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IV. CONCLUDING OBSERVATIONS, CONTINUED

CERD

- Belgium, CERD, A/57/18 (2002) 17 at para. 51.

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.

- Denmark, CERD, A/57/18 (2002) 27 at para. 116.

116. The Committee takes note of the information on the temporary suspension of the licence of Radio OASEN owned by a neo-Nazi Association and recommends that the Danish Government take decisive steps to prohibit such organizations in accordance with article 4 (b) of the Convention.

- Jamaica, CERD, A/57/18 (2002) 30 at para. 132.

132. The Committee is concerned about the absence in the State party of specific legislative, administrative and other measures which aim to give effect to article 4 of the Convention, especially article 4 (b), prohibiting racist organizations. The Committee underlines the obligations of the State party under the Convention and reiterates its view as to the preventive role of such measures. In this connection, the Committee also draws the attention of the State party to its general recommendation VII and general recommendation XV, affirming the compatibility of the prohibition of the dissemination of ideas based upon racial superiority or hatred with the right to freedom of opinion and expression. The Committee urges the State party to give due consideration to adopting the necessary legislation to comply with article 4, particularly article 4 (b), of the Convention as a matter of priority.

- Lithuania, CERD, A/57/18 (2002) 35 at para. 177.

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

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code should satisfy the requirements of article 4 of the Convention, especially paragraphs (a) and (b).

- Armenia, CERD, A/57/18 (2002) 50 at para. 276.

276. The Committee reiterates its concern that the Penal Code currently in force, specifically article 69, is not in compliance with article 4 of the Convention. While noting the statement by the delegation that the new penal code is expected to enter into force in 2003, the Committee remains concerned that the drafting of new articles 220 et seq. of the new code may not fully address all elements of article 4, in particular as regards the prohibition of organizations which promote and incite racial discrimination. The Committee recommends that prior to its coming into force the State party review the new penal code according to its constitutional provisions in the light of the provisions of the Constitution as well as the provisions of article 4 of the Convention so as to ensure that the new penal code gives effect to all its requirements.

- Canada, CERD, A/57/18 (2002) 56 at para. 335.

335. The Committee expresses concern about information on patterns of racial discrimination affecting people of African and Asian descent and at expressions of prejudice in the media against such people, as well as against foreigners and refugees. It is further concerned that the State party focuses on the prohibition of activities conducted by racist organisations rather than on the prohibition of such organizations, as required by article 4 (b) of the Convention...

- Senegal, CERD, A/57/18 (2002) 72 at para. 444.

444. The Committee recommends that the State party supplement its legislation in order to give effect to article 4 of the Convention, bearing in mind the Committee's general recommendation XV, which is relevant in this context.

- Fiji, CERD, A/58/18 (2003) 25 at para. 91.

91. The Committee notes that the word "person" in the relevant provisions of the Penal Code concerning sedition and in the Public Order Act concerning incitement to racial antagonism also includes organizations, and would like to receive further details on this matter. The Committee notes, however, that the legislation provides for sentences such as imprisonment and fines, but not for the prohibition of racist organizations. While taking

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note of the State party's declaration on article 4 of the Convention, the Committee considers that the State party's legislation does not fully comply with article 4. The Committee recommends that the State party adopt specific and unambiguous legislation relating to the prohibition of racist organizations. The Committee is furthermore concerned that the State party has expressed, in its periodic report, its reluctance to prohibit racist organizations in order to preserve the freedoms of expression and association, and refers the State party to its general recommendation XV (42) of 17 March 1993 on article 4.

- Ghana, CERD, A/58/18 (2003) 30 at para. 117.

117. The Committee welcomes the frankness with which the State party has stated that the existing legislation does not meet the requirements of article 4, paragraphs (a), (b) and (c), of the Convention. The Committee notes that the Criminal Code is currently being reviewed and revised, and encourages the State party to accelerate this process and to ensure that the new legislation will comply fully with article 4...

- Morocco, CERD, A/58/18 (2003) 33 at paras. 140 and 144.

