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IV. CONCLUDING OBSERVATIONS, CONTINUED

CERD

- 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.

- Morocco, CERD, A/58/18 (2003) 33 at para. 144.

144. The Committee is concerned at reports that members of Amazigh associations have suffered violations of the right to freedom of assembly and association.

- Bolivia, CERD, A/58/18 (2003) 58 at para. 336.

336. While the Committee is seriously concerned about the information that a “neo-Nazi” meeting was scheduled to take place in April 2001, as well as about the existence of such a phenomenon in the country, it welcomes the measures taken by the State party which managed to prevent this gathering taking place, in conformity with article 4 (b) of the Convention.

ICCPR

- Sweden, ICCPR, A/57/40 vol. I (2002) 57 at para. 79(10).

(10) The Committee notes with concern several cases of excessive use of force by the police which led to serious injury and death, for example of persons in custody or during the Goteborg summit (articles 6, 7 and 10 of the Covenant).

The State party should ensure the completion of investigations into such use of force, in conditions of total transparency and through a mechanism independent of the law enforcement authorities. Depending on the results of the investigations, it should expedite the prosecution of law enforcement officers implicated. The State party should also guarantee better human rights training of police officers. During demonstrations, the State

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party should ensure that no equipment that can endanger human life is used.

- Republic of Moldova, ICCPR, A/57/40 vol. I (2002) 76 at para. 84(15).

(15) The Committee is...concerned at the requirement of 15 days' advance notice of proposed assemblies to be provided to the relevant authorities. The Committee considers that a requirement of such length may unduly circumscribe legitimate forms of assembly.

The Committee should revise its law with a view to ensuring that the time periods required for advance notice to its authorities of assemblies, as well as the procedures applied to such requests and appeals against initial decisions, pay due regard to the ability in practice of the individuals concerned fully to enjoy their rights under article 21 of the Covenant.

- Togo, ICCPR, A/58/40 vol. I (2003) 36 at paras. 78(11) and 78(18).

(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 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.

...

(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.

- Russian Federation, ICCPR, A/59/40 vol. I (2003) 20 at para. 64(20).

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(20) While welcoming the State party's efforts to ban and prosecute groups propagating racist and xenophobic views, the Committee expresses its concern that the definition of "extremist activity" in the federal law of July 2002 "On Combating Extremist Activities" is too vague to protect individuals and associations against arbitrariness in its application.

The State party is encouraged to revise the above law with a view to making the definition of "extremist activity" more precise, to exclude any possibility of arbitrary application and give notice to persons concerned regarding actions for which they will be held criminally liable (arts. 15 and 19 to 22).

- Benin, ICCPR, A/60/40 vol. I (2004) 30 at para. 83(23).

(23) The Committee notes with concern that public demonstrations have been banned for reasons that appear to have nothing to do with the justifications listed in article 21 of the Covenant.

The State party should guarantee the right of peaceful assembly and impose only those restrictions that are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others. Timely remedies for appealing any ban should be available.

- Morocco, ICCPR, A/60/40 vol. I (2004) 35 at para. 84(24).

(24) The Committee remains concerned that the process of issuing a receipt for advance notice of meetings is often abused, which amounts to a restriction on the right of assembly, as guaranteed by article 21 of the Covenant.

The State party should eliminate the obstacles to the exercise of the right of assembly (Covenant, art. 21).

- Kenya, ICCPR, A/60/40 vol. I (2005) 44 at para. 86(23).

(23) The Committee notes with concern that large public political meetings are subject to a prior notification requirement of at least three days under section 5 of the Public Order Act, and that public demonstrations have not been authorized for reasons that appear to have nothing to do with the justifications listed in article 21 of the Covenant. Additional matters of concern are that no remedy appears to be available for the denial of an authorization, and

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that unauthorized meetings are at times broken up with violence (article 21, paragraph 2, of the Covenant).

The State party should guarantee the right of peaceful assembly and impose only those restrictions that are necessary in a democratic society.

- Iceland, ICCPR, A/60/40 vol. I (2005) 50 at para. 87(10).

(10) The Committee expresses concern that Act 99/2002 amending the General Penal Code sets out a vague and broad definition of terrorism (art. 100 (a)), which might encompass and consequently jeopardize legitimate activity in a democratic society, in particular participation in public demonstrations (articles 2 and 21 of the Covenant).

The State party should formulate and adopt a more precise definition of terrorist offences.

- Yemen, ICCPR, A/60/40 vol. I (2005) 65 at para. 91(14).

(14) The Committee is concerned about the use of force by security forces on 21 March 2003, which resulted in the killing of four people, including an 11-year-old-boy, participating in a demonstration against the war in Iraq (art. 6).

The State party should conduct a full and impartial investigation into these events and should, depending on the findings of the investigation, institute proceedings against the perpetrators of the killings. It should also provide remedies to the victims' families.

- Syrian Arab Republic, ICCPR, A/60/40 vol. I (2005) 78 at para. 94(15).

(15) The Committee regrets that no statistical information was provided on the exercise in practice of the right to freedom of assembly. While noting the view held by the delegation that protests such as the peaceful demonstration on 25 June 2003 outside UNICEF headquarters in Damascus had not obtained the required permit, the Committee is concerned that the laws and regulations and their application prevent the exercise of the right to peaceful assembly (art. 21).

