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IV. CONCLUDING OBSERVATIONS, CONTINUED

CERD

- Costa Rica, CERD, A/57/18 (2002) 21 at para. 72.

72. The Committee welcomes the recently issued standing invitation to visit the country transmitted by the Government of Costa Rica to all mechanisms of the Commission on Human Rights, including the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

- Croatia, CERD, A/57/18 (2002) 24 at para. 92.

92. The Committee notes with appreciation the State party's statement of cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY) as well as with relevant United Nations bodies, including the Office of the High Commissioner for Human Rights (OHCHR), and regional organizations.

- Liechtenstein, CERD, A/57/18 (2002) 33 at para. 168.

168. The Committee notes that, while a police treaty between the State party and its neighbouring countries (Austria and Switzerland) provides for police cooperation concerning right-wing groups which may promote racial discrimination and xenophobia and their activities, there does not seem to be particular training of law enforcement officers in this field. The Committee recommends that the State party attempt to develop such training courses for law enforcement officers, as this would increase the State party's capacity to combat all forms of racial discrimination effectively.

- Lithuania, CERD, A/57/18 (2002) 35 at para. 165.

165. The Committee...notes with satisfaction that the State party has ratified a large number of international and regional instruments in the field of human rights. The Committee particularly welcomes the announcement made by the delegation concerning the intention of the State party to consider making the declaration under article 14 of the Convention.

- Qatar, CERD, A/57/18 (2002) 38 at para. 188.

188. The Committee welcomes the State party's declared intention to ratify in the near future the Convention on the Elimination of All Forms of Discrimination against Women, and the

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Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

- Republic of Moldova, CERD, A/57/18 (2002) 41 at para. 212.

212. The Committee welcomes the ratification by the State party of numerous international human rights instruments which are relevant to issues relating to the elimination of racial discrimination.

- Solomon Islands, CERD, A/57/18 (2002) 44 at para. 233.

233. While it is noted with appreciation that Solomon Islands has recently submitted initial reports to the Committee on Economic, Social and Cultural Rights and to the Committee on the Rights of the Child, it is regretted that a report has not been submitted to the Committee on the Elimination of Racial Discrimination since the State party's initial report in 1983. It is recalled that the purpose of the reporting system is for States parties to establish and maintain a dialogue with the Committee on the measures adopted, progress made and difficulties encountered in complying with the rights recognized in the Convention. The non-performance by a State of its reporting obligations creates serious obstacles to the effective functioning of the monitoring system set up by the Convention.

- Saint Vincent and the Grenadines, CERD, A/57/18 (2002) 45 at para. 241.

241. The Committee draws the attention of the State party to the provisions of the Declaration and Programme of Action of the World Conference against Racism, according to which the International Convention on the Elimination of All Forms of Racial Discrimination is the principal international instrument for the elimination of racism, racial discrimination, xenophobia and related intolerance and States are urged to cooperate with the Committee in order to promote the effective implementation of the Convention.

See also:

- Turkmenistan, CERD, A/57/18 (2002) 49 at para. 266.

- Turkmenistan, CERD, A/57/18 (2002) 49 at paras. 262 and 267.

262. Although Turkmenistan has ratified the main international instruments in the field of human rights, it has not reported to any United Nations Treaty body. The State party, moreover, has not responded to communications sent by special rapporteurs of the

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Commission on Human Rights.

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267. The Committee strongly urges the Government of Turkmenistan to avail itself of the technical assistance offered under the advisory services and technical assistance programme of the Office of the United Nations High Commissioner for Human Rights, with the aim of drawing up and submitting as soon as possible a report drafted in accordance with the reporting guidelines. In this regard, the Committee wishes to draw the attention of the State party to its general recommendation X concerning technical assistance. The Committee suggests that the State party respond positively to the proposal made by the High Commissioner for Human Rights in February this year relating to the conduct of a human rights needs assessment in Turkmenistan. The aim of such an assessment is to formulate a programme to assist the State party in developing its national capacities to promote and protect human rights.

- Estonia, CERD, A/57/18 (2002) 60 at para. 361.

361. The Committee recommends that the Government of Estonia consider becoming a party to the Convention on the Reduction of Statelessness (1961), the Convention relating to the Status of Stateless People (1954) and the Convention Against Discrimination in Education (1960) of the United Nations Educational, Scientific and Cultural Organization.

- Mali, CERD, A/57/18 (2002) 66 at para. 395.

395. The Committee notes with satisfaction that Mali is a party to a range of international human rights instruments and has recently ratified the Optional Protocols to the Convention on the Rights of the Child and ILO Convention No. 138 concerning the minimum age for admission to employment.

- Yemen, CERD, A/57/18 (2002) 74 at para. 454.

454. The Committee welcomes the State party's willingness to cooperate with United Nations bodies and NGOs in the field of human rights, including on issues relating to racial discrimination, and the progress made by Yemen in opening up a dialogue with civil society.

- Côte d'Ivoire, CERD, A/58/18 (2003) 19 at paras. 26 and 39.

26. The Committee notes with satisfaction that the State party recently ratified ILO Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination

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of the Worst Forms of Child Labour.

...

39. The Committee recalls the State party's request to have an international commission of inquiry set up to carry out investigations and establish the facts throughout the national territory in order to identify cases of serious violations of human rights and international humanitarian law since 19 September 2002. The Committee urges the State party to take the necessary measures and create the necessary conditions for such an inquiry...

- Ecuador, CERD, A/58/18 (2003) 22 at para. 53.

53. The Committee notes with satisfaction that the State party has ratified ILO Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries of 1989 and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990.

See also:

- Bolivia, CERD, A/58/18 (2003) 58 at para. 332.
- Morocco, CERD, A/58/18 (2003) 33 at paras. 131 and 132.

131. The Committee welcomes the State party's continued efforts to promote the culture of human rights, including the objectives of the Convention, particularly in the context of its national human rights education programme, which was launched in cooperation with the Office of the High Commissioner for Human Rights (OHCHR) and is now in its final stage.

132. The Committee also welcomes the establishment on 15 April 2000 by the Ministry of Human Rights, in cooperation with OHCHR and the United Nations Development Programme, of a human rights documentation, information and training centre.

- Russian Federation, CERD, A/58/18 (2003) 38 at para. 176.

176. The Committee welcomes the State party's ratification in 2001 of the Council of Europe Framework Convention for the Protection of National Minorities.

- Saudi Arabia, CERD, A/58/18 (2003) 41 at paras. 205 and 218.

205. The Committee welcomes the dialogue and cooperation of the State party with the

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United Nations human rights mechanisms, including the Special Rapporteur on the independence of judges and lawyers, as well as with international human rights NGOs.

...

218. The Committee is concerned at allegations that a disproportionate number of foreigners are facing the death penalty. The Committee encourages the State party to cooperate fully with the Special Rapporteur on extrajudicial, summary and arbitrary executions who has requested information on several cases of migrant workers who have not received legal assistance and have been sentenced to death.

- Tunisia, CERD, A/58/18 (2003) 47 at para. 249.

249. The Committee welcomes the fact that, pursuant to article 32 of the Constitution, international instruments ratified by the State party, including the International Convention on the Elimination of All Forms of Racial Discrimination, take precedence over norms of the State party's domestic law, and may be invoked directly before the Courts.

- Cape Verde, CERD, A/58/18 (2003) 62 at para. 356.

356. The Committee notes with appreciation the commitment to human rights manifested by Cape Verde through the ratification of a large number of international instruments as well as the establishment of relevant institutions and the implementation of pertinent programmes in the field of human rights. The Committee also welcomes the fact that the international human rights instruments ratified by Cape Verde are directly applicable before the domestic courts.

- Finland, CERD, A/58/18 (2003) 69 at paras. 398 and 403.

398. The Committee commends the State party's excellent record of ratification of international human rights instruments.

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403. The Committee...notes with satisfaction that the Ministry of Labour is preparing a government bill whereby two important directives of the European Community, Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation, will be implemented.

- Islamic Republic of Iran, CERD, A/58/18 (2003) 72 at para. 419.

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419. The Committee commends the State party's efforts to host a large population of refugees from neighbouring countries such as Afghanistan and Iraq.

- Malawi, CERD, A/58/18 (2003) 93 at paras. 563 and 566.

563. The Committee strongly urges the Government of Malawi to avail itself of the technical assistance offered under the advisory services and technical assistance programme of the Office of the United Nations High Commissioner for Human Rights, with the aim of drawing up and submitting as soon as possible a report drafted in accordance with the reporting guidelines. It also suggests that the State party seek, as appropriate, the assistance of the United Nations Development Programme in this regard. The Committee wishes to draw the attention of the State party to its general recommendation X on technical assistance.

...

566. The Committee draws the attention of the State party to the provisions of the Durban Declaration and Programme of Action, according to which the International Convention on the Elimination of All Forms of Racial Discrimination is the principal international instrument for the elimination of racism, racial discrimination, xenophobia and related intolerance and urging States to cooperate with the Committee in order to promote the effective implementation of the Convention.

- Bahamas, CERD, A/59/18 (2004) 10 at para. 25.

25. The Committee notes with satisfaction that the Office of the United Nations High Commissioner for Refugees and non-governmental organizations have access to the Carmichael Road Detention Centre where undocumented migrants and asylum-seekers are held.

- Nepal, CERD, A/59/18 (2004) 24 at para. 134.

134. The Committee is concerned by information that only the Tibetans who arrived in Nepal before 1990 and the Bhutanese are recognized as refugees by the authorities, and by recent information on forced expulsion of Tibetan refugees...

The Committee reiterates its concern at the absence of legislative protection for refugees and asylum-seekers, and urges the State party to enact relevant legislation, and to ratify international instruments relating to the protection of refugees. It also encourages greater interaction with the Office of the United Nations High Commissioner for Refugees in this regard...

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- Tajikistan, CERD, A/59/18 (2004) 74 at para. 410.

410. The Committee is concerned that, according to some reports, refugees, in particular Afghan refugees, have been forcibly returned to their countries.

The State party should pursue its cooperation with UNHCR in order to protect persons who have sought refuge in Tajikistan. The Committee also urges the State party to ensure, in accordance with article 5 (b), that no person will be forcibly returned to a country where there are substantial grounds for believing that his/her life or health may be put at risk.

- Azerbaijan, CERD, A/60/18 (2005) 18 at paras. 55 and 61.

55. The Committee notes with satisfaction that the State party has commenced the implementation of the refugee status determination procedure, in the framework of cooperation with UNHCR.

...

61. The Committee observes that, while the State party generally endeavours to comply with the standards of the Convention relating to the Status of Refugees, some asylum-seekers are excluded by the refugee determination procedure of the State party. The Committee is concerned that persons who are not formally recognized as refugees may still require subsidiary forms of protection, given that they are unable to return to their countries for compelling reasons such as existing situations of armed conflict. The Committee also expresses concern about information on cases of *refoulement* of refugees (art. 5 (b)).

The Committee requests the State party to ensure that its asylum procedures do not discriminate in purpose or effect between asylum-seekers on the basis of race, colour or ethnic or national origin, in line with section VI of its general recommendation XXX. The Committee recommends that the State party consider adopting subsidiary forms of protection guaranteeing the right to remain for persons who are not formally recognized as refugees but who may still require protection, and to continue its cooperation with UNHCR. The Committee further recommends that the State party, when proceeding with the return of asylum-seekers to their countries, respect the principle of *non-refoulement*.

- France, CERD, A/60/18 (2005) 26 at para. 114.

114. The Committee considers, as it has done in previous conclusions relating to the State party, that the prohibition of attempts to justify crimes against humanity, and of their denial, should not be limited to acts committed during the Second World War.

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The Committee encourages the State party to criminalize attempts to deny war crimes and crimes against humanity as defined in the Statute of the International Criminal Court, and not only those committed during the Second World War.

- Lao People's Democratic Republic, CERD, A/60/18 (2005) 35 at paras. 173 and 174.

173. The Committee remains concerned at persistent allegations of conflict between the Government and members of the Hmong minority who have taken refuge in the jungle or mountainous areas of the Lao People's Democratic Republic since 1975. According to various corroborating reports, this group is living in difficult humanitarian conditions (art. 5).