140. Noting that the draft revision of the Penal Code has still not been completed, the Committee repeats its request to the State party to bring the Code into line with article 4 of the Convention.

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

- Poland, CERD, A/58/18 (2003) 35 at para. 158.

158. The Committee, while noting the State party's efforts to prohibit, through legislation, all dissemination of ideas based on racial superiority or hatred and incitement to racial hatred, reminds the State party of its obligation under article 4 to prohibit all organizations and activities, including those of the mass media, which promote and incite racial discrimination. It suggests that the State party strengthen its efforts to implement existing legislation in this regard.

- Russian Federation, CERD, A/58/18 (2003) 38 at para. 184.

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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.

- Tunisia, CERD, A/58/18 (2003) 47 at para. 254.

254. ...The Committee...remains concerned that the legislation of the State party does not seem to respond fully to the requirements of article 4 of the Convention. The Committee recommends that the State party review its domestic legislation in the light of general recommendation XV concerning the implementation of article 4 of the Convention, and that it adopt separate legislation on the offence of racial discrimination and the propagation of racial hatred.

- Uganda, CERD, A/58/18 (2003) 50 at para. 274.

274. The Committee...expresses concern about the absence of an explicit penal provision in the State party's legislation prohibiting organizations and propaganda activities that advocate racial hatred, as required by article 4 (b) of the Convention. The Committee recommends that the State party revise its Penal Code in order to implement fully the provisions of article 4.

- Bolivia, CERD, A/58/18 (2003) 58 at para. 338.

338. The Committee regrets the paucity of information as to article 4 of the Convention and notes with concern the lack of legislative provisions punishing the dissemination of ideas based on racial superiority or hatred, as well as acts of violence or incitement to violence and the organizations promoting racial discrimination, as required under article 4 of the Convention.

In this regard, the Committee reiterates its previous recommendation urging the State party to fulfil its obligation to make all forms of racial discrimination, as specified in article 4 of the Convention, punishable by law.

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- Czech Republic, CERD, A/58/18 (2003) 65 at para. 382.

382. ...[T]he Committee notes that the State party has only declared punishable *active* participation in organizations promoting and inciting racial discrimination.

The Committee urges the State party to consider reviewing this provision and to declare punishable *any* participation in organizations that promote and incite racial discrimination, in accordance with article 4 (b) of the Convention.

- Finland, CERD, A/58/18 (2003) 69 at para. 402.

402. The Committee...notes with satisfaction the introduction of a provision punishing participation in organizations which promote or incite racial discrimination.

- Latvia, CERD, A/58/18 (2003) 75 at para. 446.

446. The Committee is concerned that the law of the State party does not fully respond to the requirements of article 4 of the Convention. The Committee notes that the State party has failed to effectively prohibit all organized and other propaganda activities and to recognize participation in such activities as an offence punishable by law, in accordance with article 4(b) of the Convention.

The Committee recommends that the State party review its domestic law in the light of its general recommendation XV concerning the implementation of article 4 of the Convention, and that it adopt specific legislation on organized and other propaganda activities that promote and incite racial discrimination, irrespective of the legal status of the group or organization.

- Norway, CERD, A/58/18 (2003) 79 at para. 475.

475. The Committee takes note of the State party's observation that a formal ban on organizations might not be very effective in combating racism, owing to the fact that the groups involved in most of the racist activities are loose networks and not formal organizations. In this respect, the Committee draws the State party's attention to its general recommendation XV according to which all provisions of article 4 of the Convention are of a mandatory character, including declaring illegal and prohibiting all organizations promoting and inciting racial discrimination.

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The Committee recommends that the State party adopt the necessary legislation in order to ensure full compliance with article 4 (b) of the Convention.

- United Kingdom of Great Britain and Northern Ireland, CERD, A/58/18 (2003) 88 at para. 531.

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.

- Malawi, CERD, A/58/18 (2003) 93 at para. 559.

559. The Committee expresses concern over the State party's reservations to the 1951 Convention relating to the Status of Refugees which, in particular, reduce the protection offered to refugees in the field of employment, access to property, right of association, education and social security.

