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IV. CONCLUDING OBSERVATIONS, CONTINUED

CERD

- Ecuador, CERD, A/58/18 (2003) 22 at para. 49.

49. The Committee...notes that the State party has adopted legislation which criminalizes the illegal smuggling of people across the country's borders under often inhumane conditions ("*coyoterismo*").

- Ghana, CERD, A/58/18 (2003) 30 at paras. 107 and 114.

107. The Committee appreciates the approach adopted by the State party that seeks to respect the customs and traditions of various ethnic groups on its territory, while at the same time enhancing the enjoyment of human rights for all. It further notes that, under article 26 of the Constitution, which protects cultural rights, customary practices which dehumanize or are injurious to the physical and mental well-being of a person are prohibited

...

114. While noting the legislative and other measures adopted to eradicate practices that are harmful to the health and dignity of women, the Committee is concerned that some practices, in particular female genital mutilation, degrading treatment of widows and the Trokosi system, still occur, and wishes to be further informed of their ethnic dimensions. The Committee encourages the State party to continue its efforts in this field and refers the State party to its general recommendation XXV (56) of 20 March 2000 on gender-related dimensions of racial discrimination.

- Russian Federation, CERD, A/58/18 (2003) 38 at para. 186.

186. The Committee is concerned about reports that displaced persons have been pressured into leaving camps while conditions of safety for their return to Chechnya are not ensured. The Committee recommends that the State party take effective measures to ensure that the return of displaced Chechens to Chechnya is voluntary and takes place in conditions of safety and dignity.

- Bolivia, CERD, A/58/18 (2003) 58 at para. 335.

335. The Committee commends the State party's efforts aimed at ensuring that members of the indigenous peoples - which, according to the 2001 census, represent 61.8 per cent of the whole population - are free and equal in dignity and rights and free from any discrimination,

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including legal provisions aimed at recognizing the title to and ownership of land of indigenous groups and individuals as well as the right to exclusive benefit of renewable natural resources situated on their lands. In this respect, the Committee especially welcomes the establishment of the Agrarian Court.

- Finland, CERD, A/58/18 (2003) 69 at para. 407.

407. While the Committee takes note of the efforts undertaken by the State party in monitoring the spread of racist, discriminatory and xenophobic material on the Internet, it is concerned about the continued occurrence of this phenomenon.

The Committee recalls that article 4 of the Convention is applicable to the phenomenon of racism on the Internet and that the fundamental principle of respect for human dignity requires all States to combat dissemination of racial hatred and incitement to racial hatred. It recommends that the State party take appropriate measures to combat racist propaganda on the Internet...

- Spain, CERD, A/59/18 (2004) 32 at para. 170.

170. Concern is...expressed about allegations received of instances of police misbehaviour towards ethnic minorities or persons of non-Spanish origin, including abusive and insulting speech, ill-treatment and violence.

The Committee draws the State party's attention to its general recommendation XIII on the training of law enforcement officials in the protection of human rights and recalls that law enforcement officials should receive intensive training to ensure that in the performance of their duties they respect and protect human dignity and maintain and uphold the human rights of all persons without distinction as to race, colour or national or ethnic origin.

- Argentina, CERD, A/59/18 (2004) 45 at para. 245.

245. The Committee is concerned about incidents of incitement to racial hatred and racist propaganda in the media, including on the Internet.

The Committee recalls that article 4 of the Convention is applicable to the phenomenon of racism in the media, including on the Internet, and that the fundamental principle of respect for human dignity requires all States to combat dissemination of racial hatred and incitement to racial hatred. It recommends that the State party take appropriate measures to combat racist propaganda in the media...

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- Portugal, CERD, A/59/18 (2004) 66 at para. 367.

367. The Committee expresses concern about allegations it has received of instances of police misconduct towards ethnic minorities or persons of non-Portuguese origin, including excessive use of force, ill-treatment and violence.

The Committee recommends that the State party investigate thoroughly, impartially and effectively all allegations of ill-treatment, violence or excessive use of force by police officers, bring those responsible to justice and provide adequate remedies and compensation to the victims. Furthermore, in light of its general recommendation XIII, the Committee recommends that the State party continue to provide intensive training to law enforcement officials so as to ensure that in the performance of their duties they respect and protect human dignity and maintain and uphold the human rights of all persons without distinction as to race, colour, descent, or national or ethnic origin.

- Nigeria, CERD, A/60/18 (2005) 54 at para. 300.

300. The Committee, while noting the information provided by the delegation, reiterates its previous concern that measures taken to educate the public, law enforcement officials, members of political parties and media professionals on the provisions of the Convention remain insufficient (art. 7).

The Committee encourages the State party to expand and strengthen existing efforts regarding human rights education. Furthermore, particular attention should be paid to general recommendation XIII (1993), according to which law enforcement officials should receive specific training to ensure that, in the performance of their duties, they respect and protect human dignity and maintain and uphold the human rights of all persons without distinction as to race, colour, descent or national or ethnic origin.

ICCPR

- Ukraine, ICCPR, A/57/40 vol. I (2002) 32 at para. 74(15).

