

EQUALITY AND DISCRIMINATION - EQUAL PROTECTION OF THE LAW

IV. CONCLUDING OBSERVATIONS, CONTINUED

CERD

- Costa Rica, CERD, A/57/18 (2002) 21 at para. 79.

17. The Committee expresses concern at the alleged discriminatory application of legislation in force on refugee status determination procedure. According to information received, the requirements set by that legislation to determine refugee status are applied differently to different nationalities. The Committee recommends that the State party ensure equal treatment for all asylum-seekers in refugee status determination proceedings, and in particular Colombians.

- Czech Republic, CERD, A/58/18 (2003) 65 at para. 383.

383. The Committee is concerned about allegations of racially motivated ill-treatment, ineffective protection and discrimination against the Roma by law enforcement officials, especially the police. Furthermore, it has been suggested that allegations of abuse by law enforcement officials are not always promptly and impartially investigated. While noting the many initiatives taken in the field of training and education of the police, the Committee stresses that prompt and impartial investigations are paramount in countering discriminatory attitudes and practices. The Committee recommends that the State party intensify its efforts to end such discriminatory practices.

It further recommends that the procedure relating to the investigation of complaints with respect to the work of the police be conducted and overseen by a body independent of the police and the Ministry of the Interior...

- Lebanon, CERD, A/59/18 (2004) 18 at para. 83.

83. While welcoming the measures taken to improve the protection of migrant workers, the Committee remains concerned at the situation of migrant workers in practice, in particular domestic workers, who do not benefit fully from the protection of the labour code. Furthermore, the Committee regrets that insufficient information was provided as to how the bill for the establishment of a new labour code would affect migrant workers and whether it would provide any specific protection against discrimination on the grounds specified in the Convention.

The Committee urges the State party to take all necessary measures to extend full protection

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to all migrant workers, in particular domestic workers...In addition, the Committee recommends that the State party ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990.

- Nepal, CERD, A/59/18 (2004) 24 at para. 130.

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

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

- Zambia, CERD, A/60/18 (2005) 75 at para. 401.

401. The Committee notes with concern the decision of the State party to appeal the High Court judgement in the case *Roy Clarke v. Attorney-General*, which quashed a deportation order concerning a British long-term resident on the basis that he would not have been punished for his journalistic activities if he were a Zambian citizen (art. 5 (d) (viii)).

The Committee recalls that under the Convention, differential treatment based on citizenship constitutes discrimination if the criteria for such differentiation are not applied pursuant to a legitimate aim, and are not proportional to the achievement of this aim. It recommends to the State party that it respect the right to freedom of expression without any discrimination based on citizenship...

ICCPR

- United Kingdom of Great Britain and Northern Ireland, ICCPR, A/57/40 vol. I (2002) 36 at paras. 75(7) and 75(14).

(7) The Committee regrets that the State party, while having incorporated many Covenant rights into its domestic legal order through the Human Rights Act 1998, has failed to accord the same level of protection to other Covenant rights, including the provisions of articles 26

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and 27.

The State party should consider, as a matter of priority, how persons subject to its jurisdiction may be guaranteed effective and consistent protection of the full range of Covenant rights...

...

(14) The Committee is concerned at reports that, since recent terrorist attacks, persons have been the subject of attack and harassment on the basis of their religious beliefs and that religion has been utilized to incite to the commission of criminal acts. The Committee is also disturbed that incidents of violence and intimidation on the basis of religious affiliation in Northern Ireland continue to occur.

The State party should extend its criminal legislation to cover offences motivated by religious hatred and should take other steps to ensure that all persons are protected from discrimination on account of their religious beliefs.

- Slovakia, ICCPR, A/58/40 vol. I (2003) 52 at para. 82(17).

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

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

- Israel, ICCPR, A/58/40 vol. I (2003) 64 at para. 85(16).

(16) While fully acknowledging the threat posed by terrorist activities in the Occupied Territories, the Committee deplores what it considers to be the partly punitive nature of the demolition of property and homes in the Occupied Territories. In the Committee's opinion the demolition of property and houses of families some of whose members were or are suspected of involvement in terrorist activities or suicide bombings contravenes the obligation of the State party to ensure without discrimination the right not to be subjected to arbitrary interference with one's home (art. 17), freedom to choose one's residence (art. 12), equality of all persons before the law and equal protection of the law (art. 26), and not

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to be subject to torture or cruel and inhuman treatment (art 7) .