The Committee welcomes the draft Refugee Act, which reflects the intention of the State party to withdraw these reservations, and encourages the State party to give high priority to this process...

- Brazil, CERD, A/59/18 (2004) 14 at para. 64.

64. The Committee is disturbed by the increase in the number of racist organizations, such as neo-Nazi groups, and the spread of racist propaganda on the Internet.

The Committee recommends that the State party clarify further the content and application of the relevant provisions of domestic law that address the existence and activity of racist organizations, as well as those that prohibit racist propaganda on the Internet.

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- Libyan Arab Jamahiriya, CERD, A/59/18 (2004) 21 at paras. 102 and 108.

102. The Committee...notes the absence of comprehensive legislation to prevent and prohibit racial discrimination, in particular under article 4 of the Convention. It wishes to underline that, although the Convention prevails over the State party's domestic law, article 4 cannot be directly implemented, as it calls for the enactment of specific provisions setting out sanctions to be applied to offences strictly defined under the law.

The Committee recommends to the State party that it enact legislation responding to all requirements of article 4 of the Convention.

...

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.

- Sweden, CERD, A/59/18 (2004) 41 at para. 220.

220. The Committee takes note of the fact that the State party continues to uphold its interpretation of the provisions of article 4 of the Convention, maintaining that criminal acts committed by the members or supporters of a racist organization may be prohibited and penalized by law, but not the existence of, and participation in, racist organizations.

The Committee draws the State party's attention to its general recommendation XV according to which all provisions of article 4 of the Convention are of a mandatory character, including declaring illegal and prohibiting all organizations promoting and inciting racial discrimination, as well as recognizing participation in such organizations as an offence punishable by law. Accordingly, the Committee recommends that the State party reconsider its position and adopt the necessary legislation in order to ensure full compliance with article 4 (b) of the Convention.

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

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

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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...

See also:

- Kazakhstan, A/59/18 (2004) 54 at para. 298.
- Mauritania, CERD, A/59/18 (2004) 61 at paras. 338 and 340.

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...

- Portugal, CERD, A/59/18 (2004) 66 at paras. 364 and 366.

364. The Committee...notes with satisfaction the prohibition, as a result of the fourth revision of the Constitution, of racist organizations (organizations adopting a fascist ideology having already been banned).

...

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.

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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...

- Azerbaijan, CERD, A/60/18 (2005) 18 at para. 66.

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 the elaboration of its next periodic report.

- Bahrain, CERD, A/60/18 (2005) 22 at paras. 75 and 83.

75. The Committee appreciates the establishment of trade unions in 2002 for the first time in Bahrain as well as of cultural associations composed of foreigners.

...

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.

- Luxembourg, CERD, A/60/18 (2005) 40 at para. 197.

197. While noting the action taken in response to the requirements of article 4 of the Convention, the Committee observes that the State party still upholds its interpretation of that article, *viz.* that criminal acts committed by members or supporters of a racist

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organization may be prohibited or punished by law, but not the existence of, or participation in, racist organizations.

The Committee draws the State party's attention to its general recommendation XV, according to which all provisions of article 4 of the Convention are of a mandatory character, including declaring illegal and prohibiting any organization promoting or inciting discrimination, as well as recognizing participation in such an organization as an offence punishable by law. Accordingly, the Committee recommends that the State party reconsider its position.

- Barbados, CERD, A/60/18 (2005) 43 at para. 215.

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.

- Georgia, CERD, A/60/18 (2005) 46 at para. 239.

239. While taking note of the introduction of section 1 of article 142 of the Criminal Code regarding acts of racial discrimination, the Committee is concerned over the insufficiency of specific penal provisions implementing article 4 (a) and (b) of the Convention in the domestic legislation of the State party (art. 4).