The Committee calls on the State party to take all measures, if necessary with the support of the Office of the United Nations High Commissioner for Human Rights, the United Nations and the international community, to find a political and humanitarian solution to this crisis as quickly as possible and to create the necessary conditions for the initiation of a dialogue with this group. The Committee strongly encourages the State party to authorize United Nations agencies to provide emergency humanitarian assistance to this group.

174. The Committee is concerned at reports that serious acts of violence have been perpetrated against members of the Hmong minority, in particular allegations that soldiers brutalized and killed a group of five Hmong children on 19 May 2004 (art. 5).

The Committee recommends to the State party that it provide more precise information about the bodies responsible for investigating these allegations. It also strongly recommends that the State party allow United Nations bodies for the protection and promotion of human rights to visit the areas in which members of the Hmong minority have taken refuge.

- Luxembourg, CERD, A/60/18 (2005) 40 at para. 195.

195. The Committee is concerned at the fact that racist and xenophobic propaganda is to be found on Internet sites.

The Committee encourages the State party to combat this contemporary form of racial discrimination, which is covered by the principles of the Convention... It also suggests that the State party ratify the Council of Europe Convention on Cybercrime and its Additional Protocol concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems.

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- Iceland, CERD, A/60/18 (2005) 51 at para. 272.

272. The Committee encourages the State party to consider ratifying the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness and to complete the ratification process of the Additional Protocol to the Convention on cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems.

- Turkmenistan, CERD, A/60/18 (2005) 61 at paras. 309, 313, 322 and 333.

309. The Committee notes with deep concern the major contradictions between, on the one hand, consistent information from both intergovernmental and non-governmental sources relating to the existence of grave violations of the Convention in Turkmenistan, and, on the other hand, the sometimes categorical denials by the State party. The Committee stresses that the consideration of reports is designed to institute a constructive and sincere dialogue, and encourages the State party to increase its efforts to that end.

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313. The Committee appreciates the passing of a regulation in March 2005, on the implementation of refugee status determination, as well as the generous hosting of more than 10,000 refugees from Tajikistan on a *prima facie* basis.

...

322. The Committee notes that, in 2003, the bilateral agreement between the Russian Federation and Turkmenistan on dual citizenship was repealed by the State party. It notes with concern that persons who chose Russian citizenship were allegedly required to leave the country rapidly (arts. 2 and 5).

The Committee, stressing that deprivation of citizenship on the basis of national or ethnic origin is a breach of the obligation to ensure non-discriminatory enjoyment of the right to nationality, urges the State party to refrain from adopting any policy that directly or indirectly leads to such deprivation...

....

333. The Committee invites the State party to take advantage of the technical assistance available under the advisory services and technical assistance programme of the Office of the United Nations High Commissioner for Human Rights for the purpose of reviewing its laws and policies in a way that addresses the Committee's concerns set out above. In view of the situation in Turkmenistan, the Committee strongly recommends to the State party that it extend an invitation to the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to visit its territory.

- Venezuela (Bolivarian Republic of), CERD, A/60/18 (2005) 71 at para. 373.

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373. The Committee welcomes the State party's ratification in 2002 of International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169) concerning indigenous and tribal peoples in independent countries.

ICCPR

- Azerbaijan, ICCPR, A/57/40 vol. I (2002) 47 at para. 77(6).

(6) The Committee expresses its satisfaction at the fact that an agreement has been reached between the State party and the International Committee of the Red Cross, by which the ICRC is authorized to visit Azerbaijani prisons and detention facilities.

- Sweden, ICCPR, A/57/40 vol. I (2002) 57 at paras. 79(5) and 79(12).

(5) The Committee commends the State party for its sustained role in the international community's efforts to abolish the death penalty.

...

(12) While it understands the security requirements relating to the events of 11 September 2001, and takes note of the appeal of Sweden for respect for human rights within the framework of the international campaign against terrorism, the Committee expresses its concern regarding the effect of this campaign on the situation of human rights in Sweden, in particular for persons of foreign extraction. The Committee is concerned at cases of expulsion of asylum-seekers suspected of terrorism to their countries of origin. Despite guarantees that their human rights would be respected, those countries could pose risks to the personal safety and lives of the persons expelled, especially in the absence of sufficiently serious efforts to monitor the implementation of those guarantees (two visits by the embassy in three months, the first only some five weeks after the return and under the supervision of the detaining authorities) (articles 6 and 7 of the Covenant). The Committee also stresses the risk of violations of fundamental rights of persons of foreign extraction (freedom of expression and privacy), in particular through more frequent recourse to telephone tapping and because of an atmosphere of latent suspicion towards them (articles 13, 17 and 19 of the Covenant).

(a) The State party must ensure that measures taken under the international campaign against terrorism are fully in conformity with the Covenant. The State party is requested to ensure that the concern over terrorism is not a source of abuse;

(b) In addition, the State party should maintain its practice and tradition of observance of the principle of *non-refoulement*. When a State party expels a person to another State on the

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basis of assurances as to that person's treatment by the receiving State, it must institute credible mechanisms for ensuring compliance by the receiving State with these assurances from the moment of expulsion;

...

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

(20) ...The Committee is concerned at reported obstacles imposed on the registration and free operation of non-governmental human rights organizations and political parties (arts. 19, 22 and 25). It is especially concerned about obstacles placed in the path of national and international non-governmental organizations and special rapporteurs whose task it is to investigate allegations of human rights violations in the territory of the State party.

The State party should take all the necessary steps to enable national and international non-governmental human rights organizations and political parties to function without hindrance.

- 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 paras. 78(6) and 78(23).

(6) The Committee notes with concern that the process of bringing domestic laws, many of which predate the 1992 Constitution, into line with the provisions of the Constitution and international human rights instruments is at a standstill. Proposals drawn up with the help of the Office of the High Commissioner for Human Rights during the 1990s have not been followed up. The Committee is also concerned at the fact that many proposed reforms dealing in particular with the rights of children and women, some of them announced several years ago, have still not been enacted.

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The State party should revise its legislation so as to bring it into line with the provisions of the Covenant.

...

(23) The Committee recommends the introduction of a far-reaching human rights education programme for law enforcement personnel, particularly policemen, gendarmes and members of the armed forces, as well as all prison staff. Regular and specific training should be conducted with a view to combating torture and inhuman and degrading treatment and prohibiting extrajudicial executions and arbitrary arrests; such training should also include the treatment and rights of detainees. In this regard, the Committee suggests that the State party request assistance from the Office of the United Nations High Commissioner for Human Rights and from non-governmental organizations.

- Mali, ICCPR, A/58/40 vol. I (2003) 47 at para. 81(20).

(20) The Committee is concerned about reports of the hardship suffered by some 6,000 Mauritanian refugees who, for the last 10 years, have been living in the west of the country (Kayes region), are not registered, possess no identity papers, have the *de facto* status of stateless persons and whose right to physical security is not sufficiently protected.

The State party should enter into discussions with the Office of the United Nations High Commissioner for Refugees (UNHCR), with a view to improving the status and conditions of these persons.

- Slovakia, ICCPR, A/58/40 vol. I (2003) 52 at paras. 82(6) and 82(10).

(6) The Committee welcomes the explanation provided in the report and confirmed by the delegation that the State party interprets succession to mean the continuity of its obligations under the Covenant, including in relation to any cases submitted under the Optional Protocol, irrespective of the date of deposition of the instrument of succession by the State party following the dissolution of Czechoslovakia and the creation of the Slovak Republic.

...

(10) The Committee notes the efforts made by the State party to address the situation regarding trafficking in women, in particular by adopting a preventive strategy by providing information to potential victims and through international cooperation...It notes that trafficking is an international crime and therefore not only concerns women trafficked out of Slovakia, but also those being trafficked into Slovakia from neighbouring countries (arts. 3, 8).

The State party should strengthen programmes aimed at providing assistance to women in difficult circumstances, particularly those coming from other countries who are brought into

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its territory for the purpose of prostitution. Measures should be taken to prevent this form of trafficking and to impose sanctions on those who exploit women in this way. Protection should be extended to women who are the victims of this kind of trafficking so that they may have a place of refuge and an opportunity to give evidence against the persons responsible in criminal or civil proceedings. The Committee encourages Slovakia to continue its cooperative efforts with border States to eliminate trafficking across national borders.

See also:

- Latvia, ICCPR, A/59/40 vol. I (2003) 25 at para. 65(12).
- Portugal, ICCPR, A/58/40 vol. I (2003) 56 at para. 83(6).

(6) The Committee welcomes the granting to foreigners of the rights to vote and to be elected in local elections, as well as the recognition of broader political rights for citizens of Portuguese-speaking countries, under condition of reciprocity.

- Israel, ICCPR, A/58/40 vol. I (2003) 64 at para. 85(11).

(11) The Committee has noted the State party's position that the Covenant does not apply beyond its own territory, notably in the West Bank and in Gaza, especially as long as there is a situation of armed conflict in these areas. The Committee reiterates the view, previously spelled out in paragraph 10 of its concluding observations on Israel's initial report (CCPR/C/79/Add.93 of 18 August 1998), that the applicability of the regime of international humanitarian law during an armed conflict does not preclude the application of the Covenant, including article 4 which covers situations of public emergency which threaten the life of the nation. Nor does the applicability of the regime of international humanitarian law preclude accountability of States parties under article 2, paragraph 1, of the Covenant for the actions of their authorities outside their own territories, including in occupied territories. The Committee therefore reiterates that, in the current circumstances, the provisions of the Covenant apply to the benefit of the population of the Occupied Territories, for all conduct by the State party's authorities or agents in those territories that affect the enjoyment of rights enshrined in the Covenant and fall within the ambit of State responsibility of Israel under the principles of public international law.

The State party should reconsider its position...

- Philippines, ICCPR, A/59/40 vol. I (2003) 15 at para. 63(7).

(7) The Committee regrets the lack of information on the procedure for the implementation

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of the Committee's Views under the Optional Protocol. In particular, it is concerned by the grave breaches by the State party of its obligations constituted by its lack of compliance with the Committees' requests for interim measures of protection in cases submitted under the Optional Protocol (*Piandiong, Morillos and Bulan v. Philippines*).

The State party should establish procedures to implement Views of the Committee and to ensure compliance with requests for interim measures of protection.

- Russian Federation, ICCPR, A/59/40 vol. I (2003) 20 at para. 64(8).

(8) The Committee is concerned that the State party has not implemented the Committee's Views under the Optional Protocol in the cases of *Gridin v. Russian Federation* and *Lantsov v. Russian Federation*. While noting the delegation's explanation that the decision not to follow the Views of the Committee regarding the release of Mr Gridin was based on a careful study by the Supreme Court and Procurator's Office, the Committee expresses its concern that a failure to give effect to its Views would call into question the State party's commitment to the Optional Protocol.

The Committee urges the State party to review its position in relation to Views adopted by the Committee under the Optional Protocol and to implement the Views, in order to comply with article 2, paragraph 3, of the Covenant which guarantees a right to an effective remedy when there has been a violation of the Covenant.

- Colombia, ICCPR, A/59/40 vol. I (2004) 35 at paras. 67(5) and 65(7).

(5) The Committee welcomes the open invitation extended by the State party to all rapporteurs of the special mechanisms of the Commission on Human Rights. The Committee also welcomes the agreement between the State party and the United Nations High Commissioner for Human Rights to extend the presence of the High Commissioner's office in Colombia to October 2006.

...

(7) The Committee sees as a positive development the establishment of an internal mechanism to implement the decisions of international bodies such as the Human Rights Committee. However, the Committee notes that putting this mechanism into operation includes modalities that could hamper or delay the full implementation of the Committee's observations in respect of the Optional Protocol.

The State party should promote the expeditious and effective use of the machinery established under Act No. 288 of 1996 so as to ensure the full implementation without delay of the observations of the Human Rights Committee in respect of the Optional Protocol.

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- Germany, ICCPR, A/59/40 vol. I (2004) 39 at paras. 68(11) and 68(12).