(15) The Committee remains concerned about the persistence of widespread use of torture and cruel, inhuman or degrading treatment or punishment of detainees by law enforcement officials.

The State party should institute a more effective system of monitoring treatment of all detainees, so as to ensure that their rights under articles 7 and 10 of the Covenant are fully

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protected. The State party should also ensure that all allegations of torture are effectively investigated by an independent authority, that the persons responsible are prosecuted, and that the victims are given adequate compensation. Free access to legal counsel and doctors should be guaranteed in practice, immediately after arrest and during all stages of detention. The arrested person should have an opportunity immediately to inform a family member about the arrest and the place of detention. All allegations of statements of detainees being obtained through coercion must lead to an investigation and such statements must never be used as evidence, except as evidence of torture.

- Azerbaijan, ICCPR, A/57/40 vol. I (2002) 47 at para. 77(12).

(12) The Committee is concerned at the problem of overcrowding in prisons. The Committee notes that insufficient information has been provided by the State party concerning measures undertaken in this regard (article 10 of the Covenant).

The State party should take measures to overcome overcrowding in prisons and should ensure that all persons deprived of their liberty are treated with humanity and respect for their dignity in compliance with the requirements of article 10.

- New Zealand, ICCPR, A/57/40 vol. I (2002) 63 at para. 81(13).

(13) The Committee notes with concern that the management of one prison and prison escort services have been contracted to a private company. While welcoming the information that the State party has decided that all prisons will be publicly managed after the expiry of the current contract in July 2005 and that the contractors are expected to respect the United Nations Minimum Standards for the Treatment of Prisoners, it nevertheless remains concerned about whether the practice of privatization, in an area where the State is responsible for protecting the rights of persons whom it has deprived of their liberty, effectively meets the obligations of the State party under the Covenant and its own accountability for any violations. The Committee further notes that there does not appear to be any effective mechanism of day-to-day monitoring to ensure that prisoners are treated with humanity and with respect for the inherent dignity of the human person and further benefit from treatment, the essential aim of which is directed to their reformation and social rehabilitation.

The State party should ensure that all persons deprived of their liberty are not deprived of the various rights guaranteed under article 10 of the Covenant.

- Yemen, ICCPR, A/57/40 vol. I (2002) 72 at para. 83(9).

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(9) The Committee notes the persistence of the practice of polygamy, which is detrimental to human dignity and discriminatory within the meaning of the Covenant (articles 3 and 26 of the Covenant).

The State party is strongly encouraged to abolish polygamy and combat it socially by effective means.

- Egypt, ICCPR, A/58/40 vol. I (2002) 31 at para. 77(15).

(15) While noting the explanations given by the delegation of the State party about the periodic and spontaneous inspections of prison establishments by the authorities, the Committee notes that detention conditions inconsistent with article 10 of the Covenant persist. It also regrets the impediments to visits by United Nations-instituted treaty and non-treaty human rights mechanisms and non-governmental human rights organizations.

The state party...is encouraged to permit intergovernmental and non-governmental visits and ensure that, in actual practice, article 10 of the Covenant is strictly respected.

- Togo, ICCPR, A/58/40 vol. I (2002) 36 at para. 78(15).

(15) The Committee notes with concern that detention conditions in Togo are appalling, particularly in the civil prisons in Lomé and Kara, which are very overcrowded and where the food supply is uncertain and inadequate. This situation has been acknowledged by the State party, which draws attention to its financial difficulties and to its officers' lack of training.

The State party should develop alternative sentences to imprisonment. In addition, the State party should establish an independent inspectorate to carry out regular visits to all detention centres. That inspectorate should include elements independent of the Government, to ensure transparency and observance of articles 7 and 10 of the Covenant, and should be charged with making all the necessary proposals concerning ways of improving detainees' rights and detention conditions, including access to health care.

- Estonia, ICCPR, A/58/40 vol. I (2003) 41 at para. 79(11).

(11) The Committee is concerned at information that deserters from the armed forces may have been kept in solitary confinement for up to three months.

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The State party is under an obligation to ensure that the detention of alleged deserters is in conformity with articles 9 and 10 of the Covenant.

- Luxembourg, ICCPR, A/58/40 vol. I (2003) 45 at para. 80(6).

(6) The Committee continues to be concerned, on the one hand, about the maximum length of time detainees may be held in solitary confinement, i.e. six months, and the lack of information on the conditions in which such treatment is applied and, on the other hand, by the holding of detainees *incommunicado*, even though this has happened only once in 12 years.

The State party should ensure that practices with regard to the treatment of detainees are in keeping with articles 7, 9 and 10 of the Covenant. In this connection, the State party should adopt legislation regulating and limiting *incommunicado* detention with the long-term objective of eliminating it completely, particularly during pre-trial detention.

- Mali, ICCPR, A/58/40 vol. I (2003) 47 at para. 81(10).

(10) While welcoming the establishment of a Ministry for the Advancement of Women, Children and the Family, the Committee expresses its grave concern at the continued existence in Mali of legislation which discriminates against women, in particular with regard to marriage, divorce, and inheritance and succession, and of discriminatory customary rules relating to property ownership. The Committee, while appreciating that adoption of a Family Code requires wide-ranging consultations, notes with concern that the proposed reform, ongoing since 1998, has not yet concluded...