The State party should cease forthwith the above practice.

- Russian Federation, ICCPR, A/59/40 vol. I (2003) 20 at para. 64(24).

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

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

- Sri Lanka, ICCPR, A/59/40 vol. I (2003) 30 at paras. 66(18) and 66(20).

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

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

...

(20) The Committee deplores the high incidence of violence against women, including domestic violence. It regrets that specific legislation to combat domestic violence still awaits adoption and notes with concern that marital rape is criminalized only in the case of judicial separation (art. 7).

The State party is urged to enact appropriate legislation in conformity with the Covenant without delay. It should criminalize marital rape in all circumstances. The State party is also urged to initiate awareness-raising campaigns about violence against women.

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- Lithuania, ICCPR, A/59/40 vol. I (2004) 52 at para. 71(7).

(7) The Committee is concerned about the formulation of the draft law on the legal status of foreigners, which, according to the State party's third report to the Counter-Terrorism Committee of the Security Council, may allow for the removal of foreigners who are regarded as a threat to State security, despite the fact that they may be exposed to a violation of their rights under article 7 in the country of return...

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 with the Covenant. In particular, it should ensure absolute protection for all individuals, without exception, against *refoulement* to countries where they risk violation of their rights under article 7.

- Serbia and Montenegro, ICCPR, A/59/40 vol. I (2004) 68 at para. 75(25).

(25) While noting reports about the decrease in police violence against Roma, the Committee continues to be concerned at violence and harassment by racist groups, and inadequate protection against racially motivated acts afforded by law enforcement officers (arts. 2, 20, 26).

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

- Albania, ICCPR, A/60/40 vol. I (2004) 25 at para. 82(18).

(18) The Committee has taken note of the efforts undertaken by Albania to strengthen the independence and efficiency of its judiciary. It remains concerned, however, about alleged cases of executive pressure on the judiciary and persistent problems of corruption, lack of access to counsel and legal aid, and undue delay of trials (art. 14).

The State party should guarantee the independence of the judiciary, take measures to eradicate all forms of interference with its independence, ensure prompt, thorough, independent and impartial investigations into all allegations of interference and prosecute and punish perpetrators. It should establish mechanisms to improve the capacity and efficiency of the judiciary, to allow access to justice to all without discrimination and ensure

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that unconvicted detainees are brought to trial as speedily as possible.

- Greece, ICCPR, A/60/40 vol. I (2005) 60 at para. 90(8).

(8) The Committee is concerned about the impediments that Muslim women might face as a result of the non-application of the general law of Greece to the Muslim minority on matters such as marriage and inheritance (arts. 3 and 23).

The Committee urges the State party to increase the awareness of Muslim women of their rights and the availability of remedies and to ensure that they benefit from the provisions of Greek civil law.

- Yemen, ICCPR, A/60/40 vol. I (2005) 65 at paras. 91(12) and 91(15).

(12) The Committee notes with concern that domestic violence remains persistent in Yemen and that the law provides for lower sentences for husbands who have murdered their wives caught in the act of adultery than is generally provided for in cases of murder (arts. 3, 6 and 7).

The State party should actively combat domestic violence through awareness-raising campaigns as well as the enactment of appropriate penal legislation...The State party should abolish legislation providing for lower sentences in case of “honour killings”.

...

(15) The Committee remains concerned that the offences carrying the death penalty under Yemeni law are not consistent with the requirements of the Covenant and that the right to seek a pardon is not guaranteed for all on an equal footing. The preponderant role of the victim’s family in deciding whether or not the penalty is carried out on the basis of financial compensation (“blood money”) is also contrary to the Covenant...

The State party should limit the cases in which the death penalty is imposed, ensure that it is applied only for the most serious crimes, and officially abolish the sentence of death by stoning. The Committee reiterates that article 6 of the Covenant limits the circumstances that may justify the death penalty and guarantees the right of every convicted person to seek a pardon...

- Syrian Arab Republic, ICCPR, A/60/40 vol. I (2005) 78 at para. 94(16).

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(16) The Committee reiterates its previous concern that, despite article 25 of the Constitution, discrimination against women continues to exist in law and practice in matters related to marriage, divorce and inheritance, and that the Penal Code contains provisions discriminating against women, including providing lesser penalties for crimes committed by men in the name of honour. It notes the statement by the delegation that a commission is currently considering amendments to the personal status laws and that the provisions of the Penal Code with regard to honour crimes are currently being revised (arts. 3, 6 and 26).