(11) The Committee notes with concern that Germany has not yet taken a position regarding the applicability of the Covenant to persons subject to its jurisdiction in situations where its troops or police forces operate abroad, in particular in the context of peace missions. It reiterates that the applicability of the regime of international humanitarian law does not preclude accountability of States parties under article 2, paragraph 1, of the Covenant for the actions of its agents outside their own territories.

The State party is encouraged to clarify its position and to provide training on relevant rights contained in the Covenant specifically designed for members of its security forces deployed internationally.

(12) The Committee notes that owing to the State party's federal structure, in exercising its overall responsibility for compliance with the Covenant it may encounter acts and omissions of the authorities of the Länder in areas of their exclusive competence that are not consistent with the Covenant.

The State party is reminded of its responsibilities in relation to article 50 of the Covenant; it should establish proper mechanisms between the federal and Länder levels to further ensure the full applicability of the Covenant.

- Lithuania, ICCPR, A/59/40 vol. I (2004) 52 at para. 71(14).

(14) The Committee is concerned at the situation regarding trafficking in persons, in particular the low number of criminal proceedings instituted for documented cases of trafficking (arts. 3 and 8).

...The Committee encourages the State party to continue to protect women who are victims of trafficking to enable them to seek refuge and testify against the persons responsible in criminal or civil proceedings. The State party should also cooperate with other States in eliminating trafficking across national borders...

- Belgium, ICCPR, A/59/40 vol. I (2004) 56 at para. 72(6).

(6) The Committee is concerned at the fact that the State party is unable to affirm, in the absence of a finding by an international body that it has failed to honour its obligations, that the Covenant automatically applies when it exercises power or effective control over a person outside its territory, regardless of the circumstances in which such power or effective

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control was obtained, such as forces constituting a national contingent assigned to an international peacekeeping or peace enforcement operation (art. 2).

The State party should respect the safeguards established by the Covenant, not only in its territory but also when it exercises its jurisdiction abroad, as for example in the case of peacekeeping missions or NATO military missions, and should train the members of such missions appropriately.

- Namibia, ICCPR, A/59/40 vol. I (2004) 64 at paras. 74(5) and 74(8).

(5) The Committee welcomes the fact that the Constitution stipulates that general rules of international law and international agreements binding on the State party are part of the domestic law and appreciates the information on the use made by the State party's courts in recent cases concerning provisions of the Covenant.

...

(8) The Committee acknowledges the information provided by the State party on the implementation of its Views adopted under the Optional Protocol with regard to cases No. 760/1997 (*Diergaardt et al. v. Namibia*) and No. 919/2000 (*Müller and Engelhard v. Namibia*). It nevertheless notes with concern the absence of a mechanism to implement the Committee's Views adopted under the Optional Protocol.

The State party should establish a mechanism to implement the Committee's Views adopted under the Optional Protocol.

- Serbia and Montenegro, ICCPR, A/59/40 vol. I (2004) 68 at paras. 75(3) and 75(11).

(3) The State party explained its inability to report on the discharge of its own responsibilities with regard to the human rights situation in Kosovo, and suggested that, owing to the fact that civil authority is exercised in Kosovo by the United Nations Interim Administration Mission in Kosovo (UNMIK), the Committee may invite UNMIK to submit to it a supplementary report on the human rights situation in Kosovo. The Committee notes that, in accordance with Security Council resolution 1244 (1999), Kosovo currently remains a part of Serbia and Montenegro as successor State to the Federal Republic of Yugoslavia, albeit under interim international administration, and the protection and promotion of human rights is one of the main responsibilities of the international civil presence (paragraph 11 (j) of the resolution). It also notes the existence of provisional institutions of self-government in Kosovo that are bound by the Covenant by virtue of article 3.2 (c) of UNMIK Regulation No. 2001/9 on a Constitutional Framework for Provisional Self-Government in Kosovo. The Committee considers that the Covenant continues to remain applicable in Kosovo. It

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welcomes the offer made by the State party to facilitate the consideration of the situation of human rights in Kosovo and encourages UNMIK, in cooperation with the Provisional Institutions of Self-Government (PISG), to provide, without prejudice to the legal status of Kosovo, a report on the situation of human rights in Kosovo since June 1999.

...

(11) The Committee notes the State party's public statements emphasizing its commitment to cooperate with the International Criminal Tribunal for the Former Yugoslavia (ICTY) in order to ensure that all persons suspected of grave human rights violations, including war crimes and crimes against humanity, are brought to trial. However, it remains concerned at the State party's repeated failure to fully cooperate with ICTY, including with regard to the arrest of indictees (art. 2).

The State party should extend to ICTY its full cooperation in all areas, including the investigation and prosecution of persons accused of having committed serious violations of international humanitarian law, and by apprehending and transferring those persons who have been indicted and remain at large, as well as granting ICTY full access to requested documents and potential witnesses.

- Finland, ICCPR, A/60/40 vol. I (2004) 22 at para. 81(8).

(8) The Committee regrets that the State party has only partly followed up on its observations regarding communication No. 779/1997 (*Anni Aärelä and Jouni Näkkäljärvi v. Finland*).

The State party is urged to give full effect to the Committee's observations. It should consider introducing appropriate procedures to give effect to the observations adopted by the Committee under the Optional Protocol.

- Poland, ICCPR, A/60/40 vol. I (2004) 40 at para. 85(3).

(3) The Committee welcomes the commitment of the State party to respect the rights recognized in the Covenant for all individuals subject to its jurisdiction in situations where its troops operate abroad, particularly in the context of peacekeeping and peace-restoration missions.

- Kenya, ICCPR, A/60/40 vol. I (2005) 44 at para. 86(8).

(8) The Committee notes that the Covenant has not been incorporated into domestic law and that the provisions of international human rights instruments, in particular the Covenant, are

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not in practice invoked in courts of law. It stresses that implementation of Covenant guarantees and the possibility of invoking the Covenant before domestic courts do not depend on the State party being a party to the first Optional Protocol to the Covenant.

The Committee invites the State party to take appropriate measures to allow Covenant rights to be invoked in the domestic courts.

- Iceland, ICCPR, A/60/40 vol. I (2005) 50 at para. 87(9).

(9) The Committee regrets that, despite the recommendation it made in 1998 and the incorporation into domestic law of articles 3, 24 and 26, the Covenant itself has not been incorporated into Icelandic law, whereas the European Convention on Human Rights (ECHR) has. The Committee notes in this regard that several Covenant provisions, including articles 4, 12, 22, 25 and 27, go beyond the scope of the provisions of the ECHR.

The Committee encourages the State party to ensure that all rights protected under the Covenant are given effect in Icelandic law.

- Uzbekistan, ICCPR, A/60/40 vol. I (2005) 56 at para. 89(6).

(6) The Committee recalls that in several cases, the State party has executed prisoners under sentence of death, although their cases were pending before the Committee under the Optional Protocol to the Covenant and requests for interim measures of protection had been addressed to the State party. The Committee recalls that in acceding to the Optional Protocol, the State party recognized the Committee's competence to receive and examine complaints from individuals under the State party's jurisdiction. Disregard of the Committee's requests for interim measures constitutes a grave breach of the State party's obligations under the Covenant and the Optional Protocol.

The State party should adhere to its obligations under the Covenant and the Optional Protocol, in accordance with the principle of *pacta sunt servanda*, and take the necessary measures to avoid similar violations in future.

- Yemen, ICCPR, A/60/40 vol. I (2005) 65 at para. 91(5).

(5) The Committee notes with concern that the recommendations it has addressed to Yemen in 2002 have not been fully taken into consideration, and that the State party justifies the absence of progress on several important issues by the impossibility, in its view, of respecting at the same time religious principles and certain obligations under the Covenant.

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The Committee disagrees with such an interpretation and stresses the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms. In its view, cultural and religious specificities may be taken into consideration in order to develop adequate means to ensure respect for universal human rights, but they cannot jeopardize the very recognition of these rights for all (article 2 of the Covenant).

The State party should examine in good faith all recommendations addressed to it by the Committee, and find ways to ensure that its desire to abide by religious principles is implemented in a manner that is fully compatible with its obligations under the Covenant, which it has accepted without reservations.

- Tajikistan, ICCPR, A/60/40 vol. I (2005) 70 at paras. 92(8), 92(14) and 92(24).

(8) The Committee recalls that in at least two cases, the State party has executed prisoners under sentence of death, even though their cases were pending before the Committee under the Optional Protocol to the Covenant and requests for interim measures of protection had been addressed to the State party. The Committee recalls that in acceding to the Optional Protocol, the State party recognized the Committee's competence to receive and examine complaints from individuals under the State party's jurisdiction. Disregard of the Committee's requests for interim measures constitutes a grave breach of the State party's obligations under the Covenant and the Optional Protocol (art. 6).

The State party should comply fully with its obligations under the Covenant and the Optional Protocol, in accordance with the principle of *pacta sunt servanda*, and take the necessary measures to avoid similar violations in future.

...

(14) The Committee is concerned about persistent information attesting to poor conditions and overcrowding in the State party's prisons and other places of detention, and notes the relatively high rate of incarceration. It is also concerned about reports of civil society and international bodies having limited access to penitentiary institutions (art. 10).

The State party should consider alternative forms of punishment, particularly in relation to minor offences, such as community work and home detention. It is invited to take all necessary measures to allow independent visits to prisons and detention facilities by representatives of both national and international organizations.

...

(24) The Committee is concerned that, despite significant progress accomplished by the State party, there have been persistent reports that Tajikistan is a major source country for trafficking in women and children (arts. 24, 3 and 8).

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The State party should redouble its efforts to combat these serious problems, in collaboration with neighbouring countries, including with a view to protecting the human rights of victims. It should also rigorously review the activities of responsible governmental agencies to ensure that no State actors are involved.

- Syrian Arab Republic, ICCPR, A/60/40 vol. I (2005) 78 at paras. 94(6) and 94(8).

(6) The Committee notes with concern that the state of emergency declared some 40 years ago is still in force and provides for many derogations in law or practice from the rights guaranteed under articles 9, 14, 19 and 22, among others, of the Covenant, without any convincing explanations being given as to the relevance of these derogations to the conflict with Israel and the necessity for these derogations to meet the exigencies of the situation claimed to have been created by the conflict. The Committee has further noted that the State party has not fulfilled its obligation to notify other States parties of the derogations it has made and of the reasons for these derogations, as required by article 4 (3) of the Covenant. In this regard, the Committee has noted the statement of the delegation that the Baath Party Congress in June 2005 had resolved that emergency provisions would be limited to activities which threaten State security. The Committee, however, remains concerned at the absence of any indication that the resolution has become law (art. 4).

The State party, guided by the Committee's general comment No. 29 (2001) on derogations during a state of emergency (article 4 of the Covenant), should ensure firstly that the measures it has taken, in law and practice, to derogate from Covenant rights are strictly required by the exigencies of the situation; secondly, that the rights provided for in article 4 (2) of the Covenant are made non-derogable in law and practice; and thirdly, that States parties are duly informed, as required by article 4 (3) of the Covenant, of the provisions from which it has derogated and the reasons therefor, and of the termination of any particular derogation.

...

(8) The Committee welcomes the information provided by the delegation on the agreement of 5 May 2005 between the Prime Minister of Lebanon and the President of Syria to establish a committee that would meet periodically to further investigate the facts concerning disappearances of Syrian and Lebanese nationals in the two countries. The Committee remains concerned, however, that sufficient information was not provided about concrete steps taken to establish such a committee in Syria, as well as about its envisaged composition and measures to ensure its independence (arts. 2, 6, 7, 9).

The State party should give a particularized account of Lebanese nationals and Syrian nationals, as well as other persons, who were taken into custody or transferred into custody in Syria and who have not heretofore been accounted for. The State party should also take immediate steps to establish an independent and credible commission of inquiry into all

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disappearances, in line with the recommendations the Committee made in 2001.

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- Sweden, ICESCR, E/2002/22 (2001) 106 at paras. 713, 714, 730 and 746.