(a) The State party should expedite the adoption of the Family Code; the Committee recommends that the Code comply with the provisions of articles 3, 23 and 26 of the Covenant, in particular with regard to the respective rights of spouses in the context of marriage and divorce. In this connection, the Committee draws the attention of Mali to its general comment No. 28 on equality of rights between men and women, in particular with regard to polygamy, a practice that violates the dignity of women and constitutes unacceptable discrimination against women. The State party should abolish polygamy once and for all.

...

- Slovakia, ICCPR, A/58/40 vol. I (2003) 52 at para. 82(13).

(13) The Committee is concerned at the continuing use of cage-beds as a measure of

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restraint in social care homes or psychiatric institutions (art. 10).

The use of cage-beds should cease.

- Portugal, ICCPR, A/58/40 vol. I (2003) 56 at para. 83(11).

(11) The Committee is concerned that, despite considerable improvement, overpopulation in prisons still amounts to 22 per cent, that access to health care remains problematic and that pre-trial and convicted detainees are not always kept separately in practice (arts. 7 and 10).

The State party should ensure that all persons deprived of liberty are treated with humanity and with respect for their inherent dignity as human beings. It should intensify its efforts to reduce the overpopulation in prisons and ensure that pre-trial and convicted detainees are kept separately. Appropriate and timely medical care must be available to all detainees.

- Philippines, ICCPR, A/59/40 vol. I (2003) 15 at para. 63(12).

(12) The Committee is concerned about the reports of persistent and widespread use of torture and cruel, inhuman or degrading treatment or punishment of detainees by law enforcement officials and the lack of legislation specifically prohibiting torture in accordance with articles 7 and 10 of the Covenant...

The State party should institute an effective system of monitoring treatment of all detainees, to ensure that their rights under articles 7 and 10 of the Covenant are fully protected. The State party should ensure that all allegations of torture are effectively and promptly investigated by an independent authority, that those found responsible are prosecuted, and that victims are given adequate compensation...

- Russian Federation, ICCPR, A/59/40 vol. I (2003) 20 at para. 64(15).

(15) The Committee welcomes the marked improvement registered since the consideration of the previous report with regard to overcrowding in prisons and the scheduled further reduction of the number of prisoners by more than 150,000. However, it was not clear whether all serious overcrowding in all places of detention had been resolved. The Committee remains concerned about reports of poor hygiene and violence by prison officers in some places of detention.

The State party should continue to reinforce efforts to reform the prison system to meet the

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requirements of article 10 of the Covenant. The State party should ensure that the problem of overcrowding is completely eliminated and that prisoners' complaints concerning violations of their rights are promptly and thoroughly investigated. Moreover, the Committee encourages the adoption of the draft federal law "On public control over ensuring human rights in places of forced detention and assistance of public associations in their activities", adopted in first reading by the State Duma in September 2003, which would allow for independent oversight of prison conditions.

- Latvia, ICCPR, A/59/40 vol. I (2003) 25 at para. 65(11).

(11) The Committee notes the information provided by the delegation regarding the improvement of the situation of overcrowding in prisons, as well as measures envisaged by the State party to increase use of alternative forms of punishment. However, in view of reports that overcrowding in prisons continues to be a concern, the Committee should be provided with specific information to indicate to what extent overcrowding in prisons is a problem (art. 10).

The State party should continue to take measures to address overcrowding in prisons and to ensure compliance with the requirements of article 10.

- Sri Lanka, ICCPR, A/59/40 vol. I (2003) 30 at paras. 66(10) and 66(15).

(10) The Committee is concerned about the large number of enforced or involuntary disappearances of persons during the time of the armed conflict, and particularly about the State party's inability to identify, or inaction in identifying those responsible and to bring them to justice. This situation, taken together with the reluctance of victims to file or pursue complaints (see paragraph 9 above), creates an environment that is conducive to a culture of impunity.

The State party is urged to implement fully the right to life and physical integrity of all persons (articles 6, 7, 9 and 10, in particular) and give effect to the relevant recommendations made by the United Nations Commission on Human Rights Working Group on Enforced or Involuntary Disappearances and by the Presidential Commissions for Investigation into Enforced or Involuntary Disappearances. The National Human Rights Commission should be allocated sufficient resources to monitor the investigation and prosecution of all cases of disappearances.

...

(15) The Committee notes with concern that overcrowding remains a serious problem in many penitentiary institutions, with the inevitable adverse impact on conditions of detention in these facilities (art.10).

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The State party should pursue appropriate steps to reduce overcrowding in prisons, including through resorting to alternative forms of punishment. The National Human Rights Commission should be granted sufficient resources to allow it to monitor prison conditions effectively.

- Germany, ICCPR, A/59/40 vol. I (2004) 39 at para. 68(17).

(17) The Committee notes the vulnerable situation of elderly persons placed in long-term care homes, which in some instances has resulted in degrading treatment and violated their right to human dignity (art. 7).