The Committee recommends that the State party adopt legislation, in the light of its general recommendation XV, to ensure a full and adequate implementation of article 4 (a) and (b) of the Convention in its domestic legislation, in particular declaring an offence punishable by law the dissemination of ideas based on racial superiority or hatred and any assistance to racist activities, including financing, as well as declaring illegal organizations and propaganda activities which promote and incite racial discrimination and recognizing, as an offence punishable by law, participation in such organizations or activities.

- Turkmenistan, CERD, A/60/18 (2005) 61 at para. 314.

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

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public associations, including non-governmental organizations.

- Zambia, CERD, A/60/18 (2005) 75 at para. 404.

404. The Committee reiterates its concern that the provisions of article 4 (b) of the Convention have not yet been fully incorporated in domestic law.

The Committee recommends that the State party recognize participation in organizations promoting and inciting racial discrimination as a punishable offence.

ICCPR

- Azerbaijan, ICCPR, A/57/40 vol. I (2002) 47 at para. 77(23).

(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.

- Sweden, ICCPR, A/57/40 vol. I (2002) 57 at para. 79(14).

(14) The Committee is deeply concerned at the existence and considerable activism of neo-Nazi organizations and by the production and distribution of so-called "white power" music preaching the superiority of the white race (article 20 of the Covenant).

The State party should take steps to review its policy towards the establishment and operation of racist, xenophobic and, especially, neo-Nazi organizations. It should also review its attitude towards the production and distribution of so-called "white power" music.

- Viet Nam, ICCPR, A/57/40 vol. I (2002) 67 at para. 82(20).

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(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.

- Republic of Moldova, ICCPR, A/57/40 vol. I (2002) 76 at paras. 84(13) and 84(16).

(13) The Committee remains concerned that artificial hurdles continue to exist in the State party for individuals and organizations seeking to exercise their religious freedoms under article 18 of the Covenant.

The State party should ensure that its law and policy relating to the registration of religious organizations fully respect the rights of persons within its jurisdiction to full and free expression of their religious beliefs, as required by article 18.

...

(16) The Committee is concerned that certain requirements that the State party places upon the registration of political parties, such as conditions with respect to the extent of their territorial representation, may violate article 25 of the Covenant by restricting the right of individuals to full expression of their political freedoms.

The State party should review its law and policy concerning the registration of political parties, removing those elements which are inimical to the full exercise of Covenant rights, in particular article 25.

- Egypt, ICCPR, A/58/40 vol I (2003) 31 at paras. 77(21) and 77(22).

(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

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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.

(22) The Committee notes the *de jure* and *de facto* impediments to the establishment and functioning of political parties, primarily created by the committee set up under the Political Parties Act No. 40 of 1977, without full guarantees of independence (articles 22 and 25 of the Covenant).

The State party should permit the democratic expression of political pluralism and thus abide by its obligations under the Covenant, taking into account the Committee's General Comment No. 25...

- Togo, ICCPR, A/58/40 vol. I (2003) 36 at para. 78(19).

(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.

...

- Estonia, ICCPR, A/58/40 vol. I (2003) 41 at paras. 79(8) and 79(17).

(8) The Committee is concerned that the relatively broad definition of the crime of terrorism and of membership of a terrorist group under the State party's Criminal Code may have adverse consequences for the protection of rights under article 15 of the Covenant, a provision which, significantly, is non-derogable under article 4, paragraph 2.

The State party is requested to ensure that counter-terrorism measures, whether taken in connection with Security Council resolution 1373 (2001) or otherwise, are in full conformity.

...

(17) Taking into account the considerable number of non-citizens residing in the State party, the Committee is concerned about legislation prohibiting non-citizens from being members of political parties.

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The State party should give due consideration to the possibility for non-citizens to become members of political parties (article 22 of the Covenant).

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

(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).

- Colombia, ICCPR, A/59/40 vol. I (2004) 35 at para. 67(18).

(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 para. 68(20).

(20) While it takes note of the firm stance of Germany in favour of respect for human rights within the framework of the anti-terrorism measures it adopted subsequent to the events of 11 September 2001, the Committee expresses its concern regarding the effect of those measures on the situation of human rights in Germany, in particular for certain persons of foreign extraction, because of an atmosphere of latent suspicion towards them (arts. 17, 19, 22 and 26).