713. The Committee warmly welcomes the efforts of the State party with respect to the mainstreaming of human rights in bilateral and multilateral development cooperation programmes, in accordance with article 2, paragraph 1, of the Covenant.

714. The Committee acknowledges that the State party for many years has allocated 0.7 per cent or more of its GNP to development assistance, thereby meeting and sometimes surpassing the United Nations goal and contributing to the realization of economic, social and cultural rights in other countries.

...

730. The Committee regrets that sexual exploitation of minors and women committed by Swedish citizens abroad is only punishable if the requirement of "dual criminality" is fulfilled.

...

746. The Committee urges the State party to repeal the requirement of "dual criminality" in relation to the offence of sexual exploitation of minors and women committed by Swedish citizens abroad.

- Colombia, ICESCR, E/2002/22 (2001) 110 at para. 778.

778. The Committee strongly recommends that the State party's obligations under the Covenant should be taken into account in all aspects of its negotiations with the international financial institutions to ensure that economic, social and cultural rights, particularly of the most disadvantaged and marginalized groups, are not undermined.

See also:

- Algeria, ICESCR, E/2002/22 (2001) 116 at para. 846.
- Algeria, ICESCR, E/2002/22 (2001) 116 at paras. 830 and 845.

830. In the light of paragraph 71 of the Vienna Declaration and Programme of Action, the Committee recommends that the State party prepare, through an open and consultative process, a comprehensive national human rights plan of action regarding the implementation of its international human rights obligations, including the Covenant. The State party is

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encouraged to seek technical assistance from the Office of the United Nations High Commissioner for Human Rights in this regard...

...

845. The State party is urged to pursue the development and adoption of a comprehensive National Education for All Plan, as anticipated in paragraph 16 of the Dakar Framework for Action adopted at the World Education Forum in April 2000. When formulating and implementing its plan, the State party should take into account the Committee's General Comments No. 11 (1999) on plans of action for primary education (art. 14 of the Covenant) and No. 13 (1999) on the right to education (art. 13) of the Covenant and establish an effective monitoring system for the plan. The State party is also encouraged to seek technical advice and assistance from the UNESCO in relation to both the formulation and implementation of its plan.

- France, ICESCR, E/2002/22 (2001) 121 at paras. 863, 873 and 881.

863. The Committee expresses its concern that, along with the reform of official development assistance by the State party, such assistance as a percentage of GNP has been in decline since the 1980s.

...

873. The Committee recommends that the State party increase its official development assistance as a percentage of GNP to a level approaching the 0.7 per cent goal established by the United Nations.

...

881. The Committee encourages the State party, as a member of international financial institutions, in particular IMF and the World Bank, to do all it can to ensure that the policies and decisions of those institutions are in conformity with the obligations of States parties to the Covenant, in particular the obligations contained in article 2, paragraph 1, and articles 22 and 23 concerning international assistance and cooperation.

See also:

- Ireland, ICESCR, E/2003/22 (2002) 29 at para. 151.
- United Kingdom of Great Britain and Northern Ireland, ICESCR, E/2003/22 (2002) 39 at para. 229.
- Croatia, ICESCR, E/2002/22 (2001) 125 at paras. 887 and 889.

887. The Committee welcomes the succession of the State party to the six major international human rights treaties, including the Covenant, and the fundamental human rights conventions of ILO. The Committee notes with satisfaction that, in accordance with article 140 of the State party's revised Constitution (2001), international agreements to which

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the State is a party enjoy supremacy over domestic laws and can be directly applied in domestic courts. It welcomes the fact that the Covenant has in some instances been invoked in court proceedings. The Committee also welcomes the efforts being made to provide training to judges in the applicable international human rights standards. In addition, it welcomes the explicit enumeration of a number of economic, social and cultural rights in the revised Constitution.

...

889. The Committee notes that the State party is benefiting from international assistance with respect to the broad questions of democratization, human rights, reconstruction and development, which affect the enjoyment of many economic, social and cultural rights. It also notes that sizeable assistance programmes are being provided by donor States and international and regional organizations. It welcomes the collaboration between the State party and the Office of the United Nations High Commissioner for Human Rights.

- Jamaica, ICESCR, E/2002/22 (2001) 130 at paras. 946 and 955.

946. The Committee recommends that the State party strive for universal coverage of the social security system in Jamaica, giving priority to the disadvantaged and marginalized groups in society. In particular, the Committee strongly recommends the formulation and implementation of strategies to ensure adequate coverage for the population group eligible for retirement benefits. The Committee encourages the State party to explore the possibilities of international cooperation in this regard as provided for under article 2, paragraph 1, of the Covenant.

...

955. The Committee urges the State party to take immediate steps to address the declining quality of education, including by seeking assistance from UNESCO in this regard. The Committee refers the State party to its General Comment No. 13 (1999) on the right to education (art. 13 of the Covenant).

- Ireland, ICESCR, E/2003/22 (2002) 29 at para. 152.

152. The Committee urges the State party to ensure that its contribution to international development cooperation reaches 0.45 per cent of GNP by the end of 2002 (see paragraph 4 of the Committee's concluding observations on the State party's initial report) and that this annual figure increases, as quickly as possible, to the United Nations target of 0.7 per cent of GNP.

- Benin, ICESCR, E/2003/22 (2002) 34 at paras. 172 and 191.

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172. The Committee is...very concerned about the trafficking in children, both within the country and with other States in the region.

...

191. The Committee...urges the State party to step up its efforts to combat trafficking in children, by passing legislation and by entering into agreements with the countries that receive such children.

- United Kingdom of Great Britain and Northern Ireland, ICESCR, E/2003/22 (2002) 39 at paras. 214, 227 and 228.

214. The Committee deeply regrets that, although the State party has adopted a certain number of laws in the area of economic, social and cultural rights, the Covenant has still not been incorporated in the domestic legal order and that there is no intention by the State party to do so in the near future. The Committee reiterates its concern about the State party's position that the provisions of the Covenant, with minor exceptions, constitute principles and programmatic objectives rather than legal obligations that are justiciable, and that consequently they cannot be given direct legislative effect.^{19/}

...

227. Affirming the principle of the interdependence and indivisibility of all human rights, and that all economic, social and cultural rights are justiciable, the Committee reiterates its previous recommendation made in 1997^{22/} and strongly recommends that the State party re-examine the matter of incorporation of the Covenant in domestic law. The Committee points out that, irrespective of the system through which international law is incorporated in the domestic legal order (monism or dualism), following ratification of an international instrument, the State party is under an obligation to comply with it and to give it full effect in the domestic legal order. In this respect, the Committee draws the attention of the State party to its general comment no. 9 (1998) on the domestic application of the Covenant.

228. The Committee...recommends, recalling its recommendation made in 1997,^{23/} that the State party review and strengthen its institutional arrangements, within the government administration, which are designed to ensure that its obligations under the Covenant are taken into account, at an early stage, in the Government's formulation of national legislation and policy on issues such as poverty reduction, social welfare, housing, health and education. Given that its general comments are based upon experience gained over many years, including the examination of numerous States parties' reports, the Committee urges the State party to give careful consideration to its general comments and statements when formulating policies that bear upon economic, social and cultural rights.

Notes

...

^{19/} [Official Records of the Economic and Social Council, 1998, Supplement No. 2

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(E/1998/22-E/C.12/1997/10) chap. V], paras. 284-317.

...

22/ [Official Records of the Economic and Social Council, 1998, Supplement No. 2 (E/1998/22-E/C.12/1997/10) chap. V], para. 304.

23/ [See Official Records of the Economic and Social Council, 1998, Supplement No. 2 (E/1998/22-E/C.12/1997/10) chap. V], para. 316.

See also:

- Ireland, ICESCR, E/2003/22 (2002) 29 at para. 147.
- Trinidad and Tobago, ICESCR, E/2003/22 (2002) 45 at para. 280.

- Trinidad and Tobago, ICESCR, E/2003/22 (2002) 45 at paras. 260 and 283.

260. The Committee notes with concern that the State party has not ratified a number of ILO Conventions relevant to economic, social and cultural rights and that it has denounced various human rights instruments, including the first Optional Protocol to the International Covenant on Civil and Political Rights.

...

283. The Committee recommends the State party to ratify the ILO Conventions relevant to economic, social and cultural rights and to withdraw its reservation to article 8 of the Covenant. In addition, the Committee notes with interest the State party's declaration that it will reconsider its position regarding the denunciation of human rights instruments.

- Slovakia, ICESCR, E/2003/22 (2002) 50 at paras. 321 and 335.

321. The Committee is concerned about the persistent problem of trafficking in women...

...

335. The Committee urges the State party to adopt effective measures, including through regional cooperation, to combat trafficking in women...

- Poland, ICESCR, E/2003/22 (2002) 54 at paras. 365 and 387.

365. The Committee is concerned about the rising incidence of trafficking in women for the purpose of sexual exploitation.

...

387. The Committee further recommends that the State party take effective measures to combat trafficking in women, *inter alia*, by ensuring that those responsible for trafficking

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are prosecuted, and to ratify the international instruments aimed at intensifying cooperation in this field among States, including the additional Protocol to the United Nations Convention against Transnational Organized Crime to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children...

See also:

- Estonia, ICESCR, E/2003/22 (2002) 68 at paras. 502 and 525.

- Georgia, ICESCR, E/2003/22 (2002) 59 at paras. 410, 412, 429, 431 and 446.

410. The Committee is deeply concerned that the State party has not been able to address adequately the widespread and rampant problem of corruption, as it is one of the primary causes of the decrease in, and the inappropriate allocation of, revenue and resources, thus adding to the extremely difficult economic, social and cultural situation in the State party. The Committee is particularly concerned about the limited effectiveness of the use of foreign funds received in the context of international cooperation.

...

412. The Committee is concerned that the Public Defender is not able to function in an effective manner, owing to severe resource constraints.

...

429. The Committee strongly urges the State party to take effective measures to combat corruption and, in particular, to increase transparency and consultations at all levels of decision-making and concerning the evaluation of distribution of funds, especially with regard to the determination of the use of aid, the monitoring of fund distribution and the evaluation of impact.

...

431. The Committee recommends that the Public Defender be accorded adequate resources. The Committee further suggests that the State party seek international assistance concerning the effective functioning of the Public Defender's office.

...

446. The Committee recommends that, in its efforts to implement the rights contained in the Covenant, the State party continue to seek international assistance and engage in international cooperation with donors and relevant international organizations, including the Office of the High Commissioner for Human Rights. In this regard, the Committee recommends that the State party ensure that its international human rights obligations are taken fully into account when entering into technical cooperation and other arrangements.

- Solomon Islands, ICESCR, E/2003/22 (2002) 65 at paras. 451, 456, 460, 461, 469 and 473-475.

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451. The Committee welcomes the conclusion of a technical cooperation agreement between the Office of the United Nations High Commissioner for Human Rights and the Government of the Solomon Islands in 2001. The Committee encourages the expansion in this agreement of activities which specifically focus on economic, social and cultural rights.

...

456. The Committee is concerned that the State party has not ratified most of the main ILO conventions relating to economic, social and cultural rights.

...

460. The Committee is concerned that malnutrition, especially among young people, is widespread, despite the fact that food supplies are available in almost sufficient quantities in all parts of the country.

461. The Committee is also concerned that many communities in the State party do not have access to safe drinking water and proper sanitation facilities, which poses severe health risks to them.

...

469. The Committee recommends that the State party consider ratifying the main ILO Conventions relating to economic, social and cultural rights, such as Convention No. 87 (1948) concerning freedom of association and protection of the right to organize, No. 98 (1949) concerning the right to organize and collective bargaining and No. 182 (1999) concerning the prohibition and immediate action for the worst forms of child labour.

...

473. The Committee...urges the State party to address the problem of malnutrition, including through seeking assistance from international organizations.

474. The Committee urges the State party to seek international cooperation and assistance with a view to ensuring access to safe drinking water and adequate sanitation systems for all rural and urban communities.

475. The Committee also urges the State party to intensify its malaria control programme and to address the problem of acute respiratory infections and sexually transmitted diseases, *inter alia*, through appropriate education and training of caregivers at all levels. The Committee encourages the State party to continue its close cooperation with the WHO and other health-care organizations in this regard.