The State party should pursue its efforts to improve the situation of elderly persons in nursing homes.

- Suriname, ICCPR, A/59/40 vol. I (2004) 43 at paras. 69(11) and 69(12).

(11) While the Committee notes that the State party is taking measures to investigate and punish police officers involved in incidents of ill-treatment of detainees, including beatings and sexual abuse of detainees (especially during the initial stages of detention), it remains concerned that such incidents continue to be reported (arts. 7 and 10).

Allegations of ill-treatment in custody should be investigated by an independent mechanism, and those held responsible should be prosecuted and receive appropriate punishment. Victims of such treatment should receive full reparation, including fair and adequate compensation. Appropriate human rights training should continue to be given to law enforcement personnel.

(12) The Committee notes with concern the high incidence of domestic violence and the absence of appropriate legislation to protect women against such violence. It notes the delegation's additional information that acts of domestic violence may be prosecuted under alternative provisions of the Criminal Code (arts. 3 and 7).

The State party should take legal and educational measures to combat domestic violence. It is invited to educate the population at large about the need to respect women's rights and dignity.

- Uganda, ICCPR, A/59/40 vol. I (2004) 47 at para. 70(18).

(18) The State party has acknowledged the deplorable prison conditions in Uganda. The

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most common problems are overcrowding, scarcity of food, poor sanitary conditions and inadequate material, human and financial resources. The treatment of prisoners continues to be a matter of concern to the Committee. There are reported incidents of corporal punishment for disciplinary offences. Solitary confinement and deprivation of food are also used as disciplinary measures. Juveniles and women are often not kept separate from adults and males. The Committee has taken note of the measures implemented by the State party to counteract these shortcomings, including the introduction of community service as an alternative to imprisonment. However, it notes that they are inadequate to overcome the problems. It is also concerned about the high percentage of persons detained on remand (almost 70 per cent of inmates) (arts. 7 and 10).

The State party should terminate practices contrary to article 7 and bring prison conditions into line with article 10 of the Covenant and the United Nations Standard Minimum Rules for the Treatment of Prisoners. It should also take immediate action to reduce overcrowding in prisons as well as the number of persons detained on remand.

- Albania, ICCPR, A/60/40 vol. I (2004) 25 at paras. 82(9) and 82(16).

(9) The Committee notes with concern the State party interpretation of possible derogations from articles 9, paragraph 4, and 10, paragraph 1, of the Covenant during a state of emergency (art. 4).

In the light of the Committee general comment No. 29, the State party should ensure that, in order to protect non-derogable rights, the right to take proceedings before a court, in order that the court may decide without delay on the lawfulness of a detention, as well as the right of all persons deprived of their liberty be treated with humanity and with respect for the inherent dignity of the human person, must not be reduced by a derogation from Covenant provisions during the state of emergency.

...

(16) The Committee is concerned about inhumane conditions of detention, e.g. in police custody, about the number of persons on remand and conditions of detention, the condition of juvenile and female detainees as well as the lack of compensation for unlawful arrest or detention (arts. 9 and 10).

The State party is urged to improve the conditions of detention for those held on remand and for convicted persons. Individuals held in remand detention should be segregated from convicted persons. The State party should also provide the necessary measures for victims of unlawful arrest or detention to claim compensation. The State party is reminded that, under article 9, paragraph 3, it shall not be the general rule that suspected persons are detained while awaiting trial. The State party should develop an effective system of bail.

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- Benin, ICCPR, A/60/40 vol. I (2004) 30 at para. 83(17).

(17) The Committee, while taking note of the efforts made by the State party to improve conditions of detention, continues to be concerned by the situation in prisons, particularly in the areas of sanitation and access to health care and food. It is concerned at the extreme overcrowding of prisons and at the fact that juveniles are not always held separately from adults (articles 7, 10 and 24 of the Covenant).

The State party must guarantee the right of detainees to be treated humanely and with respect for their dignity, particularly their right to live in hygienic facilities and to have access to health care and adequate food. Detention should be viewed only as a last resort, and provision should be made for alternative measures. As the State party is unable to meet the needs of detainees, it must reduce the prison population as soon as possible. Lastly, special protection should be provided for juveniles, and all juveniles, including girls, should be systematically separated from adults.

- Morocco, ICCPR, A/60/40 vol. I (2004) 35 at para. 84(30).

(30) The Committee regrets that the new Family Code, while placing limitations on the practice of polygamy, nevertheless does not ban it, despite the fact that it is detrimental to women's dignity (Covenant, arts. 3, 23 and 26).

The State party should ban polygamy clearly and definitively (Covenant, arts. 3, 23 and 26).

- Kenya, ICCPR, A/60/40 vol. I (2005) 44 at para. 86(19).

(19) While taking note of efforts made by the State party to improve conditions of detention and to ease prison overcrowding through passage of the Community Service Orders Act, the Committee continues to be concerned at the situation in prisons, particularly in the areas of sanitation and access to health care and adequate food. It is concerned at the extreme overcrowding of prisons, which was acknowledged by the delegation and which, combined with sanitation and health-care deficiencies, may result in life-threatening conditions of detention (articles 7 and 10 of the Covenant).