The State party should take all necessary measures to guarantee the exercise in practice of the right to peaceful assembly and should provide statistical information on the number of and grounds for denials of applications, the number of cases where denials have been appealed, the number of rejected appeals and on what grounds.

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- Thailand, ICCPR, A/60/40 vol. I (2005) 83 at para. 95(24).

(24)... [T]he Committee is concerned about violent suppression of peaceful demonstrations by law enforcement officers in contravention of articles 7, 19, 21 and 27 of the Covenant (arts. 2, 7, 19, 21 and 27).

The State party should guarantee the full enjoyment of the rights of persons belonging to minorities that are set out in the Covenant...

CAT

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

42. The Committee is concerned about:

...

(b) Allegations of excessive use of force employed against demonstrators or for purposes of investigation;

...

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

...

- Sweden, CAT, A/57/44 (2002) 51 at para. 105.

105. The Committee emphasizes with satisfaction the strong and steadfast commitment to human rights manifested by Sweden and the positive responses to the Committee's earlier recommendations. It welcomes in particular the following:

...

(d) The establishment of an official committee entrusted with the task of investigating the actions of the police during the events in Göteborg, and determining what steps the police should take on the occasion of public demonstrations to protect public order as well as the fundamental right to demonstrate;

...

- Venezuela, CAT, A/58/44 (2002) 32 at para. 80.

80. The Committee expresses its concern at the following:

...

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(c) Complaints of abuse of power and improper use of force as a means of control, particularly during demonstrations and protests;

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- Belgium, CAT, A/58/44 (2003) 49 at paras. 129 and 131.

129. The Committee is concerned about:

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(c) Cases of the excessive use of force during public demonstrations and expulsions of foreigners;

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131. The Committee recommends that the State party:

...

(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;

...

- Czech Republic, CAT, A/59/44 (2004) 42 at paras. 86 and 87.

86. The Committee expresses concern about the following:

...

(h) The findings of the investigations into the excessive use of force by the police following the demonstrations in Prague during the September 2000 International Monetary Fund/World Bank Meeting, according to which only one case qualified as a criminal offence;

...

87. The Committee recommends that the State party:

...

(k) Review the independence and effectiveness of the investigations into complaints of excessive use of force in connection with the International Monetary Fund/World Bank Meeting demonstrations of September 2000, with a view to bringing those responsible to justice and providing compensation to the victims;

...

- Canada, CAT, A/60/44 (2005) 25 at paras. 57 and 58.

57. The Committee expresses its concern at:

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...

(i) Continued allegations of inappropriate use of chemical, irritant, incapacitating and mechanical weapons by law enforcement authorities in the context of crowd control.

58. The Committee recommends that:

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(h) The State party should conduct a public and independent study and a policy review of the crowd control methods, at federal and provincial levels, described in paragraph 57, subparagraph (i) above;

...

CRC

- Belarus, CRC, CRC/C/118 (2002) 54 at paras. 233 and 234.

233. The Committee notes with concern that the implementation of articles 13, 15 and 17 is limited.

234. The Committee recommends that the State party guarantee to all children the full implementation of the rights to freedom of expression, freedom of association and peaceful assembly and access to appropriate information, recognized in articles 13, 15 and 17 of the Convention.

- Tunisia, CRC, CRC/C/118 (2002) 68 at paras. 283 and 284.

283. The Committee is concerned that the right of the child to freedom of expression, including to receive information, and to freedom of association and peaceful assembly are not fully guaranteed in practice.

284. The Committee recommends that the State party take all necessary measures to ensure the full practical implementation of the rights to freedom of expression and freedom of association and peaceful assembly, in accordance with articles 13 and 15 of the Convention.

- Syrian Arab Republic, CRC, CRC/C/132 (2003) 116 at paras. 560 and 561.

560. The Committee is concerned that the reference in the report to information contained

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in the initial report indicates that very little or no progress has taken place with respect to the implementation of articles 13 to 17 of the Convention on these matters.

561. The Committee recommends that the State party actively promote the implementation of these rights by, among other things, making children more aware of these rights and by facilitating their active use in daily practice...

- Belize, CRC, CRC/C/146 (2005) 59 at paras. 330 and 331.

330. The Committee is concerned about the limitations on the exercise of the right to freedom of expression by children. The Committee notes with concern the violent incidents during a peaceful student demonstration against a rise in bus fares, which took place in the village of Benque Viejo del Carmen on 24 April 2002, and the reported disproportionate use of force by the police authorities.

331. The Committee recommends that the State party encourage and facilitate the exercise by children of their right to freedom of expression, including their right to freedom of and of peaceful assembly, so that they can freely discuss, participate and express their views and opinions on all matters affecting them.

- Islamic Republic of Iran, CRC, CRC/C/146 (2005) 88 at paras. 474 and 475.

474. The Committee remains concerned that, although freedom of expression and of assembly is formally recognized in the Constitution, the protection of this freedom is restricted by the requirement to interpret it in accordance with Islamic principles without clarifying at the outset the basis on which an action or expression would accord is considered to be in keeping with such principles.

475. The Committee reiterates its recommendation, expressed in its previous concluding observations, that the State party establish clear criteria for determining whether a given action or expression is in accordance with Islamic law and the Convention in order to avoid arbitrary interpretations.