(a) The State party should ensure that anti-terrorism measures are in full conformity with the Covenant. The State party is requested to ensure that the concern over terrorism is not a source of abuse, in particular for persons of foreign extraction, including asylum-seekers.

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...

- Uganda, ICCPR, A/59/40 vol. I (2004) 47 at paras. 70(8) and 70(22).

(8) The Committee notes the adoption of the Anti-Terrorism Act of June 2002, pursuant to Security Council resolution 1373 (2001). It is concerned that section 10 of the Act criminalizes a “terrorist organization” without any reference to a particular criminal offence committed by or through such an organization. It is also concerned that section 11 of the Act does not establish objective criteria for determining membership in a “terrorist organization” (arts. 2 and 15).

The State party should review the Anti-Terrorist Act with a view to ensuring that the provisions set out in sections 10 and 11 are in full conformity with the Covenant.

...

(22) The Committee is concerned that peaceful demonstrations organized by opposition political parties have been forcibly dispersed by the police and that freedom of movement of political opponents has also been restricted in certain cases. It remains concerned at the constraints which limit the right of political parties to participate in periodic elections, to criticize the Government and to take part in the decision-making process. Notwithstanding the fact that the delegation referred to the State party’s wish to organize multiparty elections in 2006, the Committee remains concerned that no specific information has been provided about the practical measures envisaged to attain this goal (arts. 22 and 25).

The State party should ensure the full enjoyment of the right to freedom of association, in particular in its political dimension. The Committee considers that the State party should ensure that the general elections scheduled for 2006 effectively allow for multiparty participation.

- Lithuania, ICCPR, A/59/40 vol. I (2004) 52 at para. 71(16).

(16) The Committee reiterates the concern expressed in its concluding observations on the State party’s previous report that the registration process continues to make distinctions between different religions, and that this amounts to unequal treatment contrary to articles 18 and 26. It notes that religious communities that do not meet the registration criteria are disadvantaged in that they may not register as legal persons and, therefore, as acknowledged by the delegation, may face certain difficulties, *inter alia* with respect to the restitution of property.

The State party should ensure that there is no discrimination in law or in practice in the treatment of different religions.

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- Morocco, ICCPR, A/60/40 vol. I (2004) 35 at para. 84(25).

(25) The Committee has taken note of the various reports describing restrictions on the right to freedom of association.

The State party is requested to bring its practice into line with the provisions of article 22 of the Covenant.

- Uzbekistan, ICCPR, A/60/40 vol. I (2005) 56 at para. 89(21).

(21) The Committee remains concerned about the legal provisions and their application that restrict the registration of political parties and public associations by the Ministry of Justice (Covenant, articles 19, 22 and 25; see also paragraph 23 of the concluding observations on the initial report).

The State party is requested to bring its law, regulations and practice governing the registration of political parties into line with the provisions of articles 19, 22 and 25 of the Covenant.

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

(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.

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

(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

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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.

ICESCR

- Poland, ICESCR, E/2003/22 (2002) 54 at paras. 354 and 376.

354. The Committee is deeply concerned about the recent increase in xenophobic manifestations and acts of violence against certain minorities, in particular Jews and Roma.
...
376. The Committee urges the State party to take legislative and other measures to ban and prosecute organizations which incite or promote racial discrimination.

- Luxembourg, ICESCR, E/2004/22 (2003) 24 at paras. 74 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.
...
104. The Committee recommends that the State party continue and strengthen its efforts to support and subsidize cultural associations, including those of migrants.

CEDAW

- Belarus, CEDAW, A/59/38 part I (2004) 55 at paras. 343 and 344.

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.

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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 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.

- Lao People's Democratic Republic, CEDAW, A/60/38 part I (2005) 16 at paras. 112 and 113.

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.

- Democratic People's Republic of Korea, CEDAW, A/60/38 part II (2005) 101 at paras. 69 and 70.

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.

CAT

- 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:

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...
(b) The permission granted to many non-governmental organizations to operate freely in the country;

...