The State party must guarantee the right of detainees to be treated humanely and with respect for their dignity, in particular their right to live in hygienic facilities and to have access to health care and adequate food...

- Uzbekistan, ICCPR, A/60/40 vol. I (2005) 56 at para. 89(24).

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(24) The Committee regrets that even though the Criminal Code prohibits polygamy, the phenomenon persists, violating women's dignity. It is also concerned about the practice of kidnapping young women to force them to marry, which resurfaced after the State party's independence (Covenant, arts. 3, 23 and 26).

The State party should ensure that the relevant provisions of its Criminal Code are fully implemented, so as to put an end to the practice of polygamy. It should combat the practice of forced marriages of kidnapped women.

- Thailand, ICCPR, A/60/40 vol. I (2005) 83 at para. 95(16).

(16) The Committee is concerned at the overcrowding and general conditions of places of detention, particularly with regard to sanitation and access to health care and adequate food. The Committee is also concerned that the right of detainees of access to lawyers and members of the family is not always observed in practice. The Committee considers the duration of detention before a person is brought before a judge to be incompatible with the requirements of the Covenant. The Committee deplores the continued shackling of death row prisoners and reports of prolonged solitary confinement. Pre-trial detainees frequently are not segregated from convicted prisoners. Furthermore, the Committee is concerned at the significant number of women in the prison population and the fact that juveniles are often held in adult cells (arts.7, 10 and 24).

The State party should bring prison conditions into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners as a matter of priority. The State party should guarantee the right of detainees to be treated humanely and with respect for their dignity, particularly with regard to hygienic conditions, access to health care and adequate food. Detention should be viewed only as a last resort, and provision should be made for alternative measures. The use of shackling and long periods of solitary confinement should be stopped immediately. Special protection should be provided for juveniles, including their compulsory segregation from adults.

ICESCR

- United Kingdom of Great Britain and Northern Ireland, ICESCR, E/2003/22 (2002) 39 at para. 239.

239. Given the principle of the dignity of the individual, which provides the foundation for international human rights law (see paragraph 41 of the Committee's general comment no. 13 (1999) on the right to education (art. 13 of the Covenant)) and in the light of article 10,

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paragraphs 1 and 3, of the Covenant, the Committee recommends that the physical punishment of children in families be prohibited, in line with the recommendation of the Committee on the Rights of the Child made in 1995^{25/} in its concluding observations on the State party.

Notes

...

^{25/} See *Official Records of the General Assembly, Fifty-first Session, Supplement No. 41* (A/51/41), para. 497.

- Trinidad and Tobago, ICESCR, E/2003/22 (2002) 45 at paras. 278 and 301.

278. The Committee is...concerned at the high rates of domestic and sexual violence, the excessive use of force by the police and the persistence of a generalized “culture of violence” in Trinidad and Tobago.

...

301. The Committee calls upon the State party to exercise the full authority of the law and all means at its command to eradicate the scourge of violence. The Committee reminds the State party that, in undertaking measures to combat violence, it must ensure respect for human dignity and the protection of human rights at all times...

See also:

- Jamaica, ICESCR, E/2002/22 (2001) 130 at para. 950.

CAT

- Israel, CAT, A/57/44 (2002) 27 at para. 50.

50. The Committee welcomes the following:

(a) The September 1999 Supreme Court judgement in the case of *Public Committee against Torture in Israel v. The State of Israel* which held that the use of certain interrogation methods by the Israel Security Agency (ISA) involving the use of “moderate physical pressure” was illegal as it violated constitutional protection of the individual’s right to dignity;

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(b) The issuance by authorities of the ISA of a directive to all personnel that the decision of the Court should be strictly adhered to in all investigations conducted by the ISA;

(c) The decision by the Government of Israel not to initiate legislation that would authorize the use of physical means in interrogations conducted by the police or the ISA;

...

- Ukraine, CAT, A/57/44 (2002) 31 at para. 58.

58. The Committee recommends that the State party:

...

(l) Expedite the process of training of law enforcement and medical personnel as to their duty to respect the rights and dignity of persons deprived of liberty;

...

- Egypt, CAT, A/58/44 (2002) 22 at para. 42.

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;

...

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

129. The Committee is concerned about:

(a) The lack of explanations concerning the concept of a “manifestly unlawful order” and the fact that an official having subjected a person to degrading treatment may be relieved of criminal responsibility under article 70 of the Penal Code if he or she was following the order of a superior;

...

131. The Committee recommends that the State party:

(a) Ensure that officials who have subjected any person to degrading treatment are liable to

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criminal penalties, even though they may have acted on the order of a superior, and explain the concept of a “manifestly unlawful order”;

...

- Cameroon, CAT, A/59/44 (2003) 23 at paras. 40 and 44.

40. The Committee recalls that, in 2000, it found that torture seemed to be a very widespread practice in Cameroon, and expresses concern at reports that this situation still exists. It is troubled by the sharp contradictions between consistent allegations of serious violations of the Convention and the information provided by the State party. In particular, the Committee declares serious concern about:

...