The State party should review its laws in order to ensure equality between men and women in matters of personal status, and to eliminate any discrimination against women in the Penal Code.

ICESCR

- France, ICESCR, E/2002/22 (2001) 121 at paras. 864 and 874.

864. The Committee expresses its concern about the lack of recognition of minorities in France. While the French tradition emphasizes the unity of the State and the equality of all French citizens, and while there is a commitment on the part of the State party to respect and protect equal rights for all, the Committee is of the opinion that the fact that all individuals are guaranteed equal rights in the State party and that they are all equal before the law does not mean that minorities do not have the right to exist and to be protected as such in the State party. The Committee emphasizes that equality before the law is not always adequate to ensure the equal enjoyment of human rights, and in particular economic, social and cultural rights, by certain minority groups in a country.

...

874. The Committee suggests that the State party review its position with regard to minorities, ensuring that minority groups have the right to exist and to be protected as such in the State party. The Committee recommends that the State party withdraw its reservation with regard to article 27 of the International Covenant on Civil and Political Rights and that it ratify the Framework Convention on the Protection of National Minorities, as well as the European Charter for Regional and Minority Languages, signed by State members of the Council of Europe in 1995 and 1992, respectively.

- Brazil, ICESCR, E/2004/22 (2003) 28 at paras. 135 and 159.

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135. The Committee is concerned that some articles of the Penal Code discriminate against women. In particular, it is concerned that article 215 of the Code requires the victim of a minor sexual assault to be an “honest woman” in order to prosecute the offence.

...

159. The Committee calls upon the State party to repeal all discriminatory provisions contained in the Penal Code, in particular article 215.

- Guatemala, ICESCR, E/2004/22 (2003) 59 at paras. 413 and 431.

413. The Committee is concerned about the extent of the problem of violence against women in Guatemalan society, both within and outside the family, and its implication for both the physical and mental health of women and children. The Committee is also concerned that the Penal Code does not consider domestic violence as a crime.

...

431. The Committee urges the State party to combat violence against women, including through the effective application of the Act on the Prevention, Punishment and Eradication of Domestic Violence and awareness-raising campaigns designed to combat negative traditional practices and prejudices and their effects and consequences. In this regard, the Committee urges the State party to amend the Penal Code by including domestic violence as a crime...

- China (Macao Special Administrative Region), ICESCR, E/2006/22 (2005) 38 at paras. 241 and 251.

241. The Committee is concerned about the increasing incidence of domestic violence in the Macao Special Administrative Region and the irregular protection given to victims of domestic violence under existing legislation.

...

251. The Committee calls upon the Macao Special Administrative Region to intensify its efforts to combat domestic violence. In particular, the Committee encourages the Macao Special Administrative Region to consider enacting specific legislation criminalizing domestic violence and affording effective protection to victims. The Committee also urges the Macao Special Administrative Region to take effective measures to provide training for law enforcement personnel and judges regarding the criminal nature of domestic violence. Moreover, the Committee urges the Macao Special Administrative Region to ensure the availability and accessibility of crisis centres where victims of domestic violence can find safe lodging and counselling.

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CEDAW

- Czech Republic, CEDAW, A/57/38 part III (2002) 157 at paras. 95 and 96.

95. The Committee is concerned that the current attitudes towards incest, as expressed, *inter alia*, in the light penalties for this crime, as well as the penalties for rape, give an impression to the community that these infringements of human rights are not serious crimes. The Committee is concerned that the definition of the crime of rape is based on the use of force, rather than lack of consent and that rape within marriage is not currently considered a specific crime.

96. The Committee urges the State party to review and strengthen the penalties for the crimes of incest and rape in order to emphasize that these crimes are serious violations of women's human rights. The Committee urges the State party to define the crime of rape as sexual intercourse without consent and to explicitly address the crime of rape within marriage.

- Yemen, CEDAW, A/57/38 part III (2002) 200 at paras. 390 and 391.

390. The Committee expresses concern that several provisions of the Penal Code discriminate against women. It notes in particular article 232, which provides that a husband or other male relative who kills his wife in relation to adultery is not charged with murder.

391. The Committee urges the Government to eliminate any discriminatory penal provisions, and in particular article 232 as proposed by the National Women's Committee, in line with the Convention and to ensure that homicides committed against women by their husbands or male relatives are prosecuted and punished in the same way as other murders.

