trafficking in human beings, prosecute and punish perpetrators and combat trafficking-related corruption. Protection should be provided to all witnesses and victims of trafficking so that they may have a place of refuge and an opportunity to give evidence against those held responsible.

- Benin, ICCPR, A/60/40 vol. I (2004) 30 at paras. 83(8), 83(14) and 83(15).

(8) The Committee notes with concern that the Beninese Commission on Human Rights is no longer operational and that the State party has not taken the necessary measures, including budgetary measures, to enable the Commission to function effectively. It recalls that an independent national human rights institution having as its mandate the promotion and protection of rights cannot be replaced by non-governmental organizations or by the National Human Rights Advisory Board within the Ministry of Justice (article 2 of the Covenant).

The State party should set up a national human rights institution, in accordance with the Paris Principles relating to the status and functioning of national institutions for protection



## PUBLIC AND PRIVATE ACTORS - GENERAL

and promotion of human rights (General Assembly resolution 48/134).

...

(14) The Committee is concerned at the persistence of vigilante justice. It also notes with concern that infanticides motivated by traditional beliefs are being committed in the country (articles 6, 7 and 24 of the Covenant).

The State party should protect persons from acts committed by individuals that infringe their right to life and physical integrity, and should exercise due diligence with a view to preventing and punishing such acts, investigating them and providing reparations for the resulting harm. The State party should also step up its efforts to increase public awareness...

(15) The Committee is concerned by allegations that abuse of the system of police custody, torture and cruel, inhuman or degrading treatment are common practice in Benin. It is disturbed by the fact that law enforcement officials who perpetrate such violations appear to enjoy widespread impunity (articles 2, 7 and 9 of the Covenant).

The State party should display greater firmness in preventing abuses of police custody, torture and ill-treatment, and should strengthen the training provided to law enforcement personnel in this area. It should automatically bring disciplinary and criminal proceedings against the perpetrators of violations and, in particular, should enforce Constitutional Court decisions in such cases. The Committee recommends that the State party...conduct an independent investigation of the methods in use in the "Petit Palais".

- Morocco, ICCPR, A/60/40 vol. I (2004) 35 at para. 84(18).

(18) The Committee is concerned that some representatives of non-governmental organizations had their passports confiscated and were thus prevented from attending a meeting of non-governmental organizations on the question of Western Sahara at the fifty-ninth session of the Commission on Human Rights in Geneva (Covenant, arts. 12 and 19).

The State party should apply article 12 of the Covenant to all its nationals.

- Poland, ICCPR, A/60/40 vol. I (2004) 40 at para. 85(20).

(20) While taking note of the draft Law on National and Ethnic Minorities and on Regional Languages, the Committee is concerned that current legislation does not allow linguistic minorities to use their own language when dealing with administrative authorities in areas where their numbers warrant (arts. 26 and 27).

The State party should ensure that new legislation on minorities is in full compliance with

## PUBLIC AND PRIVATE ACTORS - GENERAL

article 27 of the Covenant, in particular regarding the rights of minorities to be recognized as such and to use their own languages.

- Kenya, ICCPR, A/60/40 vol. I (2005) 44 at paras. 86(10) and 86(16).

(10) The Committee notes with concern that systemic discrimination against women persists in Kenya, both in law and practice. This includes a low level of representation of women in Parliament and in public office, despite recent progress in this area; inequalities in claiming property rights; the discriminatory practice of “wife inheritance”; and inequalities in the law of succession or inheritance. In addition, the continued application of some customary laws, including the permissibility of polygamous marriages, undermines the scope of the non-discrimination provisions in the Constitution and other legislative texts (articles 2, 3, 23, 24 and 26 of the Covenant).

The State party should take urgent measures to address the absence of constitutional protection against discrimination in relation to women and gender disparities, and intensify its efforts to ensure their protection, whether through the National Commission on Gender and Development or otherwise. The draft bill that would eliminate inequality of spouses with regard to marriage, divorce, devolution of property and other rights should be adopted without delay. The State party should prohibit polygamous marriages.

...

(16) The Committee is concerned about reports of extrajudicial killings perpetrated by police units (“flying squads”) or other law enforcement personnel. While noting the delegation’s intention to address this issue, it deplores the fact that few instances of unlawful killings by law enforcement officials have been investigated or prosecuted, and that *de facto* impunity for such acts continues to be widespread (articles 2, 6 and 7 of the Covenant).

The State party should promptly investigate reports of unlawful killings by police or law enforcement officers and prosecute those found responsible. The State party should actively pursue the idea of instituting an independent civilian body to investigate complaints filed against the police.

- Mauritius, ICCPR, A/60/40 vol. I (2005) 52 at paras. 88(8) and 88(13).

(8) While the Committee welcomes the progress achieved with respect to gender parity in the public sector, it notes with concern that few women are employed in the private sector and in executive positions. It also remains concerned over the wage gap between men and women. Finally, the participation of women in political life remains inadequate (Covenant, arts. 3 and 26).

## PUBLIC AND PRIVATE ACTORS - GENERAL

The State party should pursue and strengthen its measures to ensure that women enjoy equal access to the private sector labour market, including executive positions, and to equal pay for work of equal value. Women's participation in political life should also be enhanced through effectively applied positive measures.

...

(13) The Committee notes with concern concurring reports from non-governmental organizations on numerous instances of ill-treatment and deaths of persons in custody and in prisons attributable to police officers. The Committee is concerned at the fact that few complaints are actually investigated in order to identify and punish the officers responsible. It notes with concern the limitations of the investigations carried out by the Complaints Investigation Bureau, as well as the shortcomings of the National Human Rights Commission (Covenant, arts. 6, 7 and 10). In that regard, it is concerned at the absence of an independent appeals body for complaints against the police authorities.

The State party should ensure that investigations into all violations under articles 6, 7 and 10 of the Covenant are carried out. It should, depending on the findings of the investigations, prosecute the perpetrators of such violations and pay compensation to the victims. The State party should also ensure that the victims have access to genuinely independent bodies for investigating those complaints...

- Uzbekistan, ICCPR, A/60/40 vol. I (2005) 56 at para. 89(19).

(19) The Committee is concerned that the State party requires an "exit visa" from its nationals for their travel abroad, and in particular that representatives of non-governmental organizations who were refused an exit visa were thereby prevented from attending meetings on human rights issues (Covenant, arts. 12 and 19).

The State party should abolish the requirement of an exit visa for its nationals.

- Greece, ICCPR, A/60/40 vol. I (2005) 60 at paras. 90(9) and 90(20).

(9) The Committee is concerned about reported cases of disproportionate use of force by the police, including fatal shootings, and ill-treatment at the time of arrest and during police custody. Police violence against migrants and Roma appears to be recurrent. The Committee is equally concerned about the reported failure of the judicial and administrative systems to deal promptly and effectively with such cases and the leniency of the courts in the few cases where law enforcement officers have been convicted (arts. 2 and 7).

(a) The State party should end police violence without delay. It should increase its efforts to ensure that education on the prohibition of torture and ill treatment, as well as

## PUBLIC AND PRIVATE ACTORS - GENERAL

sensitization on issues of racial discrimination are included in the training of law enforcement personnel;

(b) The State party should ensure that all alleged cases of torture, ill treatment and disproportionate use of force by police officers are fully and promptly investigated, that those found guilty are punished under laws that ensure that sentences are commensurate with the gravity of the offence, and that compensation is provided to the victims or their families...

...

(20) The Committee notes the State party's commitment to the equal enjoyment of their rights by all citizens of Greece, regardless of religion or ethnic origin. However, the Committee notes with concern the apparent unwillingness of the Government to allow any private groups or associations to use associational names that include the appellation "Turk" or "Macedonian", based upon the State party's assertion that there are no ethnic, religious or linguistic minorities in Greece other than the Muslims in Thrace. The Committee notes that individuals belonging to such minorities have a right under the Covenant to the enjoyment of their own culture, the profession and practise of their own religion, and the use of their own language in community with other members of their group (art. 27).

The State party should review its practice in light of article 27 of the Covenant.

- Yemen, ICCPR, A/60/40 vol. I (2005) 65 at para. 91(10).

(10) While noting the efforts developed by the State party, the Committee remains concerned at the low level of participation of women in political life, in particular in the House of Representatives, local councils, the leadership structures of political parties, as well as in the judiciary (arts. 3 and 26).

The State party should increase its efforts to promote the participation of women in all spheres of public life, appoint more women to the judiciary and higher positions in the executive branch...

- Tajikistan, ICCPR, A/60/40 vol. I (2005) 70 at paras. 92(7) and 92(21).

(7) Whilst noting the efforts made by the State party to decrease the gender imbalance in government positions and to improve the status and rights of women in society, the Committee considers that much more needs to be done (arts. 3 and 26).

The State party should take more positive measures to ensure higher representation of women in public life.

## PUBLIC AND PRIVATE ACTORS - GENERAL

...

(21) The Committee is concerned about persistent reports that journalists have been harassed by State officials in the exercise of their profession and that newspapers have been seized (art. 19).

The State party should avoid any harassment or intimidation of journalists and ensure that its legislation and practice give full effect to the requirements of article 19 of the Covenant.

- Slovenia, ICCPR, A/60/40 vol. I (2005) 74 at paras. 93(8), 93(9), 93(13) and 93(16).

(8) The Committee is concerned about the level of participation of women in public affairs. The Committee is also concerned that women continue to be disproportionately poorly represented in the political and economic life of the State party, particularly in senior positions of the public administration (arts. 3 and 26).

The State party should take the necessary legal and practical measures to increase the effective participation of women in public affairs and in the political and economic sectors.

(9) The Committee is concerned about reported cases of ill-treatment by law enforcement officials and the lack of thorough investigations and adequate punishment of the responsible officials and non-payment of compensation to the victims...

The State party should take appropriate measures to prevent and punish all forms of ill-treatment by law enforcement officials to ensure the provision of legal assistance to all from the beginning of detention and prompt, thorough, independent and impartial investigation into all allegations of violations of human rights. It should prosecute perpetrators of such acts and ensure that they are punished in a manner proportionate to the seriousness of the offences committed by them, and grant effective remedies, including compensation, to the victims.

...

(13) The Committee is concerned about manifestations of hate speech and intolerance in the public domain which are occasionally echoed by certain media in the State party (art. 20).

The State party should adopt strong measures to prevent and prohibit the advocacy of hate and intolerance that constitutes prohibited incitement and fulfil the provisions of article 20.

...

(16) The Committee is concerned about the difference in the status between the so-called “autochthonous” (indigenous) and “non-autochthonous” (new) Roma communities in the State party (arts. 26 and 27).

The State party should consider eliminating discrimination on the basis of status within the

## PUBLIC AND PRIVATE ACTORS - GENERAL

Roma minority and provide to the whole Roma community a status free of discrimination, and improve its living conditions and enhance its participation in public life.

- Syrian Arab Republic, ICCPR, A/60/40 vol. I (2005) 78 at paras. 94(5), 94(12) and 94(13).

(5) While welcoming the establishment of the National Committee for International Humanitarian Law, the Committee notes that it is not fully independent. Noting the delegation's statement about current plans to establish an independent national human rights institution, the Committee wishes to stress the complementary role of such an institution with respect to governmental institutions and non-governmental organizations dealing with human rights (article 2 of the Covenant).

The State party is encouraged to establish a national human rights institution that complies with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (General Assembly resolution 48/134).

...

(12) The Committee is concerned at the obstacles imposed on the registration and free operation of non-governmental human rights organizations in the State party and the intimidation, harassment and arrest of human rights defenders. It also continues to be deeply concerned about the continuing detention of several human rights defenders and the refusal to register certain human rights organizations (arts. 9, 14, 19, 21 and 22).

The State party should immediately release all persons detained because of their activities in the field of human rights and end all harassment and intimidation of human rights defenders. Furthermore, the State party should take urgent steps to amend all legislation that restricts the activities of these organizations, in particular state of emergency legislation which must not be used as an excuse to suppress activities aimed at the promotion and protection of human rights. The State party should ensure that its law and practice allow these organizations to operate freely.

(13) The Committee is concerned at the extensive limitations on the right to freedom of opinion and expression in practice, which go beyond the limitations permissible under article 19(3). Furthermore, the Committee is concerned at allegations that the Government has blocked access to some Internet sites used by human rights defenders or political activists (art. 19).

The State party should revise its legislation to ensure that any limitations on the right to freedom of opinion and expression are in strict compliance with article 19 of the Covenant.

- Thailand, ICCPR, A/60/40 vol. I (2005) 83 at paras. 95(10), 95(18) and 95(19).

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

(10) The Committee is concerned at the persistent allegations of serious human rights violations, including widespread instances of extrajudicial killings and ill-treatment by the police and members of armed forces, illustrated by incidents such as the Tak Bai incident in October 2004, the Krue Se mosque incident on 28 April 2004 and the extraordinarily large number of killings during the “war on drugs” which began in February 2003. Human rights defenders, community leaders, demonstrators and other members of civil society continue to be targets of such actions, and any investigations have generally failed to lead to prosecutions and sentences commensurate with the gravity of the crimes committed, creating a culture of impunity. The Committee further notes with concern that this situation reflects a lack of effective remedies available to victims of human rights violations, which is incompatible with article 2, paragraph 3, of the Covenant (arts. 2, 6, 7).

The State party should conduct full and impartial investigations into these and such other events and should, depending on the findings of the investigations, institute proceedings against the perpetrators. The State party should also ensure that victims and their families, including the relatives of missing and disappeared persons, receive adequate redress. Furthermore, it should continue its efforts to train police officers, members of the military and prison officers to scrupulously respect applicable international standards. The State party should actively pursue the idea of establishing an independent civilian body to investigate complaints filed against law enforcement officials.

...

(18) The Committee is concerned about reports of intimidation and harassment against local and foreign journalists and media personnel as well as of defamation suits against them, originating at the highest political level. It is also concerned at the impact of the Emergency Decree on Government Administration in States of Emergency which imposes serious restrictions on media freedom (art. 19, para. 3).

The State party should take adequate measures to prevent further erosion of freedom of expression, in particular, threats to and harassment of media personnel and journalists, and ensure that such cases are investigated promptly and that suitable action is taken against those responsible, regardless of rank or status.

(19) While welcoming the aspiration of the State party to accept and foster a vibrant civil society, including many human rights organizations, the Committee is nevertheless concerned at the number of incidents against human rights defenders and community leaders, including intimidation and verbal and physical attacks, enforced disappearances and extrajudicial killings (arts. 19, 21 and 22).

The State party must take measures to immediately halt and protect against harassment and attacks against human rights defenders and community leaders. The State party must systematically investigate all reported instances of intimidation, harassment and attacks and

## PUBLIC AND PRIVATE ACTORS - GENERAL

guarantee effective remedies to victims and their families.

### ICESCR

- Sweden, ICESCR, E/2002/22 (2001) 106 at para. 744.

744. The Committee urges the State party to ensure that education in independent schools, including those that have been established in the form of private companies with shareholders, is in full conformity with article 13 of the Covenant, in particular paragraph 1, on educational aims and objectives, and with the Committee's General Comment No.13 (1999) on the right to education (art. 13 of the Covenant).

- Colombia, ICESCR, E/2002/22 (2001) 110 at paras. 761 and 782.

761. The Committee notes with regret that the traditional lands of indigenous peoples have been reduced or occupied, without their consent, by timber, mining and oil companies, at the expense of the exercise of their culture and the equilibrium of the ecosystem.

...

782. The Committee urges the State party to ensure that indigenous peoples participate in decisions affecting their lives. The Committee particularly urges the State party to consult and seek the consent of the indigenous peoples concerned prior to the implementation of timber, soil or subsoil mining projects and on any public policy affecting them, in accordance with ILO Convention No. 169 (1989) concerning indigenous and tribal peoples in independent countries.

- Algeria, ICESCR, E/2002/22 (2001) 116 at para. 846.

846. The Committee strongly recommends that the State party's obligations under the Covenant should be taken into account in all its negotiations with international financial institutions, such as IMF, the World Bank and WTO, to ensure that economic, social and cultural rights are not undermined.

### *See also:*

- Colombia, ICESCR, E/2002/22 (2001) 110 at para. 778.

- France, ICESCR, E/2002/22 (2001) 121 at para. 881.

881. The Committee encourages the State party, as a member of international financial



## PUBLIC AND PRIVATE ACTORS - GENERAL

institutions, in particular IMF and the World Bank, to do all it can to ensure that the policies and decisions of those institutions are in conformity with the obligations of States parties to the Covenant, in particular the obligations contained in article 2, paragraph 1, and articles 22 and 23 concerning international assistance and cooperation.

- Czech Republic, ICESCR, E/2003/22 (2002) 25 at paras. 77 and 94.

77. The Committee is concerned that the inadequacy of the social safety nets during the restructuring and privatization process has negatively affected the enjoyment of economic, social and cultural rights, in particular by the most disadvantaged and marginalized groups.

...

94. The Committee strongly recommends to the State party to integrate the provisions of the Covenant into its privatization programs and provide for social safety nets in carrying them out.

- Poland, ICESCR, E/2003/22 (2002) 54 at paras. 363 and 385.

363. The Committee notes with concern that the legislation of the State party still contains restrictions on civil servants' right to join trade unions and to strike.

...

385. The Committee recommends that the legislation on civil service be amended with a view to lifting the restrictions imposed on civil servants' right to join trade unions and on their right to strike, in conformity with the comments made in 2000 by the ILO Committee of Experts on the Application of Conventions and Recommendations on Convention No. 87 (1948) concerning freedom of association and protection of the right to organize, which is published in the thirtieth report of the ILO.

- Georgia, ICESCR, E/2003/22 (2002) 59 at paras. 410, 415, 429 and 433.

410. The Committee is deeply concerned that the State party has not been able to address adequately the widespread and rampant problem of corruption, as it is one of the primary causes of the decrease in, and the inappropriate allocation of, revenue and resources, thus adding to the extremely difficult economic, social and cultural situation in the State party. The Committee is particularly concerned about the limited effectiveness of the use of foreign funds received in the context of international cooperation.

...

415. The Committee regrets that the existing legislation does not give sufficient powers to labour inspectors to carry out their responsibilities, particularly in the private sector. The Committee also regrets the lack of adequate resources for the Labour Inspectorate.

## PUBLIC AND PRIVATE ACTORS - GENERAL

...

429. The Committee strongly urges the State party to take effective measures to combat corruption and, in particular, to increase transparency and consultations at all levels of decision-making and concerning the evaluation of distribution of funds, especially with regard to the determination of the use of aid, the monitoring of fund distribution and the evaluation of impact.

...

433. The Committee urges the State party to improve the legislation concerning labour inspections, in particular with regard to the private sector, and to provide more resources to the Labour Inspectorate.

- Estonia, ICESCR, E/2003/22 (2002) 68 at paras. 487, 499, 515, 522 and 540.

487. The Committee notes with appreciation that the State party, in the preparation of the report, encouraged the active involvement of civil society organizations. The Committee also commends the State party's efforts to make the outcome of its dialogue with United Nations human rights treaty bodies known to the public, including by making its reports available on the web site of the Ministry of Foreign Affairs and by translating the concluding observations of treaty bodies into Estonian.

...

499. The Committee expresses its concern that the State party's legislation on the right to strike for civil servants contains restrictions which are not in conformity with international norms.

...

515. The Committee is concerned about the persistent lack of attention to the issue of minority languages and cultural rights, including the realization of the right to education in minority languages.

...

522. The Committee also recommends that the State party undertake measures to amend the Public Service Act, with a view to lifting the restrictions imposed on civil servants' right to strike, in conformity with ILO norms.

...

540. The Committee recommends that the National Minorities Cultural Autonomy Act be revised to provide for the expedient and full recognition of the rights of minority groups. The Committee also calls upon the State party to ensure that ethnic groups continue to have ample opportunities to be educated in their own languages, as well as to use these languages in public life.

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

- Luxembourg, ICESCR, E/2004/22 (2003) 24 at paras. 74, 81, 93 and 104.

74. The Committee notes with appreciation the increase in the support and subsidies given by the State party to cultural associations and artists.

...

81. The Committee is concerned about the situation of prisoners who work for private companies and recalls that under ILO Convention No. 29 (1930) concerning forced or compulsory labour, when a private company is involved with work carried out by a prisoner, the latter must consent to such work and the conditions of work (including wages and social security) must be close to those of a free employment relationship.

...

93. The Committee recommends that the State party ensure that a prisoner may only perform work for a private company when such work has been consented to and the labour conditions are close to those of a free working relationship as regards wages and social security.

...

104. The Committee recommends that the State party continue and strengthen its efforts to support and subsidize cultural associations, including those of migrants.

- Brazil, ICESCR, E/2004/22 (2003) 28 at paras. 115, 132, 142, 143, 150, 156, 165 and 166.

115. The Committee...welcomes the progress made in combating racial prejudices and barriers, which is illustrated by the appointment of persons of Afro-Brazilian origin to positions of high public office, on the basis of their professional merits and qualifications.

...

132. The Committee notes with concern the killing of landless farmers and the members of trade unions defending them and the impunity enjoyed by those responsible for committing these crimes.

...

142. The Committee is deeply concerned that the State party does not provide sufficient protection for indigenous peoples, who continue to be forcibly evicted from their lands and face threats to their lives and even execution. The Committee also notes with concern that the right of indigenous peoples to own land is not respected and that mineral, timber and other commercial interests have been allowed to expropriate, with impunity, large portions of land belonging to indigenous peoples.

143. The Committee is concerned about the forced eviction of the Quilombo communities from their ancestral lands, which are expropriated with impunity by mineral and other commercial interests.

...

150. The Committee strongly recommends that the State party's obligations under the

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

Covenant should be taken into account in all aspects of its negotiations with the international financial institutions to ensure that the enjoyment of economic, social and cultural rights, particularly by the most disadvantaged and marginalized groups, are not undermined.

...

156. The Committee urges the State party to take legal action against those who are responsible for committing crimes against landless farmers and members of trade unions and to take effective preventive measures to ensure protection to all farmers and members of trade unions.

...

165. The Committee calls upon the State party to ensure that indigenous peoples are effectively protected from threats and danger to their lives and from eviction from their lands. The Committee particularly urges the State party to seek the consent of the indigenous peoples concerned prior to the implementation of timber, soil or subsoil mining projects and any public policy affecting them, in accordance with ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries (1989).

166. The Committee urges the State party to adopt measures to guarantee the ancestral lands of the Quilombo communities and to ensure that any evictions are carried out in compliance with the guidelines set out in general comment No. 7 of the Committee (1997) on the right to adequate housing (art. 11, para. 1, of the Covenant): forced evictions.

- Iceland, ICESCR, E/2004/22 (2003) 39 at para. 219.

219. The Committee notes with satisfaction the amendments enacted in the Tobacco Control Act, the objective of which is to reduce the consumption of tobacco products by imposing supplementary restrictions on their sale and by reinforcing the prohibition of their advertisement.

- Israel, ICESCR, E/2004/22 (2003) 42 at para. 276.

276. The Committee urges the State party to undertake effective measures to combat discrimination against persons with disabilities, especially by providing access to public facilities and promoting access to basic services and employment, with particular attention to persons with disabilities from the Arab sector.

- Republic of Moldova, ICESCR, E/2004/22 (2003) 49 at paras. 302 and 323.

## PUBLIC AND PRIVATE ACTORS - GENERAL

302. The Committee notes with concern that the State party faces serious problems of corruption, which have a negative effect on the full exercise of the rights covered by the Covenant. The Committee is also concerned that low salaries of civil servants and judges may obstruct the effective implementation of measures to combat corruption.

...

323. The Committee urges the State party to strengthen its efforts to combat corruption, including by ensuring the effective functioning of the Anti-Corruption Committee and to work towards ensuring better remuneration for civil servants and judges.

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

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

...

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

- Democratic People's Republic of Korea, ICESCR, E/2004/22 (2003) 71 at paras. 523, 525, 543 and 545.

523. The Committee is concerned that the right to work may not be fully assured in the present system of compulsory State-allocated employment, which is contrary to the right of the individual to freely choose his/her career or his/her workplace.

...

525. The Committee notes with concern that the legislation of the Democratic People's Republic of Korea establishes a single trade-union structure, which is controlled by the ruling party. It notes also that the exercise of the right to form trade unions is dependent upon an authorization given by the State security organs. Furthermore, the Committee notes with concern that domestic legislation does not recognize the right to strike.

...

543. The Committee encourages the State party to take legislative measures to guarantee

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

the right of everyone to choose his/her career and workplace.

...

545. The Committee recommends that the State party review its domestic legislation to bring it in line with the provisions of article 8 of the Covenant with regard to trade union rights, including the right to form independent trade unions and the right to strike.

- Greece, ICESCR, E/2005/22 (2004) 23 at paras. 145 and 167.

145. The Committee notes with concern that the State party has one of the highest tobacco and alcohol consumption rates in Europe, in particular, among minors.

...

167. The Committee recommends that the State party strictly enforce the prohibition of smoking in public areas and of the sale of strong alcoholic beverages to minors, adopt effective measures against “subtle” forms of tobacco and alcohol advertisement, in addition to existing restrictions, and intensify its efforts in the field of anti-smoking education and information campaigns.

- Kuwait, ICESCR, E/2005/22 (2004) 29 at paras. 188 and 207.

188. The Committee notes with concern the absence of a minimum wage in the private sector. It is also concerned that minimum wage in the public sector is not applicable to non-Kuwaiti citizens.

...

207. The Committee urges the State party to establish a minimum wage in the private sector that will enable workers and their families, especially non-Kuwaiti citizens, to enjoy a decent standard of living. The Committee also recommends that the minimum wage in the public sector should apply without discrimination to both Kuwaiti and non-Kuwaiti citizens. The Committee recommends that the State party ratify ILO Convention No. 131 (1970) concerning Minimum Wage Fixing, with Special Reference to Developing Countries.

- Ecuador, ICESCR, E/2005/22 (2004) 39 at paras. 278, 301 and 322.

278. The Committee is concerned that, although the Constitution recognizes the rights of indigenous communities to hold property communally and to be consulted before natural resources are exploited in community territories, these rights have regrettably not been fully implemented in practice. The Committee is deeply concerned that natural extracting concessions have been granted to international companies without the full consent of the communities concerned. The Committee is also concerned about the negative health and environmental impacts of natural resource extracting companies’ activities at the expense

## PUBLIC AND PRIVATE ACTORS - GENERAL

of the exercise of land and culture rights of the affected indigenous communities and the equilibrium of the ecosystem.

...