(b) The continued existence of extreme overcrowding in Cameroonian prisons, in which living and hygiene conditions would appear to endanger the health and lives of prisoners and are tantamount to inhuman and degrading treatment. Medical care reportedly has to be paid for, and the separation of men and women is not always ensured in practice. The Committee notes with particular concern the large number of deaths at Douala central prison since the beginning of the year (25 according to the State party, 72 according to non-governmental organizations);

...

44. The Committee urges the State party to take all necessary measures to end the practice of torture on its territory. It recommends that the State party should:

...

(c) Adopt urgent measures to reduce overcrowding in prisons. The State party should enact a law establishing the maximum duration of pre-trial detention, and consider immediately releasing offenders or suspects imprisoned for the first time for petty offences, particularly if they are under 18 years of age; such persons should not be imprisoned until the problem of prison overcrowding has been solved;

...

- Colombia, CAT, A/59/44 (2003) 33 at paras. 68 and 69.

68. The Committee...expresses its concern at:

...

(f) The overcrowding and poor conditions in penal establishments, which could be considered inhuman or degrading treatment;

...

69. The Committee recommends that the State party take all necessary measures to prevent the acts of torture and ill-treatment that are being committed in its territory, and in particular that it:

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...

(i) Take effective measures to improve conditions in places of detention and to reduce overcrowding there;

...

- Lithuania, CAT, A/59/44 (2003) 52 at para. 108.

108. The Committee welcomes the ongoing efforts by the State party to reform its legal system and revise its legislation in order to safeguard fundamental human rights, including the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment, including:

(a) The adoption of a new Criminal Code and Code of Criminal Procedure which prohibit the use of violence, intimidation, degrading treatment or treatment impairing a person's health, and a Code of Enforcement of Punishments, all of which entered into force on 1 May 2003;

...

- Argentina, CAT, A/60/44 (2004) 12 at paras. 34 and 35.

34. The Committee expresses its concern at the following:

...

(h) The overcrowding and poor physical conditions prevailing in the prisons, and particularly the lack of hygiene, adequate food and appropriate medical care, which may be tantamount to inhuman and degrading treatment;

...

(l) Humiliation and degrading treatment during body searches of persons visiting prisons;

...

35. The Committee recommends that the State party take all necessary steps to prevent acts of torture and ill-treatment in the territory of the State of Argentina, and in particular that it:

...

(h) Take effective steps to improve physical conditions in prisons, reduce the existing overcrowding and properly guarantee the fundamental needs of all persons in custody;

...

(l) Take appropriate steps to guarantee full respect for the dignity and human rights of all persons during body searches, in full compliance with international standards;

...

- Greece, CAT, A/60/44 (2004) 20 at para. 46.

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46. The Committee notes the following positive developments:

(a) The ongoing efforts by the State party to revise its legislation and adopt other necessary measures, so as to strengthen the respect for human rights in Greece and give effect to the Convention. In particular the Committee welcomes the following:

(i) The new Prison Code (Law 2776/99), which contains provisions intended to, *inter alia*, improve living conditions in prisons and prevent inhuman treatment of prisoners;

...

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

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

(a) The inclusion of a prohibition of torture and other treatment violating human dignity in section 7 of the new Constitution of Finland;

...

CRC

- United Kingdom of Great Britain and Northern Ireland, CRC, CRC/C/121 (2002) 23 at paras. 128-130.

128. In light of its previous recommendation ([CRC/C/15/Add.34], para. 31), the Committee deeply regrets that the State party persists in retaining the defence of “reasonable chastisement” and has taken no significant action towards prohibiting all corporal punishment of children in the family.

129. The Committee is of the opinion that the Government’s proposals to limit rather than to remove the “reasonable chastisement” defence do not comply with the principles and provisions of the Convention and the aforementioned recommendations, particularly since they constitute a serious violation of the dignity of the child (see similar observations of the

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Committee on Economic, Social and Cultural Rights, E/C.12/1/Add.79, paragraph 36). Moreover, they suggest that some forms of corporal punishment are acceptable, thereby undermining educational measures to promote positive and non-violent discipline.

130. The Committee recommends that the State party:

(a) With urgency adopt legislation throughout the State party to remove the “reasonable chastisement” defence and prohibit all corporal punishment in the family and in any other contexts not covered by existing legislation;

(b) Promote positive, participatory and non-violent forms of discipline and respect for children’s equal right to human dignity and physical integrity, involving children and parents and all those who work with and for them, and carry out public education programmes on the negative consequences of corporal punishment.

- Israel, CRC, CRC/C/121 (2002) 131 at paras. 554 and 555.

554. In the present context of violence, the Committee recognizes the difficulties of the State party in fully implementing the Convention. Amidst continuing acts of terror on both sides, especially the deliberate and indiscriminate targeting and killing of Israeli civilians, including children, by Palestinian suicide bombers, the Committee recognizes the climate of fear which persists and the State party’s right to live in peace and security. At the same time, the Committee recognizes that the illegal occupation of Palestinian territory, the bombing of civilian areas, extrajudicial killings, the disproportionate use of force by the Israeli Defence Forces, the demolition of homes, the destruction of infrastructure, mobility restrictions and the daily humiliation of Palestinians continue to contribute to the cycle of violence.

