

PUBLIC AND PRIVATE ACTORS - GENERAL

II. GENERAL COMMENTS AND RECOMMENDATIONS

- ICCPR General Comment 18 (Thirty-seventh session, 1989): Non-Discrimination, A/45/40 vol. I (1990), 173 at para. 9.

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9. Reports of many States parties contain information regarding legislative as well as administrative measures and court decisions which relate to protection against discrimination in law, but they very often lack information which would reveal discrimination in fact. When reporting on articles 2 (1), 3 and 26 of the Covenant, States parties usually cite provisions of their constitution or equal opportunity laws with respect to equality of persons. While such information is of course useful, the Committee wishes to know if there remain any problems of discrimination in fact, which may be practised either by public authorities, by the community, or by private persons or bodies. The Committee wishes to be informed about legal provisions and administrative measures directed at diminishing or eliminating such discrimination.

- ICCPR General Comment 27 (Sixty-seventh session, 1999): Article 12: Freedom of Movement, A/55/40 vol. I (2000) 128 at para.6.

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6. The State party must ensure that the rights guaranteed in article 12 are protected not only from public but also from private interference. In the case of women, this obligation to protect is particularly pertinent. For example, it is incompatible with article 12, paragraph 1, that the right of a woman to move freely and to choose her residence be made subject, by law or practice, to the decision of another person, including a relative.

- CAT General Comment 1 (Twentieth session, 1998): General Comment on the Implementation of Article 3 of the Convention in the Context of Article 22, A/53/44 (1998) 52 at paras. 3, 8(b), (f) and (g).

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3. Pursuant to article 1, the criterion, mentioned in article 3, paragraph 2, of "a consistent pattern or gross, flagrant or mass violations of human rights" refers only to violations by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

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8. The following information, while not exhaustive, would be pertinent:

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(b) Has the author been tortured or maltreated by or at the instigation of or with the consent of acquiescence of a public official or other person acting in an official capacity in the past? If so, was this the recent past?

...

(f) Is there any evidence as to the credibility of the author?

(g) Are there factual inconsistencies in the claim of the author? If so, are they relevant?

- CERD General Recommendation XV (Forty-second session, 1993): Article 4: On Article 4 of the Convention, A/48/18. For text of General Recommendation, see **EQUALITY AND DISCRIMINATION - RACIAL DISCRIMINATION**.
- CERD General Recommendation XIX (Forty-seventh session, 1995): Article 3: On Article 3 of the Convention, A/50/18 (1995) 150. For text of General Recommendation, see **EQUALITY AND DISCRIMINATION - APARTHEID**.
- CERD General Recommendation XX (Forty-eighth session, 1996): Article 5: Non-Discriminatory Implementation of Rights and Freedoms, A/51/18 (1996) 124. For text of General Recommendation, see **EQUALITY AND DISCRIMINATION - RACIAL DISCRIMINATION**.
- CERD General Recommendation XXV (Fifty-sixth session, 2000): Gender-Related Dimensions of Racial Discrimination, A/55/18 (2000) 152 at paras. 1 and 2. For text of General Recommendation, see **EQUALITY AND DISCRIMINATION - RACIAL DISCRIMINATION**.
- CERD General Recommendation XXVII (Fifty-seventh session, 2000): Discrimination Against Roma, A/55/18 (2000) 154 at paras. 2, 28, 31 and 35. For text of General Recommendation, see **EQUALITY AND DISCRIMINATION - RACIAL DISCRIMINATION**.
- CERD General Recommendation XXIX (Sixty-first session, 2002): On Article 1, Paragraph 1, of the Convention (Descent), A/57/18 (2002) 111 at paras. a, f, n-q, u, x-z, bb-dd, jj, ll, mm, rr and tt. For text of General Recommendation, see **EQUALITY AND DISCRIMINATION - RACIAL DISCRIMINATION**.

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DISCRIMINATION - RACIAL DISCRIMINATION.

- CERD General Recommendation XXX (Sixty-fifth session, 2004): Discrimination Against Non-Citizens, A/59/18 (2004) 93 at paras. 12, 17, 21, 23, 30 and 38. For text of General Recommendation, see **ALIENS - GENERAL**.
- CERD General recommendation XXXI (Sixty-seventh session, 2005): The Prevention of Racial Discrimination in the Administration and Functioning of the Criminal Justice System, A/60/18 (2005) 98 at preamble and paras. 5, 6, 9, 12, 13, 17, 21 and 29. For text of General Recommendation, see **EQUALITY AND DISCRIMINATION - RACIAL DISCRIMINATION**.
- ICCPR General Comment 7 (Sixteenth session, 1982): Article 7: Torture or Cruel, Inhuman or Degrading Treatment or Punishment, A/37/40 (1982) 94 at para. 2. For text of General Comment, see **TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT**.
- ICCPR General Comment 16 (Thirty-second session, 1988): Article 17: The Right to Respect of Privacy, Family, Home and Correspondence, and Protection of Honour and Reputation, A/43/40 (1988) 181 at paras. 1-6. For text of General Comment, see **PRIVACY - RIGHT TO**.
- ICCPR General Comment 20 (Forty-fourth session, 1992): Article 7: Replaces General Comment 7 Concerning Prohibition of Torture and Cruel Treatment or Punishment, A/47/40 (1992) 193 at paras. 2, 3, 10, 13 and 14. For text of General Comment, See **TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT**.
- ICCPR General Comment 28 (Sixty-eighth session, 2000): Article 3: Equality of Rights Between Men and Women, A/55/40 vol. I (2000) 133 at paras. 4, 20 and 31. For text of General Comment, see **EQUALITY AND DISCRIMINATION - GENDER DISCRIMINATION - General**.
- ICCPR General Comment 31 (Eightieth Session, 2004): Article 2: The Nature of the General

