

# **EQUALITY AND DISCRIMINATION - EQUAL PROTECTION OF THE LAW**

## **IV. CONCLUDING OBSERVATIONS**

### **CERD**

- Germany, CERD, A/48/18 (1993) 81 at para. 448.

Equal protection should be guaranteed to all minority groups living in the State party. In addition, the Government should consider reviewing certain restrictive provisions recently adopted with regard to asylum-seekers, to ensure that they do not result in any discrimination in effect on grounds of ethnic origin.

- Croatia, CERD, A/48/18 (1993) 90 at para. 496.

The general lack of clarity in a number of basic legal provisions guaranteeing non-discrimination in the enjoyment of human rights and fundamental freedoms for members of minority communities is of concern. In some cases, guarantees would appear to apply only to citizens of the State party; in other cases, it is not clear whether the rights of all ethnic and national groups are equally protected.

- Croatia, CERD, A/50/18 (1995) 36 at para. 170.

It is noted that the administration of the criminal justice system fails to address adequately crimes of an ethnic nature. There has been a failure to prosecute alleged perpetrators of crimes directed at ethnic Serbs and it is reliably reported that a number of Croatian Serbs have been unfairly prosecuted or excessively punished for alleged crimes against non-Serbs.

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

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

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- Zimbabwe, CERD, A/51/18 (1996) 20 at paras. 93 and 99.

### *Paragraph 93*

The persisting existence of a dual legal system regulating, *inter alia*, the areas of marriage and inheritance is of serious concern. This situation, in some cases, can lead to unequal treatment between Blacks and Whites. For example, the descendants of Blacks who die intestate inherit according to customary law while Whites inherit according to general law.

### *Paragraph 99*

The dual legal system regulating marriage and inheritance should be revised in an appropriate manner, and if necessary unified, to avoid potential areas of unequal treatment between the races.

- Republic of Korea, CERD, A/51/18 (1996) 48 at para. 319.

The adoption of administrative guidelines on the protection of foreign industrial trainees in order to ensure them protection on an equal basis with national and legally registered foreign workers is in the spirit of article 5 of the Convention.

- Pakistan, CERD, A/52/18 (1997) 28 at paras. 187 and 200.

### *Paragraph 187*

Concern is expressed that the policy of the State party to recognize only religious minorities excludes ethnic, linguistic or racial groups living in the country from any specific protection under the Convention that would derive from their official recognition as minorities.

### *Paragraph 200*

The State party should explore the possibility of granting the same status as that of the religious minorities to other ethnic and linguistic groups, to ensure their full protection under the national laws and institutions relating to minorities as well as relevant international human rights instruments.

- Belgium, CERD, A/52/18 (1997) 31 at para. 221.

Concern is expressed at the allegation that the Public Prosecutor's Department and the police are less zealous in the prosecuting of offences in cases where the victim is not of European origin.

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- Croatia, CERD, A/53/18 (1997) 59 at paras. 317 and 323.

### *Paragraph 317*

Concern is expressed about the failure of the criminal justice system to deal adequately with all crimes of an ethnic nature and the subsequent tendency to fail to prosecute alleged perpetrators of crimes directed at ethnic Serbs; whereas there are reports that Croatian Serbs have been unfairly prosecuted or excessively punished when allegations of illegal activity directed at non-Serbs have been brought.

### *Paragraph 323*

The State party should take measures to ensure the prosecution of persons allegedly responsible for having committed racially motivated crimes, regardless of the racial, ethnic or religious origin of the perpetrator or the victim.

- Jordan, CERD, A/53/18 (1998) 69 at para. 394.

Since the protections in the Penal Code are limited to groups which constitute the nation, the provisions of article 4 are not fully implemented and non-citizens may not receive the protections envisaged in article 5 (a) and (b) of the Convention.

- Italy, CERD, A/54/18 (1999) 19 at para. 127.

Concern is expressed that Roma are not considered as a minority group in a draft law and thus would not benefit from the protection offered by the law.

- Latvia, CERD, A/54/18 (1999) 39 at para. 406.

The State party should review the differences of treatment between citizens and non-citizens, mostly persons belonging to ethnic groups, in light of the provisions of article 5(e), so as to eliminate unjustifiable differences.

- Dominican Republic, CERD, A/54/18 (1999) 47 at para. 515.