301. The Committee strongly urges the State party to ensure that indigenous people participate in decisions affecting their lives. The Committee particularly requests that the State party consult and seek the consent of the indigenous people concerned prior to the implementation of natural resources-extracting projects and on public policy affecting them, in accordance with ILO Convention No. 169 (1989) concerning Indigenous and Tribal Peoples in Independent Countries. The Committee strongly recommends that the State party implement legislative and administrative measures to avoid violations by transnational countries of environmental laws.

...

322. The Committee strongly recommends that the State party's obligations under the Covenant should be taken into account in all aspects of its negotiations with the international financial institutions and other regional trade agreements to ensure that economic, social and cultural rights, particularly of the most disadvantaged and marginalized groups, are not undermined.

- Malta, ICESCR, E/2005/22 (2004) 45 at paras. 344 and 362.

344. The Committee is concerned that it is still difficult for women to balance employment and family responsibilities in the State party. Moreover, the Committee notes with concern that certain measures introduced, including more flexible parental leave schemes, are mainly aimed at women working in the public service and do not apply to women working in the private sector.

...

362. The Committee urges the State party to take further measures to enable working parents to reconcile professional and family responsibilities, including by ensuring access to affordable childcare and flexible parental leave schemes for workers in both the public and private sectors.

- Italy, ICESCR, E/2005/22 (2004) 54 at paras. 436, 437, 457 and 458.

436. The Committee is concerned about the increasing difficulties faced by disadvantaged and marginalized groups, in particular immigrants and Roma, in renting or obtaining public housing, owing to discrimination.

437. The Committee is also concerned about the continuing increase in rents and the privatization of housing and about the scarcity of adequate social housing units for low-income families while the social fund established to provide housing assistance has been

## PUBLIC AND PRIVATE ACTORS - GENERAL

reduced.

...

457. The Committee urges the State party to take all necessary corrective measures to combat discrimination in the housing sector against the disadvantaged and marginalized groups, particularly immigrants and the Roma.

458. The Committee urges the State party to take effective measures to ensure that forced evictions of Roma and tenants who cannot pay their rents comply with the guidelines established by the Committee in its General Comment No. 7 (1997) on the right to adequate housing (article 11, paragraph 1, of the Covenant): forced evictions, and to provide more housing units to cater for the needs of the disadvantaged and marginalized groups, including older persons, people with disabilities and immigrants.

- Chile, ICESCR, E/2005/22 (2004) 67 at paras. 546, 555, 569, 583 and 585.

546. The Committee is deeply concerned that the private pension system, based on individual contributions, does not guarantee adequate social security for a large segment of the population that does not work in the formal economy or is unable to contribute sufficiently to the system, such as the large group of seasonal and temporary workers. The Committee notes that women are particularly affected in this regard: “housewives” and about 40 per cent of working women do not contribute to the social security scheme and are consequently not entitled to old-age benefits. Moreover, the Committee is concerned at the fact that working women are left with a much lower average pension than men as their retirement age is five years earlier than that of men.

...

555. While noting the progress made in increasing education coverage, the Committee is concerned at the disparity in the quality of education offered in municipal and private schools...

...

569. The Committee recommends that the State party take effective measures to ensure that all workers are entitled to adequate social security benefits, including special measures to assist those groups who are currently not able to pay into the private social security system, paying special attention to the disadvantaged position of women and the large number of temporary and seasonal workers and workers in the informal economy.

...

583. The Committee recommends that the State party ensure that women in the reproductive age are not discriminated against in the private health-care system.

...

585. The Committee recommends that the State party continue to strengthen efforts to improve the quality of education in municipal schools...



## PUBLIC AND PRIVATE ACTORS - GENERAL

- Zambia, ICESCR, E/2006/22 (2005) 19 at paras. 85 and 108.

85. While welcoming the efforts made by the State party to promote shared responsibilities between men and women and the fact that it regards equitable access to decision-making positions and processes as crucial to women's enjoyment of economic, social and cultural rights, the Committee remains concerned, however, about the persistent inadequate representation of women at all levels of decision-making bodies of the State party.

...

108. The Committee strongly recommends that the State party adopt effective measures to ensure equality between men and women in all walks of life as provided for in articles 2 (2) and 3 of the Covenant...

- China (Macao Special Administrative Region), ICESCR, E/2006/22 (2005) 38 at paras. 238 and 248.

238. The Committee is concerned about the differences in the criteria for entitlement to maternity leave for workers in the public and private sectors, and that the entitlement of male workers to five days of paternity leave is only applicable in the public sector.

...

248. The Committee recommends that the Macau Special Administrative Region take effective measures to increase public awareness, especially in the private sector, about the importance of maternity and paternity leaves that reconcile professional and family life for men and women. The Committee further recommends that the Macau Special Administrative Region take immediate measures to ensure the right of private sector workers to maternity leave, without placing limitations on the number of births, and to ensure that male workers in the private sector are granted the right to five days of paternity leave, as in the public sector.

- Serbia and Montenegro, ICESCR, E/2006/22 (2005) 41 at paras. 275, 285, 303 and 312.

275. The Committee regrets the absence of a law on gender equality as well as the low representation of women in government offices and in the parliaments of both Republics and of the State Union.

...

285. The Committee is deeply concerned about the high numbers of trafficked women and children for purposes of sexual exploitation and forced labour, as well as about reported incidents of police involvement.

...

303. The Committee recommends that, in addition to the establishment of a Council on Gender Equality in Serbia and of the Office for Gender Equality in Montenegro, the State

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

party expedite the adoption of a law on gender equality with a view to ensuring greater access for women to positions of responsibility in the Government and public employment sectors.

...

312. The Committee urges the State party, in addition to the recent legislative measures to combat trafficking in persons, to prosecute and punish perpetrators and corrupted law enforcement officials involved in trafficking, to provide medical, psychological and legal support to victims, to raise awareness about the dimension of the crime among law enforcement officials...

- Norway, ICESCR, E/2006/22 (2005) 48 at paras. 345 and 364.

345. The Committee notes with concern the increasing number of evictions carried out in the State party, especially in Oslo, mainly as a consequence of unpaid rent. The Committee is also concerned that the disadvantaged and marginalized groups in society are particularly affected by the privatization of municipal social housing and rising housing prices. Despite the assistance provided through the State Housing Bank, the Committee is particularly concerned that the number of social housing units for low-income individuals and families is far from adequate. It regrets in this regard the lack of information on the number of people living in illegal settlements and whether they are liable to forced eviction and the number of persons on waiting lists for municipal social housing.

...

364. The Committee urges the State party to ensure that evictions of tenants who cannot pay their rents and of squatters comply with the guidelines established by the Committee in its general comment No. 7 (1997) on the right to adequate housing (art. 11, para. 1, of the Covenant): forced evictions. Furthermore, the State party should take effective measures, in line with the Committee's general comment No. 4 (1991) on the right to adequate housing (art. 11, para. 1, of the Covenant), to provide housing units in sufficient numbers to cater for the needs of low-income families and disadvantaged and marginalized groups...

## **CEDAW**

- Fiji, CEDAW, A/57/38 part I (2002) 9 at paras. 46, 47, 52 and 53.

46. The Committee expresses concern that the Constitution of 1997 does not contain a

## PUBLIC AND PRIVATE ACTORS - GENERAL

definition of discrimination against women. The Committee notes the absence of effective mechanisms to challenge discriminatory practices and enforce the right to gender equality guaranteed by the Constitution in respect of public officials and non-State actors. The Committee is concerned that the Convention is not specified in the mandate of the Human Rights Commission, and that it is not assured funds to continue its work.

47. The Committee recommends that proposed constitutional reform should address the need to incorporate a definition of discrimination. The Committee urges the State party to include a clear procedure for enforcement of fundamental rights and enact an equal opportunities law to cover the actions of non-State actors. The Committee also recommends that the mandate of the Human Rights Commission be expanded to include the Convention, and that the Commission be provided with adequate resources from State funds.

...

52. The Committee notes the active participation of women's civil society organizations, and recommends that this rich resource continue to be used for sustainable development and the promotion of gender equality in Fiji.

53. The Committee recommends that the participation of women's civil society organizations in the Women's Advisory Council be strengthened, and that the various governmental machineries work in a coordinated manner with them in implementing the Women's Plan of Action 1999-2008.

- Estonia, CEDAW, A/57/38 part I (2002) 13 at para. 84.

84. The Committee notes with satisfaction that the State party recognizes the important role of the increasing number of non-governmental organizations working on women's issues, in particular in the rural sector and with respect to women's political participation.

- Uruguay, CEDAW, A/57/38 part I (2002) 23 at paras. 184, 192, 193, 198, 199 and 214.

184. The Committee commends the State party on its initiative to encourage the participation of women's non-governmental organizations in programmes for the implementation of the Convention.

...

192. The Committee expresses concern at the continuing existence of stereotypes relating to the role of women in the family and society, and at deep-rooted attitudes and conduct based on the assumed superiority of men in many public and private spheres. It is a matter of concern to the Committee that the State party attaches little importance to this problem and thus encourages the persistence of such stereotypes, which are an obstacle to the implementation of the Convention.

## PUBLIC AND PRIVATE ACTORS - GENERAL

193. The Committee urges the State party to adopt measures to eliminate social stereotypes in Uruguay. It urges the State party to concentrate on increasing women's participation in all areas, particularly decision-making, and on prevailing on men to share family responsibilities. It urges the State party to strengthen its awareness-raising programmes, and to take action to change stereotyped attitudes and perceptions as to men's and women's roles and responsibilities.

...

198. The Committee notes that although Uruguayan women are highly educated and have a high rate of labour-market participation, this is not reflected in their employment status and conditions, particularly with respect to private-sector pay. Furthermore, the Committee is concerned at the high proportion of women in the service sector, especially personal services, an area in which pay is traditionally low.

199. The Committee recommends that both in the public and in the private sector the State party endeavour to ensure strict compliance with labour legislation, and take action to eliminate discrimination in employment and with respect to pensions and private-sector pay, as well as promoting participation by women in sectors traditionally regarded as male.

...

214. The Committee requests the Government to disseminate these concluding comments widely in Uruguay and to promote public discussion of them, so as to bring to the attention of politicians, government administrators, non-governmental women's organizations and the general public the action that must be taken to achieve *de jure* and *de facto* equality of men and women. It also requests the Government to continue to ensure wide dissemination, particularly among human rights and women's organizations, of the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action, and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

- Iceland, CEDAW, A/57/38 part I (2002) 27 at paras. 239 and 240.

239. The Committee notes with concern the apparent contradiction between the high level of education of women and the lack of women's equality in the labour market, particularly the persistent wage gap of 10-16 per cent in the public sector to the detriment of women.

240. The Committee encourages the State party to continue its efforts to address the wage gap for women in the public sector, initiate job evaluations and reduce the gap...

- Sri Lanka, CEDAW, A/57/38 part I (2002) 31 at paras. 272, 274, 275, 286 and 287.

## PUBLIC AND PRIVATE ACTORS - GENERAL

272. The Committee welcomes the very active and lively participation of women's organizations in monitoring and implementing the Convention.

...

274. The Committee expresses its concern at the contradiction between the constitutional guarantees of fundamental rights and the existence of laws that discriminate against women. It is also concerned that constitutional provisions on fundamental rights do not create accountability for the actions of non-State actors and the private sector, and the fact that there is no opportunity for judicial review of legislation pre-dating the Constitution...

275. The Committee urges the State party to review all existing laws and amend discriminatory provisions so that they are compatible with the Convention and the Constitution. It urges the State party to ensure that constitutional rights are applicable to the activities of non-State actors and the private sector...

...

286. The Committee is alarmed by the high and severe incidences of rape and other forms of violence targeted against Tamil women by the police and security forces in the conflict areas. While recognizing the prohibition of torture in the Constitution and the establishment of the inter-ministerial working group to counter these acts of violence, the Committee is concerned that victims in remote areas might be unaware of their rights and of the manner in which to seek redress.

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

- Russian Federation, CEDAW, A/57/38 part I (2002) 40 at paras. 383, 384 and 389-392.

383. The Committee is deeply concerned at the deteriorating situation of women in employment and that women are the overwhelming majority of workers in lower level and low-paying jobs in the various parts of the public sector. It is concerned that women experience significant discrimination in the private sector, and have a low share of the high-paying jobs in that sector. It is also concerned that women constitute the majority of the long-term unemployed.

384. The Committee urges the enactment of an equal employment opportunity law, prohibiting discrimination in hiring, promotion, employment conditions and dismissal, requiring equal pay for work of equal value and providing for effective enforcement procedures and remedies. It recommends that such legislation include temporary special measures, with time-bound targets, in accordance with article 4, paragraph 1, of the Convention, to increase the number of women in higher-level jobs in the public and private sectors.

## PUBLIC AND PRIVATE ACTORS - GENERAL

...

389. The Committee is deeply disturbed at the high level of domestic violence and of murder of women in this context. It is very concerned that law enforcement officials, in particular, tend to view such violence as a private matter between spouses and family members and not as grave crimes. The Committee also regrets that the State party has not taken urgent necessary effective measures to combat domestic violence and that none of the numerous draft bills on domestic violence has been adopted.

390. The Committee urges the State party to place a high priority on measures to address violence against women in the family and society, and adopt laws, policies and programmes in accordance with its general recommendation 19 and the United Nations Declaration on Violence against Women. The Committee recommends that the State party increase its programmes on violence against women, in particular awareness-raising campaigns. It also urges the State party to provide training for law enforcement personnel at all levels, lawyers and judges, health-care professionals and social workers with respect to violence against women in the household and society.

391. The Committee is concerned about reports of ill-treatment of women in pre-detention centres and in prisons. The Committee is deeply concerned by the fact that, despite credible evidence that police officials have used violence against women in custody, the State party has not, as a rule, investigated, disciplined or prosecuted offenders. The Committee is also disturbed by the fact that, despite strong evidence that members of the Russian forces have committed acts of rape or other sexual violence against women in the context of the armed conflict in Chechnya, the State party has failed to conduct the necessary investigations or hold anyone accountable in the vast majority of cases.

392. The Committee urges the State party to take necessary measures to ensure that custodial violence by officials, including acts of sexual violence against women and girls in detention or under investigation, are prosecuted and punished as grave crimes. It also urges the State party to adopt preventive measures, including swift disciplinary inquiries and human rights education programmes for the armed forces and law enforcement personnel.

- Suriname, CEDAW, A/57/38 part II (2002) 82 at paras. 33, 47 and 48.

33. The Committee commends the State party for drafting its report in collaboration with civil society, particularly non-governmental organizations. It notes with satisfaction that the State party recognizes the important role of the non-governmental organizations working on women's rights and gender equality.

...

## PUBLIC AND PRIVATE ACTORS - GENERAL

47. The Committee is concerned about the deep-rooted stereotypical attitudes that undermine the human rights of women and girls and the State party's apparent acceptance of the limited participation of women in public and political life as a result of these attitudes.

48. The Committee calls upon the State party to take urgent measures aimed at changing stereotypical attitudes about the roles and responsibilities of women and men, including through awareness-raising and educational campaigns directed at both women and men and at the media. The Committee emphasizes that a policy of gender equality in compliance with the Convention will require the recognition that women can have various roles in society, not only the important role of mother and wife, exclusively responsible for children and the family, but also as an individual person and actor in her community and in the society in general.

- Saint Kitts and Nevis, CEDAW, A/57/38 part II (2002) 90 at paras. 91, 99 and 100.

91. The Committee commends the State party on the establishment of a Code of Ethics and Standards within the Labour Code to regulate the activities of foreign companies which wish to operate in Saint Kitts and Nevis.

...

99. The Committee is particularly concerned that, although women have a higher level of education than men, this has not been translated into promotion of women to senior posts in the public and private sectors and/or increased economic returns for women, who continue to be concentrated mainly in the informal sector and in the jobs that pay the least.

100. The Committee recommends the adoption of legislation which guarantees equal pay for work of equal value. It also recommends that measures should be taken to deal with the situation of unemployed women, and the large number of women who work in the informal sector, with a view to their inclusion in the formal sector, and access to social benefits.

- Belgium, CEDAW, A/57/38 part II (2002) 95 at para. 136.

136. The Committee...notes with satisfaction the affirmative action measures provided for by Belgian legislation since the late 1980s, in order to bring about *de facto* equality between women and men in the public and private sectors...

- Tunisia, CEDAW, A/57/38 part II (2002) 102 at paras. 200 and 201.

200. ...The Committee welcomes Act No. 83-112, which prohibits discrimination on the basis of sex with regard to public entities, but is concerned that such legislation does not

## PUBLIC AND PRIVATE ACTORS - GENERAL

extend to the private sector...

201. ...The Committee...urges the State party to adopt and enforce appropriate legislation to ensure equal opportunities for women and men in the public and private sectors of the labour market, and to prevent direct and indirect discrimination in employment...

- Zambia, CEDAW, A/57/38 part II (2002) 107 at paras. 240 and 241.

240. While welcoming the State parties commitment to achieving 30 per cent participation by women in politics by 2005, the Committee notes with concern that the participation of women in political and public life is limited, and that women are underrepresented at all levels of decision-making in Government, parliament, political parties, the private sector, special public service committees and other institutions in the community.

241. The Committee recommends that the State party take measures to increase the number of women in decision-making positions at all levels and in all areas. It also recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention, to strengthen its efforts to promote women to positions of power, supported by special training programmes and awareness-raising campaigns aimed at underlining the importance of women's participation in decision-making at all levels.

- Ukraine, CEDAW, A/57/38 part II (2002) 114 at para. 275.

275. The Committee expresses its satisfaction with the presence of an increasingly active civil society on women's issues in Ukraine, including many women's political parties. The Committee also commends the Government's recognition of the important role of the large number of NGOs working on women's issues.

- Denmark, CEDAW, A/57/38 part II (2002) 120 at paras. 314, 327 and 328.

314. The Committee commends the State party for appointing a Minister for Gender Equality, thereby making gender equality policy a part of the Government's politics and affording a greater potential to directly influence the political decision-making process, and for establishing the Gender Equality Board, comprising a judge and two lawyers with expertise in the areas of gender equality and labour market conditions, respectively, that handles complaints about gender-based discrimination in the labour market, the education,



## PUBLIC AND PRIVATE ACTORS - GENERAL

health, social and finance sectors, and in private enterprises.

...

327. While commending the State party for having surpassed the critical 30 to 35 per cent threshold in terms of representation of women in decision-making in Parliament, the Committee expresses concern that women's representation remains low in executive and decision-making positions in municipalities and counties as well as in the private economic sector.

328. The Committee urges the State party to take additional measures to increase the representation of women in decision-making positions in all sectors, including in the municipalities and counties as well as in the private economic sector. It recommends that the State party take steps to facilitate the options available to women in the private sector, *inter alia*, through the implementation of temporary special measures in accordance with article 4, paragraph 1, of the Convention, wherever possible. It also recommends that the State party improve the design of the temporary special measures in accordance with article 4 paragraph 1, of the Convention and monitor their application.

- Armenia, CEDAW, A/57/38 part III (2002) 150 at paras. 44 and 45.

44. The Committee notes that, despite the growing number of NGOs active in women's empowerment, the cooperation between the State party and non-governmental organizations in the implementation of the Convention and the preparation of the report has been limited.

45. The Committee encourages the State party to involve non-governmental organizations in all stages of the implementation of the Convention, including in policy-making.

- Uganda, CEDAW, A/57/38 part III (2002) 164 at paras. 133, 134, 149, 150, 153 and 154.

133. Noting the State party's efforts in this context, the Committee is concerned at the persistence of patriarchal patterns of behaviour in the State party and at the existence of stereotypes relating to the role of women in the home and society, and expectations of women's subordination to men.

134. The Committee calls upon the State party to strengthen existing efforts to address stereotypical attitudes about the roles and responsibilities of women and men that perpetuate direct and indirect discrimination against women. These should include educational measures, at all levels, beginning at an early age, the revision of school text books and curricula and awareness-raising and public education campaigns directed at women and men designed with the involvement of the media and civil society, including non-governmental organizations, to address traditional stereotypes regarding the role of women...

## PUBLIC AND PRIVATE ACTORS - GENERAL

...

149. Despite the State party's development strategy, the Poverty Eradication Action Plan, for improving the livelihoods of all Ugandans, including women, the Committee is concerned that poverty is widespread among women, *inter alia*, as a consequence of gender-insensitive privatization and the implementation of structural adjustment policies.

150. The Committee urges the State party to continue to intensify the implementation of gender-sensitive poverty reduction programmes in rural and urban areas. The Committee also recommends that the State party continue to develop targeted policies and support services for women aimed at alleviating and reducing poverty.

...

153. While noting that Article 33 (6) of the Constitution "prohibits laws, customs or traditions which are against the dignity, welfare or interest of women", the Committee notes with concern the continued existence of legislation, customary laws and practices on inheritance, land ownership, widow inheritance, polygamy, forced marriage, bride price, guardianship of children and the definition of adultery that discriminate against women and conflict with the Constitution and the Convention.

154. The Committee urges the State party, in line with Article 33 (6) of the 1995 Constitution, to amend these laws and prohibit such practices. The Committee requests the State party to work with the relevant ministries and non-governmental organizations, including lawyers' associations and women's groups, to create an enabling environment for legal reform and effective law enforcement and legal literacy.

- Guatemala, CEDAW, A/57/38 part III (2002) 171 at paras. 186, 187, 190 and 191.

186. The Committee expresses concern that, while the human rights of women are explicitly recognized in a number of laws, there does not appear to be wide awareness among women of their rights under these laws or the means by which those laws can be enforced. The Committee notes that, despite the introduction of protections and social security rights in the area of labour, including domestic workers and those working in the *maquila* industries, this legislation is not complied with or enforced and that some employers in this industry require women seeking employment to undergo pregnancy tests. The Committee notes that non-enforcement of such labour legislation constitutes "discrimination of effect" as defined in article 1 of the Convention.

187. The Committee calls upon the State party to ensure that State authorities implement all current legislation concerning women's human rights, in particular labour legislation through proactive investigations of alleged violations of female workers' rights and take measures to strengthen the enforcement powers of labour inspection authorities. The Committee further urges the State party to take appropriate measures, including the

## PUBLIC AND PRIVATE ACTORS - GENERAL

promotion of stronger private sector codes of conduct, to ensure compliance with existing legislation, in particular with regard to the rights of women enshrined in the Convention, which forms part of Guatemalan law. The Committee also calls upon the State party to take steps to raise awareness among women of their legal rights and the means by which those rights can be enforced.

...

190. Although recognizing the introduction of temporary special measures for the advancement of women in the area of education, the Committee notes the reduced participation of women in political activities, in particular the minimum participation in the Congress and at decision-making levels in both the public and the private sectors.

191. The Committee recommends that the State party strengthen current measures and adopt and implement further measures in accordance with article 4.1 of the Convention to promote women's participation in public and political life in Guatemala, in particular by promoting the adoption of the proposed quota system for women candidates in the next five federal elections, offering or supporting training programmes for current and future women leaders and undertaking awareness-raising campaigns on the importance of women's participation in decision-making aimed at decision makers in both the public and private sectors.

- Barbados, CEDAW, A/57/38 part III (2002) 177 at paras. 233 and 234.

233. The Committee remains concerned about entrenched stereotypical attitudes and behaviour, which tend to reinforce women's inferior status in all spheres of life, and regrets that the State party has not undertaken sustained programmes to change these social and cultural attitudes and patterns of behaviour that lead to stereotyping.

234. The Committee calls upon the State party to strengthen measures aimed at changing stereotypical attitudes about the roles and responsibilities of women and men, including through sustained awareness-raising designed in collaboration with the media and women's non-governmental organizations and educational campaigns directed at both women and men. The Committee emphasizes that a policy of gender equality in compliance with the Convention will require the recognition that women can have various roles in society, not only the important role of mother and wife, exclusively responsible for children and the family, but also as an individual person and actor in the community and in the society in general.

- Greece, CEDAW, A/57/38 part III (2002) 184 at paras. 289 and 290.

289. The Committee is concerned at the low number of women in the diplomatic service,

## PUBLIC AND PRIVATE ACTORS - GENERAL

particularly in postings abroad, and the fact that few Greek women work in international organizations.

290. The Committee recommends that the State party take measures, including in accordance with article 4, paragraph 1, of the Convention to encourage women to enter the diplomatic service and to provide opportunities to access the highest rank of the diplomatic service. It also recommends the introduction of measures to provide information to women on options for employment in international organizations.

- Mexico, CEDAW, A/57/38 part III (2002) 205 at paras. 443 and 444.

443. The Committee expresses its concern about the small percentage of women in high-level posts in all activities, namely political, legislative, trade union and educational.

444. The Committee recommends the adoption of strategies for increasing the number of women in decision-making posts at all levels, particularly in the municipalities, by taking temporary special measures as specified in article 4, paragraph 1, of the Convention; it recommends further that the State party strengthen its efforts to promote women to management positions in the public and private sectors through special training programmes and sensitivity campaigns stressing the importance of women's participation in decision-making at all levels.

- Peru, CEDAW, A/57/38 part III (2002) 212 at paras. 480 and 481.

480. The Committee is concerned that, although progress is observed in the composition of Congress and in local government, as a result of the provisions adopted, the participation of women in Congress, in the judicial area and at the country's senior levels of politics and administration still seems inadequate.

481. The Committee recommends that strategies should be adopted to increase the number of women involved in decision-making at all levels, through the adoption of temporary special measures in accordance with article 4, paragraph 1, of the Convention, and that the State party should strengthen its activities to promote women to posts of responsibility in both the public and private sectors, with special training programmes and publicity campaigns on the importance of women's participation in development planning and decision-making.

- Albania, CEDAW, A/58/38 part I (2003) 13 at paras. 80 and 81.

## PUBLIC AND PRIVATE ACTORS - GENERAL

80. While welcoming the State party's collaboration with and recognition of the important role of non-governmental organizations working on women's issues, the Committee notes with concern the insufficient capacity and resources of these organizations, which makes it difficult for them to implement various projects and programmes in support of the human rights of women. The Committee is also concerned that the State party passes on its own responsibilities for protecting and fulfilling women's enjoyment of their human rights to non-governmental organizations and international donors.

81. The Committee recommends that the State party strengthen its support for the work of women's non-governmental organizations and ensure that its obligations under the Convention are fully integrated into its overall governmental responsibilities and not carried out by non-governmental organizations alone.

- Switzerland, CEDAW, A/58/38 part I (2003) 20 at paras. 102, 103, 114 and 115.

102. The Committee notes with appreciation the significant law reform undertaken in the State party in several areas in conformity with the Convention, particularly: the Marriage Law (1988), which replaced the husband's preponderant role in the family with a partnership based on equality of rights and obligations on the part of each spouse; the amended Federal Act on the acquisition and loss of Swiss nationality (1992), with identical conditions for both sexes; the new Equality Act (1996), prohibiting discrimination against women in labour relations, which applies to both public and private employers...