- Costa Rica, CEDAW, A/58/38 part II (2003) 86 at paras. 54 and 55.

54. Although the Committee notes with satisfaction the efforts made by the State party since 1994 to combat and eliminate violence against women, particularly domestic violence, it notes with concern that the problem has been viewed in the context of health, and is not recognized as a human rights violation and as grave discrimination against women. The Committee is also concerned that the Domestic Violence Act does not penalize domestic violence or rape in marriage, and that in applying it the courts do not employ uniform criteria, particularly with respect to the level of application of measures to protect the victims, while at the same time, the practice of holding conciliation meetings between the aggressors and the victims of family violence is promoted.

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55. The Committee requests the State party to recognize that violence against women is a human rights violation and a serious form of discrimination against women, to promote the adoption and promulgation of the Act on the Criminalization of Violence against Women and the preparation of the requisite regulations and legal procedures for its better application. The Committee also requests the State party to strengthen programmes to combat violence against women, including training and awareness promotion for court officials and judges, and to encourage judges to reduce the utilization of “conciliation” between aggressors and victims and to ensure that the rights of women are duly protected in such “conciliation meetings”...

- Brazil, CEDAW, A/58/38 part II (2003) 93 at paras. 104-107.

104. The Committee is concerned that the Penal Code still contains several provisions that discriminate against women. It is concerned about articles 215, 216 and 219 that require the victim to be an “honest woman” in order to prosecute the perpetrator. It is also concerned that article 107 covering “crimes against custom” provide for mitigation of sentence when the perpetrator married his victim, or when the victim marries a third party. The Committee notes that the draft bills to amend the Penal Code are being discussed in the National Congress.

105. The Committee calls upon the State party to give priority to amending the discriminatory provisions of the Penal Code without delay so as to bring the Code into line with the Convention and the Committee’s general recommendations, in particular general recommendation 19 on violence against women.

106. The Committee is concerned that, despite a Federal Supreme Court ruling in 1991, the judiciary sometimes continues to apply the defence of honour in cases of men accused of assaulting or murdering women. The Committee is concerned that such decisions lead to serious violations of human rights and have negative consequences for society, strengthening discriminatory attitudes towards women.

107. The Committee recommends that the State party implement training and awareness-raising programmes to familiarize judges, prosecutors and other members of the legal profession with the Convention and its Optional Protocol...

- Slovenia, CEDAW, A/58/38 part II (2003) 109 at paras. 206 and 207.

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206. The Committee expresses concern about the incidence of violence against women, including domestic violence... The Committee expresses concern at the light penalties for crimes of violence against women under the Penal Code and that no specific legislation has been enacted to combat domestic violence.

207. ...The Committee calls upon the State party to adopt legislation on domestic violence and to ensure that violence against women is prosecuted and punished with the required seriousness and speed. Women victims of violence should have immediate means of redress and protection, including protection orders and access to legal aid. The Committee recommends that measures be taken to provide accessible shelters for women victims of violence in sufficient number and with adequate funding, and to ensure that public officials, especially law enforcement officials, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women and trained to handle such situations adequately...

- Ecuador, CEDAW, A/58/38 part II (2003) 122 at paras. 311, 312, 315 and 316.

311. Although the Constitution guarantees the protection of children and adolescents from trafficking, prostitution, pornography and sexual exploitation, and the law defines the corruption of minors as a serious offence, the Committee is concerned that many such activities are not explicitly defined as serious offences by the Penal Code and that there is insufficient protection for the victims of such offences...The Committee is also concerned that sexual abuse is not defined as an offence; it is especially concerned at the fact that trafficking in women, particularly for the sex industry, is not penalized by law, leaving its victims unprotected.

312. The Committee recommends that the Penal Code should severely penalize these serious offences against children and adolescents, that the appropriate measures should be taken to protect and rehabilitate the victims and that the appropriate studies and analyses should be conducted to enable the Government to deal effectively with the situation. The Committee further believes that trafficking in women, particularly for the sex industry, should be strictly penalized.

...

315. ...The Committee also expresses its concern at the fact that the Penal Code defines violence against women not as a serious offence but only a minor offence.

316. ...The Committee...considers it particularly important that violence against women should be penalized under the Ecuadorian Penal Code...It urges the State party to provide sufficient funding for programmes to protect the victims of violence against women, in order to ensure their implementation.