555. The Committee emphasizes that a peaceful and stable future for children in the region can only be achieved on the basis of international human rights and humanitarian law, compliance with which is essential to guarantee respect for the equal dignity of all people in Israel and the occupied Palestinian territory.

- Republic of Korea, CRC, CRC/124 (2003) 24 at paras. 116, 117, 128 and 129.

116. The Committee notes with great concern that corporal punishment is officially permitted in schools. The Committee is of the opinion that corporal punishment does not conform with the principles and provisions of the Convention, particularly since it constitutes a serious violation of the dignity of the child (see similar observations of the Committee on Economic, Social and Cultural Rights, E/C.12/1/Add.79, para. 36). The fact

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that the Ministry of Education guidelines leave the decision on whether to use corporal punishment in schools to the individual school administrators suggests that some forms of corporal punishment are acceptable and therefore undermines educational measures to promote positive, non-violent forms of discipline.

117. The Committee recommends that the State party:

(a) Implement the recommendation of the National Commission on Human Rights that the relevant legislation and regulations be amended to expressly prohibit corporal punishment in the home, schools and all other institutions;

(b) Carry out public education campaigns about the negative consequences of ill-treatment of children in order to change attitudes towards corporal punishment, and promote positive, non-violent forms of discipline in schools and at home as an alternative to such punishment.

...

128. The Committee is extremely concerned that societal discrimination against children is widespread and prevents these children from enjoying their right to “a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child’s active participation”. In particular, it is concerned at reports that a significant number of children with disabilities are abandoned each year, that many cannot attend school and when they do attend school they are segregated from other students.

129. The Committee recommends that the State party, in accordance with the recommendations arising from the Committee’s day of general discussion, held in 1997, on children with disabilities, and the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex):

(a) Take effective measures to combat the culture of discrimination against children with disabilities, including through awareness-raising and education campaigns aimed at parents, children, teachers and the general public;

(b) Undertake a comprehensive survey of the number of children with disabilities, including those currently not attending school, which assesses their educational needs and access to education and other social services;

(c) Expand existing programmes aimed at improving the physical access of children with disabilities to public buildings and areas, including schools and recreational facilities, and increase the number of integrated education programmes at pre-primary, primary, secondary and tertiary levels.

- Jamaica, CRC, CRC/C/132 (2003) 86 at paras. 450 and 451.

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450. While recognizing the State party's efforts and achievements in this domain, the Committee remains concerned that:

...

(c) Children are sometimes held in lock-ups by the police in sub-standard conditions, and that children in pre-trial detention may wait as long as a year before their case is dealt with by the court.

451. The Committee recommends that the State party, in the light of the Committee's day of general discussion on juvenile justice, develop mechanisms and provide adequate resources to ensure the full implementation of juvenile justice standards, in particular articles 37, 39 and 40 of the Convention, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines). In particular, the Committee recommends that the State party:

...

(c) Strengthen its efforts to educate and sensitize police personnel, judicial personnel and other staff within the justice system to the provisions of the Convention, especially concerning the special needs of children deprived of their liberty, to ensure that the rights of the child, *inter alia* to be separated from adults and to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, are always respected;

...

- New Zealand, CRC, CRC/C/133 (2003) 27 at paras. 141 and 142.

141. The Committee is deeply concerned that despite a review of legislation, the State party has still not amended section 59 of the Crimes Act 1961, which allows parents to use reasonable force to discipline their children. While welcoming the Government's public education campaign to promote positive, non-violent forms of discipline within the home, the Committee emphasizes that the Convention requires the protection of children from all forms of violence, which includes corporal punishment in the family and which should be accompanied by awareness-raising campaigns on the law and on children's right to protection.

142. The Committee recommends that the State party:

(a) Amend legislation to prohibit corporal punishment in the home;

(b) Strengthen public education campaigns and activities aimed at promoting positive, non-violent forms of discipline and respect for children's right to human dignity and physical integrity, while raising awareness about the negative consequences of corporal punishment.

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- Bangladesh, CRC, CRC/C/133 (2003) 93 at paras. 473 and 474.

473. ...[T]he Committee expresses its deep concern at the reported inhuman and degrading punishment carried out by order of traditional village councils (“shalishes”) as well as at the increasing incidents of acid attacks on women and girls.

474. The Committee strongly recommends that the State party:

...

(b) Conduct a study to assess the nature and extent of torture, ill-treatment, neglect and abuse of children, to assess the inhuman and degrading treatment of children attributable to “shalishes”, and effectively to implement policies and programmes as well as to amend and adopt laws to address these issues;

...

- Georgia, CRC, CRC/C/133 (2003) 111 at paras. 572 and 573.

572. ...[W]hile noting that there has been no progress in the right of internally displaced persons to return to their homes in safety and dignity, the Committee regrets that the report does not include information on efforts made to improve the current conditions of the internally displaced persons, as envisaged by the “New Approach”...