103. The Committee acknowledges the work systematically undertaken by women's non-governmental organizations in raising awareness and mobilizing public opinion with regard to equality issues and appreciates the common efforts and cooperation between the State party and civil society in advancing the cause of equality in conformity with the National Plan of Action. The Committee commends the State party for its interaction with civil society in the preparation of the report and for the extensive publicity given to the report in Switzerland.

...

114. The Committee is concerned about the persistence of entrenched, traditional stereotypes regarding the role and responsibilities of women and men in the family and in society at large which are reflected in women's educational choices, their situation in the labour market and low participation in political and public life.

115. The Committee urges the State party to design and implement comprehensive programmes in the educational system, including human rights education and gender training, and to disseminate information on the Convention, with a view to changing existing stereotypical attitudes on women and men's roles, including advancing the notion of parenting as a social responsibility of both mothers and fathers. It recommends that

## PUBLIC AND PRIVATE ACTORS - GENERAL

awareness-raising campaigns be addressed to both women and men and that the media be encouraged to project a positive image of women and of the equal status and responsibilities of women and men in the private and public spheres.

### *See also:*

- Kenya, CEDAW, A/58/38 part I (2003) 35 at para. 210.
- Japan, CEDAW, A/58/38 part II (2003) 130 at paras. 359 and 360.
  
- Congo, CEDAW, A/58/38 part I (2003) 29 at para. 165.

165. The Committee urges the State party to increase its efforts to address stereotypical attitudes about the roles and responsibilities of women and men that perpetuate direct and indirect discrimination against women and girls. These should include educational measures at all levels, beginning at an early age; the revision of school textbooks and curricula; and awareness-raising campaigns directed at both women and men - designed, where relevant, with the involvement of the media and civil society, including non-governmental organizations - to address stereotypes regarding the role of women and men with a view to combatting discrimination against women. The Committee also calls upon the State party to periodically review the measures taken in order to identify shortcomings and to adjust and improve those measures accordingly...
  
- Kenya, CEDAW, A/58/38 part I (2003) 35 at paras. 213 and 214.

213. The Committee notes with concern that, despite the prohibition of female genital mutilation by the State party, the practice persists and is widely accepted in the country.

214. The Committee recommends that the State party develop a plan of action, including a public-awareness campaign, targeted at both women and men, with the support of civil society, including non-governmental organizations, to eliminate the practice of female genital mutilation and encourages the State party to create an enabling environment for effective law enforcement and to devise programmes for alternate sources of income for those who perform female genital mutilation as a means of livelihood.
  
- El Salvador, CEDAW, A/58/38 part I (2003) 41 at paras. 253, 254, 273 and 274.

253. Although the Committee welcomes the establishment of the Salvadoran Institute for the Advancement of Women as the government entity which oversees the implementation of the National Policy on Women, it is concerned at the fact that the Institute has neither the lead and normative role that it should have, nor the political, institutional and budgetary

## PUBLIC AND PRIVATE ACTORS - GENERAL

capacity to define, implement, monitor and guarantee a comprehensive policy for the elimination of discrimination against women to be executed effectively by the various sectors of government. The Committee further expresses its concern that there are insufficient active linkages between the Institute and women's organizations representing civil society.

254. The Committee encourages the State party to continue to strengthen the role of the Salvadoran Institute for the Advancement of Women as a lead and normative body by giving it an adequate budget and the requisite authority among State institutions to ensure the effective mainstreaming of a gender perspective and the promotion of gender equality. The Committee also recommends that the Institute establish, in practice, greater cooperation and joint work with women's organizations of civil society.

...

273. The Committee is concerned at women's low level of participation in politics and in high-level posts in all areas.

274. The Committee recommends the adoption of strategies to achieve an increase in the number of women who participate in decision-making at all levels, including the application of temporary special measures in accordance with article 4 of the Convention, and the strengthening of activities to promote women to leadership posts in both the public and private sectors through special training programmes and awareness-raising campaigns on the importance of women's participation in the political life of the country.

- Luxembourg, CEDAW, A/58/38 part I (2003) 47 at para. 297.

297. The Committee welcomes the support for enterprises that have adopted special measures to increase women's participation in the workforce, including the obligation to negotiate equality plans and create equality delegates in private enterprises.

- Norway, CEDAW, A/58/38 part I (2003) 61 at paras. 405, 412, 419 and 420.

405. The Committee...commends the State party for its innovative strategy to increase the number of women on the executive boards of public joint stock companies and State-owned companies. According to that strategy, legislation making it mandatory for the boards of those companies to have a minimum of 40 per cent from each sex in their membership would come into force in 2006, if that target had not been reached voluntarily by the end of 2005.

...

412. The Committee recommends that the State party take additional measures to eliminate stereotypical cultural attitudes, including through awareness-raising campaigns directed at both women and men, and conduct research into the stereotypical cultural attitudes

## PUBLIC AND PRIVATE ACTORS - GENERAL

prevailing in Norway...The Committee furthermore recommends that the State party encourage the media to project a positive image of women and of the equal status and responsibilities of women and men in the private and public spheres.

...

419. The Committee is concerned about the persistence of violence, including domestic violence, against women and children in Norway. It is further concerned that this violence, the extent of which is unknown, is regarded as falling into the private sphere. The Committee is furthermore concerned that a predominant and growing number of women who seek refuge in shelters for battered women are migrants. It is also concerned that an extremely low percentage of reported rapes results in convictions and that the police and public prosecutors dismiss an increasing number of such cases.

420. The Committee urges the State party to intensify its efforts to address the issue of violence against women, including domestic violence, as an infringement of women's human rights. In particular, the Committee urges the State party to undertake appropriate measures and introduce laws in conformity with general recommendation 19 to prevent violence, prosecute and rehabilitate offenders, and provide support services and protection for victims. The Committee also urges the State party to initiate research and analysis of the causes of the very low percentage of trials and convictions in reported rape cases.

- Costa Rica, CEDAW, A/58/38 part II (2003) 86 at paras. 62-65.

62. The Committee notes with concern that although the Constitution guarantees the right to work and the principle of non-discrimination in the employment sphere, norms and practices still exist that discriminate against working women, and that there is a wage gap, to the disadvantage of women, which has greater impact in the private sector than in the civil service; it also notes with concern the precarious working and living conditions of women domestic workers, including migrant workers, as well as of salaried women workers, rural women, women in the informal sector and indigenous women.

63. The Committee requests the State party to continue promoting the approval of the reforms to the Labour Code contained in the draft Law on Gender Equity... The Committee also requests the State party to adopt the legislative, administrative or other measures needed to ensure that women domestic workers, including migrant workers, temporary wage earners, women in the informal sector and rural and indigenous women have access to social security and other employment benefits, including paid maternity leave.

64. The Committee notes with concern that some groups of women workers do not benefit from the application of the Act on Sexual Harassment in the Workplace and in Teaching, particularly in the private sector.



## PUBLIC AND PRIVATE ACTORS - GENERAL

65. The Committee requests the State party to promote adequate regulations under the Act on Sexual Harassment in the Workplace and in Education in order to show that it is complied with without exception and duly implemented by the private sector.

- Brazil, CEDAW, A/58/38 part II (2003) 93 at paras. 108, 109, 116, 117, 120 and 121.

108. The Committee is concerned about the glaring persistence of stereotyped and conservative views, behaviour and images of the role and responsibilities of women and men, which reinforce women's inferior status in all spheres of life.

109. The Committee recommends that policies be developed and that programmes directed at men and women be implemented to help ensure the elimination of stereotypes associated with traditional roles in the family and the workplace, and in society at large. It also recommends that the media be encouraged to project a positive image of women and of the equal status and responsibilities of women and men both in the private and public spheres.

...

116. The Committee is concerned at the increased rate of the various forms of sexual exploitation of and trafficking in women and girls in Brazil, both internally and across borders. It is particularly concerned about the participation of police personnel and their connivance in sexual exploitation and trafficking and about the impunity of abusers, aggressors, exploiters and traffickers as reported by the State party...

117. The Committee recommends the formulation of a comprehensive strategy to combat trafficking in women and girls, which should include prosecution and punishment of offenders and protection and support to victims. It recommends the introduction of measures aimed at eliminating women's vulnerability to traffickers, particularly young women and girls. It recommends that the State party enact anti-trafficking legislation and make the fight against trafficking in women and girls a high priority...

...

120. The Committee is concerned at the under-representation of women in qualified positions in some areas of professional and public life, such as the judiciary and external affairs, particularly at the highest echelons. It is also concerned that women's participation in high-ranking positions in economic life remains much lower than men's.

121. The Committee recommends that pro-active policies for women's increased participation at those levels be adopted and, when appropriate, temporary special measures in accordance with article 4, paragraph 1, of the Convention be taken to ensure women's real empowerment on equal terms with that of men.

- Morocco, CEDAW, A/58/38 part II (2003) 101 at paras. 154, 164, 165, 174 and 175.

## PUBLIC AND PRIVATE ACTORS - GENERAL

154. ...The Committee...welcomes the State party's ongoing cooperation with civil society, in particular with women's organizations.

...

164. While welcoming the State party's efforts and achievements to increase women's political participation at the national level, the Committee remains concerned about the low rate of representation of women in decision-making positions in all spheres, particularly in political representation at all levels, the public and private sectors, the judiciary, the foreign service and academia.

165. The Committee requests the State party to take effective and sustained measures to increase the political representation of women at all levels, taking into account article 4, paragraph 1, of the Convention. It also calls upon the State party to increase women's representation in decision-making positions in all spheres. The Committee also suggests that the State party offer support and leadership training programmes to women and carry out awareness-raising campaigns concerning women's participation in decision-making, including in the public and private sectors, the foreign service, the judiciary and academia.

...

174. The Committee notes the absence of information on the situation of women in the informal sector and is concerned about the low level of women's participation in the paid labour force and about the persistent wage gap between women and men...

175. The Committee urges the State party to adopt appropriate measures to ensure women's equal access to paid employment, to adopt and enforce appropriate legislation according to its commitments to the relevant conventions of the International Labour Organization to ensure equal opportunities for women and men in the public and private sectors of the labour market, and to prevent direct and indirect discrimination in employment, training and remuneration...

- Slovenia, CEDAW, A/58/38 part II (2003) 109 at paras. 220 and 221.

220. While welcoming the State party's recognition of the important role of non-governmental organizations working on women's issues, the Committee notes with concern that the State party seems to rely too heavily on such organizations in connection with the implementation of the Convention.

221. While encouraging the State party to involve non-governmental organizations in all stages of the implementation of the Convention, including policy-making on a regular basis and in a structured way, the Committee emphasizes the State party's obligations under the Convention and urges it to ensure that implementation of the Convention is fully integrated into its overall governmental responsibilities.

## PUBLIC AND PRIVATE ACTORS - GENERAL

- France, CEDAW, A/58/38 part II (2003) 116 at paras. 250, 259 and 260.

250. The Committee commends the State party for its efforts to create a national council on equality, expected in 2003, which would bring together representatives of Government and civil society in order to formulate policies on gender equality and the advancement of women.

...

259. The Committee expresses its concern that women are underrepresented in high-level positions in many areas, particularly in the civil service, the diplomatic service and academia.

260. The Committee calls on the State party to take steps to facilitate increased access of women to high-level positions. It recommends the adoption of proactive measures to encourage more women to apply for high-ranking posts, and where necessary, to implement temporary special measures, as provided for in article 4, paragraph 1, of the Convention.

- Ecuador, CEDAW, A/58/38 part II (2003) 122 at paras. 303, 304, 327 and 328.

303. Although the Committee welcomes the establishment of the National Council for Women by executive decree in 1997, it is concerned at the lack of a law institutionalizing the Council and regulating its normative capability, operations and financing. It is also concerned that this body does not have an explicit mandate allowing it to guarantee, and require from the different sectors of government, the enforcement of laws, plans and programmes for gender equality, and that a Director still has not been appointed. The Committee is also concerned that the participation of civil society organizations in the Council could be weakened and that movements of indigenous women and women of African descent are still not represented.

304. The Committee urges the State party to strengthen the regulatory and normative role of the National Council for Women by adopting a law institutionalizing and regulating its activities and giving it a more active role in monitoring the enforcement of standards to promote gender equality, and to allocate to it the financial resources necessary for its operation and the exercise of its functions. Furthermore, the Committee encourages the State party to appoint a director to head the National Council for Women. The Committee encourages the State party to ensure the participation of civil society in the Council and to promote the participation of movements of indigenous women and women of African descent.

...

327. Despite the reform of the Electoral Law, the Committee is concerned at the low percentage of political participation of women and the failure to apply, alternatively and

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

sequentially, article 40 of the Electoral Law, which stipulates that there must be a 30 per cent quota of women on the electoral lists. The Committee is also concerned at the possibility that this article might be removed from the Law.

328. The Committee recommends that the State party should adopt strategies to increase the number of women taking part in decision-making positions at all levels, including the introduction of temporary special measures, in conformity with article 4, paragraph 1, of the Convention, to strengthen its efforts to promote women to positions of power in both the public and private sectors, supported by special training programmes and campaigns to raise awareness of the importance of women's participation in the country's political life.

- Japan, CEDAW, A/58/38 part II (2003) 130 at paras. 361, 362 and 367-370.

361. While acknowledging legal and other measures by the State party to address violence against women, the Committee is concerned about the prevalence of violence against women and girls and about women's apparent reluctance to seek assistance from existing public institutions. It is concerned that the Law for the Prevention of Spousal Violence and the Protection of Victims currently does not cover forms of violence other than physical violence. It is also concerned that the penalty for rape is relatively lenient and that incest is not defined explicitly as a crime under the Penal Code but is dealt with indirectly under a number of different penal provisions. The Committee is further concerned about the particular situation of foreign women who experience domestic violence and whose immigration status might depend on their living together with their spouse. The Committee is concerned that fear of repatriation might be a deterrent for those women to seek assistance or take steps to seek separation or divorce. While appreciative of the comprehensive information provided by the State party with respect to the measures it has taken before and after the Committee's consideration of the second and third periodic reports of the State party with respect to the issue of "wartime comfort women", the Committee notes the ongoing concerns about the issue.

362. The Committee calls upon the State party to intensify its efforts to address the issue of violence against women, including domestic violence, as an infringement of their human rights. In particular, the Committee urges the State party to broaden the Law for the Prevention of Spousal Violence and the Protection of Victims so as to include different forms of violence, increase the penalty for rape and include incest as a specific crime in its penal legislation, and implement policies in accordance with the Committee's general recommendation 19, in order to prevent violence; provide protection, support and other services to the victims; and punish offenders. The Committee recommends that revocation of residence permits of foreign but separated married women who experience domestic violence be undertaken only after a full assessment of the impact of such measures on those women. The Committee recommends that the State party endeavour to find a lasting

## PUBLIC AND PRIVATE ACTORS - GENERAL

solution for the matter of “wartime comfort women”.

...

367. While welcoming the guidelines for the expansion of recruitment and promotion of women in national advisory councils and the setting of a numerical goal of 30 per cent for leadership positions in all sectors of society by the year 2020, the Committee is concerned about the low representation of women in high-level elected bodies including in the Diet, local assemblies, the judiciary and the diplomatic service, and as mayors, prosecutors and police.

368. The Committee recommends that the State party take further measures to increase the representation of women in political and public life through, *inter alia*, the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention, in order to realize women’s right to participation in all areas of public life, particularly at high levels of policy- and decision-making. The Committee urges the State party to support training programmes for future women leaders and carry out awareness-raising campaigns regarding the importance of women’s representation in decision-making for achieving gender equality.

369. ...The Committee is deeply concerned about the difficulties faced primarily by women in reconciling their personal and family lives with professional and public responsibilities.

370. ...The Committee recommends that efforts be made to eliminate occupational segregation, both horizontal and vertical, through, *inter alia*, education and training, effective enforcement mechanisms and systematic monitoring of progress. The Committee recommends that measures allowing for the reconciliation of family and professional responsibilities be intensified, that equal sharing of domestic and family tasks between women and men be promoted, and that changes to the stereotypical expectations of women’s roles in the family and labour market be encouraged.

- New Zealand, CEDAW, A/58/38 part II (2003) 138 at paras. 407 and 408.

407. While appreciating the fact that women are in some of the highest decision-making positions and the progress made as regards women’s increased political representation, the Committee notes with concern the declining number of women in Parliament and in local government it also notes with concern that not all political parties see this issue as also their responsibility. The Committee further notes with concern that women are underrepresented in public life, *inter alia*, with respect to chief executives in the public sector, on Crown Company Boards, and that the State party does not pursue an overall policy of target setting in its Ministries. The Committee is further concerned about inequality, which persists within the private sector, in which action on equal opportunities is taken up only reluctantly.

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

408. The Committee urges the State party to bring to the attention of all political parties their responsibility to achieve equality between women and men in political life, in accordance with the Committee's general recommendation 23. It also recommends that the State party adopt a comprehensive strategy including temporary special measures, in accordance with article 4, paragraph 1, of the Convention, to strengthen its efforts to increase the number of women in policy- and decision-making positions at all levels and in all areas in the public sector, and to strengthen its policies in supporting the private sector's efforts towards the promotion of women in decision-making positions.

- Kuwait, CEDAW, A/59/38 part I (2004) 15 at paras. 74 and 75.

74. The Committee expresses its concern at the lack of detailed information and statistical data on women's representation, particularly in decision-making positions, in various areas of public life, including in law enforcement, the judiciary and the diplomatic corps.

75. ...The Committee...recommends that the State party take measures to increase the representation of women in all areas of public life, including at the decision-making level, and in law enforcement, the judiciary and the diplomatic corps, through the use of temporary special measures, in accordance with article 4, paragraph 1, of the Convention, and general recommendation 25, as well as general recommendation 23. The Committee encourages the State party to undertake and support awareness-raising programmes on the importance of women's representation, in particular at decision-making levels, in all areas of public life.

- Bhutan, CEDAW, A/59/38 part I (2004) 21 at paras. 107 and 108.

107. The Committee, while welcoming the progress in promoting women's political participation and noting that several women hold high ministerial posts, expresses concern at the low representation of women in decision-making bodies in the various areas and levels of political and public life.

108. The Committee recommends that the State party adopt temporary special measures in accordance with article 4, paragraph 1, of the Convention and in the light of general recommendations 23 and 25, to increase the number of women at national and local decision-making levels in government, governmental bodies and public administration, provide targeted training programmes for women, and conduct, on a regular basis, awareness-raising campaigns to encourage women to participate in public life in decision-making positions.

- Kyrgyzstan, CEDAW, A/59/38 part I (2004) 28 at paras. 167 and 168.

## PUBLIC AND PRIVATE ACTORS - GENERAL

167. While noting the efforts of the State party to eliminate gender role stereotyping, especially in the media, the Committee is concerned about the persistence of discriminatory cultural practices and stereotypes relating to the roles and responsibilities of women and men in all areas of life, and the deep-rooted patriarchal attitudes, which undermine women's social status and are an obstacle to the full implementation of the Convention.

168. The Committee urges the State party to monitor carefully the persistence of discriminatory cultural practices and stereotypes and intensify its efforts to eliminate them. It urges the State party to encourage men to share family responsibilities, to direct its awareness-raising programmes to both women and men, and to take action to change stereotypical attitudes and perceptions as to men's and women's roles and responsibilities. It recommends that the State party encourage the media to promote a positive image of women and of the equal status and responsibilities of women and men in both the private and public spheres.

### *See also:*

- Bhutan, CEDAW, A/59/38 part I (2004) 21 at paras. 115 and 116.
- Nepal, CEDAW, A/59/38 part I (2004) 34 at paras. 206 and 207.

206. The Committee is concerned at the persistence of discriminatory cultural practices and stereotypes relating to the roles and responsibilities of women and men in all areas of life, and by deep-rooted patriarchal attitudes and conduct based on the assumed superiority of men in the public and private spheres and the strong perception that women are weak and vulnerable, which undermine women's social status and are an obstacle to the implementation of the Convention. The Committee expresses its particular concern at the situation of widows who are often marginalized and vulnerable to violence and economic deprivation as a result of entrenched mindsets.

207. The Committee urges the State party to intensify its efforts to eliminate discriminatory cultural practices and stereotypes. It also urges the State party to encourage men to share family responsibilities and direct its awareness-raising programmes to men as well as women, and to take action to change stereotypical attitudes and perceptions as to men's and women's roles and responsibilities. It recommends that the media be encouraged to project a positive image of women and of the equal status and responsibilities of women and men in both the private and public spheres. The Committee requests the State party to adopt measures to ensure that widows are able to enjoy their human rights and to improve their situation, including through job training, loan opportunities and counselling services and sensitization programmes aimed at ending the stigmatization of widows within the family and in the community.

## PUBLIC AND PRIVATE ACTORS - GENERAL

- Ethiopia, CEDAW, A/59/38 part I (2004) 42 at paras. 261 and 262.

261. The Committee is concerned about the discrimination faced by women in the labour market, especially in the emerging private sector.

262. The Committee urges the State party to ensure equal opportunities for women and men in the labour market through, *inter alia*, the use of temporary special measures, according to article 4, paragraph 1, of the Convention and general recommendation 25. The Committee recommends that the State party take effective measures to promote the reconciliation of family and work responsibilities between women and men...

- Nigeria, CEDAW, A/59/38 part I (2004) 49 at paras. 299, 300, 305 and 306.

299. The Committee expresses concern about the persistence and social acceptability of harmful traditional practices, including widowhood practices, female genital mutilation, and child and forced marriage, despite prohibitions in State or Federal legislation.

300. The Committee urges the State party to place the elimination of such practices high on the agenda of the federal and state governments and to bring to an immediate end the apathy of law enforcement agencies with regard to the implementation of existing legislation. It calls on the State party to intensify its efforts to develop and implement a national plan of action, including public awareness-raising campaigns targeted at women and men, in order to eliminate the practice of female genital mutilation and widowhood practices...The Committee encourages the State party to undertake such efforts in collaboration with civil society organizations, women's non-governmental organizations, and traditional and religious leaders, so as to build alliances and create an enabling environment for the accelerated elimination of such practices, and to achieve compliance with the Convention.

...

305. The Committee expresses concern about the persistence of discriminatory legislation, administrative provisions and practices in the labour market. It is also concerned about women's higher unemployment rates, the persistent wage gap in the private and public sector and the lack of adequate social protection for women in the private sector.

306. The Committee urges the State party to ensure equal opportunities for women and men in the labour market, including through the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25.

- Belarus, CEDAW, A/59/38 part I (2004) 55 at paras. 343, 344, 351 and 352.



## PUBLIC AND PRIVATE ACTORS - GENERAL

343. The Committee is concerned about the insufficient cooperation of the authorities with non-governmental organizations and women's associations in the implementation of the Convention. The Committee is further concerned about the lack of an enabling environment for the establishment and operation of women's non-governmental organizations and for encouraging the more active involvement of civil society in promoting gender equality.

344. The Committee urges the State party to cooperate more effectively with non-governmental organizations and women's associations in the implementation of the Convention, including follow-up to the concluding comments. The Committee recommends that the State party consult with non-governmental organizations during the preparation of the next periodic report. The Committee also recommends that the State party enable the establishment and operation of women's non-governmental organizations, and encourage and facilitate the active participation of civil society in the full implementation of the Convention and the promotion of women's human rights.

...

351. The Committee expresses concern about the situation of women in the labour market, which is characterized, in spite of women's high level of education, by high female unemployment, the concentration of women in low-paid sectors of public employment, such as health and education, and the wage gap between women and men, in both the public and private sectors. The Committee is concerned that the State party's labour laws, which are overly protective of women as mothers and restrict women's participation in a number of areas, may create obstacles to women's participation in the labour market, in particular in the private sector, and perpetuate gender role stereotypes.

352. The Committee urges the State party to ensure equal opportunities for women and men in the labour market through, *inter alia*, temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25. The Committee urges the State party to intensify its efforts to ensure that all job generation and poverty alleviation programmes are gender-sensitive, and that women can fully benefit from all programmes to support entrepreneurship. It recommends that efforts be strengthened to eliminate occupational segregation, both horizontal and vertical, and to narrow and close the wage gap between women and men through, *inter alia*, additional wage increases in female-dominated sectors of public employment. The Committee recommends that the State party conduct regular reviews of legislation, in accordance with article 11, paragraph 3, of the Convention, with a view to reducing the number of barriers women face in the labour market.

- Germany, CEDAW, A/59/38 part I (2004) 62 at paras. 381, 388 and 389.

381. The Committee is pleased to note the active role played by non-governmental organizations working on gender equality and their cooperation with the State party,

## PUBLIC AND PRIVATE ACTORS - GENERAL

including through regular consultations, membership in supradepartmental working parties, contribution to the legislative process and membership in the German delegation to the Commission on the Status of Women since the twenty-third special session of the General Assembly.

...

388. While noting the agreement to promote the equal opportunities of women and men in private industry, the Committee expresses concern at the high level of long-term unemployment of women, the increase in the number of women in part-time work and in low-paid and low-skilled jobs, the continuing wage discrimination women face and the discrepancy between their qualifications and occupational status...

389. The Committee calls upon the State party to intensify its efforts to increase women's *de facto* equal opportunities in the labour market, including their access to full-time employment, *inter alia*, through the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, and to promote equal pay for work of equal value...

- Latvia, CEDAW, A/59/38 part II (2004) 103 at paras. 55, 56, 63 and 64.

55. The Committee regrets the lack of sufficient data and information with regard to the prevalence of violence against women, including domestic violence, and the lack of comprehensive legislation on violence against women. It is concerned that this may indicate that violence against women, particularly domestic violence, continues to be considered a private matter between the perpetrator and the victim. The Committee is concerned that marital rape is not a separate offence in the criminal code...

56. ...In the light of its general recommendation 19, the Committee urges the State party to place high priority on comprehensive measures to address violence against women in the family and in society, and to recognize that such violence, including domestic violence, constitutes a violation of the human rights of women under the Convention. The Committee calls upon the State party to adopt legislation on domestic violence and to ensure that violence against women is prosecuted and punished. Women victims of violence should have immediate means of redress and protection, including protection or restraining orders and access to legal aid. The Committee recommends that measures be taken to provide sufficient numbers of shelters for women victims of violence and to ensure that public officials, especially law enforcement officials, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women and can adequately respond to them. The Committee urges the State party to criminalize marital rape as a separate offence, [and] prosecute offenders...

...