The State party should address the requirements of article 6 of the Convention by facilitating access to the courts and other competent institutions for victims of racial discrimination and by ensuring that the perpetrators of racist acts are brought to trial and the victims obtain adequate reparation or

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satisfaction.

- Slovenia, CERD, A/55/18 (2000) 45 at para. 244.

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

- Iceland, CERD, A/56/18 (2001) 32 at para. 145.

The State party's positive efforts with regard to the prevention of ethnic discrimination are noted with appreciation. The efforts to ensure equal rights and protection from discrimination for the growing immigrant and foreign-born population are also noted.

- Sudan, CERD, A/56/18 (2001) 40 at para. 210.

With regard to articles 4, 5 and 6 of the Convention, the State party should continue its efforts to establish a domestic legal order giving full effect to the provisions of the Convention and ensure effective and equal protection remedies through the competent national tribunals and other State institutions against any acts of racial discrimination and related intolerances.

### **ICCPR**

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

The recognition of a religion as a State religion should not result in any impairment of the enjoyment of any of the rights under the Covenant, including articles 18 and 27, nor in any discrimination against adherents of other religions or non-believers, since the right to freedom of religion and belief and the prohibition of discrimination cannot be abrogated by the recognition of an official religion or belief. Measures restricting eligibility for government service to members of the predominant religion, giving economic privileges to such persons or imposing special restrictions on the practice of other faiths are incompatible with the prohibition of discrimination based on religion or belief and the guarantee of equal protection under article 26 of the Covenant.

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- Italy, ICCPR, A/49/40 vol. I (1994) 47 at para. 281.

It is of concern that the State party's definition of minorities is confined to linguistic minorities within its territory and that, consequently, members of other minorities may not enjoy equal protection of their rights under article 27.

- Cyprus, ICCPR, A/49/40 vol. I (1994) 53 at para. 330.

The laws concerning conscientious objectors should be amended in order to ensure their fair treatment under the law and to reduce the excessively lengthy period of alternative national service and the possibility of repeated punishment.

- Slovenia, ICCPR, A/49/40 vol. I (1994) 56 at paras. 352, 345 and 346.

### *Paragraph 352*

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

### *Paragraph 345*

It is noted that the State party singles out Italians and Hungarians for special protection as minorities, including the right to political representation. Gypsies are also granted certain special protection as a minority. While this protection is welcome, all minorities are entitled to protection of their rights under article 27. Immigrant communities constituting minorities under the meaning of article 27 are entitled to the benefit of that article.

### *Paragraph 346*

The provisions of article 5 of the Constitution relating to the protection of only ethnic Slovene emigrants and migrant workers, which implicitly tend to establish a privileged treatment in the Constitution for such Slovenes over other Slovene citizens living abroad, are of concern.

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- Paraguay, ICCPR, A/50/40 vol. I (1995) 38 at paras. 207 and 218.

### *Paragraph 207*

Despite constitutional guarantees for the rights of women, women continue to receive unequal treatment in Paraguay, owing in part to outdated laws that clearly contradict the provisions of the Covenant. These would include laws that are more lenient in instances of infanticide committed to protect the honour of a woman than in ordinary cases of homicide and laws that make distinctions in the punishment accorded to persons who rape or abduct women depending on the marital status of the victim.

### *Paragraph 218*

All national legislation on women should be reviewed with a view to modernizing the outdated legal standards currently in force to bring them into line with the relevant provisions of the Covenant. The State party should review its laws on criminal offences committed against women and all labour laws that discriminate against women and take the measures necessary to overcome traditional attitudes concerning the role of women in society.

- Russian Federation, ICCPR, A/50/40 vol. I (1995) 65 at paras. 384, 394 and 401.

### *Paragraph 384*

The limited definition of the term "national minorities", which serves as the basis for much of the legislation in the State party concerning the rights of persons belonging to minorities, does not give protection to all persons referred to in article 27 of the Covenant. The reports of harassment shown towards persons belonging to minority groups from the Caucasus region, in the form of searches, beatings, arrests and deportation is also of concern.

### *Paragraph 394*

Greater efforts should be made to collect information on the situation of women and the effects on them of the structural political, economic and social changes taking place. On this basis, the Government should initiate or strengthen programmes aimed at providing assistance to women in difficult circumstances, including unemployed women, victims of domestic violence and victims of rape, with a view to ensuring their equality before the law and the equal protection of the law. In particular, it should consider allocating responsibility for that purpose to an appropriate high-level governmental body.