573. The Committee...urges the State party to pay particular attention to the situation of internally displaced children and their families, while continuing to support their right to return voluntarily to their homes in safety and dignity...

- Slovenia, CRC, CRC/C/137 (2004) 104 at paras. 569 and 570.

569. The Committee notes with concern the high incidence of violence in schools on the part of teachers or staff and peer violence and bullying, including inappropriate and offensive attitudes on the part of some teachers towards pupils. It welcomes in this regard the appointment of the Commission for Analysis of the Problem of Violence in Slovene Education in 2003 charged with providing proposals for measures to deal with cases of violence, including regular additional training for teachers.

570. The Committee recommends that the State party take all measures to ensure that discipline in schools is upheld in a manner that respects the human dignity of the child. It also encourages the State party to ensure that the commission appointed by the Minister of Education to analyse the problem of violence in Slovene education be given adequate support. Furthermore, the Committee recommends that the State party strengthen measures

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to address the general problem of violence among adolescents, *inter alia*, through education and awareness-raising campaigns.

- Kyrgyzstan, CRC, CRC/C/143 (2004) 50 at paras. 290 and 291.

290. The Committee notes with appreciation the efforts made by the State party to work with different specialized agencies of the United Nations as well as with international NGOs to reduce child mortality. It also welcomes the decision of the Government in December 2003 to introduce the WHO live birth definition nationwide. It is, however, concerned at the regional disparities in mortality rates, the inadequate antenatal care, which is not completely free, the inhumane treatment of children in psychiatric hospitals, and the increase in cases of communicable diseases, such as tuberculosis and HIV/AIDS...

291. The Committee recommends that the State party undertake more efforts to ensure the highest attainable standard of health for all children, to improve antenatal care programmes, to prevent the spread of contagious diseases such as HIV/AIDS and tuberculosis, to improve psychiatric care so as to ensure that children with psychiatric problems are treated humanely and to explicitly prohibit placing children in adult psychiatric hospitals...

- Sweden, CRC, CRC/C/146 (2005) 8 at paras. 65 and 66.

65. The Committee is concerned at the excessive length of family reunification procedures for recognized refugees.

66. The Committee recommends that the State party strengthen the measures taken to ensure that family reunification procedures for recognized refugees are dealt with in a positive, fair, humane and expeditious manner.

- Albania, CRC, CRC/C/146 (2005) 19 at paras. 117 and 118.

117. The Committee is concerned that family reunification procedures may not always be dealt with in a manner consistent with the general principles (arts. 2, 3, 6 and 12) and in particular, article 10 of the Convention.

118. The Committee recommends that the State party take all necessary measures to ensure that family reunification procedures are dealt with in a positive, humane and expeditious manner. In this context, the Committee also urges the State party to take measures for the effective implementation of the Law on Integration and Family Reunion of Persons Granted Asylum (Law No. 9098 of 2003) and to enact all necessary by-laws.

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- Saint Lucia, CRC, CRC/C/150 (2005) 10 at paras. 78 and 79.

78. The Committee is concerned about the lack of a national policy or legislation ensuring the right of children with all types of disabilities to the enjoyment of a full and decent life with the assurance of self-dignity and self-reliance.

79. The Committee recommends that the State party:

(a) Adopt a comprehensive policy for children with disabilities;

...

(c) Encourage the integration of children with disabilities into the regular educational system and their inclusion into society, *inter alia*, by giving more attention to special training for teachers and making the physical environment, including schools, sports and leisure facilities and all other public areas, accessible for children with disabilities;

- Philippines, CRC, CRC/C/150 (2005) 24 at paras. 144 and 145.

144. While noting the State party's efforts to prohibit the use of corporal punishment in schools, prisons, institutions and forms of childcare by implementing various relevant provisions, the prevalence of corporal punishment in society gives cause for serious concern. The Committee is concerned that a provision for corporal punishment is not included in the Child and Youth Welfare Code and regrets that corporal punishment in the home is not explicitly prohibited by law.

145. In the light of its general comment No. 1 (2001) on the aims of education and the recommendations adopted by the Committee on its day of general discussion on violence against children within the family and in schools (see CRC/C/111), the Committee reiterates that corporal punishment is not compatible with the provisions of the Convention and it is inconsistent with the requirement of respect for the child's dignity, as specifically required by article 28, paragraph 2, of the Convention. Therefore, the Committee recommends that the State party prohibit by law all forms of corporal punishment in the home, in schools and in private and public institutions, in the juvenile justice system and the alternative care system.

- Ecuador, CRC, CRC/C/150 (2005) 91 at paras. 459 and 460.

459. The Committee...remains concerned about the limited enjoyment of rights by indigenous children, particularly with regard to access to education and health due to widespread poverty. It is also concerned that indigenous children:

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...

(b) Are subjected to punishment, including forms of public shaming; and

...

460. The Committee recommends that the State party take all necessary measures to protect the rights of indigenous children against discrimination and to guarantee their enjoyment of the rights enshrined in domestic law and in the Convention... The Committee further recommends that the State party provide indigenous communities, including children with sufficient information regarding birth registration procedures, child labour, HIV/AIDS, child abuse and neglect, including corporal punishment.