63. The Committee is concerned about the limited efforts of the State party to involve

## PUBLIC AND PRIVATE ACTORS - GENERAL

women's non-governmental organizations in the preparation of the report. It is also concerned about a lack of transparency guiding interaction between the State party and non-governmental organizations as service providers, *inter alia*, with respect to funding of such services.

64. The Committee recommends that the State party engage in a broader consultative process with women's non-governmental organizations, including organizations that represent minority women, when preparing its next periodic report. It also recommends that the State party develop widely accessible regulations on funding of women's non-governmental organizations as service providers, and apply the regulations with transparency

- Malta, CEDAW, A/59/38 part II (2004) 111 at paras. 105, 106 and 110.

105. The Committee is concerned about the persistence of entrenched traditional stereotypes regarding the role and responsibilities of women and men in the family and society which, despite women's generally high level of education, negatively affect the full enjoyment of their rights and impede the full implementation of the Convention. Such stereotypes are reflected, *inter alia*, in women's low representation in the labour force, in their low participation in political and public life, and in the non-recognition of household work and volunteering in the national account statistics and in women's pension entitlements and social benefits.

106. The Committee strongly recommends the organization of awareness-raising campaigns, on the basis of the Convention and the Committee's general recommendations, at regular intervals to foster a better understanding at all levels of society of the equal status and joint responsibilities of women and men in the family and in family care. These campaigns should be targeted at teachers in all educational establishments at all levels, marriage counsellors, the police force, social and health workers and church authorities, and the impact of such campaigns should be evaluated. It also recommends that the media be encouraged to project positive images of women and men in non-traditional activities. It further encourages the State party to begin assessing the unpaid work done by women in the family in order to recognize such work in national account statistics and in pension entitlements and social benefits.

...

110. The Committee urges the State party to ensure that women have *de facto* equal opportunities in the labour market. Efforts should be made to eliminate occupational segregation in the public and private sectors through skills training and encouraging women to work in non-traditional fields and by the utilization of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25...

## PUBLIC AND PRIVATE ACTORS - GENERAL

- Angola, CEDAW, A/59/38 part II (2004) 118 at paras. 160 and 161.

160. The Committee expresses concern at the insufficient information about women's *de facto* situation in the formal and informal labour market. In particular, the Committee lacks a clear picture with regard to women's participation in the labour force in urban and rural areas, their unemployment rates, and the effective application of existing labour legislation in the private sector, the vertical and horizontal labour force segregation and women's ability to benefit from new economic opportunities.

161. The Committee urges the State party to ensure equal opportunities for women and men in the labour market in accordance with article 11 of the Convention, and the full implementation of the provisions of the General Labour Law by the public and private sectors, including with regard to maternity protection as provided in article 4, paragraph 2 of the Convention...

- Equatorial Guinea, CEDAW, A/59/38 part II (2004) 126 at paras. 195, 196 and 213.

195. The Committee is concerned about the persistence of deep-rooted adverse cultural norms, customs and traditions, including forced and early marriage, widowhood practices, levirate and the use of the dowry, as well as the prevalence of stereotypes that discriminate against women and constitute serious obstacles to women's enjoyment of their human rights. The Committee is concerned about the State party's limited efforts to directly address such discriminatory cultural practices and stereotypes and its position that women themselves are primarily responsible for changing their position of disadvantage.

196. The Committee urges the introduction without delay of measures to modify or eliminate customs and cultural and traditional practices that discriminate against women so as to promote women's full enjoyment of their human rights in conformity with articles 2 (f) and 5 (a) of the Convention. The Committee encourages the State party to undertake such efforts in collaboration with civil society organizations, women's non-governmental organizations and community leaders and to increase its efforts to design and implement comprehensive education and awareness-raising programmes targeting women and men at all levels of society, with a view to changing discriminatory social and cultural patterns of conduct about the roles and responsibilities of women and men in the family and in society, and to creating an enabling and supportive environment for women to exercise their human rights. The Committee urges the State party to address cultural and traditional customs and practices such as forced and early marriages, discriminatory widowhood practices, levirate

## PUBLIC AND PRIVATE ACTORS - GENERAL

and the use of the dowry through effective measures aimed at their elimination. It further calls upon the State party to periodically review the measures taken to assess their impact and to take appropriate remedial measures...

...

213. The Committee recommends that the State party take concrete steps to create an enabling environment for the establishment and operation of women's non-governmental organizations and to encourage and facilitate the active participation of civil society in the full implementation of the Convention, including in the follow-up to the concluding comments, for the promotion and protection of women's human rights. The Committee encourages the State party to consult with non-governmental organizations in the preparation of the next periodic report.

- Bangladesh, CEDAW, A/59/38 part II (2004) 134 at paras. 237, 238, 253, 254, 259 and 260.

237. The Committee expresses concern that, while the Constitution guarantees equal rights to men and women, the definition of discrimination in the State party's legislation is not in line with the Convention.

238. The Committee requests that the definition of discrimination against women be brought into conformity with article 1 of the Convention, and in particular that the State party's responsibility to eliminate all forms of discrimination against women be extended to discrimination perpetrated by private actors.

...

253. The Committee expresses concern about the poor working conditions women endure in both the formal and informal sectors of the economy...It is also concerned that women working in the private sector and industry do not enjoy the same maternity leave benefits of women working in the public sector.

254. The Committee recommends that the State party establish a monitoring mechanism to ensure the enforcement of legislation requiring employers to provide equal pay for equal work, ensure that maternity leave is available in all public and private employment, especially through the enactment of a law on maternity leave, and expand the number of crèches available for working mothers.

...

259. The Committee is concerned about the impact of the arsenic poisoning of water, which is disproportionately affecting rural women of reproductive age.

260. The Committee urges the State party to put in place measures for ensuring that safe drinking water is available to all, and particularly to affected rural women and their families...The Committee also calls on the State party to encourage all other actors, who directly or indirectly caused the arsenic crisis, to share in the financial burden of

## PUBLIC AND PRIVATE ACTORS - GENERAL

compensating the victims.

- Dominican Republic, CEDAW, A/59/38 part II (2004) 141 at paras. 292, 293, 302 and 303.

292. The Committee is concerned about the obvious persistence of stereotyped and conservative attitudes, behaviours and images regarding the roles and responsibilities of women and men, which reinforce the inferior status of women in all spheres of life and hamper the practical realization of equality between women and men.

293. The Committee recommends that the State party should formulate policies and carry out programmes directed to men and women and oriented towards the elimination of stereotypes regarding traditional roles in the family, the workplace and society in general in accordance with article 2 (f) and article 5 of the Convention. It also recommends that the State party should continue to encourage the media to project a positive image of women and of the equal status and responsibilities of women and men in both private and public spheres.

...

302. ...The Committee is...concerned about the lack of public knowledge of the rights of female domestic workers and the lack of compliance with those rights in accordance with the provisions of Act No. 103-99 on Male and Female Domestic Workers amending the Labour Code. It is particularly concerned that compliance with the rights of female domestic workers is being left to the discretion of the employer and that there may be non-compliance in cases where the female domestic workers are hired by private companies.

303. The Committee...particularly recommends that the State party take the necessary action to guarantee equal pay for women and men in both the public and private sectors by developing policies and measures to that end, including through job evaluations, collection of data, further study of the underlying causes of the wage gap and provision of increased assistance for social partners in collective bargaining, in particular in determining wage structures in sectors dominated by women. With respect to the rights of female domestic workers, the Committee urges the State party to take practical measures to monitor closely and enforce compliance with Act No. 103-99 and assess its effectiveness...

- Spain, CEDAW, A/59/38 part II (2004) 149 at paras. 332, 333, 338 and 339.

332. Notwithstanding the State party's efforts to widely disseminate information on the Convention, the Committee remains concerned about the persistence of patriarchal attitudes and deeply rooted stereotypes regarding the role and responsibilities of women and men in the family and in society, which are considered by the Committee to be a root cause of gender-based violence and women's disadvantaged situation in a number of areas, including in the labour market.

## PUBLIC AND PRIVATE ACTORS - GENERAL

333. The Committee calls upon the State party to take additional measures to eliminate stereotypical attitudes about the roles and responsibilities of women and men, including through awareness-raising and educational campaigns directed at both women and men and at the media, and carefully monitor the impact of such measures. It calls upon the State party to redouble its efforts to disseminate information on the Convention, the Optional Protocol and the Government's commitment to gender equality. It recommends that the State party make targeted efforts at advancing the understanding of parenting as a social responsibility of both mothers and fathers. It recommends that the media be further encouraged to project a positive image of women and of the equal status and responsibilities of women and men in the private and public spheres...

...

338. Noting that since 1999, there has been a quadrupling of immigration into Spain, the Committee is concerned about the multiple forms of discrimination migrant women, including those who are undocumented, may face by public authorities, private employers and individuals, as well as the difficulties in becoming integrated into Spanish society.

339. The Committee urges the State party to take effective measures to eliminate discrimination against migrant women, both within immigrant communities and in society at large, and to ensure that the women concerned are made aware of available social services and legal remedies and are being supported in accessing them.

- Samoa, CEDAW, A/60/38 part I (2005) 9 at paras. 44 and 52-55.

44. The Committee commends the State party for adopting temporary special measures in the police services, where women are under-represented.

...

52. The Committee is concerned about the continuing low representation of women in public life and decision-making, including women's limited access to family chiefly titles (*matai*) and their resulting low representation in the Parliament. It is concerned that sociocultural stereotypes and traditions continue to prevent women from seeking public, and especially elective, office.

53. The Committee encourages the State party to take sustained and proactive measures to increase the representation of women in elected and appointed bodies in all areas of political and public life. It recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to increase the number of women in the Parliament and in local government bodies. It calls upon the State party to carry out awareness-raising campaigns on the importance of women's participation in public and political life and in decision-making positions, with a view to eliminating customs and practices that discriminate against women, in accordance with articles 2 (f) and 5 (a) of the Convention. The Committee

## PUBLIC AND PRIVATE ACTORS - GENERAL

requests the State party to evaluate regularly the impact of such measures, including temporary special measures, so as to ensure that they lead to the desired goals...

54. ...The Committee is...concerned about the extremely limited provision of paid maternity leave in the private sector and the lack of adequate childcare services.

55. ...The Committee...requests the State party to step up its efforts to address the impediments women face in entering the labour force and to implement measures to promote the reconciliation of family and work responsibilities between women and men...

- Lao People's Democratic Republic, CEDAW, A/60/38 part I (2005) 16 at paras. 104, 105, 112 and 113.

104. The Committee is concerned about the generally low representation of women in the administration, at both the national and local levels, and in the judiciary. Considering the fact that 80 per cent of the population lives in rural areas and that the village chiefs and the village councils handle most everyday matters, the Committee is very concerned that less than 1 per cent of the village chiefs are women and only one member of the Lao Women's Union represents women in the village council.

105. The Committee recommends that the State party take measures to increase the representation of women in administrative and judicial organs at the national, provincial and village levels, in accordance with the Committee's general recommendation 23 on women in political and public life. It also recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures, to increase the percentage of women at all levels of decision-making and to make sure that the interests of women are fully reflected and that gender equality is guaranteed at all levels of decision-making. The Committee urges the State party to take measures to empower village women so that they can participate equally in village matters.

...

112. Noting the essential role of active women's and human rights organizations for the effective implementation of the Convention and the achievement of gender equality, the Committee is concerned that the Lao People's Democratic Republic is lacking lively, autonomous and active women's and human rights organizations.

113. The Committee recommends that the State party introduce measures, including legislative and administrative measures as necessary, to create space for autonomous women's and human rights organizations.



## PUBLIC AND PRIVATE ACTORS - GENERAL

- Algeria, CEDAW, A/60/38 part I (2005) 23 at paras. 137, 138, 161 and 162.

137. The Committee regrets that the State party has not taken adequate steps to implement the recommendations in regard to some concerns raised in its previous concluding comments, adopted in 1999 (see A/54/38/Rev.1, chap. IV, Sect. B.1). In particular, the Committee finds that its concern about the consequences of the physical violence suffered by women at the hands of terrorist groups, expressed in paragraph 77 of those concluding comments, and the situation of wives of disappeared persons, expressed in paragraph 81, have been insufficiently addressed.

138. The Committee reiterates these concerns and recommendations and urges the State party to implement the recommendations without delay, as well as to undertake comprehensive studies on the effects of terrorism on women and girls.

...

161. The Committee is concerned about the apparent lack of cooperation of the authorities with non-governmental organizations in the implementation of the Convention, including in follow-up to the concluding comments. The Committee notes with concern that women's non-governmental organizations were not consulted in the process of preparing the report.

162. The Committee urges the State party to cooperate more effectively with non-governmental organizations in the implementation of the Convention, including in the follow-up to the concluding comments. The Committee further recommends that the State party consult with non-governmental organizations during the preparation of the next periodic report.

- Croatia, CEDAW, A/60/38 part I (2005) 30 at paras. 202 and 203.

202. The Committee is concerned that women are significantly underrepresented in the executive bodies of local authorities.

203. The Committee recommends that the State party take appropriate measures to increase the representation of women in the executive bodies of local authorities, *inter alia* by implementing temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25. The Committee recommends that the State party assess the causes for the successful increase of women in public and political life at the national level, including in Parliament and the Government, and to use the lessons learned to increase women's participation in local government structures.

- Paraguay, CEDAW, A/60/38 part I (2005) 44 at paras. 285 and 286.

## PUBLIC AND PRIVATE ACTORS - GENERAL

285. While taking note of the amendments to the Labour Code in regard to domestic workers, the Committee remains concerned about the lack of enforcement of the Code in the public and private sectors, the poor working conditions for women in the informal sector, the low participation of women in the formal labour market, persistent wage disparities between women and men, and discriminatory practices *vis-à-vis* domestic workers, such as workdays of 12 hours and remuneration below the minimum wage...

286. The Committee...urges the State party to implement temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 in order to increase the number of women in the formal workforce...

- Italy, CEDAW, A/60/38 part I (2005) 51 at paras. 322-325, 332 and 333.

322. The Committee remains concerned about the persistence and pervasiveness of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and society. These stereotypes undermine women's social status, present a significant impediment to the implementation of the Convention and are a root cause of women's disadvantaged position in a number of areas, including in the labour market and in political and public life. The Committee is also deeply concerned about the portrayal of women in the media and in advertising as sex objects and in stereotypical roles.

323. The Committee calls upon the State party to adopt a large-scale, comprehensive and coordinated programme to combat the widespread acceptance of stereotypical roles of men and women, including awareness-raising and educational campaigns aimed at women and men, to help ensure the elimination of stereotypes associated with men's and women's traditional roles in the family and in society at large, in accordance with articles 2(f) and 5(a) of the Convention. It recommends that the State party make every effort to disseminate information on the Convention among both private and public actors to increase awareness and understanding of the meaning and content of the substantive equality of women. It also recommends that the media and advertising agencies be specifically targeted and encouraged to project an image of women as equal partners in all spheres of life and that concerted efforts be made to change the perception of women as sex objects and primarily responsible for child-rearing.

324. While noting with appreciation the increase in the number of Italian women in the European Parliament, the Committee remains deeply concerned about the severe underrepresentation of women in political and public positions, including in elected bodies, the judiciary and at the international level. The Committee is especially concerned that the political participation of women at the national level has fallen in recent years and remains

## PUBLIC AND PRIVATE ACTORS - GENERAL

among the lowest in Europe.

325. The Committee encourages the State party to take sustained measures to increase the representation of women in elected and appointed bodies and in the judiciary and at the international level. It recommends that the State party introduce appropriate measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to increase the number of women in political and public positions. It further encourages the State party to step up efforts to pass legislation under article 51 of the Constitution to increase the number of women in political and public positions, including through the use of quotas, and to ensure adequate representation in such positions of Roma and migrant women, and women from the south of the country. The Committee recommends that the State party carry out awareness-raising campaigns among both men and women on the importance of women's participation in political and public life and in decision-making, and that it create enabling, encouraging and supportive conditions for such participation.

...

332. The Committee is concerned that certain groups of women, including Roma and migrant women, remain in a vulnerable and marginalized situation, especially in regard to education, employment, health and participation in public life and decision-making...

333. The Committee urges the State party to take effective measures to eliminate discrimination against vulnerable groups of women, including Roma and migrant women, and to enhance respect for their human rights through all available means, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25...

- Turkey, CEDAW, A/60/38 part I (2005) 58 at paras. 367 and 368.

367. The Committee is strongly concerned about the pervasiveness of patriarchal attitudes and deep-rooted traditional and cultural stereotypes regarding the roles and responsibilities of women and men in society, which continue to cast women in a position of inferiority. It expresses its concern that these attitudes contribute to the perpetuation of violence against women, including in the form of "honour killings", and negatively affect women's enjoyment of their rights in many areas; they also impede the full implementation of the Convention, including in regard to education, employment, health and participation in decision-making. It is also concerned about the persistence of certain traditional and cultural practices that are discriminatory to women, such as early marriage, forced marriage and polygamy, notwithstanding the relevant provisions in the Civil Code.

368. The Committee calls upon the State party to accelerate its efforts to eliminate stereotypical attitudes about the roles and responsibilities of women and men, in conformity

## PUBLIC AND PRIVATE ACTORS - GENERAL

with articles 2 (f) and 5 (a) of the Convention, including through awareness-raising and educational campaigns directed at both women and men, to foster a better understanding of and support for equality between women and men at all levels of society. The Committee calls on the State party to monitor carefully the impact of such measures. It recommends that the media be further encouraged to project a positive image of women and of the equal status and responsibilities of women and men in the private and public spheres. The Committee also calls upon the State party to introduce without delay additional measures, in collaboration with civil society organizations, women's groups and community leaders, as well as teachers and the media, to eliminate traditional and cultural practices that discriminate against women in marriage and family relations, taking into account the Committee's general recommendation 21, on equality in marriage and family relations.

- Democratic People's Republic of Korea, CEDAW, A/60/38 part II (2005) 101 at paras. 43-46, 61, 62, 69 and 70.

43. While the Committee notes that the people's committees address and regulate almost every aspect of people's lives, including women's lives at every level, it is concerned that the committees and their procedures may not address women's rights and needs on an equal basis with those of men...

44. The Committee recommends that the State party ensure adequate representation of women in the people's committees and that training be given to the committees concerning women's rights to equality and the obligations under the Convention...

45. The Committee is concerned that there are many instances of indirect and hidden discrimination against women, as evidenced by the fact that women do not choose to take on management positions because they have no time and are unwilling to participate in public and social life owing to ascribed duties in the family. The Committee is also concerned about the prevailing perception that the public and social spheres are "men's spheres".

46. The Committee urges the State party to recognize and analyse the persistence of indirect and hidden discrimination as an obstacle to the implementation of the Convention, and to take measures to identify where it occurs, raise awareness and be proactive in its elimination.

...

61. While noting that women make up approximately 20 per cent of the deputies to the eleventh Supreme People's Assembly, and 30 per cent of the local people's assemblies, the Committee expresses concern that the number of women in decision-making positions remains low in politics, the judiciary and the civil service. The Committee is also concerned at the low participation of women in decision-making positions in the foreign service.

## PUBLIC AND PRIVATE ACTORS - GENERAL

62. The Committee recommends that the State party take measures to increase the number of women in decision-making positions in all spheres. It also recommends that women's representation in the foreign service be increased, including in missions abroad. It also recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to strengthen and accelerate its efforts to promote and elect women to positions of power, supported by special training programmes and awareness-raising campaigns aimed at underlining the importance of women's participation in decision-making at all levels.

...

69. The Committee is concerned about the lack of women's (human rights) organizations and of an independent human rights institution to monitor the implementation of the State party's obligations under the Convention.

70. The Committee recommends that the State party provide an environment that encourages the establishment of women's (human rights) organizations, in accordance with article 7(c) of the Convention. It also calls on the State party to create an independent human rights institution with oversight responsibilities for the implementation of the State party's obligations under the Convention.

- Lebanon, CEDAW, A/60/38 part II (2005) 109 at paras. 91, 92, 107, 108, 119 and 120.

91. The Committee notes with satisfaction the growth in women's representation in the judiciary, where 5 of the 37 judges at the Court of Cassation and 71 of the 112 apprentice judges are now. It also welcomes the fact that in November 2004, for the first time ever, a woman judge was appointed as public prosecutor to the Court of Cassation, thus having the opportunity to enter the High Council of the Judiciary.

92. The Committee welcomes the fact that women's participation in the labour market has increased to 25 per cent and that there have been improvements in women's participation in both the private and public sectors of the economy.

...

107. While welcoming the fact that the percentage of women deputies in the National Assembly has doubled from 2.3 per cent in 1992 to 4.3 per cent in 2005, the Committee remains concerned about the very low level of representation of women in decision-making positions, particularly in elected and appointed bodies at all levels, and their representation in the administration and foreign service.

108. The Committee encourages the State party to take sustained measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to accelerate the increase in the representation of women in elected and appointed bodies in all areas of public life.

## PUBLIC AND PRIVATE ACTORS - GENERAL

...

119. While welcoming the presence of a vibrant civil society, the Committee is concerned about the lack of cooperation of the authorities with non-governmental organizations in the implementation of the Convention. The Committee expresses concern about the apparent lack of understanding on the part of the State party about the obligations of the State and the role of non-governmental organizations in regard to the implementation of the Convention and the promotion of gender equality.

120. The Committee urges the State party to cooperate more effectively with non-governmental organizations in the implementation of the Convention, while assuming full responsibility for fulfilling its obligations under the Convention. The Committee further recommends that the State party consult with non-governmental organizations during the preparation of its next periodic report.

- Benin, CEDAW, A/60/38 part II (2005) 116 at paras. 147-150.

147. While welcoming the adoption of the Personal and Family Code in 2004, aimed at eliminating discrimination against women and abolishing many discriminatory provisions of the customary law of Dahomey, including polygamy, levirate marriage and discrimination in inheritance rights and the age of marriage, the Committee remains concerned about the application of customary practices and the consequences thereof..

148. The Committee calls upon the State party to develop and implement comprehensive educational measures and awareness-raising campaigns on the provisions of the Personal and Family Code and on other laws designed to eliminate discrimination against women, so as to achieve full compliance with their provisions...The Committee recommends that those efforts be undertaken in combination with educational programmes designed to raise awareness and challenge discriminatory harmful customs, traditions, practices and stereotypical attitudes regarding the roles and responsibilities of women in the family and society, as required under articles 2 (f) and 5 (a) of the Convention. The Committee encourages the State party to undertake these efforts in collaboration with civil society and women's and human rights organizations, and to target women and men in all segments of society, including public officials at all levels of government, community and traditional leaders, employers and the general public.

149. The Committee is concerned about the absence of policies and programmes, including legislation, to address violence against women and the economic exploitation and ill-treatment of young girls employed as domestic servants. The Committee is particularly concerned about the perception prevalent in the State party that violence against women, particularly domestic violence, is a private matter, and about the reluctance of women to report incidents of violence committed against them...

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

150. The Committee urges the State party to accord priority attention to the adoption of comprehensive measures to combat violence against women and girls, in accordance with its general recommendation 19 on violence against women. The Committee calls on the State party to enact legislation on domestic violence, including marital rape, and legislation concerning all forms of sexual abuse, and to ensure that women and girls, including domestic servants, who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. The Committee recommends that training be undertaken for the judiciary and public officials, particularly law enforcement personnel, and for health-service providers, so as to ensure that they are sensitized to all forms of violence against women and can adequately respond to it. It also recommends the implementation of awareness-raising campaigns, through the media and public education programmes, and working towards a zero-tolerance policy on all forms of violence against women...

- Gambia, CEDAW, A/60/38 part II (2005) 122 at paras. 191 and 192.

191. The Committee expresses concern about the persistence of strong patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in society, which are discriminatory against women. The Committee is concerned that the persistence of such discriminatory cultural practices and traditional attitudes perpetuates women's subordination in the family and society and produces serious obstacles to women's enjoyment of their human rights. The Committee regrets that no systematic action has been taken by the State party to modify or eliminate negative harmful cultural practices and stereotypes that discriminate against women.

192. The Committee urges the State party to view culture as a dynamic aspect of the country's social fabric and life, and subject, therefore, to change. It urges the State party to introduce measures without delay to modify or eliminate negative harmful cultural practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention. It urges the State party to undertake such efforts in collaboration with civil society organizations, women's groups and community leaders, as well as teachers and the media. It invites the State party to design and implement comprehensive education and awareness-raising programmes targeting women and men at all levels of society, with a view to creating an enabling environment for the transformation of discriminatory stereotypes and allowing women to exercise their rights under the Convention.

- Israel, CEDAW, A/60/38 part II (2005) 129 at paras. 251 and 252.

251. While noting the increase in the number of women in the Knesset, the Committee remains concerned about the low level of representation of women in decision-making

## PUBLIC AND PRIVATE ACTORS - GENERAL

positions in local authorities. It is also concerned that the number of women in high-level positions in the civil service and foreign service remains low. The Committee is further concerned about the low level of representation of Israeli Arab women in these areas.

252. The Committee encourages the State party to take sustained measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, and to establish concrete goals and timetables so as to accelerate the increase in the representation of women, including Israeli Arab women, in elected and appointed bodies in all areas of public life.

- Ireland, CEDAW, A/60/38 part II (2005) 151 at paras. 382, 383, 390 and 391.

382. The Committee is concerned at the persistence of traditional stereotypical views of the social roles and responsibilities of women and men in the family and in society at large, which are reflected in article 41.2 of the Constitution and its male-oriented language, as recognized by the All-Party Oireachtas Committee on the Constitution, in women's educational choices and employment patterns, and in women's low participation in political and public life.

383. The Committee recommends that the State party take additional measures to eliminate traditional stereotypical attitudes, including through sensitization and training of all educational actors and sustained awareness-raising campaigns directed at both women and men. It recommends that the All-Party Oireachtas Committee on the Constitution take the Convention fully into account in considering any amendments to article 41.2 of the Constitution, as well as including a provision to underline the obligation of the State to pursue actively the achievement of substantive equality between women and men. The Committee also suggests that the State party consider replacing male-oriented language with gender-sensitive language in the Constitution to convey the concept of gender equality more clearly. Considering the important role of the media in regard to cultural change, the Committee furthermore recommends that the State party encourage the media to project a positive image of women and of the equal status and responsibilities of women and men in the private and public spheres.

...

390. While acknowledging that the President, the Deputy Prime Minister and three members of the Cabinet are women, and that women occupy other visible decision-making positions, including three Supreme Court judges, the President of the District Court, the President of the Law Reform Commission and the Ombudsman, the Committee is concerned at the significant underrepresentation of women in elected political structures, particularly in the Oireachtas. The Committee is further concerned at the low representation of women in the civil service and in the Department of Foreign Affairs at the higher grades.