### *Paragraph 401*

The national legislation should be amended to reflect the broad concept of minorities contained in articles 2, 26 and 27 of the Covenant, which prohibit discrimination on the basis of race, colour, sex, opinion or other status, and further protect the rights not only of "national minorities" but also of

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ethnic, religious and linguistic minorities.

- United Kingdom of Great Britain and Northern Ireland, ICCPR, A/50/40 vol. I (1995) 72 at para. 433.

Further action should be taken to tackle remaining problems of racial and ethnic discrimination and of social exclusion. A concerted campaign is called for to address issues of research, juvenile and adult education, recruitment policies for the public and private sectors, legislative initiative and law enforcement. Similarly forceful action is needed to ensure that women play an equal role in society and that they enjoy the full protection of the law. Law enforcement officers, the judiciary and the legal profession should receive information and education to ensure that laws which protect women from violence are fully enforced and that the interpretation of laws, such as those relating to the doctrine of provocation, does not unfairly discriminate against women. All public officials should be made fully cognizant of the programmes of action and receive guidance to ensure that their actions always serve to support and promote the stated aims.

- India, ICCPR, A/52/40 vol. I (1997) 67 at para. 431.

The persisting preferential treatment given to male children is of concern. Practices such as foeticide and infanticide of females continue to exist and are deplored. Furthermore, note is taken of the fact that rape in marriage is not an offence and that rape committed by a husband separated from his wife incurs a lesser penalty than for other rapists. The Government should therefore take further measures to overcome these problems and to protect women from all discriminatory practices, including violence.

- Lithuania, ICCPR, A/53/40 vol. I (1998) 30 at para. 175.

The registration requirements for religious organizations, as well as distinctions made between different religious groups in this connection, could result in discrimination on religious grounds in violation of the right to freedom from discrimination on the ground of religion. There should be no discrimination in law or in practice in the treatment of different religions in violation of articles 18 and 26 of the Covenant.

- Zimbabwe, ICCPR, A/53/40 vol. I (1998) 35 at para. 214.

The duality of the statutory law and customary law, which potentially leads to unequal treatment

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between individuals, particularly in the areas of marriage and inheritance laws, is of concern. Where customary law contravenes the Covenant or the statutory law, the customary law continues to be upheld and applied. Continued practices, in violation of various provisions of the Covenant, including articles 3 and 24, such as *kuzvarita* (pledging of girls for economic gain), *kuripa ngozi* (appeasement to the spirits of a murdered person), *lobola* (bride price), female genital mutilation, early marriage, the statutory difference in the minimum age of girls and boys for marriage, and other practices which are incompatible with the Covenant (articles 3, 7, 23, 24 and others) should be prohibited by legislation. The Government is urged to adopt adequate measures to prevent and eliminate prevailing social attitudes and cultural and religious practices hampering the realization of human rights by women.

- Israel, ICCPR, A/53/40 vol. I (1998) 45 at para. 320.

The demolition of Arab homes as a means of punishment is deplored, as is the practice of demolitions, in part or in whole, of "illegally" constructed Arab homes. The difficulties imposed on Palestinian families seeking to obtain legitimate construction permits are noted with regret. The demolition of homes conflicts directly with the obligation of the State party to ensure, without discrimination, the right not to be subjected to arbitrary interference with one's home (article 17), the freedom to choose one's residence (article 12), and equality of all persons before the law and equal protection of the law (article 26).

- Japan, ICCPR, A/54/40 vol. I (1999) 36 at para. 154.

The Committee continues to be concerned about discrimination against children born out of wedlock, particularly with regard to the issues of nationality, family registers and inheritance rights. Pursuant to article 26 of the Covenant, all children are entitled to equal protection and necessary measures should be taken to amend the legislation, including article 900, paragraph 4, of the Civil Code.

- Morocco, ICCPR, A/55/40 vol. I (2000) 24 at paras.102 and 103.

### *Paragraph 102*

There are no special programmes, legal sanctions or protective measures to counter violence and sexual abuse of women, including marital rape, and there are aspects of the criminal law (such as the crime of honour defence) which fail to provide equal protection of women's rights under articles 7 and 9 of the Covenant.

### *Paragraph 103*



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Legal and protective measures should be adopted to guarantee women's rights to personal security.