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- Turkey, CEDAW, A/60/38 part I (2005) 58 at paras. 363 and 364.

363. The Committee is concerned that some provisions of the Penal and Civil Codes continue to discriminate against women and girls. In particular, the Committee is concerned that genital examinations of women, or virginity tests, may still be carried out under certain circumstances without the consent of the woman; and that the use of the term “custom killing” instead of “honour killing” in the Penal Code may result in less vigorous prosecution of, and less severe sentences for, the perpetrators of such crimes against women. It is also concerned that the penalization of consensual sexual relations among young people between 15 and 18 years of age may have a more severe impact on young women, especially in the light of the persistence of patriarchal attitudes. The Committee is further concerned that the amendment to the Civil Code regarding joint ownership of acquired property as the default legal property arrangement does not apply retroactively.

364. The Committee calls upon the State party to give priority to amending remaining discriminatory legal provisions without delay so as to bring its legislation into line with article 2 of the Convention. In particular, it urges the State party to ensure that the consent of the woman be made a prerequisite for genital examinations under all circumstances; that any crime committed in the name of custom or honour be classified as aggravated homicide and the severest penalties provided for it by the law; and that the penalization of consensual sexual relations among young people between 15 and 18 years of age be reconsidered. It also recommends that the State party consider the impact on women of the lack of retroactive applicability of the amendment to the Civil Code regarding joint ownership of acquired property, with a view to remedying the law’s disadvantageous consequences for women who were married prior to its entry into force.

- Lebanon, CEDAW, A/60/38 part II (2005) 109 at paras. 103 and 104.

103. The Committee notes with concern that violence against women and girls persists, including domestic violence, rape and crimes committed in the name of honour. The Committee is especially concerned about article 562 of the Lebanese penal code, which allows mitigation of the penalty for crimes committed in the name of honour, and the apparent lack of sensitization efforts in the State party to reject a concept of honour that perpetuates and condones the killing of women.

104. The Committee urges the State party to accord priority attention to the adoption of a comprehensive approach to address violence against women and girls, taking into account the Committee’s general recommendation 19 on violence against women. The Committee calls on the State party to amend article 562 of the Lebanese penal code, which allows

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mitigation of the penalty for crimes committed in the name of honour, and to adopt specific legislation on violence against women, including domestic violence, within a clear time frame so as to ensure that women and girls who are victims of violence have access to protection and effective redress, and that perpetrators of such acts are effectively prosecuted and punished. The Committee also recommends gender-sensitive training on violence against women for public officials, particularly law enforcement personnel, the judiciary and health service providers, so as to ensure that they are sensitized to all forms of violence against women and can adequately respond to it. The Committee also calls on the State party to take measures towards modifying social, cultural and traditional attitudes, including the concept of honour, that remain permissive of violence against women.

- Guyana, CEDAW, A/60/38 part II (2005) 136 at paras. 289 and 290.

289. The Committee is concerned about the persistence of discriminatory legal provisions, particularly the Criminal Law (Offences) Act provision which makes it a criminal act for a girl of 16 years to have sexual intercourse with a relative such as a grandfather or brother and making her liable to imprisonment for up to seven years; and the Married Persons Property Act that prevents non-working spouses from acquiring the same rights in matters of division of property and disproportionately affects women.

290. The Committee urges the State party to undertake comprehensive legal reform in accordance with its obligations under the Convention and, in particular, to eliminate discriminatory provisions without delay in the Criminal Law (Offences) Act and civil law so as to ensure full compliance with articles 2 and 16 of the Convention. The Committee requests the State party to provide the necessary support to the Women and Gender Equality Commission so that it may place high priority on reviewing existing and future legislation for compliance with the provisions of the Convention and submitting recommendations for compliance with international instruments to which the State is a party.

CAT

- Saudi Arabia, CAT, A/57/44 (2002) at paras. 100 and 101.

100. The Committee is concerned about the following:

...

(c) The different regimes applicable, in law and in practice, to nationals and foreigners in relation to their legal rights to be free from, and their ability to complain of, conduct in violation of the Convention. The Committee recalls that the Convention and its protections are applicable to all acts in violation of the Convention that occur within its jurisdiction,

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from which it follows that all persons are entitled, in equal measure and without discrimination, to the rights contained therein;

...

101. The Committee recommends, in particular, that the State party:

...