## PUBLIC AND PRIVATE ACTORS - GENERAL

391. The Committee encourages the State party to take sustained measures to increase the representation of women in elected bodies, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures. It recommends that research be carried out under the aegis of a parliamentary committee into the root causes of the lack of progress in this area.

### CAT

- Benin, CAT, A/57/44 (2002) 19 at paras. 34 and 35.

34. The Committee is concerned about the following:

...

(b) Citizens' apparent mistrust of the police and justice system and the resulting recurring problem of mob justice;

...

(d) The lack of attention paid to human rights, especially to the prohibition of torture, in training programmes for civilian and military law enforcement personnel and medical personnel, despite positive initiatives by the Benin Human Rights Commission and the Human Rights League;

...

(f) The existence in Beninese legislation of legal provisions (arts. 327 and 328 of the Criminal Code) exonerating anyone found guilty of offences or crimes when such acts were ordered in accordance with the law or by a legitimate authority or were committed in self-defence, which is contrary to the provisions of article 2, paragraph 2, of the Convention with regard to torture;

...

35. The Committee recommends that:

...

(c) The State party should adopt the necessary legislative measures to bring the provisions of the Criminal Code into line with article 2 of the Convention;

(d) The State party should strengthen human rights education and promotion activities, particularly on the prohibition of torture, for law enforcement officials and medical personnel;

(e) The State party should take measures to eradicate the practice of mob justice;

...

## PUBLIC AND PRIVATE ACTORS - GENERAL

- Indonesia, CAT, A/57/44 (2002) 22 at paras. 40 and 43.

40. The Committee takes note of the following positive aspects:

...

(d) The formal separation of the police from the military in 1999, as a vital aspect of the effort to ensure an independent civilian authority responsible for maintaining law and order;

(e) The recognition by the State party that eradication of torture is linked to overcoming a culture of violence within the army and the police, and the assurances that efforts to continue to work towards this goal are a high priority of the Government;

...

(g) The interest expressed by the State party in the possibility of the Government's cooperating with national non-governmental organizations in monitoring prisons and places of detention;

...

43. The Committee is...concerned about:

(a) A climate of impunity, promoted in part by the fact that there has been little progress in bringing to trial members of the military, the police or other State officials, particularly those holding senior positions, who are alleged to have planned, commanded and/or perpetrated acts of torture and ill-treatment;

(b) The failure of the State party to provide in every instance prompt, impartial and full investigations into the numerous allegations of torture reported to the authorities, as well as to prosecute alleged offenders, as required in articles 12 and 13 of the Convention;

(c) The insufficient level of guarantees of the independence and impartiality of the National Commission on Human Rights (Komnas-HAM) which hinders it in fully carrying out its mandate, which includes sole responsibility under Law 2000/26 for conducting initial investigations relating to gross violations of human rights, including torture, prior to forwarding cases to the Attorney-General for prosecution. Because only the Attorney-General has the authority to decide whether to initiate criminal proceedings, the Committee is further concerned that all the reports of Komnas-HAM on preliminary investigations are not published, and that Komnas-HAM does not have the right to challenge a decision by the Attorney-General not to prosecute a case.

- Saudi Arabia, CAT, A/57/44 (2002) 48 at para. 101.

101. The Committee recommends, in particular, that the State party:

...

(k) Adopt adequate measures to permit the creation of independent non-governmental

## PUBLIC AND PRIVATE ACTORS - GENERAL

organizations and the development of their activities in the area of the defence of human rights;

...

- Cyprus, CAT, A/58/44 (2002) 21 at para. 33.

33. The Committee welcomes the recent legislative, administrative and institutional developments that took place in the State party since the consideration of its previous periodic report, namely:

...

(h) The decision of the Council of Ministers to empower the Attorney-General to appoint criminal investigators to investigate allegations of criminal conduct by police;

...

- Egypt, CAT, A/58/44 (2002) 22 at paras. 41 and 42.

41. The Committee is concerned about the following:

...

(i) The legal and practical restrictions on the activities of non-governmental organizations engaged in human rights work;

...

42. The Committee recommends that the State party:

...

(m) Ensure that non-governmental organizations engaged in human rights work can pursue their activities unhindered, and in particular that they have access to all places of detention and prisons so as to guarantee greater compliance with the ban on torture and ill-treatment;

...

- Estonia, CAT, A/58/44 (2002) 26 at paras. 49, 50 and 52.

49. The Committee is concerned that:

...

(c) Isolated cases of ill-treatment of detainees by officials still occur in police stations. Although violence, including sexual violence, between prisoners in detention facilities and between patients in psychiatric facilities has diminished, the high risk of such incidents still remains...

## PUBLIC AND PRIVATE ACTORS - GENERAL

...

50. The Committee recommends that the State party:

...

(c) Ensure close monitoring of inter-prisoner and inter-patient violence, including sexual violence, in detention and psychiatric facilities, with a view to preventing them;

...

52. The Committee further recommends that the State party widely disseminate in the country any reports submitted by Estonia to the Committee, the conclusions and recommendations of the Committee, as well as the summary records of the review, in appropriate languages, including Estonian and Russian, through official web sites, the media and non-governmental organizations.

- Venezuela, CAT, A/58/44 (2002) 32 at paras. 80 and 81.

80. The Committee expresses its concern at the following:

...

(g) The numerous instances in prisons of prisoner-on-prisoner violence and violence against prisoners by prison officers, which have led to serious injuries and in some cases to death. The precarious material conditions in prisons are also a matter for concern;

...

81. The Committee recommends that the State party should:

...

(e) Adopt measures to improve material conditions of detention in prisons and prevent both prisoner-on-prisoner violence and violence against prisoners by prison personnel. It is also recommended that the State party strengthen independent prison inspection procedures.

- Azerbaijan, CAT, A/58/44 (2003) 36 at paras. 87-89.

87. The Committee notes the following positive developments:

...

(i) The agreement concluded with the International Committee of the Red Cross, enabling ICRC representatives to have unrestricted access to convicted persons in places of detention, as well as the State party's assurance that access for non-governmental organizations to visit and examine conditions in penitentiary establishments is unlimited.

88. The Committee is concerned about:

...

(b) The fact that the definition of torture in the new Criminal Code does not fully comply with article 1 of the Convention, because, *inter alia*, article 133 omits references to the purposes of torture outlined in the Convention, restricts acts of torture to systematic blows

## PUBLIC AND PRIVATE ACTORS - GENERAL

or other violent acts, and does not provide for criminal liability of officials who have given tacit consent to torture;

...

(i) Reports of harassment and attacks against human rights defenders and organizations;

...

(m) The fact that no independent body with a mandate to visit and/or supervise places of detention has been established, and that access by non-governmental organizations to penitentiary facilities is impeded;

...

89. The Committee recommends that the State party:

(a) Ensure that the offence of torture in national legislation fully complies with the definition provided in article 1 of the Convention;

...

(f) Ensure the prompt creation of the new bar association and take measures to guarantee an adequate number of qualified and independent lawyers able to act in criminal cases;

...

(h) Ensure the full protection of non-governmental human rights defenders and organizations;

...

(m) Institute a system of regular and independent inspections of all places of detention and facilitate in practice, including by issuing instructions to appropriate authorities, access by non-governmental organizations to these places of detention;

...

- Cambodia, CAT, A/58/44 (2003) 40 at paras. 96 and 98.

96. The Committee welcomes the following:

...

(b) The State party's cooperation with United Nations agencies and mechanisms in the field of human rights. In this regard, the Committee welcomes the cooperation with the United Nations human rights field presence in the country and the training and educational activities on human rights provided by international organizations to law enforcement personnel, as well as the positive role played by NGOs in this regard.

...

98. The Committee is concerned about the following:

...

(e) The allegations of widespread corruption amongst public officials in the criminal justice system;

...

(l) The overcrowding and poor conditions in prisons, as well as alleged cases of ill-treatment

## PUBLIC AND PRIVATE ACTORS - GENERAL

of prisoners, and the difficulties faced by international organizations, NGOs and family members in gaining access to prisoners.

- Slovenia, CAT, A/58/44 (2003) 44 at para. 114.

114. The Committee welcomes the ongoing efforts by the State party to reform its legal system and revise its legislation so as to strengthen human rights in Slovenia. In particular, the Committee welcomes:

(a) The inclusion in the State party's report of findings of the Human Rights Ombudsman of Slovenia, which were often critical of the Government, and notes the important role of this institution in the promotion and protection of human rights in the State party;

...

(c) The Rules on Police Powers introduced in June 2000 which provide detailed regulations governing the limits of police powers in official contacts with individuals;

...

(e) The decision of the Government adopted in 2003, according to which all government ministries should cooperate closely with NGOs in the preparation of legislation and by-laws that touch upon human rights and freedoms in any way;

...

- Turkey, CAT, A/58/44 (2003) 46 at paras. 120-123.

120. The Committee welcomes the following positive aspects:

...

(c) The constitutional and legal reforms intended to strengthen the rule of law and to bring the legislation into line with the Convention, including the reduction of periods of detention in police custody; the elimination of the requirement to obtain administrative permission to prosecute a civil servant or public official; and the decrease in the number of crimes under the jurisdiction of State Security Courts;

...

(e) The establishment of Prison Monitoring Boards that include the participation of members of non-governmental organizations in their individual capacity, with a mandate to carry out inspections in penal institutions;

...

121. The Committee expresses concern about:

...

(d) Allegations that despite the number of complaints, the prosecution and punishment of

## PUBLIC AND PRIVATE ACTORS - GENERAL

members of security forces for torture and ill-treatment are rare, proceedings are exceedingly long, sentences are not commensurate with the gravity of the crime, and officers accused of torture are rarely suspended from duty during the investigation;

...

122. The Committee is also concerned about:

...

(c) The continuing reports of harassment and persecution of human rights defenders and non-governmental organizations.

123. The Committee recommends that the State party:

...

(b) Take the necessary measures to guarantee that prompt, impartial and full investigations into the numerous allegations of torture and ill-treatment are carried out, and to ensure in this connection that an efficient and transparent complaint system exists;

(c) Repeal the statute of limitation for crimes involving torture, expedite the trials and appeals of public officials indicted for torture or ill-treatment, and ensure that members of the security forces under investigation or on trial for torture or ill-treatment are suspended from duty during the investigation and dismissed if they are convicted;

...

(i) Ensure that human rights defenders and non-governmental organizations are respected, together with their premises and archives;

...

- Belgium, CAT, A/58/44 (2003) 49 at paras. 128-131.

128. The Committee notes with satisfaction the following elements:

...

(b) The adoption on 14 June 2002 of the Act bringing Belgian law into line with the Convention and introducing in the Penal Code articles on torture and inhuman or degrading treatment stating that an order by a superior cannot justify the offences of torture or inhuman treatment;

...

129. The Committee is concerned about:

(a) The lack of explanations concerning the concept of a “manifestly unlawful order” and the fact that an official having subjected a person to degrading treatment may be relieved of criminal responsibility under article 70 of the Penal Code if he or she was following the order of a superior;

...

(c) Cases of the excessive use of force during public demonstrations and expulsions of

## PUBLIC AND PRIVATE ACTORS - GENERAL

foreigners;

...

(g) The reform on 23 April 2003 of the rules governing the exercise of universal jurisdiction by Belgian courts in cases involving serious violations of international humanitarian law, authorizing the Minister of Justice in some circumstances to remove a Belgian judge from a case;

...

130. While the Committee welcomes the decision of the Belgian authorities to extend the definition of torture and inhuman or degrading treatment to the commission of such acts by non-State actors, even those acting without the consent of a State agent, it recommends that the Belgian authorities ensure that all elements of the definition contained in article 1 of the Convention are included in the general definition provided by Belgian criminal law.

131. The Committee recommends that the State party:

(a) Ensure that officials who have subjected any person to degrading treatment are liable to criminal penalties, even though they may have acted on the order of a superior, and explain the concept of a “manifestly unlawful order”;

...

(c) Ensure that the guidelines on the use of force during public demonstrations and expulsions of foreigners are fully in keeping with the requirements of the Convention, guarantee their full implementation and conduct immediate inquiries into any allegations of the excessive use of force by law enforcement officials;

...

(f) Ensure respect for the principle of the independence of Belgian courts from the executive branch, in particular where the exercise of universal jurisdiction in relation to serious violations of international humanitarian law is concerned;

...

- Republic of Moldova, CAT, A/58/44 (2003) 53 at paras. 138 and 139.

138. The Committee expresses concern about:

...

(e) The reported failure of the State party to ensure prompt, impartial and full investigations into the numerous allegations of torture and ill-treatment, thereby contributing to a culture of impunity among law enforcement officials;

(f) The absence of an independent oversight mechanism competent to deal with complaints against the police;

...

(h) Allegations of a dysfunctional criminal justice system, apparently caused in part by a



## PUBLIC AND PRIVATE ACTORS - GENERAL

lack of independence of the procuracy and the judiciary;

...

139. The Committee recommends that the State party:

...

(e) Establish an independent administrative body competent to deal with complaints against the police and law enforcement personnel;

(f) Take effective measures to ensure a fully independent procuracy and an independent judiciary in conformity with the United Nations Basic Principles on the Independence of the Judiciary, if necessary by calling for international cooperation;

...

- Cameroon, CAT, A/59/44 (2003) 23 at paras. 40, 42, 44 and 46.

40. The Committee recalls that, in 2000, it found that torture seemed to be a very widespread practice in Cameroon, and expresses concern at reports that this situation still exists. It is troubled by the sharp contradictions between consistent allegations of serious violations of the Convention and the information provided by the State party. In particular, the Committee declares serious concern about:

...

(c) Reports of torture, ill-treatment and arbitrary detention perpetrated under the responsibility of certain traditional chiefs, sometimes with the support of the forces of law and order.

...

42. The Committee, while welcoming the effort made by the State party to transmit information relating to the prosecution of State officials responsible for violations of human rights, is concerned about reports of the impunity of perpetrators of acts of torture. It is particularly worried about:

(a) The fact that gendarmes can be prosecuted for offences committed in the line of duty only with the authorization of the Ministry of Defence;

(b) Reports that proceedings have actually been initiated against perpetrators of torture only in cases where the death of the victim was followed by public demonstrations;

(c) The fact that the case of the "Bépanda nine" remains unsolved;

(d) The reluctance of victims or their relatives to lodge complaints, through ignorance, distrust or fear of reprisals;

...

44. The Committee urges the State party to take all necessary measures to end the practice

## PUBLIC AND PRIVATE ACTORS - GENERAL

of torture on its territory. It recommends that the State party should:

(a) Immediately end torture in police and gendarmerie stations and prisons. It should ensure effective supervision of these places of detention, permit NGOs to visit them and give more authority to the prison supervision commissions. The National Committee on Human Rights and Freedoms and public prosecutors should pay more frequent visits to all places of detention;

...

(e) Immediately end the torture, ill-treatment and arbitrary detention perpetrated under the responsibility of the traditional chiefs in the north. The Committee notes the delegation's assurance that proceedings have been brought in such cases and urges the State party to step up its efforts in this direction. The peoples concerned should be duly informed of their rights and of the limits on the authority and powers of these traditional chiefs.

...

46. The Committee recommends that the State should greatly increase its efforts to end the impunity of perpetrators of acts of torture, in particular by:

(a) Removing all restrictions, notably by the Ministry of Defence, on the prosecution of gendarmes and by giving the ordinary courts jurisdiction to try offences committed by gendarmes in the line of policy duty;

(b) Pursuing its inquiry into the case of the "Bépanda nine". The Committee also recommends a thorough investigation of the activities of the Douala operational command while it was in operation and, by extension, the activities of all anti-gang units that are still functioning;

(c) Ensuring that its authorities immediately undertake an impartial investigation whenever there is reasonable ground to believe that an act of torture has been committed. The Committee recommends an independent body with the authority to receive and investigate all allegations of torture and other ill-treatment at the hands of State employees;

(d) Ensuring the protection of victims and witnesses against any intimidation or ill-treatment, and by informing the public of their rights, notably with regard to complaints against State employees;

...

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

65. The Committee is aware of the difficulties with respect to human rights and international humanitarian law arising from the current complex situation in the country, especially in a context characterized by the activities of illegal armed groups. The

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

Committee nonetheless reiterates that, as stated in article 2 of the Convention, no exceptional circumstances whatsoever may be invoked as a justification of torture.

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

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

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

...

68. The Committee also expresses its concern at:

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

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

...

(d) The allegations and information indicating:

(i) That some prosecutors in the Human Rights Unit of the Public Prosecutor's Office have been forced to resign and that members of the Unit have been threatened in connection with their investigation of cases of human rights violations;

...

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

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

...

## PUBLIC AND PRIVATE ACTORS - GENERAL

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

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

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

(i) The use of "peasant soldiers";

...

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

(d) Ensure that the staff of the Human Rights Unit of the Public Prosecutor's Office are able to carry out their duties independently, impartially and in safety and provide the Unit with the resources needed to do its work effectively;

...

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

...

- Latvia, CAT, A/59/44 (2003) 48 at paras. 100-102.

100. The Committee expresses concern about the following:

...

(b) The lack of independence and impartiality of the Internal Security Office of the State Police, which is competent to deal with complaints on alleged violence by police officers;

...

101. The Committee recommends that the State party:

(a) Take all appropriate measures to prevent acts of ill-treatment by members of the police and ensure that all allegations of ill-treatment are investigated promptly and impartially;

## PUBLIC AND PRIVATE ACTORS - GENERAL

...

102. The Committee also recommends that the State party disseminate widely the Committee's conclusions and recommendations, in all appropriate languages, through official web sites, the media and non-governmental organizations.

- Lithuania, CAT, A/59/44 (2003) 52 at paras. 108-110.

108. The Committee welcomes the ongoing efforts by the State party to reform its legal system and revise its legislation in order to safeguard fundamental human rights, including the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment, including:

...

(d) The Law on the Establishment of Administrative Tribunals (1999) providing for the examination of complaints concerning acts, actions or omissions of public officials;

...

109. The Committee expresses concern about the following:

...

(e) The large increase in complaints about the treatment of prisoners by the police (largely due to the State's own positive efforts to make the complaint process more confidential) and that, according to the State party, almost half of such complaints have been upheld. The Committee is further concerned that investigations into allegations against police officers are not conducted by a body independent of the police;

(f) Reports that some State-appointed lawyers have shown little interest in how their clients who are detained are treated;

...

(h) That conditions in places of detention are poor, as acknowledged by the State party, and that some prisoners "live in fear" of inter-prisoner violence, as noted by the European Committee to Prevent Torture;

...

110. The Committee recommends that the State party:

...

(c) Take all appropriate measures to prevent acts of torture and ill-treatment by, *inter alia*:

...

(ii) Emphasizing the importance of training prison officials to develop good communication skills between themselves and with detainees, as a measure to reduce the resort to prohibited physical coercion, and to reduce inter-prisoner violence;

(iii) Taking other appropriate measures to prevent acts of ill-treatment by members of the police, and establish a fully independent and impartial investigation system;

## PUBLIC AND PRIVATE ACTORS - GENERAL

(d) Ensure in practice that the public prosecutor's actions are monitored to ensure that any persons who allege ill-treatment or torture or who require medical examination are permitted by the public prosecutor to receive such examinations at their request and not only at the order of an official;

(e) Take urgent and effective steps to establish a fully independent complaints mechanism, ensure prompt, impartial and full investigations into the many allegations of torture reported to the authorities and the prosecutions, and punish, as appropriate, the alleged perpetrators;

...

(h) Continue efforts to provide an effective legal aid system by, *inter alia*, public financing of defence counsel offices, providing adequate remuneration, and involving the Bar Association in coordinating appointments;

...

- Morocco, CAT, A/59/44 (2003) 58 at paras. 125 and 127.

125. The Committee takes note of the following positive new developments:

...

(e) The unlimited access to detainees and prisoners accorded to independent local NGOs;

...

127. The Committee recommends that the State party:

...

(b) In the context of the ongoing reform of the Criminal Code, clearly prohibit any act of torture, even if perpetrated in exceptional circumstances or in response to an order received from a superior officer or public authority;

...

(e) Take all necessary measures to eliminate impunity for public officials responsible for torture and cruel, inhuman or degrading treatment;

...

- Yemen, CAT, A/59/44 (2003) 64 at para. 143.

143. The Committee welcomes the ongoing efforts of the State party to reform its legal system, revise its legislation and uphold democratic values, in particular:

...

(b) The permission granted to many non-governmental organizations to operate freely in the country;

...

(h) The access accorded to the International Committee of the Red Cross to persons held by the Political Security Department.

## PUBLIC AND PRIVATE ACTORS - GENERAL

- Bulgaria, CAT, A/59/44 (2004) 19 at para. 31.

31. The Committee notes the following positive developments:

(a) Ongoing efforts by the State party to reform its legislation related to the implementation of the Convention and aimed at strengthening the protection of human rights. In particular, the Committee welcomes the following:

...

(ii) The adoption by the National Assembly of the Law on the Protection against Discrimination on 16 September 2003 and other practical measures in the field of protection against discrimination, such as the recruitment of Roma into the police force;

...

(e) The access given to non-governmental organizations, such as the Bulgarian Helsinki Committee, to visit prisons on a regular basis;

...

- Chile, CAT, A/59/44 (2004) 28 at paras. 54, 56 and 57.

54. The Committee notes the following positive developments:

...

(i) Confirmation that non-governmental organizations are allowed regularly to visit places of detention;

...

56. The Committee expresses concern about the following:

...

(c) That the definition of torture in the Criminal Code does not comply fully with article 1 of the Convention, and that it does not fully incorporate the purposes of torture and the acquiescence of public officials;

...

57. The Committee recommends that the State party should:

(a) Adopt a definition of torture in conformity with article 1 of the Convention, and ensure that it covers all forms of torture;

...

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

77. The Committee is concerned about the following:

## PUBLIC AND PRIVATE ACTORS - GENERAL

...

(e) The alleged failure of the State party to address the issue of violence and bullying between children and young adults placed in social care institutions;

(f) The alleged failure of the State party to prevent and fully and promptly investigate violent attacks by non-State actors against members of ethnic and other minorities;

...

78. The Committee recommends that the State party:

...

(k) Increase the protection of children and young adults placed in social care institutions, *inter alia* by ensuring that violent acts are reported and investigated, providing support and treatment for children and young adults with psychological problems, and ensuring that these institutions employ trained personnel, such as social workers, psychologists and pedagogues;

(l) Ensure the protection of members of ethnic and other minorities, *inter alia* by undertaking all effective measures to prosecute and punish all violent acts against these individuals, establishing programmes to raise awareness, prevent and combat this form of violence, and including this issue in the training of law enforcement officials and other relevant professional groups;

...

- Czech Republic, CAT, A/59/44 (2004) 42 at paras. 86 and 87.

86. The Committee expresses concern about the following:

(a) The persistent occurrence of acts of violence against the Roma and the alleged reluctance on the part of the police to provide adequate protection and to investigate such crimes, despite efforts made by the State party to counter such acts;

...

(k) Allegations regarding some incidents of uninformed and involuntary sterilizations of Roma women, as well as the Government's inability to investigate due to insufficient identification of the individual complainants.

87. The Committee recommends that the State party:

...

(b) Take measures to establish an effective, reliable and independent complaint system to undertake prompt and impartial investigations into all allegations of ill-treatment or torture by the police or other public officials, including allegations of racially motivated violence by non-State actors, in particular any that have resulted in deaths, and to punish the offenders;

...



## PUBLIC AND PRIVATE ACTORS - GENERAL

(n) Investigate claims of involuntary sterilizations, using medical and personnel records, and urge the complainants, to the extent possible, to assist in substantiating the allegations;

...

- Germany, CAT, A/59/44 (2004) 45 at paras. 91 and 92.

91. The Committee expresses its concern at:

...

(d) The fact that, owing to perceived constitutional difficulties arising from the division of powers between federal and Länder authorities, measures taken at the federal level to enhance compliance with the Convention are not applicable to relevant activities of the Länder. Thus, the comprehensive federal rules regarding forcible return by air, while applicable to returns carried out by the Federal Border Police (*Bundesgrenzschutz*), are not applicable to returns carried out by Länder authorities;

(e) The legal controls and training provided to private security companies utilized to provide security to certain detention facilities at Frankfurt-am-Main international airport.

92. The Committee recommends that:

...

(c) The State party take such measures as are appropriately within its power with respect to the authorities of the Länder to ensure the adoption and general application of measures which have proven efficacious at the federal level in improving compliance with the Convention, such as the federal rules on forcible return by air;

...

(f) The State party clarify for the Committee (i) whether all complaint facilities and avenues of legal redress (including State assumption of responsibility for the acts of its agents) that are available against members of the law enforcement authorities are applicable to the employees of private security companies engaged by the State party; and (ii) what kind of training is provided to such employees on issues arising under the Convention;

...

- Monaco, CAT, A/59/44 (2004) 56 at paras. 117 and 118.

117. The Committee expresses concern about:

...

(b) The lack of any provision expressly prohibiting the invocation of exceptional circumstances or orders from a superior officer or a public authority as a justification for torture;

...

## PUBLIC AND PRIVATE ACTORS - GENERAL

118. The Committee recommends that the State party:

...

(b) Enact in its domestic law a prohibition on the invocation of exceptional circumstances or orders received from a superior officer or public authority as a justification of torture;

...

- New Zealand, CAT, A/59/44 (2004) 61 at para. 133.

133. The Committee notes with appreciation:

...

(f) Measures taken to improve the effectiveness and strengthen the independence of the Police Complaints Authority;

(g) The efforts undertaken to promote a positive relationship between the police and Maori;

...

- Argentina, CAT, A/60/44 (2004) 12 at paras. 34 and 35.

34. The Committee expresses its concern at the following:

...

(d) The uneven application of the Convention in the various provinces of the State party, and the lack of machinery for accommodating the requirements of the Convention to the federal structure of the country, despite the fact that the State party's Constitution grants those provisions the same status as the Constitution itself;

...

(m) The fact that medical staff in prisons are not independent but are members of the prison service.

35. The Committee recommends that the State party take all necessary steps to prevent acts of torture and ill-treatment in the territory of the State of Argentina, and in particular that it:

...

(d) Guarantee that the obligations arising from the Convention will always be fulfilled in all provincial courts, with the aim of ensuring the uniform application of the Convention throughout the State party. The State party is reminded that the State's international responsibility is borne by the State at the national level even when violations have occurred at the provincial level;

...

(m) Take the necessary steps to guarantee the presence of independent, qualified medical personnel to carry out periodic examinations of persons in detention;

...