- Republic of Korea, ICCPR, A/55/40 vol. I (2000) 29 at para. 135.

The family headship system both reflects and reinforces a patriarchal society in which women have a subordinate role. The practice of identifying the sex of foetuses, the disproportionate percentage of boys among second- and third-born children and the high rate of maternal mortality that apparently arises from the number of unsafe abortions are deeply disturbing. Prevailing social attitudes cannot justify failure by the State party to comply with its obligations, under articles 3 and 26 of the Covenant, to ensure equal protection of the law and the equal right of men and women to the enjoyment of all the rights set forth in the Covenant.

- Guyana, ICCPR, A/55/40 vol. I (2000) 53 at para. 366.

Police and other law enforcement personnel should be trained to understand the importance of ensuring that women who are victims of violence are accorded equal protection and that preventive and punitive measures are enforced.

- The Netherlands (Aruba), ICCPR, A/56/40 vol. I (2001) 76 at para. 82(25).

Despite the equal protection clause of the Aruban Constitution, the Country Ordinance on Admittance and Deportation still legally distinguishes between the legitimate family of a man born in Aruba with Netherlands nationality and the legitimate family of a woman born in Aruba with Netherlands nationality. Although the provision is said not to be applied in practice, the State party should remove this differentiation which is in breach of article 26.

### **ICESCR**

- Afghanistan, ICESCR, E/1992/23 (1991) 15 at para. 93.

The interpretation of the Islamic law in relation to inheritance might impede full application of article 3 and prevent full respect for the principle of equality of treatment between the sexes.

- Philippines, ICESCR, E/1996/22 (1995) 30 at para. 111.

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With regard to the issue of divorce, it is noted that different legal provisions apply in the predominantly Muslim provinces where the Shari'a is given effect and that in other parts of the State party divorce is legally forbidden. Concern is expressed about the discriminatory aspects of this approach and it is noted that civil marriage and divorce should be regulated so as to leave to the individuals concerned the duties that religion imposes. The prohibition of divorce often results in the breakdown of families, with highly detrimental consequences, particularly for abandoned women and children and also for the children of subsequent cohabitations, who must, by definition, be born out of wedlock.

- Russian Federation, ICESCR, E/1998/22 (1997) 27 at para. 102.

Concern is expressed at the significant level of domestic violence against women and the hesitation of the police in intervening to protect women or in bringing charges against their aggressors, despite the fact that the criminal law against violence against persons applies to violence against a woman by her husband.

- Cameroon, ICESCR, E/2000/22 (1999) 56 at para. 327.

It is of deep concern that the Government has not yet repealed laws which maintain the unequal legal status of women, particularly in relation to the right to own property and the laws regarding credit and bankruptcy, which restrict women's access to the means of production. These are in flagrant violation of the non-discrimination and equal treatment provisions of the Covenant.

- Congo, ICESCR, E/2001/22 (2000) 43 at para. 202.

Deep concern is expressed about discrimination against women. Marriage and family laws overtly discriminate against women (for instance, adultery is illegal for women but, in certain circumstances, not for men; while the Legal Code provides that 30 per cent of the deceased husband's estate goes to the wife, in practice the wife often loses all rights of inheritance). Domestic violence, including rape and beatings, is widespread but rarely reported, and there are no legal provisions for punishing the offenders.

- Sudan, ICESCR, E/2001/22 (2000) 57 at para. 307.

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

- Togo, ICESCR, E/2002/22 (2001) 57 at para. 315.

The position of women in Togolese society is of concern. Despite a constitutional declaration of equality under the law, women continue to experience wide-spread discrimination, especially in relation to the rights to education, to social security (in particular pension benefits), family protection (particularly family law regulation of inheritance), and in relation to traditional law practices.

- Syrian Arab Republic, ICESCR, E/2002/22 (2001) 67 at para. 421.

Effective measures should be taken to incorporate a gender equality perspective in both legislation and in governmental policies and administrative programmes, with a view to ensuring equality of men and women and addressing, in particular, the problems of the low legal age of marriage for girls, the more severe punishment of women for adultery and "honour crimes", and the unequal treatment of women insofar as personal, property, succession and social security laws are concerned. The State party is also encouraged to ratify the Convention on the Elimination of All Forms of Discrimination against Women.

### **CEDAW**

- Zambia, CEDAW, A/49/38 (1994) 63 at para. 364.