- Luxembourg, ICESCR, E/2004/22 (2003) 24 at paras. 67, 70 and 73.

67. The Committee notes with satisfaction that Luxembourg allocates more than 0.7 per cent of its GNP to official development assistance and is thus one of the few countries to have gone beyond the United Nations target for development aid. The Committee also welcomes the goal set by the Government to gradually increase its official development assistance

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contribution to 1 per cent of its GNP by 2005.

...

70. The Committee notes with satisfaction the State party's ratification of ILO Convention No. 111 (1958) concerning discrimination in respect of employment and occupation, in accordance with the Committee's previous recommendations.

...

73. The Committee welcomes the measures undertaken by the State party to combat trafficking in persons, child pornography and sexual exploitation of women and children. In particular, the Committee welcomes the extraterritorial application of certain provisions of the Penal Code, allowing for the criminal prosecution of persons, both nationals and non-nationals, for sexual crimes committed abroad.

- Brazil, ICESCR, E/2004/22 (2003) 28 at para. 111.

111. The Committee notes with appreciation that the Federal Constitution adopted in 1988 incorporates a wide range of human rights, including a number of the economic, social and cultural rights enshrined in the Covenant. The Committee also takes note that under article 5 of the Constitution, the rights and guarantees in international treaties to which Brazil is party are considered part of the national law.

- Iceland, ICESCR, E/2004/22 (2003) 39 at paras. 215, 221, 222, 230 and 231.

215. The Committee welcomes the recent court practice in the State party whereby constitutional provisions are interpreted in the light of its international obligations. The Committee also notes with appreciation references made in the report and by the delegation to judgements of the Supreme Court of Iceland in which the Covenant has been invoked.

...

221. The Committee regrets that, as stated in its concluding observations on the second periodic report of Iceland,^{8/} the State party has not given full effect to the Covenant provisions in its domestic legal order, especially by providing for judicial and other remedies for violations of economic, social and cultural rights.

222. The Committee regrets that Iceland devotes only 0.16 per cent of its GNP to international cooperation, while the United Nations recommendation in this regard is 0.7 per cent for developed countries.

...

230. The Committee reiterates its previous recommendation that, if measures are taken to

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incorporate treaty obligations with respect to civil and political rights in the Icelandic legal system, similar measures should be taken simultaneously in respect of economic, social and cultural rights.^{8/} In this regard, the Committee draws the attention of the State party to its general comment No. 9 (1998) on domestic application of the Covenant.

231. The Committee recommends that the State party continue its activities in the area of international cooperation and increase its official development assistance to 0.7 per cent of its GNP, as recommended by the United Nations. The Committee also urges the State party to take into account the provisions of the Covenant in its bilateral project agreements with other countries.

Notes

...

^{8/} *Official Records of the Economic and Social Council, 2000, Supplement No. 2* (E/2000/22-E/C.12/1999/11 and Corr.1), chap. IV, paras. 77-78.

- Israel, ICESCR, E/2004/22 (2003) 42 at paras. 258 and 274.

258. The Committee...reiterates its concern about the State party's position that the Covenant does not apply to areas that are not subject to its sovereign territory and jurisdiction, and that the Covenant is not applicable to populations other than the Israelis in the occupied territories. The Committee further reiterates its regret at the State party's refusal to report on the occupied territories.^{14/} In addition, the Committee is deeply concerned at the insistence of the State party that, given the circumstances in the occupied territories, the law of armed conflict and humanitarian law are considered as the only mode whereby protection may be ensured for all involved, and that this matter is considered to fall outside the sphere of the Committee's responsibility.

...

274. The Committee recognizes that the State party has serious security concerns, which must be balanced with its efforts to comply with its obligations under international human rights law. However, the Committee reaffirms its view that the State party's obligations under the Covenant apply to all territories and populations under its effective control. The Committee repeats its position that, even in a situation of armed conflict, fundamental human rights must be respected and that basic economic, social and cultural rights, as part of the minimum standards of human rights, are guaranteed under customary international law and are also prescribed by international humanitarian law. Moreover, the applicability of rules of humanitarian law does not by itself impede the application of the Covenant or the accountability of the State under article 2, paragraph 1, for the actions of its authorities...

Notes

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...
14/ [Official Records of the Economic and Social Council], 1999, Supplement No. 2 (E/1999/22-E/C.12/1998/26), chap. IV, para. 237.

- Republic of Moldova, ICESCR, E/2004/22 (2003) 49 at paras. 304, 309, 326 and 331.

304. The Committee is concerned about the high rates of unemployment, particularly among young people, women and the Roma population. The Committee notes with great concern, in this regard, that the lack of employment opportunities and low salaries have prompted massive emigration of people in the active and working age, a majority of whom work abroad illegally without social insurance and legal protection.

...
309. The Committee is alarmed about the extent of trafficking in persons, particularly women, despite the various measures taken by the State party to prevent and combat this phenomenon, including the adoption in 2001 of the National Plan of Action to Combat Trafficking in Human Beings and the introduction of sanctions against crimes related to trafficking under the new Penal Code of 2002.

...
326. The Committee recommends that the State party strengthen its efforts to improve job opportunities for young people, women and the Roma population. It also recommends that the State party seek to conclude international agreements with a view to ensuring the social protection of migrant workers and, in particular, to acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

...
331. The Committee urges the State party to reinforce its efforts to combat the phenomenon of trafficking in persons, including by ensuring the effective implementation of anti-trafficking legislation and programmes and by improving job possibilities and assistance to women living in poverty. In view of the cross-border character of crimes related to trafficking, the State party is encouraged to seek international assistance and strengthen regional cooperation with countries to which Moldovans are trafficked.

- Guatemala, ICESCR, E/2004/22 (2003) 59 at para. 420.

420. The Committee recommends that the State party make every possible effort, including through international assistance, to provide adequate follow-up to various issues contained in the peace agreements of 1996, which, following over 30 years of civil unrest, laid the foundation for national reconciliation and for the promotion of human rights.

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- Democratic People's Republic of Korea, ICESCR, E/2004/22 (2003) 71 at paras. 521, 536, 540, 541 and 554.

521. The Committee notes with concern that the State party has not ratified the International Convention on the Elimination of All Forms of Racial Discrimination.

...

536. The Committee recommends that the State party, in its efforts aimed at the implementation of the rights under the Covenant, continue to seek international assistance and engage itself in international cooperation and in the regional activities undertaken by international and regional agencies, including the Office of the United Nations High Commissioner for Human Rights.

...

540. The Committee recommends that the State party ratify the International Convention on the Elimination of All Forms of Racial Discrimination.

541. The Committee recommends that the State party join ILO as a full member and consequently ratify the main ILO conventions in due course. In order to facilitate the accession, the Committee recommends that the State party speed up the necessary reform of its legislation with a view to fulfilling the criteria of the tripartite representation system in ILO.

...

554. The Committee recommends that the State party adopt a comprehensive HIV/AIDS prevention strategy, including awareness-raising campaigns and a blood safety programme. The Committee invites the State party to continue and enhance its collaboration with United Nations programmes and specialized agencies, such as WHO, UNDP and UNAIDS..

- Greece, ICESCR, E/2005/22 (2004) 23 at paras. 138 and 159.

138. The Committee expresses its concern about the high numbers of trafficked women and children who are subjected to forced labour and sexual exploitation, and who are often deported to their countries of origin rather than being granted a residence permit, reportedly in an expeditious manner and without the necessary procedural safeguards.

...

159. The Committee urges the State party to ensure respect for the necessary procedural safeguards when deporting victims of trafficking in persons, particularly when such victims are children. The State party should also continue and intensify its cooperation with neighbouring countries in combating trafficking in persons, provide medical, psychological and legal support to such victims...

- Malta, ICESCR, E/2005/22 (2004) 45 at paras. 339 and 355.

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339. The Committee regrets that the Covenant has not been incorporated into domestic law and therefore cannot be directly invoked before the domestic courts.

...

355. The Committee recommends that the State party reconsider the matter of incorporation of the Covenant into domestic law. The Committee points out that, irrespective of the system through which international law is incorporated in the domestic legal order, following ratification of an international instrument, the State party is under an obligation to comply with it and to give it full effect in its domestic legal order. In this respect, the Committee draws the attention of the State party to its General Comment No. 9 (1998) on domestic application of the Covenant.

- Denmark, ICESCR, E/2005/22 (2004) 49 at para. 379.

379. The Committee notes with appreciation Denmark's commitment to official development assistance (ODA) and its level of contributions, which stands at 0.85 per cent of its GNP (2004), and that it is therefore one of the few countries to have exceeded the United Nations target of 0.7 per cent of GNP.

- Italy, ICESCR, E/2005/22 (2004) 54 at paras. 426 and 445.

426. While the Committee takes note of the State party's commitment to raising the level of official development assistance from the current 0.23 per cent of GNP to 0.33 per cent by 2006, it expresses concern that the level of development assistance still falls short of the United Nations target of 0.7 per cent of GNP.

...

445. The Committee recommends that the State party continue its activities in the area of international cooperation and increase its ODA to 0.7 per cent of its GNP, as recommended by the United Nations. The Committee also urges the State party to take into account the provisions of the Covenant in its bilateral project agreements with other countries.

- Azerbaijan, ICESCR, E/2005/22 (2004) 59 at paras. 492 and 518.

492. The Committee is deeply concerned that despite the sizeable amount of foreign investment (14.5 billion United States dollars) and efforts by the State party to eliminate poverty, including the State Programme on Poverty Reduction and Economic Development for 2003-2005, poverty is estimated by the World Bank to affect approximately 50 per cent of the population (2003 data).

...

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518. The Committee urges the State party to integrate economic, social and cultural rights into its poverty reduction policies and measures, and in this regard refers the State party to the Committee's Statement on Poverty and the International Covenant on Economic, Social and Cultural Rights. The Committee also recommends that the State party allocate larger portions of its oil revenues to the social sector and continue to seek international technical assistance, as provided for in article 23 of the Covenant. In this connection, the Committee calls upon the State party to ensure that its international human rights obligations are taken fully into account when it enters into technical cooperation and other arrangements with international organizations.

- China, ICESCR, E/2006/22 (2005) 25 at paras. 198 and 199.

198. The Committee strongly recommends that the State party's obligations under the Covenant be taken into account in all aspects of its negotiations with the international financial institutions and other regional trade agreements in order to ensure that economic, social and cultural rights, particularly of the most disadvantaged and marginalized groups, are not undermined.

199. The Committee recommends that the State party continue to ensure that its international human rights obligations and the present recommendations are taken fully into account when entering into technical cooperation and other arrangements.

- Serbia and Montenegro, ICESCR, E/2006/22 (2005) 41 at paras. 282 and 309.

282. The Committee is concerned that a large number of Krajina Serbs and internally displaced persons from Kosovo above the retirement age have reportedly not received their pensions for years.

...

309. The Committee requests the State party to pursue its bilateral negotiations with Croatia regarding the payment of pensions to Krajina Serbs residing in Serbia and Montenegro and to alleviate documentation requirements for the payment of pensions to internally displaced persons whose work booklets were destroyed during the hostilities in Kosovo.

- Norway, ICESCR, E/2006/22 (2005) 48 at para. 330.

330. The Committee appreciates the State party's commitment to international cooperation as reflected in the volume of official development assistance, standing at 0.92 per cent of the gross national income. The Committee also welcomes the importance attached to human rights in the State party's Action Plan for Combating Poverty in the South towards 2015.

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- Estonia, CEDAW, A/57/38 part I (2002) 13 at para. 102.

102. ...[The] Committee...urges the State party to...adopt and implement distinct legislation on trafficking and that it increase its collaboration with other countries of origin, transit and destination of trafficked women and girls and to report on the results of such collaboration...
- Iceland, CEDAW, A/57/38 part I (2002) 27 at paras. 247 and 248.

247. The Committee notes with concern that Iceland may have become a country of destination for trafficking in women.

248. The Committee encourages the State party to continue taking action to combat trafficking in women and, with this aim, to increase international cooperation in this regard.
- Portugal, CEDAW, A/57/38 part I (2002) 35 at para. 336.