## PUBLIC AND PRIVATE ACTORS - GENERAL

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

39. The Committee expresses its concern at:

(a) Remaining inconsistencies between the requirements of the Convention and the provisions of the State party's domestic law which, even after the passage of the Human Rights Act, have left continuing gaps; notably:

(i) Article 15 of the Convention prohibits the use of evidence gained by torture wherever and by whomever obtained; notwithstanding the State party's assurance...the State party's law has been interpreted to exclude the use of evidence extracted by torture only where the State party's officials were complicit; and

(ii) Article 2 of the Convention provides that no exceptional circumstances whatsoever may be invoked as a justification for torture; the text of section 134 (4) of the Criminal Justice Act however provides for a defence of "lawful authority, justification or excuse" to a charge of official intentional infliction of severe pain or suffering, a defence which is not restricted by the Human Rights Act for conduct outside the State party, where the Human Rights Act does not apply; moreover, the text of section 134 (5) of the Criminal Justice Act provides for a defence for conduct that is permitted under foreign law, even if unlawful under the State party's law;

...

40. The Committee recommends that:

(a) The State party take appropriate measures in the light of the Committee's views to ensure, if necessary explicitly, that the defences that might be available to a charge brought under section 134 (1) of the Criminal Justice Act be consistent with the requirements of the Convention;

(b) The State party should review, in the light of its experience since its ratification of the Convention and the Committee's jurisprudence, its statute and common law to ensure full consistency with the obligations imposed by the Convention; for greater clarity and ease of access, the State party should group and publish the relevant legal provisions;

...

(d) The State party should appropriately reflect in formal fashion, such as legislative incorporation or by undertaking to Parliament, the Government's intention as expressed by the delegation not to rely on or present in any proceeding evidence where there is knowledge or belief that it has been obtained by torture; the State party should also provide for a means whereby an individual can challenge the legality of any evidence in any proceeding plausibly suspected of having been obtained by torture;

## PUBLIC AND PRIVATE ACTORS - GENERAL

...

- Greece, CAT, A/60/44 (2004) 20 at paras. 46-48.

46. The Committee notes the following positive developments:

(a) The ongoing efforts by the State party to revise its legislation and adopt other necessary measures, so as to strengthen the respect for human rights in Greece and give effect to the Convention. In particular the Committee welcomes the following:

...

(v) The Law on Combating Trafficking in Human Beings (Law 3064/2002), criminalizing trafficking and punishing the perpetrators of such crimes with heavy sentences;

...

(c) The lifting of restrictive quotas (of 15 per cent) for the entry of women into the police force;

...

47. The Committee notes that many of the concerns it expressed during the consideration of the third periodic report (A/56/44, para. 87) have not been adequately addressed, and will be reiterated in the present concluding observations. Consequently, the Committee expresses its concern at:

...

(e) The lack of an effective independent system to investigate complaints and reports that allegations of torture and ill-treatment are not investigated promptly and impartially;

...

(k) The reported prevalence of violence against women and girls, including domestic violence, and the reluctance on the part of the authorities to, *inter alia*, adopt legislative measures to counter this phenomenon;

...

48. The Committee recommends that the State party:

...

(f) Take necessary measures to establish an effective, reliable and independent complaints system to undertake prompt and impartial investigations, including immediate forensic medical investigation, into allegations of ill-treatment or torture by police and other public officials, and to punish the offenders. The Committee stresses that while the State party recognizes the independence of the judiciary, it has a responsibility to ensure its effective functioning;

...

(l) Adopt legislation and other measures to combat violence against women, within the framework of plans to take measures to prevent such violence, including domestic violence, and to investigate all allegations of ill-treatment and abuse;

## PUBLIC AND PRIVATE ACTORS - GENERAL

...

- Albania, CAT, A/60/44 (2005) 34 at paras. 83 and 84.

83. The Committee expresses concern:

...

(l) About the lack of regular and unannounced visits to police stations by the Office of the Ombudsman;

...

(o) At the reported prevalence of violence against women and girls, including sexual and domestic violence, and the reluctance on the part of the authorities to, *inter alia*, adopt legislative and other measures to counter this phenomenon.

84. The Committee recommends that the State party:

...

(l) Allow regular and unannounced visits to police stations by the Office of the Ombudsman, as well as by other independent bodies;

...

(o) Adopt measures to combat sexual violence and violence against women, including domestic violence, and promptly and impartially investigate all allegations of torture or ill-treatment with a view to prosecuting those responsible;

...

- Uganda, CAT, A/60/44 (2005) 39 at paras. 90, 93, 94, 96 and 97.

90. The Committee notes with satisfaction the following positive developments:

...

(c) The permission granted to many NGOs to operate freely in the country;

...

93. The Committee is further concerned about:

...

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

(i) Reports of customary torture in the area of Karamuja.

94. The Committee takes note of the explanation provided by the delegation about the outlawing of "ungazetted" or unauthorized places of detention or "safe houses" where persons have been subjected to torture by military personnel. Nevertheless, it remains concerned about the widespread practice of torture and ill-treatment of persons detained by

## PUBLIC AND PRIVATE ACTORS - GENERAL

the military as well as by other law enforcement officials.

...

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

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

...

(j) Allow independent human rights monitors, including the Uganda Human Rights Commission, full access to all official and non-official places of detention, without notice;

...

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

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

(p) Take effective measures, including judicial measures, to prevent mob justice;

(q) Take immediate and effective steps to put an end to customary torture in the area of Karamuja.

- Bahrain, CAT, A/60/44 (2005) 44 at paras. 108 and 109.

108. The Committee expresses its concern at:

...

(j) Lack of access by independent monitors to visit and inspect all places of detention without prior notice, notwithstanding the assurances of the State party that it will allow some access by civil society organizations;

...

(l) Information received regarding limits on human rights non-governmental organizations to conduct their work, in particular regarding activities relevant to the Convention, within the country and abroad;

...

(o) The over broad discretionary powers of the sharia court judges in the application of personal status law and criminal law and, in particular, reported failures to take into account

## PUBLIC AND PRIVATE ACTORS - GENERAL

clear evidence of violence confirmed in medical certificates following violence against women;

...

109. The Committee recommends that the State party:

...

(g) Establish an independent body with a mandate to visit and/or supervise places of detention without prior notice, and allow impartial and NGOs to make visits to prisons and places where the authorities keep detainees;

(h) Fully ensure the independence of the judiciary and include female judicial officials in its judicial system;

(i) Consider adopting a Family Code, including measures to prevent and punish violence against women, especially domestic violence, including fair standards of proof;

...

(m) Remove inappropriate restrictions on the work of NGOs, especially those dealing with issues related to the Convention;

...

### CRC

- Portugal, CRC, CRC/C/111 (2001) 48 at paras. 238 and 239.

238. The Committee welcomes the progress made in recent years in reducing the child mortality rate and also welcomes the combining, within the State party's primary health care, of private and public health care provision at a very small charge, and the hospital services offered at two levels. The Committee is concerned, however, that:

...

(b) The public health care system, including mental health care services, in the State party requires strengthening and that there is insufficient access to primary health care facilities in some parts of the country;

...

239. The Committee recommends that the State party:

(a) Increase investment in public health care facilities, including investments by civil society;

...

- Cameroon, CRC, CRC/C/111 (2001) 71 at paras. 344-347.

## PUBLIC AND PRIVATE ACTORS - GENERAL

344. Taking note of the Act on Non-Governmental Organizations (Act 99/014), the Committee is concerned that insufficient efforts have been made to implement this legislation and to involve civil society in the implementation of the Convention, particularly in the area of civil rights and freedoms.

345. The Committee recommends that the State party:

(a) Systematically involve communities and civil society, including children's associations, throughout all stages of the implementation of the Convention, including legislation procedure and formulation of policies and programmes and including with respect to civil rights and freedoms;

(b) Ensure that legislation regulating NGOs is fully implemented.

346. While aware of the measures undertaken to promote widespread awareness of the principles and provisions of the Convention (e.g. through radio programmes, seminars and workshops), the Committee is of the opinion that these measures need to be strengthened and systematized. In this respect, the Committee is concerned at the lack of a systematic plan to introduce training and awareness among professional groups working for and with children.

347. The Committee recommends that the State party:

...

(c) Systematically involve community leaders in its programmes in order to fight against customs and traditions which impede the implementation of the Convention, and adopt creative communication measures for illiterate people;

(d) Provide systematic education and training on the provisions of the Convention for all professional groups working for and with children, in particular parliamentarians, judges, lawyers, law enforcement officials, civil servants, municipal and local workers, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers;

...

### ***See also:***

- Seychelles, CRC, CRC/C/121 (2002) 41 at paras. 178 and 179.
- Paraguay, CRC, CRC/C/111 (2001) 103 at paras. 490, 491 and 496.

490. The Committee, while noting examples of collaboration between governmental institutions and non-governmental organizations, e.g. in the preparation of the Children's Code and of the State party's second periodic report, nevertheless notes that cooperation with



## PUBLIC AND PRIVATE ACTORS - GENERAL

non-governmental organizations should be further promoted and reinforced.

491. The Committee reiterates its recommendation to the State party (CRC/C/15/Add.75, para. 31) to encourage the promotion of closer cooperation with non-governmental organizations, in particular in the area of implementation of the new Children's Code.

...

496. The Committee... notes with concern that pregnant girls are often not allowed to continue their education, especially in private schools.

- Lebanon, CRC, CRC/C/114 (2002) 11 at paras. 45, 65, 66, 71, 72, 77 and 78.

45. The Committee encourages the State party:

(a) To reinitiate the process of establishing an independent national human rights institution, in accordance with the Paris Principles relating to the status of national institutions (General Assembly resolution 48/134), to monitor and evaluate progress in the implementation of the Convention at the national and, if appropriate, at the local level, including implementation by the private sector and NGOs as providers of services to children. This institution should be empowered to receive and investigate individual complaints of violations of child rights in a child-sensitive manner and address them effectively; and

(b) To seek technical assistance from, among others, OHCHR and UNICEF.

...

65. The Committee is deeply concerned at the large number of children placed in institutions, a significant majority of whom are placed there because of socio-economic problems affecting their families and without judicial procedure. It notes with concern that the institutions, which are often run by non-governmental organizations, are contracted by the Ministry of Social Affairs and are not at present subject to monitoring...

66. The Committee recommends that in the light of article 9, the State party:

...

(b) Pursue its plans to review its policies resulting in a large number of children being placed in institutions and improve the monitoring and evaluation of services provided by non-governmental organizations in this regard.

...

71. ...The Committee is deeply concerned that children do not enjoy equal access to quality health care owing to the high cost of health care and the failure of insurance schemes to provide full coverage, and in part to the domination of the health sector by the private sector and significant differences between the quality of the care provided by the public versus the private sector. The Committee regrets that any follow-up to its previous recommendation ([CRC/C/15/Add.54], para. 30) has had little impact on the realization of the right to health

## PUBLIC AND PRIVATE ACTORS - GENERAL

for children.

72. The Committee urges the State party:

...

(b) To ensure equal access to and quality of health care for all children, independent of socio-economic factors, and encourages the State party to provide health insurance for all children, irrespective of whether their parents are working;

(c) To initiate effective follow-up to its previous recommendation and in view of the high budgetary expenditures in the health sector in particular, to examine the impact on the practical realization of the right to health for all children irrespective of socio-economic factors;

...

77. While noting with appreciation the number of initiatives undertaken, in particular the law making basic education free and compulsory until the age of 12 and the intention to raise it further to 15, the Committee is nevertheless concerned about the implementation of the law, including that public education is not entirely free. The Committee is furthermore concerned at the lack of public structures in early childhood education, regional disparities, the differences in cost and quality between State and private schools, which create inequality, the high drop-out rates after primary education, the low number of trained teachers, as well as reports of family preference for male over female children when fees are charged.

...

78. The Committee recommends that the State party:

...

(b) Take the necessary steps to achieve its goal of making education free and compulsory until the age of 15;

...

(d) Place stronger emphasis on public education, with a view to ensuring that all children subject to the jurisdiction of the State enjoy this fundamental right, and prevent any risk of discrimination, in accordance with the Committee's previous recommendation ([CRC/C/15/Add.54], para. 30) regarding the growing role of private educational institutions;

...

- Greece, CRC, CRC/C/114 (2002) 25 at paras. 117, 118, 150 and 151.

117. While noting the involvement of some NGOs in the preparation of the State party's initial report, the Committee remains concerned that other relevant NGOs working on human rights, including children's rights, and including NGOs from distinct ethnic, religious, linguistic and cultural groups were not involved in the process and that communication with

## PUBLIC AND PRIVATE ACTORS - GENERAL

part of the NGOs community has been insufficient.

118. The Committee recommends that the State party make every effort to further improve cooperation and coordination on a regular basis with NGOs and involve them in the Convention's implementation, giving particular attention to NGOs working on behalf of the rights of children from distinct ethnic, religious, linguistic and cultural groups, such as the Roma.

...

150. Taking into consideration the efforts that have been made in the past 10 years and the recent involvement of children with disabilities and their families in policy making, especially in relation to the Ministry of Education's special education department, and the progress made in modifying access to streets, buses, trains and some buildings for persons with disabilities, the Committee remains concerned that:

(a) There is a lack of up-to-date national data on children with disabilities;

...

(f) Access facilities for persons, including children, with physical disabilities to public areas, buildings and transport remain poor and legislation in this regard is not sufficiently enforced.

151. Noting the State party's efforts in this regard, and in the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, para. 338), the Committee recommends that the State party:

...

(h) Continue and strengthen efforts to ensure the easy access of children with disabilities to public areas, buildings and transport, including pavements, schools, hospitals, trains and buses;

...

- Mozambique, CRC, CRC/C/114 (2002) 65 at paras. 297 and 298.

297. While noting the State party's 1999 national policy on disabled persons, the Committee remains concerned that:

(a) The State party provides insufficient public assistance to children with disabilities, relying on non-governmental organizations for the bulk of assistance activities;

...

(c) Children with disabilities often have serious difficulty in obtaining transportation and in gaining access to public buildings, including to hospitals and schools;

...

## PUBLIC AND PRIVATE ACTORS - GENERAL

298. The Committee recommends that the State party:

(a) Strengthen its provision of public assistance to children with disabilities, including through the prompt implementation of the national plan on persons with disabilities;

...

(f) Implement measures to improve the access of children with disabilities to public buildings, including through legislative and administrative measures;

...

- Guinea-Bissau, CRC, CRC/C/118 (2002) 12 at paras. 66 and 67.

66. While noting that a major effort has been made to address the situation of children with disabilities since 1986 (see report, para. 189), the Committee remains concerned that:

...

(d) Children with disabilities often have serious difficulty in gaining access to public buildings, including to hospitals and schools.

67. The Committee recommends that the State party, in the spirit of the United Nations Guidelines on Disabilities and the results of the Committee's day of general discussion on the rights of children with disabilities:

(a) Develop or amend legislation to ensure that discrimination on the grounds of disability is prohibited and that children with disabilities have access to public transportation and public buildings, including all schools and hospitals;

...

- Niger, CRC, CRC/C/118 (2002) 37 at paras. 144, 145, 177 and 178.

144. While noting the participation of the civil society in the drafting of the Poverty Reduction Strategy Paper, the Committee is concerned that insufficient efforts have been made to involve civil society in the implementation of the Convention, particularly in the area of civil rights and freedoms.

145. The Committee recommends that the State party continue to involve systematically communities and civil society, including children's associations, throughout all stages of the implementation of the Convention, including the formulation of policies and programmes and with respect to civil rights and freedoms. In addition, the Committee recommends that

## PUBLIC AND PRIVATE ACTORS - GENERAL

the State party pursue its efforts to involve traditional and religious leaders in the implementation of the Convention.

...

177. While noting the efforts of the State party to prevent and combat harmful traditional practices, the Committee is concerned at the persistence of such practices, including female genital mutilation, the removal of the uvula, early and forced marriages, and forced feeding.

178. The Committee recommends that the State party:

(a) Adopt the bill to prohibit female genital mutilation;

(b) Take legislative and awareness raising measures to prohibit and eradicate all kinds of traditional practices harmful to the health, survival and development of children, boys as well as girls;

(c) Reinforce its sensitization programmes, with the involvement of traditional leaders, practitioners and the general public, to change traditional attitudes and discourage harmful practices, in particular in rural areas;

(d) Find alternative employment for practitioners.

- Belarus, CRC, CRC/C/118 (2002) 54 at paras. 221 and 222.

221. Despite the recent establishment of several non-governmental organizations, the Committee expresses its concern that insufficient efforts have been made to involve civil society in the full implementation of the Convention, particularly in the area of civil rights and freedoms. It further notes with deep concern that non-governmental organizations are subjected to difficult procedures for registration and that foreign funding in particular is restricted, which may limit their effectiveness and independence.

222. The Committee emphasizes the important role civil society plays as a partner in implementing the provisions of the Convention, including with respect to civil rights and freedoms. The Committee reiterates its recommendation ([CRC/C/15/Add.17], para.12) that the State party:

(a) Consider involving non-governmental organizations, especially rights-based ones, and other sectors of civil society working with and for children more systematically throughout all stages of the implementation of the Convention, in particular with respect to civil rights and freedoms;

(b) In line with the Human Rights Committee's recommendation (CCPR/C/79/Add.86,

## PUBLIC AND PRIVATE ACTORS - GENERAL

para.19), review without delay laws, regulations and administrative practices in order to facilitate the registration and activities of non-governmental organizations.

- Saint Vincent and the Grenadines, CRC, CRC/C/118 (2002) 101 at paras. 447 and 448.

447. The Committee is concerned that:

...

(c) Some children with disabilities are often obliged to remain at home and do not have access to many public buildings as a result of physical barriers such as stairs.

448. In the context of the Committee's comments [in paras. 430-436] of these concluding observations, and taking note of the United Nations Guidelines on Disabilities and the results of the Committee's day of general discussion on the rights of children with disabilities (6 October 1997), the Committee recommends that the State party:

...

(c) Ensure access for children with disabilities to public transportation and public buildings, including all schools and hospitals;

...

- The Netherlands (Antilles), CRC, CRC/C/118 (2002) 129 at paras. 565 and 566.

565. The Committee expresses its concern that:

(a) Current facilities available for the alternative care of children deprived of their family environment are insufficient, in particular in the Windward Islands where no foster homes are available;

(b) The Island Ordinances on alternative care have not been sufficiently implemented, monitoring and follow-up of placements in institutions is inadequate, and personnel available in this field are insufficiently trained.

566. The Committee recommends that the Netherlands Antilles:

...

(f) Strengthen its collaboration with NGOs in this area, and consider renewing its support to NGOs providing alternative care facilities.

- United Kingdom of Great Britain and Northern Ireland, CRC, CRC/C/121 (2002) 23 at paras. 127, 130 and 140.

## PUBLIC AND PRIVATE ACTORS - GENERAL

127. The Committee welcomes the abolition of corporal punishment in all schools in England, Wales and Scotland following its 1995 recommendations ([CRC/C/15/Add.34], para. 32), but is concerned that this abolition has not yet been extended to cover all private schools in Northern Ireland...

...

130. The Committee recommends that the State party:

(a) With urgency adopt legislation throughout the State party to remove the “reasonable chastisement” defence and prohibit all corporal punishment in the family and in any other contexts not covered by existing legislation;

...

140. In light of articles 2, 12, 28 and 29 of the Convention, and in line with its previous recommendations ([CRC/C/15/Add.34], para. 32), the Committee recommends that the State party:

...

(i) Evaluate the impact of privatization of schools on the right of children to education.

- Seychelles, CRC, CRC/C/121 (2002) 41 at paras. 172, 173, 195-198, 203 and 204.

172. The Committee notes with concern that budgetary allocations for children are insufficient to ensure that professionals and other staff dealing with children in all services are adequately trained and have sufficient capacity to respond to national and local priorities for the protection and promotion of children’s rights.

173. While recognizing the existing economic difficulties, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children “to the maximum extent of ... available resources”. Furthermore, the Committee recommends that the State party undertake an evaluation of spending and resources in the public and private sectors, including by NGOs, to assess the cost, accessibility, quality and effectiveness of services for children.

...

195. The Committee notes with deep concern the spreading phenomenon of family disintegration in the State party, including the large number of single-parent families.

196. In light of article 18 of the Convention, the Committee recommends that the State party:

...

(b) Continue to develop measures for the prevention of family disintegration and the strengthening of family development together with public agencies, civil society organizations and families themselves.

## PUBLIC AND PRIVATE ACTORS - GENERAL

197. Acknowledging the State party's efforts to develop a foster care system, the Committee is concerned at the persistent lack of alternatives to residential care for children deprived of a family, and at the high proportion of children placed in institutions because of social or economic problems affecting their families. Furthermore, the Committee is deeply concerned that there is no periodic review of private or public alternative care facilities and that private and public institutions are not subject to the same standards or procedures.

198. The Committee recommends that the State party review its policies on alternative care for children deprived of a family with a view to developing a more integrated and accountable system of care and support by:

...

(b) Enhancing coordination between all persons involved in the care of children deprived of a family environment, including police, social workers, foster families and the staff of public and private orphanages;

(c) Establishing a set of standards and procedures for all public and private organizations working with these children that encompass the principles of the best interests of the child and respect for the views of the child and that ensure that their placement is periodically reviewed, in accordance with article 25 of the Convention.

...

203. The Committee is encouraged by the State party's efforts, together with the National Council for the Disabled, to combat discrimination against children and adults with disabilities. Nevertheless, the Committee is concerned that children with disabilities have limited access to public facilities and services because the physical environment is not appropriately designed or because staff and programmes have not been designed to ensure integration of children with disabilities.

204. Taking note of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) and the results of the Committee's day of general discussion on the rights of children with disabilities, held on 6 October 1997 (see CRC/C/69, paras. 310-339), the Committee recommends that the State party continue its cooperation with the National Council for the Disabled and other relevant civil society organizations, in particular in:

...

(b) Assessing the extent to which current services and public facilities are accessible and appropriate for the needs of children with disabilities with a view to improving the physical environment, the coordination of service delivery and the capacity of all staff and professionals working for and with children to include children with disabilities in their programmes, thereby facilitating their active participation in society at large.

- Sudan, CRC, CRC/C/121 (2002) 53 at paras. 225, 231, 232, 239, 240, 250, 251, 254, 255,



## PUBLIC AND PRIVATE ACTORS - GENERAL

and 265.

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

...

231. The Committee is concerned that insufficient attention has been paid to article 4 of the Convention regarding the implementation to the "maximum extent of ... available resources" of the economic, social and cultural rights of children. Moreover, while appreciating that decentralization of services, particularly in the areas of health and education, allows authorities to respond better to local needs, the Committee is concerned that this delegation of responsibility without adequate resource allocation would result in serious deficiencies in the provision of these services for children, especially in the poorer areas. It emphasizes that the State party is responsible for ensuring that resources reach the most vulnerable groups during the period of economic reform and structural adjustment.

232. The Committee recommends that the State party:

...

(b) Identify the amount and proportion of the national and local budgets spent on children through public and private services, non-governmental organizations and international development aid, and evaluate the impact and effects of the expenditures and of privatization;

(c) Study the impact of structural adjustment on the cost, quality, accessibility and effectiveness of services for children in order to prevent a decline in services.

...

239. The Committee recognizes the important role of civil society, as well as of international organizations, under the prevailing conditions, in the implementation of the provisions of the Convention, and is concerned at the insufficient efforts by the State party to fully cooperate with and facilitate their efforts.

240. The Committee recommends that the State party strengthen its cooperation with NGOs and international organizations and continue to ensure the safety of all NGO and intergovernmental personnel in the course of their work on behalf of children.

...

250. While welcoming efforts to establish children's parliaments, the Committee remains concerned that the views of the child, especially girls, are not often respected and may be seen as contrary to traditional concepts of the role of the family, clan and tribe.

## PUBLIC AND PRIVATE ACTORS - GENERAL

251. The Committee recommends that the State party:

(a) Ensure full respect for the views of the child and consider ways of ensuring that a child's views are given due consideration in accordance with the age and maturity of the child within the family, clan and tribe;

(b) Give particular attention to ensuring respect for the views of girls.

...

254. The Committee is concerned that corporal punishment is widely practiced in the State party, including within the family, schools and other institutions; that children have been the victims of violence by, among others, the police; and that acts of torture, rape and other cruel, inhuman or degrading treatment have been committed against children in the context of the armed conflict.

255. The Committee recommends that the State party:

(a) Prohibit under law the practice of corporal punishment in the family, in schools and in all other contexts and make use of legislative and administrative measures, as well as public education initiatives, to end the use of corporal punishment, including the provision of information on alternative non-violent methods of discipline;

(b) Prevent all forms of violence against children and make sure that perpetrators of violence against children, including the police, are prosecuted;

(c) Immediately end the practice of detaining children in camps where they suffer torture and other cruel, inhuman or degrading treatment or punishment and make sure that those responsible for such acts are brought to justice;

(d) Take into consideration the other recommendations of the Committee adopted at its days of general discussion on violence against children (CRC/C/100, para. 688 and CRC/C/111, paras. 701-745);

(e) Seek assistance from, among others, UNICEF and the World Health Organization (WHO).

...

265. In the context of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) and the results of the Committee's day of general discussion on the rights of children with disabilities, held on 6 October 1997 (see CRC/C/69, paras. 310-339) the Committee recommends that the State party:

...

(e) Adopt and implement, as needed, legislative and administrative provisions to ensure that

## PUBLIC AND PRIVATE ACTORS - GENERAL

children with disabilities have access to public buildings, including hospitals and schools;  
...

- Ukraine, CRC, CRC/C/121 (2002) 70 at paras. 307, 310, 311, 316, 317 and 328-330.

307. The Committee recommends that the State party establish or appoint a single permanent body to coordinate the implementation of the Convention at the national and local levels, including by effectively coordinating activities between central and local authorities and cooperating with non-governmental organizations (NGOs) and other sectors of civil society.

...

310. The Committee notes the priority accorded by the State party to health and education and the information that the budget has been increased for 2000-2001. However, the Committee remains concerned about the low level of resources in general for social services, health and education, which has a negative impact on the quality and accessibility of services, especially affecting families with children living in poverty...The Committee is further concerned that readjustment programmes may have a disproportionately negative affect on children if not appropriately addressed in the planning and budgeting of social services.

311. In light of articles 2, 3 and 6 of the Convention, the Committee recommends that the State party pay particular attention to the full implementation of article 4 of the Convention by:

(a) Further continuing to increase the budget for the implementation of the Convention and prioritizing budgetary allocations to ensure implementation of economic, social and cultural rights of children to the maximum extent of available resources, in particular to socially marginalized groups, taking into account the decentralization of the provision of social services and of public finances;

...