The customary marriage law should be reformed so that customary marriages are registered, in order to give women married under that law equal rights and benefits with men.

- Turkey, CEDAW, A/52/38/Rev.1 part I (1997) 24 at paras. 177, 179 and 192.

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### *Paragraph 177*

Various articles of the Penal Code, including those relating to the abduction of single and married women and to adultery, which are in contradiction to article 2, paragraph (f) of the Convention, are noted with deep concern. In particular, it is noted that greater penalties are imposed for the rape of a woman who was a virgin.

### *Paragraph 179*

The provisions of the Penal Code that allow less rigorous sanctions or penalties for "honour killings" are of concern. That concept contravenes the principle of respect for human life and the security of all persons, which is protected by all the international human rights laws.

### *Paragraph 192*

The Government is invited to review the Civil Code, particularly with regard to family law, with a view to removing its reservations to the Convention. The related provisions of the Penal Code should be revised in order to ensure women the full protection of the law on equal terms with men.

- Zimbabwe, CEDAW, A/53/38/Rev.1 part I (1998) 13 at para. 146.

Dissatisfaction is expressed at the fact that prostitutes are criminalized by law while their clients go unpunished. Concern is expressed over poor women, migrant women and women from other marginalized sectors who are particularly vulnerable and often turn to prostitution as a means of survival.

- Indonesia, CEDAW, A/53/38/Rev.1 part I (1998) 24 at para. 286.

The eradication of *de jure* discrimination in a number of areas, including inheritance, is pleasing, but concern remains about how equal the situation actually is in practice and how many women benefit from the application of civil law.

- South Africa, CEDAW, A/53/38/Rev.1 part II (1998) 58 at para. 124.

The seriousness of rape, including marital rape, should be emphasized and the law fully enforced. Research should be undertaken into the causes of the high incidence of rape so that effective preventive measures can be developed.

- Belize, CEDAW, A/54/38/Rev.1 part II (1999) 49 at para. 62.

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The Criminal Code should be kept under review with a view to placing sexual offences and violence on a par with other criminal offences. The Government is also urged to ensure that investigation and prosecution of rape and sexual offence cases are conducted as rigorously as in other criminal cases. The Government is urged to seek, as a priority, the repeal in the Criminal Code of the marital immunity relating to rape.

- Jordan, CEDAW, A/55/38 part I (2000) 16 at paras. 178 and 179.

### *Paragraph 178*

Concern is expressed that several provisions of the Penal Code continue to discriminate against women, in particular, article 340, which excuses a man who kills or injures his wife or his female kin caught in the act of adultery.

### *Paragraph 179*

The Government is urged to provide all possible support for the speedy repeal of article 340 and to undertake awareness-raising activities that make “honour killings” socially and morally unacceptable.

- Iraq, CEDAW, A/55/38 part II (2000) 66 at paras. 193 and 194.

### *Paragraph 193*

The violence against women perpetrated through honour killings is of deep concern.

### *Paragraph 194*

The Government is urged to condemn and eradicate honour killings and ensure that these crimes are prosecuted and punished in the same way as other homicides.

- Austria, CEDAW, A/55/38 part II (2000) 70 at para. 239.

The lack of data disaggregated by sex on the impact of policies and programmes, is of concern. The Government should improve the collection of data to assess the nature and outcome of equal treatment cases in the labour courts.

- Romania, CEDAW, A/55/38 part II (2000) 77 at para. 318.

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Concern is expressed over the different age of marriage established in the Family Code for boys and girls, and the fact that marriages of girl children can be legalized in contravention of article 16 of the Convention. It is also of concern that despite the decrease in marriages and a growing incidence of cohabitation, the rights of women in cohabitation are not protected by the legal system.

- Jamaica, CEDAW, A/56/38 part I (2001) 22 at para. 212.

The Government should reform existing legislation and create new legislation to protect the equal rights of women and men in regard to labour, social, family and property.

### **CRC**

- Bolivia, CRC, CRC/C/16 (1993) 13 at para. 36.

The disparities in the status and treatment of children in Bolivia conforming to distinctions based on race, sex, language and ethnic or social origin is of concern. Vulnerable groups of children, including girl children, indigenous children and children living in poverty, are particularly disadvantaged in their access to adequate health and educational facilities and are the primary victims of such abuses as sale and trafficking, child labour and sexual and other forms of exploitation. The diminished level of protection for girl children inherent in the lower minimum age for marriage is discriminatory and, as a result, deprives this group of children of the benefit of other protections afforded by the Convention.