(c) Ensure that its laws are in practice applied to all persons, regardless of nationality, gender, religious affiliation or other distinction, insofar as issues arising under the Convention are concerned;

...

- Egypt, CAT, A/58/44 (2002) 22 at paras. 41 and 42.

41. The Committee is concerned about the following:

...

(e) The reports received concerning ill-treatment inflicted on men because of their real or alleged homosexuality, apparently encouraged by the lack of adequate clarity in the penal legislation;

...

(j) The significant disparities in compensation granted to the victims of torture and ill-treatment.

...

42. The Committee recommends that the State party:

...

(k) Remove all ambiguity in legislation which might underpin the persecution of individuals because of their sexual orientation. Steps should also be taken to prevent all degrading treatment during body searches;

...

(n) Establish precise rules and standards to enable the victims of torture and ill-treatment to obtain full redress, while avoiding any insufficiently justified disparities in the compensation which is granted;

...

- Cambodia, CAT, A/58/44 (2003) 40 at paras. 98 and 99.

98. The Committee is concerned about the following:

...

(d) Impunity for past and present violations of human rights committed by law enforcement

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officials and members of the armed forces and, in particular, the failure of the State party to investigate acts of torture and other cruel, inhuman or degrading treatment or punishment and to punish the perpetrators;

...

99. The Committee recommends that the State party:

...

(g) Take all the necessary measures to guarantee access to justice for all the people of Cambodia, particularly the poor and the inhabitants of rural and remote areas of the country;

...

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

108. The Committee expresses its concern at:

...

(m) The different regimes applicable, in law and in practice, to nationals and foreigners in relation to their legal right to be free from conduct that violates the Convention. The Committee reminds the State party that the Convention and its protections are applicable to all acts that are in violation of the Convention that occur within its jurisdiction, from which it follows that all persons are entitled, in equal measure and without discrimination, to the rights contained therein;

...

109. The Committee recommends that the State party:

(a) Adopt in domestic penal law a definition of torture in terms consistent with article 1 of the Convention, including the differing purposes set forth therein, and ensure that all acts of torture are offences under criminal law and that appropriate penalties taking into account the grave nature of the offences are established;

...

CRC

- Kenya, CRC, CRC/C/111 (2001) 21 at paras. 105 and 106.

105. ...[T]he Committee is concerned that the constitutional guarantee of equal treatment

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does not cover various tribal, traditional customs and practices associated with, for example, fostering, marriage and divorce that constitute a major challenge for the full realization of children rights in the State party.

106. The Committee recommends that the State party take effective measures to implement laws, policies and programmes to guarantee the principle of non-discrimination and full compliance with article 2 of the Convention, particularly as it relates to vulnerable groups of children and traditional tribal customs, practices and rituals.

- Lebanon, CRC, CRC/C/114 (2002) 11 at paras. 57 and 58.

57. Noting the statement by the delegation that the problem of crimes committed in the name of honour do not exist in the State party, the Committee is nevertheless concerned that the provisions relating to “honour crimes” remain in the Penal Code. It is deeply concerned at the statement by the delegation that in some cases such crimes are not punished at all.

58. The Committee recommends that the State party:

(a) Rapidly review its legislation with a view to eliminating all provisions allowing sentences to be reduced if the crime in question is committed in the name of honour;

(b) Amend the law in accordance with international standards and ensure prompt and thorough investigations and prosecutions; and

(c) Undertake awareness-raising activities to make such practices socially and morally unacceptable.

- Italy, CRC, CRC/124 (2003) 36 at paras. 178 and 179.

178. ...[T]he Committee is concerned at the age-limit set in the legislation regarding violence against children, as children above 14 or 16 years (depending on the relations with the perpetrator) do not enjoy the same protection.

179. In the light of article 19 of the Convention, the Committee recommends that the State party:

...

(c) Amend its legislation regarding the existing age-limit set for special protection against all forms of violence against children;

...

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- Morocco, CRC, CRC/C/132 (2003) 100 at paras. 516 and 517.

516. ...The Committee is...concerned at the fact that the legislation of the State party does not protect all children below 18 years from sexual exploitation, as various ages have been set in several acts regarding sexual exploitation...

517. In light of article 34 and other related articles of the Convention, the Committee recommends that the State party:

(a) Extend the protection from sexual exploitation in all relevant legislation to all boys and girls below the age of 18 years;

...
- Pakistan, CRC, CRC/C/133 (2003) 37 at paras. 200 and 201.