(d) Identifying the amount and proportion of the State budget spent on children through public and private institutions or organizations in order to evaluate the impact of the expenditures and also, in view of the costs, the accessibility, the quality and the effectiveness of the services for children in the different sectors.

...

316. The Committee welcomes the improvement in relation between the Government and civil society with increased cooperation between the Government and NGOs. However, the Committee remains concerned that insufficient efforts have been made to involve civil society in the implementation of the Convention following a rights-based approach.

317. The Committee emphasizes the important role civil society plays as a partner in

## PUBLIC AND PRIVATE ACTORS - GENERAL

implementing the provisions of the Convention, including with respect to civil rights and freedoms, and reiterates its recommendations ([CRC/C/15/Add. 42], para. 18) that the State party promote closer cooperation with NGOs and, in particular, to consider involving NGOs, especially rights-based ones, and other sectors of civil society working with and for children more systematically throughout all stages of the implementation of the Convention.

...

328. The Committee is concerned that the definition of torture in the Criminal Code 2001 is not compatible with the definition of torture in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as it does not explicitly include acts of torture, including psychological torture, committed by State officials...

329. The Committee is also concerned at continued allegations of children, in particular Roma children, being ill-treated and tortured by law enforcement officials and that these allegations are not effectively investigated by an independent authority.

330. The Committee recommends that the State party:

(a) Amend the legislation defining torture to bring it into line with article 37 (a) of the Convention;

...

(e) Take immediate measures to stop police violence against children belonging to minorities, in particular the Roma, and challenge the prevailing impunity for such acts of harassment;

...

- Republic of Moldova, CRC, CRC/C/121 (2002) 89 at paras. 391 and 392.

391. The Committee is concerned at the lack of involvement of non-governmental organizations in the implementation of the Convention and at the limited cooperation between the Government and NGOs, in particular the human rights-based organizations.

392. The Committee recommends that the State party facilitate and support the work of national and international NGOs in the implementation of the Convention and strengthen cooperation with these organizations, in particular the human rights-based organizations.

- Poland, CRC, CRC/C/121 (2002) 120 at paras. 508, 509, 514 and 515.

508. The Committee welcomes, as noted above, the establishment of the Office of the Ombudsman for Children and the role of the Supreme Chamber of Control. Nevertheless, it is concerned at the lack of sufficient resources for the Office of the Ombudsman for

## PUBLIC AND PRIVATE ACTORS - GENERAL

Children.

509. The Committee recommends that the State party:

...

(b) Provide the Ombudsman for Children with sufficient resources to enable him to fulfil his responsibilities;

(c) Collaborate with non-governmental and civil society organizations in monitoring children's rights and policies both at the national and local level.

...

514. Despite the existence of a vibrant civil society, the Committee is concerned that non-governmental organizations are not fully involved in the Government's efforts to implement the Convention.

515. The Committee emphasizes the important role civil society plays as a partner in implementing the provisions of the Convention, and recommends that the State party involve non-governmental organizations in a more systematic and coordinated manner throughout all stages of the implementation of the Convention, including policy formulation, at the national and local levels.

- Israel, CRC, CRC/C/121 (2002) 131 at paras. 553, 570, 571, 586, 587, 606 and 607.

553. The Committee welcomes:

...

(d) The active involvement of civil society in the promotion and protection of human rights in the State party, including through public-interest litigation, and the many court rulings based upon the articles of the Convention;

...

570. Recognizing under the prevailing conditions the important role of civil society, as well as international humanitarian organizations, in the implementation of the provisions of the Convention, particularly in the occupied Palestinian territories, the Committee is concerned at the inadequate efforts by the State party to fully cooperate with and facilitate their efforts.

571. The Committee recommends that the State party strengthen its cooperation with non-governmental and international organizations, including United Nations agencies, and guarantee the safety of their personnel in the course of their work on behalf of children and their access to the children concerned.

...

586. The Committee is seriously concerned at allegations and complaints of inhuman or degrading practices and of torture and ill-treatment of Palestinian children by police officers during arrest and interrogation and in places of detention (i.e. Ma'ale Adummim, Adorayim,

## PUBLIC AND PRIVATE ACTORS - GENERAL

Beit El, Huwarra, Kedumin, Salem and Gush Etzion police station and prisons such as Terza, Ramleh, Megiddo and Telmond).

587. The Committee strongly recommends that the State party:

(a) Establish and strictly enforce instructions for full compliance with the principles and provisions of the Convention by all persons involved in the arrest, interrogation and detention of Palestinian and other children in the State party;

(b) Investigate effectively all cases of torture and inhuman or degrading treatment or punishment by police officers or other government officials and bring the perpetrators to justice;

(c) Pay full attention to the victims of these violations and provide them with opportunities for adequate compensation, recovery and social reintegration...

...

606. The Committee is concerned that the aims of education outlined in article 29 of the Convention, including the development of respect for human rights, tolerance and equality of the sexes and religious and ethnic minorities, are not explicitly part of the curricula throughout the State party.

607. The Committee recommends that the State party and all relevant non-State actors, including the Palestinian Authority, taking into account the Committee's General Comment No. 1 on the aims of education, include human rights education, including children's rights, in the curricula of all primary and secondary schools, particularly with regard to the development of respect for human rights, tolerance and equality of the sexes and religious and ethnic minorities. Religious leaders must be mobilized in this effort.

- Republic of Korea, CRC, CRC/124 (2003) 24 at paras. 101, 102, 116, 117 and 126-131.

101. While noting the cooperation between the State party and civil society in delivering services to children, the Committee is concerned that there is a lack of necessary standard-setting, and that cooperation with civil society at the policy-making level or in the reporting process has been limited.

102. The Committee emphasizes the important role of civil society as a partner in implementing the provisions of the Convention, and recommends that the State party involve NGOs in a more systematic and coordinated manner in all stages of the implementation of the Convention, including policy formulation, at the national and local levels, and in the drafting of future periodic reports on the implementation of the Convention. It also recommends that the State party take into account the recommendations arising from the day

## PUBLIC AND PRIVATE ACTORS - GENERAL

of general discussion held in 2002 on the theme “The private sector as service providers and its role in implementing child rights” (CRC/C/121, para. 630) and improve its supervision of private organizations delivering services by, *inter alia*, improving the system of registration and authorization of service providers.

...

116. The Committee notes with great concern that corporal punishment is officially permitted in schools. The Committee is of the opinion that corporal punishment does not conform with the principles and provisions of the Convention, particularly since it constitutes a serious violation of the dignity of the child (see similar observations of the Committee on Economic, Social and Cultural Rights, E/C.12/1/Add.79, para. 36). The fact that the Ministry of Education guidelines leave the decision on whether to use corporal punishment in schools to the individual school administrators suggests that some forms of corporal punishment are acceptable and therefore undermines educational measures to promote positive, non-violent forms of discipline.

117. The Committee recommends that the State party:

(a) Implement the recommendation of the National Commission on Human Rights that the relevant legislation and regulations be amended to expressly prohibit corporal punishment in the home, schools and all other institutions;

(b) Carry out public education campaigns about the negative consequences of ill-treatment of children in order to change attitudes towards corporal punishment, and promote positive, non-violent forms of discipline in schools and at home as an alternative to such punishment.

...

126. The Committee is encouraged by the very positive health indicators for children. Nevertheless, it is concerned that the proportion of the government budget allocated to health is less than 1 per cent, and that 90 per cent of all health care facilities are privately operated...

127. The Committee recommends that the State party:

(a) Increase to a significant level the funding allocated to health and establish a system of public care facilities so that low-income families may have access to health systems at no cost;

...

128. The Committee is extremely concerned that societal discrimination against children is widespread and prevents these children from enjoying their right to “a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child’s active participation”. In particular, it is concerned at reports that a significant number of children with disabilities are abandoned each year, that many cannot attend school and when they do attend school they are segregated from other students.

## PUBLIC AND PRIVATE ACTORS - GENERAL

129. The Committee recommends that the State party, in accordance with the recommendations arising from the Committee's day of general discussion, held in 1997, on children with disabilities, and the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex):

...

(c) Expand existing programmes aimed at improving the physical access of children with disabilities to public buildings and areas, including schools and recreational facilities, and increase the number of integrated education programmes at pre-primary, primary, secondary and tertiary levels.

130. The Committee is concerned that, despite the State party's relatively high level of economic development, only primary education is free, while welcoming the information that the State party is in the process of making middle school education free. ...

131. The Committee recommends that the State party:

(a) Raise the quality of public schools, which is low compared to that of private schools, by increasing material resources provided to schools and improving the quality of teaching;

...

- Italy, CRC, CRC/124 (2003) 36 at paras. 195 and 196.

195. While noting the efforts undertaken by the State party to improve the situation of Roma children, the Committee remains concerned at their difficult social situation and their insufficient access to education and health services. In addition, the Committee is deeply concerned at instances of discrimination against this group of children, sometimes from the personnel of the State party themselves.

196. The Committee recommends that the State party develop, in cooperation with Roma NGOs, comprehensive proactive policies and programmes to prevent social exclusion and discrimination and to allow Roma children to enjoy fully their rights, including access to education and health care.

- Romania, CRC, CRC/124 (2003) 49 at paras. 217, 218, 246, 247, 262 and 263.

217. The Committee notes the good relations established between the Government and civil society, aimed at cooperating in the implementation of the Convention.

218. Noting the important role civil society plays as a partner in implementing the



## PUBLIC AND PRIVATE ACTORS - GENERAL

provisions of the Convention, particularly at the local level, the Committee recommends that the State party undertake greater efforts to facilitate closer cooperation with NGOs, including through the simplification of administrative procedures required for them to operate. In this regard, in relation to the accreditation of NGOs the Committee encourages the State party to consider its recommendations made at its day of general discussion on the theme “The private sector as service provider and its role in implementing child rights” (CRC/C/121, paras. 630-653).

...

246. The Committee is concerned that disabled children in Romania remain disadvantaged in the enjoyment of their rights guaranteed by the Convention. The Committee is concerned, among other things, that:

(a) Children with disabilities often have serious difficulty in obtaining transportation and in gaining access to public buildings, including hospitals and schools;

...

247. The Committee recommends that the State party:

...

(d) Improve the physical accessibility of schools and other public buildings;

...

262. The Committee welcomes the implementation of strategies aimed at improving Roma children’s rights to health-care services and inclusion in education (e.g. through the use of health and education mediators and supportive tuition in the Roma language). The Committee also welcomes Roma NGO participation in improving the rights of their children. However, it remains concerned at the negative attitudes and prejudices of the general public, in the political discourse and in media representations as well as at incidents of police brutality and discriminatory behaviour on the part of some teachers and doctors.

263. In accordance with articles 2 and 30 of the Convention, the Committee recommends that the State party:

(a) Initiate campaigns, at all levels and in all regions, aimed at addressing the negative attitudes towards the Roma in society at large, in particular among authorities such as the police and professionals providing health care, education and other social services;

(b) Based on the evaluation of previous strategies, develop and implement a comprehensive strategy for improving access to primary health care, education and social welfare services, in cooperation with Roma NGO partners and targeting the whole Roma child population;

...

### *See also:*

- Czech Republic, CRC, CRC/C/124 (2003) 78 at paras. 388 and 389.

## PUBLIC AND PRIVATE ACTORS - GENERAL

- Viet Nam, CRC, CRC/C/124 (2003) 67 at paras. 283, 284, 290, 291, 308, 309, 316 and 317.

283. The Committee, while welcoming the increasing cooperation between the State party and international NGOs in the implementation of the Convention, is concerned that coordination of the activities undertaken by NGOs is not fully effective.

284. The Committee emphasizes the Important role civil society plays as a partner in implementing the provisions of the Convention, and recommends that the State party, in order to utilize such cooperation more effectively, enhance transparency and facilitate the coordination of activities undertaken together with international NGOs in implementing the Convention.

...

290. The Committee is concerned that, although acting in the best interests of the child is a priority for the Government, the best interests principle is not expressly included in all legislation concerning children.

291. The Committee recommends that the State party, in accordance with article 3 of the Convention, review and, where appropriate, amend its legislation in order to ensure that “in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration”.

...

308. The Committee is very concerned at the high proportion of children with disabilities who do not attend school, do not have access to vocational training or preparation for employment and have limited access to rehabilitation services, particularly in rural areas.

309. The Committee recommends that the State party, in accordance with the recommendations arising from the Committee’s 1997 day of general discussion on children with disabilities (CRC/C/69, para. 338) and the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex):

...

(c) Expand existing programmes aimed at improving the physical access of children with disabilities to public buildings and areas, including schools and recreational facilities, and increase the number of integrated education programmes at pre-primary, primary, secondary and tertiary levels.

...

316. The Committee welcomes the State party’s ratification of ILO Convention No. 182, concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. However, it remains concerned that the incidence of the economic exploitation of children remains widespread in the agricultural sector as well as in gold mines, timber operations, the service sector and other private sector enterprises...

## PUBLIC AND PRIVATE ACTORS - GENERAL

317. The Committee recommends that the State party:

...

(b) Develop and implement a comprehensive child labour monitoring system for both rural and urban areas in collaboration with NGOs, community-based organizations, law enforcement personnel, labour inspectors and the ILO International Programme on the Elimination of Child Labour (ILO/IPEC);

...

- Czech Republic, CRC, CRC/C/124 (2003) 78 at paras. 337, 338 and 360-362.

337. The Committee welcomes the nomination of the Public Defender in 2000 and his report to the Committee. Furthermore, the Committee notes that the mandate of the Public Defender is limited to action or inaction on the part of the public sector and thus does not fully cover all implementation aspects of the Convention.

338. The Committee recommends that the State party take full account of the Committee's general comment No. 2 on the role of national human rights institutions and establish an independent body to monitor the implementation of the Convention, including the investigation of individual complaints by children in a child-sensitive manner. This may be done by broadening the mandate of the Public Defender and providing him with the necessary human and other resources, or by establishing a separate independent children's commissioner or ombudsperson.

...

360. The Committee notes the efforts of the State party aimed at increasing the protection of children from various forms of abuse and neglect, including sexual abuse, such as the amendment to the Act on Misdemeanours (Law No. 360/1999 Coll.), and welcomes the significant efforts by NGOs in this respect. However, the Committee is concerned at the ill-treatment and abuse committed against children in the family, the school and other institutions as well as by public officials in the streets and in places of detention, particularly in the context of a form of popular justice for an alleged crime such as theft. The Committee is further concerned that certain groups of children, such as Roma, are specifically targeted, and that a very small portion of reported cases of suspicion of abuse and neglect are investigated. It is also concerned at the lack of an integrated system of services and that problems of child abuse and neglect are often solely addressed in an ad hoc manner by NGOs...

361. The Committee is concerned that there is no legislation explicitly prohibiting corporal punishment, and that it is practised in the family, in schools and in other public institutions, including alternative care contexts.

362. The Committee recommends that the State party take action to address ill-treatment

## PUBLIC AND PRIVATE ACTORS - GENERAL

and abuse committed against children in the family, in schools, in the streets, in institutions and in places of detention through, *inter alia*:

...

(b) Ensuring that allegations of ill-treatment by the police and police misconduct are promptly, thoroughly and impartially investigated by an independent authority and that those responsible are identified and brought before a competent tribunal that will apply sanctions provided for by the law;

(c) Developing an effective system for the reporting and investigation of cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, within a child-sensitive inquiry and judicial procedure, avoiding repeatedly interviewing child victims of abuse, in order to ensure better protection of child victims, including the protection of their right to privacy;

...

(e) Implementing training programmes to promote respect for children belonging to minority groups, in particular Roma children, and monitoring the treatment of children in both basic and special schools in order to ensure the protection of the physical and psychological integrity of all children while in the care of school officials;

(f) Taking all the necessary steps to enact legislation prohibiting the use of corporal punishment in schools, institutions, in the family and in any other context;

...

- Haiti, CRC, CRC/124 (2003) 95 at paras. 444 and 445.

444. ...The Committee is...concerned at the very limited number of public schools and at the low quality of education reflected in the high repetition and drop-out rates, which are attributable mainly to the lack of appropriate training for teachers (paragraph 192 of the State party's report)...Finally, the Committee is concerned that education is principally run by the private sector (*ibid.* para. 184), while supervision by the State through the National Partnership Commission is very limited.

445. In the light of articles 28 and 29 and other relevant provisions of the Convention, the Committee recommends that the State party:

...

(e) Better monitor the school curricula and the quality of education in private schools;

...

- Cyprus, CRC, CRC/C/132 (2003) 21 at paras. 107, 108, 115 and 116.

## PUBLIC AND PRIVATE ACTORS - GENERAL

107. The Committee notes that the initial report and supplementary information provided to the Committee were published by the Department of Social Welfare Services in 1999 and notes the initiatives undertaken to make the Convention widely known, such as the “Children’s Week” and radio and TV programmes and publications prepared by the National Institution for the Protection of Human Rights. The Committee welcomes the information contained in the written replies to the list of issues related to efforts undertaken to make the provisions of the Convention widely known and understood among the police, social welfare services, teachers and mental health professionals in cooperation with non-governmental organizations (NGOs) and the Office of the United Nations High Commissioner for Refugees (UNHCR).

108. The Committee encourages the State party to continue and strengthen its efforts to provide adequate and systematic training and sensitization on children’s rights for professional groups working with and for children, with particular attention to law enforcement officers, prosecutors and judges. It urges the State party to continue to develop methods to promote the Convention, in particular at the local level, and to further support such activities carried out by NGOs.

...

115. The Committee is encouraged by positive developments, as noted by the Committee on the Elimination of Racial Discrimination (CERD) in August 2001, with respect to legislative reform. However, the Committee reiterates the concern of CERD relating to the lack of legal provisions expressly outlawing racial discrimination by private persons in education and employment...

116. The Committee recommends that the State party consider reviewing legislation, and amending it where necessary, with a view to ensuring that all children are accorded equal rights without discrimination based on their ethnic origin, sex, or other grounds...

- Zambia, CRC, CRC/C/132 (2003) 32 at paras. 189 and 190.

189. The Committee notes the existence of the Child Care Upgrading Programme (CCUP), but is concerned, inter alia in light of the increasing number of AIDS orphans, that a growing number of children are being placed in institutions and that there is a lack of disaggregated data in this regard, which makes it difficult to fully assess the need for institutional care and to develop effective policies...

190. The Committee recommends that the State party take all necessary measures to make institutional care a solution of last resort and to improve the quality of care, both in private and public institutions, via CCUP (registration, enforcement of quality standards)...

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

- Sri Lanka, CRC, CRC/C/132 (2003) 48 at paras. 259, 260, 263, 264, 271 and 272.

259. The Committee welcomes the increasing emphasis on foster placements, yet it remains concerned that there is no monitoring mechanism for either registered or unregistered institutions or voluntary homes.

260. The Committee recommends that the State party proceed with its intention to amend the Orphanages Ordinance No. 22 of 1941 to criminalize running an orphanage without a licence, and establish a uniform set of standards for public and private institutions and voluntary homes and monitor them regularly.

...

263. The Committee is concerned that a significant number of children with disabilities, in particular girls, are not able to attend school and that not all special schools managed by NGOs [non-governmental organizations] are registered by the Ministry of Education, and they are concentrated in the more developed and urbanized Western Province.

264. In light of the recommendations of the Committee's day of general discussion on the private sector as service provider and its role in implementing child rights in 2002 (see CRC/C/121), the Committee recommends that the State party:

...

(b) Register and monitor all special schools run by non-State actors;

...

271. Almost 20 years of civil conflict has had an extremely negative impact on the implementation of the Convention in the State party. While recognizing that children will greatly benefit from the peace process, the Committee is concerned that during the transition to peace and the reconstruction process, children who have been affected by the conflict remain a particularly vulnerable group.

272. The Committee recommends that the State party implement the plan of action for the respect of the rights of children during the reconstruction process (2003). In particular, the Committee recommends that the State party:

...

(b) Develop, in collaboration with NGOs [non-governmental organizations] and international organizations, a comprehensive system of psychosocial support and assistance for children affected by the conflict, in particular child combatants, unaccompanied internally displaced persons and refugees, returnees and landmine survivors, which also ensures their privacy;

...

- Libyan Arab Jamahiriya, CRC, CRC/C/132 (2003) 74 at paras. 362 and 363.

362. The Committee notes the information on cooperation with national associations in the

## PUBLIC AND PRIVATE ACTORS - GENERAL

development and welfare sectors, but is concerned that little effort has been made to involve civil society in the implementation of the Convention, particularly in the area of civil rights and freedoms. The Committee notes that the delegation was unable to provide complete information on the limitations imposed by law on, in particular, the registration and funding of organs of civil society.

363. The Committee recommends that the State party:

(a) Systematically involve civil society, especially children's associations, throughout all stages of the implementation of the Convention, especially with respect to civil rights and freedoms;

(b) Ensure that legislation regulating NGOs (including article 206 of the Penal Code) conforms to article 15 of the Convention and other international standards on freedom of association, as a step in facilitating and strengthening their participation.

- Syrian Arab Republic, CRC, CRC/C/132 (2003) 116 at paras. 545, 546, 566 and 567.

545. The Committee notes the information on good government cooperation with national associations in the development and welfare sectors, as well as with international organizations. However, it is concerned that little effort has been made to actively involve civil society, particularly in the area of civil rights and freedoms, in the implementation of the Convention.

546. The Committee recommends that the State party:

(a) Adopt a systematic approach to involving civil society, including children's associations, throughout all stages in the implementation of the Convention, including with respect to civil rights and freedoms;

(b) Ensure that legislation regulating NGOs (e.g. the Private Associations and Institutions Act No. 93 of 1958) conforms to article 15 of the Convention and other international standards on freedom of association, as a step in facilitating and strengthening their participation.

...

566. The Committee welcomes the adoption of the Integrated Management of Childhood Illnesses strategy and the State party's support for various initiatives, such as the Community School Initiative and "healthy villages" and notes the achievements in child and maternal health, as indicated in recent multiple indicator cluster surveys. But it is still concerned:

...

(c) That there is a significant gap in the quality of care between public and private health

## PUBLIC AND PRIVATE ACTORS - GENERAL

services, and that private services are inaccessible to most people because they do not have insurance;

...

567. The Committee recommends that the State party:

(a) Ensure that its commitment to public primary health care is matched by adequate allocations of human and financial resources and that all children, especially in rural areas, have access to health care;

...

- Canada, CRC, CRC/C/133 (2003) 14 at paras. 78 and 79.

78. The Committee notes with satisfaction that Canada is a party to the Hague Convention on the Civil Aspects of International Child Abduction of 1980 and notes the concern of the State party that parental abductions of children are a growing problem.

79. The Committee recommends that the State party apply the Hague Convention to all children abducted to Canada, encourage States that are not yet party to the Hague Convention to ratify or accede to this treaty and, if necessary, conclude bilateral agreements to deal adequately with international child abduction. It further recommends that maximum assistance be provided through diplomatic and consular channels in order to resolve cases of illicit transfer and non-return in the best interests of the children involved.

- Bangladesh, CRC, CRC/C/133 (2003) 93 at paras. 473 and 474.

473. While taking note of the efforts by the State party to raise public awareness of the ill-treatment of children, the Committee is concerned at reports of ill-treatment and violence against children in State institutions such as orphanages and rehabilitation centres, including by law enforcement agents, as well as at the solitary confinement of juvenile and child prisoners...Furthermore, the Committee expresses its deep concern at the reported inhuman and degrading punishment carried out by order of traditional village councils (“shalishes”) as well as at the increasing incidents of acid attacks on women and girls.

474. The Committee strongly recommends that the State party:

(a) Review its legislation (*inter alia*, Code of Criminal Procedure, 1898) with the aim of prohibiting the use of all forms of physical and mental violence, also within educational and other institutions;

(b) Conduct a study to assess the nature and extent of torture, ill-treatment, neglect and



## PUBLIC AND PRIVATE ACTORS - GENERAL

abuse of children, to assess the inhuman and degrading treatment of children attributable to “shalishes”, and effectively to implement policies and programmes as well as to amend and adopt laws to address these issues;

(c) Establish effective procedures and mechanisms to receive, monitor and investigate complaints, including intervening where necessary, and investigate and prosecute cases of torture, neglect and ill-treatment, ensuring that the abused child is not revictimized through legal proceedings and that his or her privacy is protected;

(d) Undertake all necessary measures to prevent and punish police violence;

(e) Take all necessary effective measures to ensure the implementation of the 2002 Acid Control Act and of the 2002 Acid Control Prevention Act;

...

- Georgia, CRC, CRC/C/133 (2003) 111 at paras. 527, 528, 548 and 549.

527. The Committee is deeply concerned at the very low budget allocation for the implementation of the Convention, noting particularly the constant decrease in public expenditure on health and education which is now at a very low level despite the reasonably high level of economic growth (5.2 per cent in 2002). The Committee reiterates in this regard its concern at the very poor system of tax collection and, although acknowledging the efforts of the State party to address corruption, at the still widespread corruption.

528. The Committee reiterates its previous recommendation to the State party to significantly improve the effectiveness of its tax collection system and urges the State party to substantially increase the budget allocation and ensure transparency of the use of funds for the implementation of the Convention, in particular in the areas of health and education, and strengthen its efforts to eliminate corruption.

...

548. The Committee welcomes the Presidential Decree approving a Plan of Action against Torture for 2003-2005 and the related plan to amend the Criminal Code with a view to strengthening the protection from torture and inhuman or degrading treatment or punishment. However, it remains concerned at the information that children are subjected to torture and other forms of violence and abuse in police stations, institutions and schools.

549. The Committee urges the State party to take all necessary measures for the expeditious and effective implementation of the Plan of Action against Torture, ensuring full protection of children from all forms of violence, proper interrogation, prosecution and sentencing of

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

perpetrators, and the provision of care, recovery and compensation for all child victims.

- Indonesia, CRC, CRC/C/137 (2004) 8 at paras. 61 and 62.

61. The Committee is concerned at the high number of child victims of violence, abuse and neglect, including sexual abuse, in schools, in public places, in detention centres and in the family.

62. The Committee recommends that the State party:

(a) Expand current efforts to address the problem of child abuse and neglect, including sexual abuse, and ensure that there is a national system for receiving, monitoring and investigating complaints and for prosecuting cases when necessary, in a manner which is child sensitive and ensures the victims' privacy;

(b) Ensure that all victims of violence have access to counselling and assistance with recovery and reintegration, and that children who have been removed from their homes because of allegations of abuse are provided with alternative protection and care and that institutionalization is used only as a last resort and for the shortest time possible;

(c) Ensure that perpetrators of violence against children are duly prosecuted.