336. The Committee urges the State party to increase efforts at cross-border and international cooperation, especially with countries of origin and transit as well as with neighbouring receiving countries, to collect data, reduce the incidence of trafficking, prosecute and punish traffickers, and ensure the protection of the human rights of trafficked women and girls... It also urges that training of border police and law enforcement officials provide them with the requisite skills to recognize and provide support for victims of trafficking.
- Russian Federation, CEDAW, A/57/38 part I (2002) 40 at para. 396.

396. The Committee recommends the formulation of a comprehensive strategy to combat the trafficking of women, which should include the prosecution and punishment of offenders, increased international regional and bilateral cooperation, in particular with countries of destination and transit, witness protection and the rehabilitation of women and girls who have been victims of trafficking...
- Suriname, CEDAW, A/57/38 part II (2002) 82 at para. 37.

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37. The Committee commends the State party for its sponsorship and promotion of the issue of older women at the international level.

- Belgium, CEDAW, A/57/38 part II (2002) 95 at para. 154.

154. The Committee recommends the formulation of a comprehensive strategy to combat trafficking in women and girls, including within the territory of the State party, which should include the prosecution and punishment of offenders, and increased international, regional and bilateral cooperation with countries of origin, transit and destination of trafficked women and girls...

See also:

- Ukraine, CEDAW, A/57/38 part II (2002) 114 at para. 288.
- Armenia, CEDAW, A/57/38 part III (2002) 150 at para. 49.
- Czech Republic, CEDAW, A/57/38 part III (2002) 157 at para. 98.

- Zambia, CEDAW, A/57/38 part II (2002) 107 at paras. 256 and 257.

256. While the Committee commends the State party's efforts to host refugees from neighbouring countries, it is concerned at the State party's capacity to protect and guarantee the rights of refugees.

257. The Committee recommends that the State party continue to give assistance to refugee women and girls, and carry out rehabilitative efforts directed at them. The Committee also recommends that the State party seek further support from, and continue to work in close cooperation with, appropriate international agencies in the field of refugee protection, in particular, the Office of the United Nations High Commissioner for Refugees.

- Denmark, CEDAW, A/57/38 part II (2002) 120 at paras. 317, 339 and 340.

317. The Committee welcomes the State party's cooperation with the other Nordic and Baltic countries in two working groups under the Nordic Council of Ministers with regard to trafficking in women. The Committee commends the State party for signing the United Nations Convention against Transnational Organized Crime, its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and its Protocol against the Smuggling of Migrants by Land, Sea and Air. The Committee notes that the Parliament has given its consent to ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

...

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339. While noting that the State party places priority on efforts to address the issue of trafficking in women through, *inter alia*, seminars, analysis and cooperation with the other Nordic and Baltic countries, the Committee expresses concern that despite these efforts trafficking in women and girls continues to exist.

340. ...The Committee...encourages action in Denmark and, through the State party, continued efforts within the European Union to combat trafficking in women, including measures to prevent trafficking, the collection of data, the provision of services for trafficked women and measures to penalize those who facilitate such trafficking.

- Mexico, CEDAW, A/57/38 part III (2002) 205 at paras. 426, 437 and 438.

426. The Committee commends the State for putting into effect in its cooperation programme with INMUJERES, the initiative put forward by the United Nations Development Fund for Women (UNIFEM) of establishing an interactive monitoring system for the Convention on the Elimination of All Forms of Discrimination against Women as a mechanism for monitoring and exchanges of information on the reports submitted to the Committee by Latin American and Caribbean States parties to the Convention.

...

437. In view of the growing number of Mexican women emigrating to other countries in search of greater job opportunities, the Committee is concerned that this may make them especially vulnerable to situations of exploitation or trafficking.

438. The Committee urges the State party to focus on the causes of that phenomenon by adopting measures to alleviate poverty and strengthen and promote the economic input of women, as well as fully guarantee the recognition and exercise of their rights. The Committee further encourages the State party to seek bilateral and multilateral agreements with the receiving countries.

- Albania, CEDAW, A/58/38 part I (2003) 13 at paras. 70 and 71.

70. Recognizing the efforts made by the State party to address the issue of trafficking in women and girls, including the ratification of the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the Committee remains concerned about the continuing prevalence of this problem in Albania, which has become a country of origin and transit for trafficked women and girls...

71. The Committee recommends the formulation of a comprehensive strategy to combat trafficking in women and girls, which should include the prosecution and punishment of

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offenders. The Committee also encourages the State party to pursue increased international, regional and bilateral cooperation with other countries of origin, transit and destination for trafficked women and girls... It urges that training of border police and law enforcement officials provide them with the requisite skills to recognize and provide support for victims of trafficking...

See also:

- Switzerland, CEDAW, A/58/38 part I (2003) 20 at paras. 124 and 125.
- Norway, CEDAW, A/58/38 part I (2003) 61 at paras. 423 and 424.
- Switzerland, CEDAW, A/58/38 part I (2003) 20 at paras. 103 and 104.

103. The Committee acknowledges the work systematically undertaken by women's non-governmental organizations in raising awareness and mobilizing public opinion with regard to equality issues and appreciates the common efforts and cooperation between the State party and civil society in advancing the cause of equality in conformity with the National Plan of Action. The Committee commends the State party for its interaction with civil society in the preparation of the report and for the extensive publicity given to the report in Switzerland.

104. The Committee commends the State party for systematically integrating a gender dimension into the various aspects of its development cooperation programmes.

- Canada, CEDAW, A/58/38 part I (2003) 53 at para. 340.

340. The Committee commends the State party's policy, at the international level, in setting women's human rights standards, providing financial and other assistance to women's rights projects in developing countries as well as mainstreaming gender in its development assistance programmes and projects.

See also:

- Norway, CEDAW, A/58/38 part I (2003) 61 at para. 406.
- Costa Rica, CEDAW, A/58/38 part II (2003) 86 at para. 49.

49. The Committee noted with satisfaction that the State party had given the Convention the rank of a constitutional law, as a legally binding treaty taking precedence over national legislation...

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- Brazil, CEDAW, A/58/38 part II (2003) 93 at paras. 100 and 101.

100. The Committee notes with concern that, while international treaties to which Brazil is a party have become part of domestic law, there is disagreement in the judiciary as to the legal doctrine regarding the status of such international treaties and their direct applicability.

101. The Committee recommends that awareness-raising and sensitization of the judiciary and other law enforcement authorities be undertaken to alter the predominant view of the status of international treaties in the hierarchy of Brazilian law.

- Morocco, CEDAW, A/58/38 part II (2003) 101 at paras. 178 and 179.

178. The Committee notes the slow progress in the implementation of the Convention by the State party and the modest responses to the Committee's concluding comments presented after the discussion of the State party's initial report...

179. The Committee encourages the State party to expedite the implementation of the Convention, the concluding comments of the Committee and the national strategy for the achievement of gender equality and to strengthen its efforts to change societal attitudes in order to eliminate discrimination against women and girls...

- Slovenia, CEDAW, A/58/38 part II (2003) 109 at paras. 218 and 219.

218. While noting that the State party's efforts to promote gender equality appear to be oriented primarily towards the framework of European Union provisions, the Committee is concerned that the Convention has not been given central importance as a legally binding human rights instrument and basis for the elimination of all forms of discrimination against women and the advancement of women.

219. The Committee urges the State party to base its efforts to achieve gender equality on the wide scope of the Convention, as a legally binding human rights instrument. It therefore urges the State party to take proactive measures to raise awareness about the Convention, in particular among parliamentarians, the judiciary and the legal profession.

- Japan, CEDAW, A/58/38 part II (2003) 130 at para. 355.

355. The Committee commends the State party for allocating, under the Initiative on Women in Development, approximately 10 per cent of its official development assistance over the last decade for women's education, health and economic and social participation,

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to a number of developing countries in various parts of the world.

- New Zealand, CEDAW, A/58/38 part II (2003) 138 at paras. 405 and 406.

405. The Committee notes with concern that the Convention on the Elimination of All Forms of Discrimination against Women has not acquired a specific statute to achieve domestic implementation.

406. The Committee recommends that the State party take appropriate measures to incorporate all the provisions of the Convention into domestic law.

- Bhutan, CEDAW, A/59/38 part I (2004) 21 at paras. 123, 124, 127 and 128.

123. The Committee, while appreciating the State party's ratification in 2003 of the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, is concerned that no information has been provided in the report on the extent of trafficking in women and girls, or on measures taken to prevent and combat that phenomenon in the country.

124. The Committee recommends that the State party increase efforts at cross-border and international cooperation to prevent and combat trafficking in women and girls...

...

127. The Committee is concerned about the situation of ethnic Nepalese women who lost their Bhutanese citizenship following the enactment of the 1985 Citizenship Act and now live in refugee camps in Nepal. It is also concerned about the situation of girls born of Bhutanese parents in refugee camps who can obtain naturalization only after the age of 15 years.

128. The Committee urges the State party to step up its efforts to conduct negotiations with the Government of Nepal, and to collaborate with the Office of the United Nations High Commissioner for Refugees, in order to find a prompt, just and durable solution to the situation of Bhutanese women and girls living in refugee camps in Nepal, including the possibility of return to Bhutan for those Bhutanese women who wish to do so.

- Ethiopia, CEDAW, A/59/38 part I (2004) 42 at paras. 241, 242, 265 and 266.

241. The Committee, while welcoming the integration of the Convention and the inclusion of equality provisions in the Constitution, is concerned about the slow progress in the implementation of the provisions of the Convention in the State party since the consideration

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of the State party's combined initial, second and third periodic report in 1996.

242. The Committee urges the State party to enforce the supremacy of the Constitution over regional laws and encourages it to proceed, as a matter of urgency, with the full implementation of the provisions of the Convention throughout the country, including through enhanced cooperation between the federal and regional governmental bodies and institutions, so as to achieve uniformity of results in the implementation of the Convention. It calls on the State party to enhance its efforts for, and systematically monitor progress achieved in, the implementation of the Convention at all levels and in all areas. To that end, the Committee recommends that the State party place particular focus on improving the capacity of all public officials in the area of women's human rights and seek resources through international development assistance programmes, as necessary...

...

265. The Committee, while welcoming the establishment of a national committee on migration, is concerned about the increasing number of Ethiopian women migrating to other countries in search of work and finding themselves in situations where they are vulnerable to various forms of violence, exploitation and trafficking.

266. The Committee urges the State party to step up its efforts to protect women migrant workers; prevent the activities of illegal employment agencies; ensure that women are provided with adequate information on safe migration before departure; and conclude bilateral agreements with receiving countries. It also recommends that the State party consider acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

- Nigeria, CEDAW, A/59/38 part I (2004) 49 at para. 302.

302. The Committee urges the State party to ensure full implementation of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003, and to develop a comprehensive strategy to combat trafficking in women and girls, including the prosecution and punishment of offenders, counselling and rehabilitation of victims, and awareness-raising and training activities for those involved in combating trafficking. It calls on the State party to intensify international, regional and bilateral cooperation with other countries of origin, transit and destination for trafficked women and girls...

- Angola, CEDAW, A/59/38 part II (2004) 118 at para. 149.

149. The Committee urges the State party to make the promotion of gender equality an explicit component of all its national development strategies, policies and programmes, in particular those aimed at repatriation, rehabilitation and resettlement, as well as those aimed

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at poverty alleviation and sustainable development...The Committee also invites the State party to place emphasis on the promotion and protection of women's human rights in all development cooperation programmes with international organizations and bilateral donors so as to address the socio-economic causes of discrimination against women.

See also:

- Equatorial Guinea, CEDAW, A/59/38 part II (2004) 126 at para. 190.

- Bangladesh, CEDAW, A/59/38 part II (2004) 134 at paras. 243, 244, 251 and 252.

243. While welcoming the ratification of the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution in July 2002, the Committee remains concerned about the continuing prevalence of trafficking in women and girls in the country...