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Legal Obligation Imposed on States Parties to the Covenant, A/59/40 (2004) 175 at paras. 4, 8 and 18. For text of General Comment, see **EQUALITY AND DISCRIMINATION - GENERAL**.

- ICESCR General Comment 5 (Eleventh session, 1994): Persons with Disabilities, E/1995/22 (1994) 99 at paras. 11 and 12. For text of General Comment, see **DISABILITY**.
- ICESCR General Comment 12 (Twentieth session, 1999): Article 11: The Right to Adequate Food, E/2000/22 (1999) 102 at paras. 19, 20 and 27. For text of General Comment, see **ADEQUATE OR DECENT STANDARD OF LIVING - FOOD, CLOTHING, SHELTER**.
- ICESCR General Comment 14 (Twenty-second session, 2000): Article 12: The Right to the Highest Attainable Standard of Health, E/2001/22 (2000) 128 at paras. 12(b), 26, 35, 36, 41, 42, 51, 55 and 56. For text of General Comment, see **HEALTH - GENERAL**.
- ICESCR General Comment 15 (Twenty-ninth session, 2002): The Right to Water, E/2003/22 (2002) 120 at paras. 20, 23, 24, 27, 33, 44(b), 44(c), 49-51 and 58-60. For text of General Comment, see **ADEQUATE OR DECENT STANDARD OF LIVING - FOOD, CLOTHING, SHELTER**.
- ICESCR General Comment 16 (Thirty-fourth session, 2005): Article 3: The Equal Right of Men and Women to the Enjoyment of all Economic, Social and Cultural Rights, E/2006/22 (2005) 116 at paras. 20, 23, 24, 26 and 27. For text of General Comment, see **EQUALITY AND DISCRIMINATION - GENDER DISCRIMINATION - General**.
- CEDAW General Recommendation 19 (Eleventh session, 1992): Violence Against Women, A/47/38 (1992) 5 at paras. 8, 9 and 24(a). For text of General Recommendation, see **EQUALITY AND DISCRIMINATION - GENDER DISCRIMINATION - Violence Against Women**.
- CEDAW General Recommendation 24 (Twentieth session, 1999): Article 12: Women and Health, A/54/38 Rev.1 part I (1999) 3 at paras. 15 and 17. For text of General Recommendation, see **HEALTH - GENERAL**.

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- CEDAW General Recommendation 25 (Thirtieth session, 2004): Article 4, Paragraph 1: Temporary Special Measures, A/59/38 part I (2004) 78 at paras. 7, 23, 29, 31, 32, 34 and 37. For text of General Recommendation, see **EQUALITY AND DISCRIMINATION - TEMPORARY SPECIAL MEASURES (AFFIRMATIVE ACTION)**.
- CRC General Comment 2 (Thirty-first session, 2002): The Role of Independent National Human Rights Institutions in the Promotion and Protection of the Rights of the Child, A/59/41 (2004) 82 at paras. 9, 10, 12, 18, 19(e), 19(k) and 26. For text of General Comment, see **CHILDREN'S RIGHTS - GENERAL**.
- CRC General Comment 3 (Thirty-second session, 2003): HIV/AIDS and the Rights of the Child, A/59/41 (2004) 89 at paras. 10, 12, 28 and 42. For text of General Comment, see **CHILDREN'S RIGHTS - GENERAL**.
- CRC General Comment 4 (Thirty-third session, 2003): Adolescent Health and Development in the Context of the Convention on the Rights of the Child, A/59/41 (2004) 102 at paras. 8, 23, 28, 42 and 43. For text of General Comment, see **CHILDREN'S RIGHTS - HEALTH**.
- CRC General Comment 5 (Thirty-fourth session, 2003): General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6), A/59/41 (2004) 114 at paras. 9, 12, 27, 37-44, 46, 53, 56-58, 70 and 73. For text of General Comment, see **CHILDREN'S RIGHTS - GENERAL**.
- CRC General Comment 6 (Thirty-ninth session, 2005): Treatment of Unaccompanied and Separated Children Outside their Country of Origin, A/61/41 (2005) 15 at paras. 27, 43, 45, 49 and 60. For text of General Comment, see **CHILDREN'S RIGHTS - GENERAL**.