- Guyana, CRC, CRC/C/137 (2004) 26 at paras. 150 and 151.

150. While welcoming the establishment of a Visiting Committee, the Committee notes with concern the lack of standards for minimum care in institutions and of systematic supervision and oversight, particularly in private institutions.

151. The Committee recommends that the State party:

(a) Strengthen the role of the Visiting Committee, e.g. by assigning to it a standard-setting role, and provide it with sufficient human and financial resources;

(b) Provide institutions run by NGOs [nongovernmental organizations] with adequate financial and other support and bring them under the inspection and standard-setting role of the Visiting Committee.

- Germany, CRC, CRC/C/137 (2004) 51 at para. 298.

## PUBLIC AND PRIVATE ACTORS - GENERAL

298. The Committee recommends that the State party:

- (a) Undertake a study on the extent and nature of female genital mutilation practised in the State party or abroad on girls who live in Germany;
- (b) Organize an information and awareness-raising campaign, taking into account the results of the study, to prevent this practise;

(c) Involve in this work non-governmental organizations that are active in this field;

...

- The Netherlands (Netherlands and Aruba), CRC, CRC/C/137 (2004) 63 at para. 361.

361. In keeping with the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96 of 20 December 1993), the Committee recommends that the State party strengthen its efforts to integrate children with disabilities into mainstream education and everyday life by:

...

(c) Improving the physical accessibility of mainstream schools, leisure and recreational facilities, and other public buildings and spaces in Aruba;

...

- India, CRC, CRC/C/137 (2004) 75 at paras. 397, 398, 444, 445, 450 and 451.

397. The Committee notes the cooperation with NGOs in the area of service delivery and their involvement in the preparation of various programmes relevant to the Convention, but is concerned that this cooperation is not systematic and that there is a lack of supervision of NGOs' activities.

398. The Committee emphasizes the important role of NGOs as partners in implementing the provisions of the Convention and, in line with its previous recommendations (CRC/C/15/Add.115, para. 23) recommends that the State party involve them in a more systematic and coordinated manner in all stages of the Convention's implementation, including policy formulation, at the national, state and local levels, and in the drafting of future periodic reports. It also recommends that the State party take into account the recommendations arising from the day of general discussion held in 2002 on the theme "The private sector as service providers and its role in implementing child rights" (CRC/C/121, para. 630) and improve its supervision of private organizations delivering services by, *inter alia*, improving the system of registration and authorization of service providers.

...

## PUBLIC AND PRIVATE ACTORS - GENERAL

444. The Committee welcomes the establishment of toll-free “childlines” in about 50 different cities/districts with the support of the Government, in accordance with section 32 (1) (iii) of the Juvenile Justice (Care and Protection of Children) Act 2000 and with the strong and crucial involvement of NGOs, but is concerned at the slow pace of establishment of these “childlines” in all districts of the country. The Committee is further concerned that calls for help and support from children via these “childlines” do not always receive an adequate response owing to the lack of capacity of existing services.

445. The Committee recommends that the State party provide the necessary human and financial support for the establishment and reinforcement of toll-free “childlines” in all districts of the State party and set as a target the date of the submission of its next report to the Committee. Furthermore, the Committee recommends that the State party take the necessary measures to support the existing services, in particular the NGOs, to respond adequately to the calls for help from children (or on their behalf) and, if necessary, for the establishment of new services.

...

450. The Committee notes the tenth Plan for the National Child Labour Project but is extremely concerned at the large numbers of children involved in economic exploitation, many of whom are working in hazardous conditions, including as bonded labourers, especially in the informal sector, in household enterprises, as domestic servants and in agriculture. The Committee is further very concerned that minimum age standards for employment are rarely enforced and appropriate penalties and sanctions are not imposed to ensure that employers comply with the law.

451. The Committee recommends that the State party:

(a) Ensure the full implementation of the Child Labour (Prohibition and Regulation) Act, 1986, the Bonded Labour (System Abolition) Act, 1976 and the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993;

(b) Amend the Child Labour Act, 1986 so that household enterprises and government schools and training centres are no longer exempt from prohibitions on employing children;

...

(e) Strengthen its efforts to raise awareness of the public at large, especially parents and children, of work hazards and to involve and train employers, workers and civic organizations, government officials, such as labour inspectors and law enforcement officials, and other relevant professionals;...

...

- Papua New Guinea, CRC, CRC/C/137 (2004) 94 at paras. 485 and 486.

## PUBLIC AND PRIVATE ACTORS - GENERAL

485. The Committee notes with appreciation the cooperation of the State party with NGOs in the provision of services and their involvement in the preparation of various programmes relating to the Convention. However, the Committee expresses its concern that this involvement may result in a diminished direct commitment on the part of the State party.

486. The Committee wishes to underscore that the State party has primary responsibility for the implementation of the Convention and recommends that the State party remain fully and directly involved in the implementation process while encouraging and supporting NGOs in their important function as partners.

- Slovenia, CRC, CRC/C/137 (2004) 104 at para. 552.

552. The Committee encourages the State party to strengthen its cooperation with NGOs and involve NGOs and other sectors of civil society working with and for children more systematically throughout all stages of the implementation of the Convention. The Committee also recommends that the State party support and financially assist NGOs, particularly those that work as service providers and supplement the efforts of the State party, maintaining full respect for their autonomy.

- El Salvador, CRC, CRC/C/140 (2004) 8 at paras. 59 and 60.

59. The Committee is concerned about the high number of children who are placed in public and private institutions and care centres.

60. The Committee recommends that the State party develop a strategy to reduce the number of children living in care institutions, including through policies to strengthen and support the family, and ensure that placement of children in institutions is only used as a last resort.

- Democratic People's Republic of Korea, CRC, CRC/C/140 (2004) 111 at paras. 514 and 549-552.

514. The Committee notes with appreciation the adoption of the following laws aimed at enhancing the implementation of the Convention:

...

(b) The Law on the Protection of Disabilities, adopted in 2003, ensuring equal access for persons with disabilities to public places, transportation and public services; and

...

549. The Committee notes with appreciation the commitment of the State party to early childcare based on the 1976 Law on Nursery and Upbringing of Children. However, it is

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

concerned at the excessive degree of State involvement in childcare to the detriment of the parental involvement, hindering psychosocial and cognitive development of children. Of particular concern are the widespread practice of leaving children in nurseries from Mondays to Saturdays and the upbringing of twins and triplets being relinquished to the State. Furthermore, the Committee expresses concern over the lack of human and financial resources available for nurseries, which affects the quality of care.

550. In the light of article 18, paragraph 1 of the Convention, the Committee recommends that the State party place greater emphasis on its policies on the primary responsibilities of parents, and to encourage and provide parents with the necessary support to enable their greater involvement in the nursing and upbringing of their children, reducing the role of the State to a subsidiary and not a primary one.

551. The Committee notes the State party's commitment to early childhood development and the high enrolment rates in nurseries and kindergartens. However, it is concerned that the economic hardships facing the country have negatively affected the quality of services provided by childcare facilities, and that there is no comprehensive strategy to address this problem.

552. The Committee recommends the State party to promote day-care nurseries and kindergartens and to discourage the use of the 24-hour nursery and kindergarten system (often 5 days a week), to be used by parents only as a last resort. The Committee recommends the State party to develop a strategy to increase the financial and human resources available for childcare facilities and ensure a basic minimum standard of services for all institutions, in particular with regard to nutrition, heating, water, sanitation and hygiene.

- France, CRC, CRC/C/140 (2004) 124 at paras. 604 and 605.

604. The Committee notes that the Constitution provides for freedom of religion and that the law of 1905 on the separation of church and State prohibits discrimination on the basis of faith. The Committee equally recognizes the importance the State party accords to secular public schools. However, in the light of articles 14 and 29 of the Convention, the Committee is concerned by the alleged rise in discrimination, including that based on religion. The Committee is also concerned that the new legislation (Law No. 2004-228 of 15 March 2004) on wearing religious symbols and clothing in public schools may be counterproductive, by neglecting the principle of the best interests of the child and the right of the child to access to education, and not achieve the expected results. The Committee welcomes that the provisions of the legislation will be subject to an evaluation one year after its entry into force.

## PUBLIC AND PRIVATE ACTORS - GENERAL

605. The Committee recommends that the State party, when evaluating the effects of the legislation, use the enjoyment of children's rights, as enshrined in the Convention, as a crucial criteria in the evaluation process and also consider alternative means, including mediation, of ensuring secular character of public schools, while guaranteeing that individual rights are not infringed upon and that children are not excluded or marginalized from the school system and other settings as a result of such legislation. The dress code of schools may be better addressed within the public schools themselves, encouraging participation of children. The Committee further recommends that the State party continue to closely monitor the situation of girls being expelled from schools as a result of the new legislation and ensure they enjoy the right of access to education.

- Brazil, CRC, CRC/C/143 (2004) 10 at paras. 59 and 60.

59. While the Committee notes that the right to life, survival and development is integrated into domestic legislation, it remains extremely concerned at the number of children murdered, as reported by the Special Rapporteur on extrajudicial, summary or arbitrary executions in Brazil in her 2004 report, which stated that the perpetrators of those crimes are mainly military policemen or former policemen (E/CN.4/2004/7/Add.3).

60. The Committee urges the State party to take, as a matter of the highest priority, all necessary measures to prevent the killing of children, to fully investigate each of those serious violations of children's rights, to bring the perpetrators to justice and to provide the family of the victims with adequate support and compensation.

- Botswana, CRC, CRC/C/143 (2004) 25 at paras. 141 and 142.

141. While noting the efforts undertaken to develop guidelines for alternative care placements, the Committee is concerned at:

(a) The lack of legislation governing alternative care in the State party and the long delays in adopting such legislation;

...

142. The Committee urges that the State party:

(a) Undertake without further delay the necessary steps for the full and effective implementation of the Alternative Care Guidelines and for the drafting and adoption of legislation governing the various forms of alternative care, including those provided by civil society organizations in compliance with the Convention;

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

(b) Better coordinate and provide adequate financial support to civil society involved in the area of child support.

- Kyrgyzstan, CRC, CRC/C/143 (2004) 50 at paras. 300 and 301.

300. The Committee welcomes the recent creation of the Coordination Council on Child Labour (in 2004), but remains concerned about the prevalence of child labour in Kyrgyzstan and the lack of official data in this regard. The use of children as workers by State institutions, and in particular by State educational establishments, is a matter of concern to the Committee.

301. The Committee recommends that the State party:

(a) Take steps to improve the labour conditions of children who are allowed to work and enforce the provisions of the Minors' Rights (Protection and Defence) Act with regard to child labour; and

(b) Take immediate and effective steps to eliminate the practice in State institutions, in particular in educational institutions, of requiring children to work for the profit of these institutions.

- Angola, CRC, CRC/C/143 (2004) 78 at paras. 411 and 412.

411. The Committee expresses its concern that the care of children deprived of their family in the State party is insufficient. Although children's placement in foster families is given priority, many children are placed in homes that are poorly equipped and understaffed, as there is a lack of foster care and family-based alternative care. The inadequate monitoring and follow-up of placements in institutions is also a cause of concern.

412. The Committee recommends that the State party take effective measures to develop and promote an effective and extended system of foster care and other family-based alternative care. The State party should also take measures to ensure that the situation of children living in institutions, both public and private, is regularly monitored.

- Antigua and Barbuda, CRC, CRC/C/143 (2004) 93 at paras. 501 and 502.

501. While noting the existence of the State-run special programme, institutions and special units for children with disabilities and the "Early Intervention Programme" instituted in 1990, and the information that making public buildings accessible for persons with



## PUBLIC AND PRIVATE ACTORS - GENERAL

disabilities is under consideration, the Committee remains concerned at the lack of:

(a) A comprehensive government policy for children with disabilities;

...

502. The Committee recommends that the State party:

(a) Establish a comprehensive policy for children with disabilities;

..

(d) Ensure the accessibility not only of public buildings but also of the transport system for children with disabilities;...

...

- Albania, CRC, CRC/C/146 (2005) 19 at paras. 103, 104, 115 and 116.

103. The Committee welcomes the information provided in the State party's report relating to legislation that protect the right to life of all persons. However, the Committee is deeply concerned at the practice of vendetta and revenge, which has re-emerged during the 1990s, as well as at the reported occurrence of honour killings (blood feuds). The Committee is concerned that efforts undertaken to counter such occurrences in practice have not helped to eradicate these phenomena.

104. The Committee urges the State party to strengthen measures to counter the practices of revenge killings as well as others having a destructive impact on the development of the child.

...

115. The Committee notes article 25 of the Constitution and the general provisions of the Criminal Procedure Code, according to which torture and degrading treatment or punishment are prohibited. However, the Committee regrets the lack of relevant practical information in the report, and is concerned about allegations of ill-treatment and improper use of force, in particular against children, both by public officials and the police in pre-trial detention centres, in prisons and in other institutions in which children are in the care of the State. Furthermore, the Committee is concerned that these allegations have not been investigated promptly by an independent authority.

116. In light of article 37 (a) of the Convention the State party should take all necessary and effective steps to address the causes and to prevent incidents of ill-treatment of children while in State care, including by adopting a prevention strategy against institutional violence. The Committee further urges the State party to undertake adequate measures to ensure that an effective system is set up for filing complaints about acts of ill-treatment and that such acts receive an appropriate response through the judicial process, in order to avoid impunity for the perpetrators.

## PUBLIC AND PRIVATE ACTORS - GENERAL

- Bahamas, CRC, CRC/C/146 (2005) 77 at paras. 417 and 418.

417. The Committee welcomes the information provided in the report regarding the steady reduction in infant mortality rates, the improvement in health-care delivery and the legislation enacted in 2000 to regulate health professionals and health-care facilities. However, the Committee remains concerned at the marked difference in the quality of health care between the private and the public providers.

418. The Committee recommends that the State party take all necessary measures to reduce the gap in quality of health care between public and private hospitals by strengthening the role of the Public Hospital Authority.

- Nigeria, CRC, CRC/C/146 (2005) 135 at paras. 704, 705 and 708-711.

704. Given the large number of working mothers who require childcare in the State party, the Committee is concerned with the quality of childcare provided in private and public day-care facilities. The Committee also notes with concern that there are no measures in place to support single parents. The Committee is also concerned by the lack of resources in these facilities to enable full physical, mental and intellectual development of children.

705. The Committee recommends that the State party adopt a programme to strengthen and increase capacities of childcare facilities in the State party, *inter alia*, through the strengthening of existing structures including childcare centres and extended families. The Committee recommends that appropriate training be given to all professionals working with children in childcare facilities and that sufficient resources are allocated to public childcare facilities. The Committee further urges the State party to establish standards and procedures, guaranteed in legislation, for alternative care, including in the areas of health, education and safety and in accordance with the principles and provisions of the Convention. The Committee recommends that the State party seek assistance from UNICEF in this regard.

...

708. The Committee is deeply concerned about:

(a) Traditional and discriminatory attitudes and behaviour towards women and children, contributing to violence, abuse, including sexual abuse, neglect, killing, torture and extortion;

(b) Generally high level of acceptance of domestic violence among law enforcement officials and court personnel; and

## PUBLIC AND PRIVATE ACTORS - GENERAL

(c) Lack of adequate measures taken by the State party to prevent and combat violence, abuse and neglect against women and children.

709. The Committee urges the State party to strengthen considerably its efforts to prevent and combat violence in society, including violence against women and children, in the context of the family, as well as in schools and other environments. In this regard, the Committee recommends the State party to take the following specific actions:

(a) Carry out public education campaigns about the negative consequences of violence and ill-treatment of children and promote positive, non-violent forms of conflict resolution and discipline, especially within the family and in the educational system and in institutions;

(b) Take all legislative measures to prohibit all forms of physical and mental violence, including sexual abuse, against children in all contexts in society, as well as take effective measures for the prevention of violent acts committed within the family, in schools and by the police and other State agents, making sure that perpetrators of these violent acts are brought to justice, putting an end to the practice of impunity;

...

710. The Committee reiterates its previous concern at the widespread discrimination against children with disabilities, both within the family and in society in general, especially in rural areas, and notes that many of the causes of disability in Nigeria are preventable. The Committee is particularly concerned at the lack of comprehensive government policy specifically addressing the rights of disabled children. The Committee is further concerned at the poor quality in the delivery and management of services for children with disabilities and the lack of sufficient funding for such services. The Committee is particularly concerned at the limited number of trained teachers and professionals working with children with disabilities, as well as the insufficient efforts made to facilitate their inclusion in the education system and the society in general.

711. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities and the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities, the Committee recommends that the State party:

(a) Undertake a comprehensive study to assess the situation of children with disabilities in terms of their access to suitable health care, education services and employment opportunities;

...

(d) Encourage the integration of children with disabilities into the regular educational system and their inclusion into society, *inter alia* by giving more attention to special training for teachers and making the physical environment, including schools, sports and leisure facilities and all other public areas, accessible for children with disabilities;

...

## PUBLIC AND PRIVATE ACTORS - GENERAL

- Saint Lucia, CRC, CRC/C/150 (2005) 10 at para. 79.

79. The Committee recommends that the State party:

(a) Adopt a comprehensive policy for children with disabilities;

...

(c) Encourage the integration of children with disabilities into the regular educational system and their inclusion into society, *inter alia*, by giving more attention to special training for teachers and making the physical environment, including schools, sports and leisure facilities and all other public areas, accessible for children with disabilities;

...

- Philippines, CRC, CRC/C/150 (2005) 24 at paras. 138, 141, 142, 153 and 154.

138. The Committee recommends to the State party that it introduce awareness-raising campaigns aimed at changing public attitudes and sensitizing parents, maternity clinics and hospitals, midwives and traditional birth attendants, in order to achieve better birth registration coverage in the country. In addition, the Committee recommends that the State party deepen its cooperation with the international agencies and non-governmental institutions in this respect...

...

141. The Committee notes that the Constitution of the Philippines prohibits torture and that the provisions of the Child and Youth Welfare Code (Presidential Decree No. 603) provide protection for children against torture and ill-treatment and that all hospitals, clinics, related institutions and private physicians are obliged to report in writing all cases of torture and ill-treatment of children. Nevertheless, the Committee is deeply concerned at a number of reported cases of torture, inhuman and degrading treatment of children, particularly for children in detention. The Committee reiterates its previous recommendation on prohibiting and criminalizing torture by law and it is of the view that existing legislation does not provide children with an adequate level of protection against torture and ill-treatment.

142. As regards torture and other cruel, inhuman or degrading treatment or punishment, the Committee urges the State party to review its legislation in order to provide children with better protection against torture and ill-treatment in the home and in all public and private institutions and to criminalize torture by law...

...

153. The Committee is deeply concerned about the increasing reports of cases of child abuse and neglect in the State party and the notable deficiencies in the domestic legislation as regards penalizing all forms of abuse, neglect and mistreatment, including sexual abuse. In

## PUBLIC AND PRIVATE ACTORS - GENERAL

addition, the Committee deeply regrets the alleged cases of sexual abuse of children in the framework of religious institutions.

154. The Committee urges the State party to review its domestic legislation in order to penalize all forms of abuse, including sexual abuse, neglect, mistreatment and violence against children and to clearly define these crimes against children, including incest. The Committee recommends to the State party that it take effective measures to prevent and protect children from sexual abuse and exploitation in the framework of religious institutions, including by investigating the magnitude of such cases and by ensuring that the perpetrators of such abuse are brought to justice and that officials of religious institutions are held accountable in these cases of sexual abuse and the exploitation of minors.

- Bosnia and Herzegovina, CRC, CRC/C/150 (2005) 49 at paras. 273 and 274.

273. The Committee is...concerned at reports that, at the local level, police officers are believed to be often acquiescent, if not actively involved, in trafficking-related activities.

274. The Committee recommends that thorough, independent and effective investigations be carried out regarding the allegations that police officers may be involved in trafficking-related activities and to impose on them - if found guilty - appropriate penal and/or other sanctions.

- Nepal, CRC, CRC/C/150 (2005) 66 at paras. 291, 293, 314, 315, 317, 318, 322 and 324.

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

...

293. While noting the *de facto* control by non-State actors of areas of the State party's territory, the Committee emphasizes the full responsibility of the State party, and urges the Communist Party of Nepal (the Maoists) to respect child rights within the areas in which they operate. The Committee reminds the State party of its obligation to respect the

## PUBLIC AND PRIVATE ACTORS - GENERAL

Convention at all times and not to derogate from any of its provisions, even in exceptional circumstances, including the state of emergency. The Committee further recommends the State party to take stronger measures to combat impunity with regard to violence against children.

...

314. The Committee expresses concern over the wide-ranging restrictions placed by the authorities on civil society organizations such as re-registration requirements, censorship, travel ban, and requirement of obtaining governmental authorization prior to receiving grants from donors.

315. The Committee underlines the importance of the role of civil society in the full implementation of the Convention and recommends that the State party remove all legal, practical and administrative obstacles to the free functioning of civil society organizations in the State party.

...

317. With reference, *inter alia*, to the concerns of the Committee on the Elimination of Racial Discrimination (CERD/C/64/CO/5) regarding the persistent *de facto* caste-based discrimination against *Dalit* in education, employment, marriage, access to public places including water sources and places of worship, the Committee expresses serious concern about the harmful effects of this prevailing form of discrimination on the physical, psychological and emotional well-being of the *Dalit* children in the State party.

318. The Committee recommends that the State party increase its efforts to ensure implementation of existing laws guaranteeing the right to non-discrimination, and to adopt appropriate legislation, where necessary, to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2. In this regard, the Committee urges the State party to prioritize and target social services for children belonging to the most vulnerable groups, and to take all effective measures to ensure their protection from exploitation...

...

322. While noting that birth registration is mandatory by law, the Committee is concerned that despite the efforts of the State party, the low rate of birth registration remains a problem, particularly in rural areas, and has been exacerbated by the conflict which has reduced the ability of local authorities to carry out “public administration services”, including birth registration. The Committee is concerned that children who have not been registered at birth are more vulnerable to abuse and exploitation, including recruitment into armed groups, as their ages cannot be established.

...

324. In the light of article 7 of the Convention, the Committee urges the State party to increase its efforts, including awareness-raising campaigns, to ensure the registration of all children at birth. In this regard, the Committee recommends that the State party ensure that local government authorities, which are entrusted with the task of birth registration, actively

## PUBLIC AND PRIVATE ACTORS - GENERAL

engage with the local communities to ensure that births are registered in a timely and effective manner. In this regard, the Committee urges the State party to seek assistance from, *inter alia*, UNICEF, non-governmental organizations and other members of the civil society.

- Ecuador, CRC, CRC/C/150 (2005) 91 at paras. 406 and 407.

406. The Committee notes with deep concern that the resources allocated for social services, particularly with regard to the promotion and protection of children's rights are relatively low and this seems to a large extent to be caused by considerable expenditure (more than 35 percent of the national budget) on debt servicing. In addition, the Committee is concerned that the free trade agreements, currently being negotiated, may also negatively impact the allocation of budgets for social services.

407. The Committee urges the State party to increase budget allocations for the promotion and implementation of the rights of children in accordance with article 4 of the Convention and pay particular attention to investment for the implementation and protection of the rights of children belonging to vulnerable groups, including indigenous and Afro-Ecuadorian children, children living in poverty and those in remote areas. The Committee also recommends that the State party undertake maximum efforts to negotiate the rescheduling of payments on external and internal debts with a view to investing more in poverty reduction programmes including investment in the implementation of rights of children to, *inter alia*, education, the highest attainable standard of health and adequate standard of living and calls on the international and private financial institutions and bilateral and multilateral partners to support these efforts. The Committee finally recommends that the State party ensure that free trade agreements do not negatively affect the rights of children, *inter alia*, in terms of access to affordable medicines, including generic ones. In this regard, the Committee reiterates the recommendations made by the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.100).

- Nicaragua, CRC, CRC/C/150 (2005) 132 at paras. 624, 625, 654 and 655.

624. The Committee notes that torture and other cruel, inhuman or degrading treatment or punishment is prohibited in the State party. However, the Committee is concerned by allegations of instances of ill-treatment of children by law enforcement officials, especially in police establishments.

## PUBLIC AND PRIVATE ACTORS - GENERAL

625. In the light of article 37 (a) of the Convention, the State party should take all necessary measures to address the causes and to prevent incidents of ill-treatment of children while in State care, including by adopting a prevention strategy against institutional violence.

...

654. The Committee is... concerned that the National Commission for the Eradication of Child Labour and the Protection of Young Workers (CNEPTI), which is the coordinating body between the Government, the NGOs and the organizations of employers and workers, lack the necessary financial resources for carrying out its monitoring activities for the eradication of child labour.

655. The Committee recommends that the State party take all feasible measures - including by providing CNEPTI with the necessary financial and human resources - in order to enable it to carry out its important functions.

- Costa Rica, CRC, CRC/C/150 (2005) 149 at paras. 706 and 707.

706. With reference to its previous recommendation (CRC/C/15/Add.117, para. 20) concerning the prevention of abuse and ill-treatment of children, the Committee notes the effort made by the State party to address the problems of child abuse and neglect, *inter alia* by promoting the reporting of alleged cases of child abuse, the waiver of civil/criminal responsibility in case of reporting in good faith, the establishment of a protocol for dealing with cases of child abuse and the functioning of the helpline 911. But the Committee is concerned that the provision of services to child victims is to a large degree left to non-governmental organizations and that a comprehensive prevention policy has not been developed.

707. The Committee recommends the State party to strengthen its efforts to combat child abuse and neglect in particular by actively supporting helplines such as 911 and *Línea cuenta conmigo*, increase its support to non-governmental organizations and implement programmes under PANI's responsibility to ensure that child victims do receive the necessary protection, counselling and other support. The Committee also recommends the review of existing legislation in order to ensure that legal procedures dealing with cases of child abuse are child sensitive, do respect the child's privacy and prevent revictimization of the child, *inter alia*, by accepting videotaped testimony of the child victim as admissible evidence. The Committee further recommends the State party to develop and implement a comprehensive policy for the prevention of child abuse and neglect...

- Yemen, CRC, CRC/C/150 (2005) 161 at para. 784.

784. The Committee recommends that the State party:



## **PUBLIC AND PRIVATE ACTORS - GENERAL**

...

(c) Review the situation of children with disabilities, in terms of their access to employment, education, housing and health-care facilities, and allocate adequate resources to strengthen services for children with disabilities, support their families and provide training for professionals in this field;

...

(e) Ensure accessibility to all public buildings as well as to the transport system;

...