244. The Committee recommends the formulation of a comprehensive strategy to combat trafficking in women and girls that should include the prosecution and punishment of offenders. The Committee also encourages the State party to pursue increased international, regional and bilateral cooperation with other countries of origin, transit and destination for trafficked women and girls...

...

251. While welcoming the lifting of the ban on overseas employment of women domestic workers which had been imposed in 1998, the Committee is concerned about the vulnerability of Bangladeshi women migrant workers whose rights are not adequately protected by the State party.

252. The Committee recommends the adoption of a comprehensive gender-sensitive migration policy and the conclusion of bilateral and multilateral agreements with destination countries, in order to ensure the promotion and protection of the human rights of Bangladeshi women migrant workers...

- Spain, CEDAW, A/59/38 part II (2004) 149 at paras. 328, 336 and 337.

328. The Committee welcomes the fact that gender equality and the promotion and protection of human rights and fundamental freedoms are among the principles, objectives and priorities of the State party's policy on international development cooperation.

...

336. While commending the State party for its legal and other measures against trafficking in women and girls, the Committee expresses its concern about increasing incidence of

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trafficking in women and girls. It is concerned about the situation of trafficked women, particularly those who claim refugee status on grounds of gender-based persecution.

337. The Committee urges the State party to increase its efforts at international cooperation with countries of origin and transit, within and outside of the European Union, both for dealing with the economic forces that make women victims of trafficking and for the prevention of trafficking through information exchange...It further urges the State party to afford full protection under the 1951 Geneva Convention on Refugees, *inter alia*, to trafficked women who seek asylum on grounds of gender-based persecution in line with the latest developments in international refugee law and the practice of other States.

- Lao People's Democratic Republic, CEDAW, A/60/38 part I (2005) 16 at paras. 92 and 93.

92. While noting that 80 per cent of the population lives in rural areas, the Committee is deeply concerned about the pervasive poverty and underdevelopment of women, especially in rural and ethnic minority communities...

93. The Committee urges the State party to accelerate its plan to eradicate poverty among women, especially rural and ethnic minority women, by more actively seeking international assistance and at the same time by applying gender perspectives in all development programmes and fully integrating women into decision-making on those programmes, as well as in their implementation processes...

- Paraguay, CEDAW, A/60/38 part I (2005) 44 at paras. 283 and 284.

283. While appreciating the State party's efforts to address the issue of trafficking in women and girls, including the ratification of the United Nations Convention against Transnational Organized Crime in 2003, its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in 2004 and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in 2003, and the establishment of an inter-agency board including representatives of civil society to combat trafficking, the Committee is concerned that domestic legislation has not been put in place in line with those instruments and that provisions on sexual exploitation and trafficking of girls and boys are absent from the Childhood and Adolescence Code...

284. The Committee recommends that the State party bring its domestic legislation into line with the ratified international instruments and implement and fully fund a national strategy to combat trafficking in women and girls, which should include the prosecution and punishment of offenders. The Committee also encourages the State party to pursue increased

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international, regional and bilateral cooperation with other countries of origin, transit and destination of trafficked women and girls...

- Turkey, CEDAW, A/60/38 part I (2005) 58 at para. 355.

355. ...The Committee...commends the State party on its amendment of article 90 of the Constitution, ensuring the primacy of international treaties regarding basic rights and freedoms, including the Convention, over domestic law.

- Democratic People's Republic of Korea, CEDAW, A/60/38 part II (2005) 101 at paras. 59 and 60.

59. In the light of the widespread famine and natural disasters that have affected the country from the mid-1990s, the Committee expresses concern about the insufficient explanation provided with respect to the impact of those phenomena on women, in particular on women from rural areas, on women who are the main providers of the household and on young girls...

60. The Committee urges the State party to introduce specific poverty alleviation measures aimed at improving the situation of women to eliminate their vulnerability. The Committee recommends that the State party seek international assistance in guaranteeing that women, particularly women from rural areas, have equal access to food supplies. It urges the State party to assist women economic returnees who went abroad without valid travel permits to reintegrate into their families and society and to protect them from all forms of violations of their rights. It calls on the State party to train law enforcement officials, migration officials and border police on the causes, consequences and incidence of trafficking and other forms of exploitation so as to enable them to render support to women who might be at risk of becoming victims of trafficking or commercial sexual exploitation...The Committee also urges the State party to intensify its efforts to deal with these phenomena through increased international, regional and bilateral cooperation...

- Benin, CEDAW, A/60/38 part II (2005) 116 at paras. 151 and 152.

151. While welcoming the adoption of measures to prevent and combat trafficking in children, the Committee is concerned that similar measures have not been undertaken with regard to trafficking in women.

152. The Committee urges the State party to take measures to combat trafficking in women

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through the adoption and implementation of a comprehensive strategy, including national laws and subregional cross-border initiatives, to prevent trafficking, punish offenders and protect and rehabilitate victims.

- Gambia, CEDAW, A/60/38 part II (2005) 122 at paras. 197 and 198.

197. ...The Committee is particularly concerned about the phenomenon of sex tourism in the country.

198. ...The Committee calls upon the State party to ensure the implementation of the 2003 Tourism Offence Act and to enhance cooperation with tourists' countries of origin aimed at preventing and combating sex tourism...

- Israel, CEDAW, A/60/38 part II (2005) 129 at paras. 243, 244, 249 and 250.

243. The Committee regrets the State party's position that the Convention does not apply beyond its own territory and, for that reason, the State party refuses to report on the status of implementation of the Convention in the Occupied Territories, although the delegation acknowledged that the State party had certain responsibilities. The Committee further regrets that the delegation did not respond to questions by the Committee concerning the situation of women in the Occupied Territories. The Committee notes that the State party's view that the Convention is not applicable in the Occupied Territories is contrary to the views of the Committee and of other treaty bodies, including the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee against Torture, and also of the International Court of Justice, which have all noted that obligations under international human rights conventions as well as humanitarian law apply to all persons brought under the jurisdiction or effective control of a State party and have stressed the applicability of the State party's obligations under international human rights conventions to the Occupied Territories.

244. The Committee urges the State party to reconsider its position and to give full effect to the implementation of its obligations under the Convention in regard to all persons under its jurisdiction, including women in the Occupied Territories...

...

249. While appreciating the State party's efforts to address the issue of trafficking in women and girls, including ratification of the United Nations Convention against Transnational Organized Crime in 2000 and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children in 2001, the establishment of a Parliamentary Investigative Committee on trafficking of women and an amendment to the Penal Law prohibiting trafficking, the Committee is concerned that domestic legislation has not been

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brought into conformity with international obligations. While noting that a bill to broaden the definition of trafficking is under preparation, the Committee is concerned that the current definition of trafficking in the Penal Law addresses trafficking only for prostitution and bondage and does not cover trafficking for other forms of exploitation...

250. The Committee urges the State party to intensify its efforts to combat all forms of trafficking in women and girls, including by expanding the provision in the Penal Code to bring it into line with the definition contained in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. The Committee also urges the State party to increase its efforts at international, regional and bilateral cooperation with countries of origin and transit so as to address more effectively the causes of trafficking and improve prevention of trafficking through information exchange. The Committee urges the State party to continue to collect and analyse data from the police and international sources, prosecute and punish traffickers, and ensure the protection of the human rights of trafficked women and girls...

- Guyana, CEDAW, A/60/38 part II (2005) 136 at paras. 307 and 308.

307. While noting that women are disproportionately affected by poverty, and noting the existence of the National Development Strategy and a poverty reduction strategy paper, the Committee is disappointed that these policies insufficiently address the gender dimensions of poverty and do not target women specifically, notwithstanding the participation of women's groups in consultations for their preparation. The Committee is especially concerned about the consequences of this omission for Amerindian women and women living in rural and hinterland areas.

308. The Committee urges the State party to make the promotion of gender equality an explicit component of its national development strategies, in particular those aimed at poverty alleviation and sustainable development...It encourages the State party to place emphasis on implementation of the Convention and women's human rights in all development cooperation programmes with international organizations and bilateral donors. It recommends that the State party channel resources available through the highly indebted poor countries initiative towards the empowerment of women, especially Amerindian women and women in rural and hinterland areas...

CAT

- Indonesia, CAT, A/57/44 (2002) 22 at paras. 44 and 45.

44. The Committee...expresses its concern about the following:

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...

(c) The inadequacy of measures to ensure that the second amendment to the 1945 Constitution, relating to the right not to be prosecuted based on retroactive law, will not apply to offences such as torture and crimes against humanity which under international law are already criminalized;

...

(h) The lack of response to communications sent by the Special Rapporteur on torture, as well as the fact that he has not been invited to visit by the State party, despite requests dating back to 1993;

(i) The inadequate cooperation with the Serious Crimes Unit of the United Nations Transitional Administration in East Timor (UNTAET);

...

45. The Committee recommends that the State party:

...

(f) Ensure that crimes under international law such as torture and crimes against humanity committed in the past are investigated and, where appropriate, prosecuted in Indonesian courts;

...

(l) Invite the Special Rapporteur on torture to visit its territories;

(m) Fully cooperate with UNTAET, in particular by providing assistance in investigations or court proceedings in accordance with the memorandum of understanding signed in April 2000, including affording the members of the Serious Crimes Unit full access to relevant files, authorizing visits to Indonesia and East Timor, and transferring suspects for trials in East Timor;

...

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

57. The Committee expresses its concern about the following:

...

(b) The forced deportation of four Uzbek nationals, members of the Uzbek opposition, who were at high risk of being subjected to torture and whose case was the subject of an urgent appeal by the Special Rapporteur on torture;

...

58. The Committee recommends that the State party:

...

(b) Deposit with the Secretary-General its declaration accepting the Committee's competence with respect to articles 21 and 22 of the Convention and the removal of its reservation in regard to article 20;

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(c) Ensure that its competent authorities strictly observe the principle enshrined in article 3 of the Convention not to expel, return or extradite a person to a State where he/she might be subject to torture;

(d) Establish its jurisdiction over offences of torture even if the offender is not a national of the State party, but is present in any territory under its jurisdiction and, where it does not exercise jurisdiction that it extradite the offender;

...

- Denmark, CAT, A/57/44 (2002) 37 at para. 72.

72. [The Committee]...notes with satisfaction:

...

(f) The increase in the State party's contribution to the United Nations Voluntary Fund for Victims of Torture and the continued support to national rehabilitation centres for torture victims.

- Norway, CAT, A/57/44 (2002) 40 at para. 84.

84. The Committee notes with satisfaction:

...

(f) The regularity and generosity of donations made by the State party to the United Nations Voluntary Fund for Victims of Torture;

...

- Saudi Arabia, CAT, A/57/44 (2002) 48 at para. 99.

99. The Committee welcomes the following:

(a) The State party's accession to the Convention against Torture on 23 September 1997, as well as its accession to several other core human rights treaties and its expressed intention to ratify the 1951 Convention on the Status of Refugees and its 1967 Protocol. The Committee also welcomes the State party's declaration that its domestic law, including its components based upon Shariah, is capable of giving full recognition to the rights and obligations contained in the Convention;

...

(e) The State party's invitation to the Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers to examine its law, policy and practice in this field.

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- Uzbekistan, CAT, A/57/44 (2002) 54 at para. 113.

113. The Committee notes the following positive developments:

(a) The ratification of several significant human rights treaties and the enactment of many laws aimed at bringing the legislation into conformity with the obligations in those treaties;

(b) Educational initiatives taken by the State party to familiarize various sectors with international human rights standards, and the extensive efforts made to cooperate with international organizations to promote understanding of human rights, including by inviting technical cooperation from the Office of the High Commissioner for Human Rights;

...

- Egypt, CAT, A/58/44 (2002) 22 at para. 39.

39. The Committee welcomes the following:

...

(f) The establishment in 2000 of the Directorate-General for Human Rights Affairs at the Ministry of Justice, whose functions are to assume responsibility for the fulfilment of the legal aspects of international obligations arising from human rights instruments, including the preparation of replies to international bodies, promote greater public awareness and provide training on these matters for members of the judiciary and the Department of Public Prosecutions;

...

- Venezuela, CAT, A/58/44 (2002) 32 at paras. 76 and 79.