200. The Committee takes note of the recognition given to the problem of honour killings by the State party, but is nonetheless very concerned at the widespread and increasing problem of so-called honour killings, affecting children both directly and, through their mothers, indirectly. The Committee is seriously concerned that, despite the efforts of the State party, the police are often reluctant to arrest the perpetrators and that the latter receive lenient or token punishment.

201. The Committee recommends that the State party take all necessary measures to ensure that there is no discriminatory treatment for crimes of honour and that they are promptly, fairly and thoroughly investigated and prosecuted. In addition, the Committee recommends that the State party undertake a thorough review of the existing legislation and strengthen awareness-raising campaigns in this regard.
- Antigua and Barbuda, CRC, CRC/C/143 (2004) 93 at paras. 516 and 517.

516. The Committee is concerned that the Sexual Offences Act of 1995 does not afford the same protection to boys as it does to girls. The Committee is also concerned at the low rate of prosecutions of those who sexually exploit children and that there is little in the way of public campaigns to educate the population about the laws governing sexual exploitation...

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517. The Committee recommends that the State party:

(a) Take appropriate legislative measures and ensure protection from sexual abuse and exploitation for boys and girls under 18 years;

...

(d) Avoid criminalizing child victims of sexual exploitation and ensure proper prosecution of perpetrators; and

...

- Belize, CRC, CRC/C/146 (2005) 59 at paras. 360 and 361.

360. The Committee...notes with concern that the sex offence legislation of the State party is discriminatory, leaving boys without equal legal protection from sexual assault and abuse...

361. The Committee recommends that the State party continue and strengthen its efforts:

...

(b) To take all necessary measures to effectively prevent, and protect all children from, trafficking, sexual exploitation and child pornography, including through implementing the Trafficking in Persons (Prohibition) Act, and to provide the recently established Task Force with adequate financial, human and technical resources;

...

(e) To critically review its sex offence legislation in order to ensure equal legal protection from sexual assault and abuse for girls and boys;

...

- Islamic Republic of Iran, CRC, CRC/C/146 (2005) 88 at paras. 466 and 467.

466. The Committee reiterates its serious concern at article 220 of the Penal Code, which provides that fathers who kill their child, or their son's child, are only required to pay one third of the blood money to the mother, and are subjected to a discretionary punishment, in the event that the mother makes a formal complaint.

467. The Committee recommends that the State party take the necessary measures, including the amendment of the offending article of the Penal Code, to ensure that there is no discriminatory treatment for such crimes and that prompt and thorough investigations and prosecutions are carried out.

- Philippines, CRC, CRC/C/150 (2005) 24 at paras. 188 and 190.

EQUALITY AND DISCRIMINATION - EQUAL PROTECTION OF THE LAW

188. The Committee expresses its grave concern about the sexual exploitation of children, including growing child prostitution, and the reported cases of child pornography in the State party. The Committee notes with concern that the provisions of the Special Protection of Children against Child Abuse, Exploitation and Discrimination Act are mainly related to child prostitution and do not adequately protect victims of other forms of sexual exploitation. Furthermore, the Committee notes with concern that the minimum age of sexual consent is not clearly enough established in the State party's domestic legislation and that the Revised Penal Code (Republic Act No. 3815) imposes maximum penalties for sexual offences when the victim is under 12 years of age but imposes lower penalties for sexual offences against minors over 12 years of age.

...

190. The Committee urges the State party to:

(a) Review its domestic laws on the protection of children against sexual exploitation, including the use of children for pornography, in order to provide all child victims of such exploitation with equal protection, *inter alia*, by including in the law equal sanctions to all perpetrators of sexual offences against children;

(b) Set a clearly defined minimum age of sexual consent at an internationally acceptable level in its domestic law;

...

- Yemen, CRC, CRC/C/150 (2005) 161 at paras. 760 and 761.

760. The Committee is concerned about the legislative inconsistency concerning the definition of a child and in particular the difference between age of majority, 18 years, and age of maturity, 15. The Committee is further concerned at the minimum age for marriage for girls, 15, and that some may even get married earlier, as young as 12, due to the lack of law enforcement.

761. The Committee recommends that the State party ensure that all persons below 18 years of age receive the same protection under the Convention. The Committee further recommends that the State party take the necessary measures to prevent marriages at a very young age and increase the legal age of marriage to an internationally acceptable level.