- Mauritius, CRC, CRC/C/57 (1996) 29 at para. 176.

The provisions of the Penal Code relating to protection against sexual abuse, which provide no safeguard for the protection of boy victims, are of concern.

- Kuwait, CRC, CRC/C/80 (1998) 28 at para. 135.

All appropriate measures should be taken to guarantee that girls are systematically treated equally, especially with regard to the right to inheritance.

- Grenada, CRC, CRC/C/94 (2000) 72 at para. 397.

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Concern is expressed that the Criminal Code does not provide boys the same legal protection against sexual abuse and exploitation as girls. In this regard, it is noted that the Code refers to the protection of the “female child” only. Legislation should be amended to ensure that boys are provided equal and adequate protection against sexual abuse and exploitation.

- Islamic Republic of Iran, CRC, CRC/C/97 (2000) 8 at paras. 48 and 49.

### *Paragraph 48*

That respect for the inherent right to life of a person under 18 is not guaranteed under the law is a serious concern, particularly in light of article 220 of the Penal Law which provides that a man who kills his own child or his son’s child is subject only to discretionary punishment and the payment of blood money.

### *Paragraph 49*

The State party should take all necessary measures to ensure that there is no discriminatory treatment for such crimes, and ensure prompt and thorough investigations and prosecutions.

- Jordan, CRC, CRC/C/97 (2000) 31 at paras. 181 and 182.

### *Paragraph 181*

Serious concern is expressed that respect for the inherent right to life of a person under 18 is not guaranteed under the law, particularly in light of articles 340 and 98 of the Penal Code (No. 16/1960), which condone crimes perpetrated in the name of honour. That there is often reluctance on behalf of the police to arrest perpetrators, and that they receive lenient or token punishments are a concern.

### *Paragraph 182*

In line with Commission on Human rights resolutions 2000/31 and 2000/45, the recommendations of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/2000/3) and those of CEDAW, all necessary measures should be taken to ensure that there is no discriminatory treatment for crimes of honour and that they are promptly and thoroughly investigated and prosecuted. In addition, awareness-raising activities to demonstrate that such practices are socially and morally unacceptable should be undertaken, and steps should be taken to ensure that protective custody is replaced by other types of protection for women.

- Kyrgyzstan, CRC, CRC/C/97 (2000) 51 at para. 327.

Legislation should be reviewed and it should be ensured that the sexual abuse and exploitation of

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children is criminalized and penalizes all offenders, whether national or foreign, while ensuring that the child victims are not penalized. The State party should ensure that domestic laws concerning the sexual exploitation of children are gender neutral; provide civil remedies in the event of violations; ensure that procedures are simplified so that responses are appropriate, timely, child-friendly and sensitive to victims; include provisions to protect from discrimination and reprisals those who expose violations; and vigorously pursue enforcement.

### *See also:*

- Jordan, CRC, CRC/C/97 (2000) 31 at para. 208.
  
- Turkey, CRC, CRC/C/108 (2001) 18 at paras. 111 and 112.

### *Paragraph 111*

Deep concern is expressed about the violation of the right to life with reference to the practice of “honour killings”, whereby immediate family members kill women who are suspected of being unchaste. It is further noted that often both the victims and the perpetrators are minors.

### *Paragraph 112*

In the light of article 2 (non-discrimination), article 3 (best interests of the child), article 6 (right to life) and article 19 (protection from all forms of violence) of the Convention and in line with Commission on Human Rights resolution 2001/45, with the recommendations of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/2001/9, paras. 38-41) and with concluding observations of the Committee on the Elimination of Discrimination against Women (A/52/38/Rev.1, paras. 179 and 195), the Committee strongly recommends that the State party review rapidly legislation with a view to addressing these crimes in an effective way and to eliminating all provisions allowing reductions of sentence if the crime is committed for honour purposes. It also recommends the development and effective implementation of an awareness raising and education campaign, involving also religious and community leaders, to combat effectively discriminatory attitudes and harmful traditions affecting girls, in particular in the eastern and south-eastern regions, by demonstrating that such practices are socially and morally unacceptable. The State party should also provide special training and resources to law enforcement personnel with a view to protecting in a more effective way girls who are in danger of “honour killing” and to prosecuting such cases in an effective way.