- Finland, CAT, A/60/44 (2005) 32 at para. 71.

71. Amongst the many positive developments, the Committee notes in particular:

...

(c) The measures taken by the State party to implement the Committee's previous recommendations concerning:

...

(ii) The prohibition of organizations that promote and incite racial discrimination...

...

- Uganda, CAT, A/60/44 (2005) 39 at para. 90.

90. The Committee notes with satisfaction the following positive developments:

...

(c) The permission granted to many NGOs to operate freely in the country;

...

- Bahrain, CAT, A/60/44 (2005) 44 at paras. 108 and 109.

108. The Committee expresses its concern at:

...

(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;

...

109. The Committee recommends that the State party:

...

(m) Remove inappropriate restrictions on the work of NGOs, especially those dealing with issues related to the Convention;

...

CRC

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- Qatar, CRC, CRC/C/111 (2001) 59 at paras. 279 and 280.

279. Noting the establishment of the Committee for Coordination between Government Agencies and Non-Governmental Associations, 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.

280. The Committee recommends that the State party:

(a) Consider a systematic approach to involving civil society, especially children's associations, throughout all stages of the implementation of the Convention, including with respect to civil rights and freedoms; and

(b) Ensure that legislation regulating NGOs conforms to article 15 of the Convention and other international standards on freedom of association, as a step in facilitating and strengthening their participation.

See also:

- Bahrain, CRC, CRC/C/114 (2002) 122 at paras. 466 and 467.

- Cameroon, CRC, CRC/C/111 (2001) 71 at paras. 344 and 345.

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.

- Belarus, CRC, CRC/C/118 (2002) 54 at paras. 221, 222, 233 and 234.

221. Despite the recent establishment of several non-governmental organizations, the Committee expresses its concern that insufficient efforts have been made to involve civil

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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, para.19), review without delay laws, regulations and administrative practices in order to facilitate the registration and activities of non-governmental organizations.

...

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.

See also:

- Tunisia, CRC, CRC/C/118 (2002) 68 at paras. 283 and 284.
- Republic of Korea, CRC, CRC/124 (2003) 24 at paras. 114 and 115.

114. The Committee is concerned at the limitations on students' freedom of expression and association due to strict administrative control of student councils and school regulations that limit or prohibit outside political activities of students in elementary and secondary schools. It is further concerned about allegations that Internet chat rooms, set up independently by teenagers, have been arbitrarily closed down by the authorities.

115. In the light of articles 12 to 17 of the Convention, the Committee recommends that the State party amend legislation, guidelines issued by the Ministry of Education and school regulations to facilitate children's active participation in decision-making processes and in

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political activities both within and outside schools and ensure that all children fully enjoy their right to freedom of association and expression.

- 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 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.

See also:

- Syrian Arab Republic, CRC, CRC/C/132 (2003) 116 at paras. 545 and 546.

- 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 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...

- 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

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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.

- Japan, CRC, CRC/C/137 (2004) 116 at paras. 631 and 632.

631. The Committee is concerned about restrictions on political activities undertaken by school children both on and off school campuses. It is also concerned that children below the age of 18 require parental consent to join an association.

632. The Committee recommends that the State party review legislation and regulations governing activities undertaken by school children on and off campus and the requirement for parental consent to join an organization, in order to ensure the full implementation of articles 13, 14 and 15 of the Convention.

- Nepal, CRC, CRC/C/150 (2005) 66 at paras. 314 and 315.

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.

- Costa Rica, CRC, CRC/C/150 (2005) 149 at paras. 692 and 693.

692. The Committee is concerned at the contradiction between the information provided by the Ministry of Education in the State party's report whereby students have the right to freedom of association, including the right to participate in students political parties, and article 18 of the Childhood and Adolescence Code which establishes that persons below the age of 18 have the right to freedom of association, except for political or lucrative activities.

693. The Committee recommends that the State party take appropriate measures to ensure the coherence of its legislation with regard to the right of persons below the age of 18 to be

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involved in political activities.