76. The Committee welcomes with satisfaction the entry into force on 30 December 1999 of the new Constitution of the Bolivarian Republic of Venezuela, which demonstrates progress in human rights. In particular, the Committee considers as positive the following aspects of the Constitution:

(a) It gives constitutional status to human rights treaties, covenants and conventions, declares that they take precedence in domestic law, prescribes that they should be immediately and directly applicable and provides that the absence of any law regulating these rights does not impair their exercise;

(b) It recognizes the right of individuals to submit petitions or complaints to the

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international bodies established for the purpose in order to seek protection for their human rights. This recognition is in accordance with the declaration by the State party in 1994 under article 22 of the Convention;

...

(h) It makes compulsory the extradition of persons charged with human rights offences and makes provision for a brief, public, oral procedure for trying them.

...

79. [The Committee]...also welcomes with satisfaction the ratification of the Rome Statute of the International Criminal Court in December 2000.

- Azerbaijan, CAT, A/58/44 (2003) 36 at para. 87.

87. The Committee notes the following positive developments:

(a) The efforts by the State party to address the Committee's previous concluding observations through, in particular, the important Presidential Decree of 10 March 2000;

(b) The declaration under article 22 of the Convention enabling individuals to submit complaints to the Committee;

(c) The ratification of several significant human rights treaties, in particular the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment;

...

(i) The agreement concluded with the International Committee of the Red Cross, enabling ICRC representatives to have unrestricted access to convicted persons in places of detention, as well as the State party's assurance that access for non-governmental organizations to visit and examine conditions in penitentiary establishments is unlimited.

- Cambodia, CAT, A/58/44 (2003) 40 at para. 96.

96. The Committee welcomes the following:

(a) The State party's expression of willingness to continue undertaking legal reforms in order to fulfil its international obligations in the field of human rights;

(b) The State party's cooperation with United Nations agencies and mechanisms in the field of human rights. In this regard, the Committee welcomes the cooperation with the United Nations human rights field presence in the country and the training and educational activities on human rights provided by international organizations to law enforcement personnel, as

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well as the positive role played by NGOs in this regard.

- Turkey, CAT, A/58/44 (2003) 46 at paras. 120, 121 and 123.

120. The Committee welcomes the following positive aspects:

...

(g) The acceptance, in a spirit of cooperation, by the State party of visits by monitoring bodies such as the special rapporteurs of the United Nations Commission on Human Rights and the release to the public of reports of CPT [European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment].

121. The Committee expresses concern about:

...

(g) The State party's failure to comply fully with judgements of the European Court of Human Rights ordering the payment of just compensation.

123. The Committee recommends that the State party:

...

(h) Ensure that fair and adequate compensation, including financial indemnification, rehabilitation, and medical and psychological treatment are provided to the victims of torture and ill-treatment;

...

- Belgium, CAT, A/58/44 (2003) 49 at para. 128.

128. The Committee notes with satisfaction the following elements:

(a) The ratification of the Convention without reservations and the recognition of the Committee's competence to consider inter-State and individual complaints (arts. 21 and 22);

...

(c) The adoption on 18 July 2001 of an article in the Code of Penal Procedure recognizing the competence of Belgian courts to try offences committed outside Belgium which are covered by an international convention which is binding on Belgium;

...

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- Republic of Moldova, CAT, A/58/44 (2003) 53 at paras. 137 and 139.

137. The Committee welcomes the following positive aspects:

...

(b) The fact that the State party has agreed to publicize the reports and responses resulting from the visits of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). Furthermore, the State party has established a specialized Standing Coordinating Committee in regard to the matters dealt with by CPT;

...

(d) The acceptance of article 20 of the Convention.

...

139. The Committee recommends that the State party:

...

(f) Take effective measures to ensure a fully independent procuracy and an independent judiciary in conformity with the United Nations Basic Principles on the Independence of the Judiciary, if necessary by calling for international cooperation;

...

- Colombia, CAT, A/59/44 (2003) 33 at para. 64.

64. ...[T]he Committee expresses its satisfaction at:

(a) The statement by the State party's representative that there neither has been nor will be any amnesty or clemency in the State party for acts of torture;

...

(c) The ongoing cooperation between the office in Colombia of the United Nations High Commissioner for Human Rights and the Government of Colombia.

- Croatia, CAT, A/59/44 (2004) 38 at paras. 76-78.

76. The Committee expresses its satisfaction at the fact that the State party has extended a standing invitation to the special procedures of the Commission on Human Rights to visit the country.

77. The Committee is concerned about the following:

(a) In connection with torture and ill-treatment which reportedly occurred during the 1991-1995 armed conflict in the former Yugoslavia:

(i) The reported failure of the State party to carry out prompt, impartial and full

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investigations, to prosecute the perpetrators and to provide fair and adequate compensation to the victims;

...

(d) In connection with asylum-seekers and illegal immigrants:

(i) The poor conditions of detention of those held in the Jezevo Reception Centre for Foreigners, including poor hygienic conditions and limited access to recreational activities;

(ii) The alleged cases of violence against those held in the Jezevo Reception Centre for Foreigners and the lack of prompt and impartial investigations into this matter;

(iii) The deprivation of their liberty for prolonged periods of time;

...

78. The Committee recommends that the State party:

...

(b) Ensure full cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY), *inter alia* by ensuring that all indicted persons in their territory are arrested and transferred to the custody of the Tribunal;

...

(j) Allow the Office of the United Nations High Commissioner for Refugees (UNHCR) full access to asylum-seekers, and *vice versa*. UNHCR should normally be given access to individual files so that it can monitor asylum procedures and ensure that the rights of refugees and asylum-seekers are respected;

...

- 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:

...

(f) The ratification of several human rights treaties, notably the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, and ongoing cooperation with the Committee for the Prevention of Torture;

(g) The ratification of the Rome Statute of the International Criminal Court in 2003;

...

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- Monaco, CAT, A/59/44 (2004) 56 at para. 116.

116. The Committee notes with satisfaction:

...

(b) The fact that the State party is currently becoming a member of the Council of Europe;

...

(d) The contributions made every year since 1994 to the United Nations Voluntary Fund for Victims of Torture.

- Morocco, CAT, A/59/44 (2003) 58 at para. 125.

125. The Committee takes note of the following positive new developments:

(a) The declaration by the State party delegation of the intention of the executive, up to the highest level, and of the legislature, to implement the Convention, which is directly applicable in Morocco, to adopt institutional, normative and educational measures, in consultation with local and international associations, and to develop technical cooperation in the area of human rights with the United Nations Development Programme (UNDP), the Office of the United Nations High Commissioner for Human Rights and non-governmental organizations (NGOs). This political will has also been reflected in the release of political prisoners, including a group of 56 who were released in November 2002, and in the compensation of victims;

...

(g) The assurance that the State party will act on the recommendations and concerns addressed to it by the Committee.

- New Zealand, CAT, A/59/44 (2004) 61 at para. 133.

133. The Committee notes with appreciation:

...

(b) The cooperation undertaken with the Office of the United Nations High Commissioner for Refugees and the willingness to comply with its guidelines and recommendations;

...

- Yemen, CAT, A/59/44 (2003) 64 at paras. 143 and 146.

143. The Committee welcomes the ongoing efforts of the State party to reform its legal system, revise its legislation and uphold democratic values, in particular:

...

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(d) The stated intention of the State party to ratify the Rome Statute of the International Criminal Court and steps taken at the national level in this respect;

(e) The ratification of the major human rights instruments and the incorporation of the provisions of these international treaties into the domestic legal order;

(f) The human rights education and training activities and the State party's openness to international cooperation, as reflected in the agreement concluded with the Office of the High Commissioner for Human Rights;

...

(h) The access accorded to the International Committee of the Red Cross to persons held by the Political Security Department.

...

146. The Committee recommends that the State party:

...

(l) Review the minimum age of criminal responsibility and ensure that all protective institutions and other places of detention meet international juvenile justice standards, including those of the Convention;

...

(n) Consult closely with the Office of the High Commissioner for Human Rights, the United Nations independent human rights mechanisms and country-based programmes to develop appropriate education and training programmes on, *inter alia*, the United Nations human rights treaty body reporting processes and programmes aimed at enforcing the prohibition of torture and ill-treatment.

- United Kingdom of Great Britain and Northern Ireland (Crown Dependencies and Overseas Territories), CAT, A/60/44 (2004) 16 at paras. 39 and 40.

39. The Committee expresses its concern at:

...

(b) The State party's limited acceptance of the applicability of the Convention to the actions of its forces abroad, in particular its explanation that "those parts of the Convention which are applicable only in respect of territory under the jurisdiction of a State party cannot be applicable in relation to actions of the United Kingdom in Afghanistan and Iraq"; the Committee observes that the Convention protections extend to all territories under the jurisdiction of a State party and considers that this principle includes all areas under the *de facto* effective control of the State party's authorities;

...

(d) The State party's reported use of diplomatic assurances in the "*refoulement*" context in circumstances where its minimum standards for such assurances, including effective post-return monitoring arrangements and appropriate due process guarantees followed, are not

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wholly clear and thus cannot be assessed for compatibility with article 3 of the Convention;

...

40. The Committee recommends that:

...

(f) The State party should make public the result of all investigations into alleged conduct by its forces in Iraq and Afghanistan, particularly those that reveal possible actions in breach of the Convention, and provide for independent review of the conclusions where appropriate;

...

(i) The State party should provide the Committee with details on how many cases of extradition or removal subject to receipt of diplomatic assurances or guarantees have occurred since 11 September 2001, what the State party's minimum contents are for such assurances or guarantees and what measures of subsequent monitoring it has undertaken in such cases;

...

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

46. The Committee notes the following positive developments:

...

(e) The publication of the reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment on its visit to Greece and the response of the Government thereto (CPT/Inf(2002)31 and CPT/Inf(2002)32), which would contribute to a general debate among all interested parties;

...

- Switzerland, CAT, A/60/44 (2005) 28 at para. 63.

63. The Committee notes the following positive aspects:

...

(e) The publication of the reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment on its third and fourth visits to Switzerland and the response of the Government thereto, as well as the work being carried out by the State party's authorities to implement recommendations contained therein, such as those concerning removals by air of foreign nationals and integration into the general police training programme of information concerning the risk of positional asphyxia during these deportations;

...

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

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

...

(j) The publication of the reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment on its visit to Finland (CPT/Inf (2003) 38 and CPT/Inf (2004) 20), and the Government replies thereto, as well as the work being carried out by the State party to implement the recommendations made by the European Committee;

...

- Albania, CAT, A/60/44 (2005) 34 at para. 81.

81. The Committee notes with appreciation the ongoing efforts by the State party aimed at strengthening human rights in Albania. In particular, the Committee welcomes the following:

...

(c) The ratification of:

(i) The European Convention on Extradition and its Additional Protocol in 1998 and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and its Protocol No. 1 and Protocol No. 2 in 1996;

(ii) The Rome Statute of the International Criminal Court in 2002 as well as of most of the United Nations conventions and protocols for the protection of human rights;

(iii) The Optional Protocol to the Convention against Torture in 2003;

...

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

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

...

(d) The generous approach taken by the Government of Uganda in hosting more than 200,000 refugees and in fully respecting the principle of *non-refoulement*;

(e) The ratification by the State party of most major international human rights conventions;

...

- Bahrain, CAT, A/60/44 (2005) 44 at para. 107.

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107. The Committee notes the following positive developments:

...

(b) The State party's accession to international human rights treaties including the Convention against Torture in 1998 and the Convention on the Elimination of All Forms of Discrimination against Women in 2002 and assurances from the delegation that the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights "have been agreed upon and are in the process of ratification";

...

(d) The visit to Bahrain in 2001 by the Working Group on Arbitrary Detention which was granted unrestricted access to all prisons and police station holding cells and was able to speak freely and without witnesses to prisoners it selected at random;

...

CRC

- Mauritania, CRC, CRC/C/111 (2001) 8 at para. 37.

37. The Committee encourages the State party:

(a) To take all necessary measures to ensure that its domestic legislation, including customary laws, conforms fully to the principles and provisions of the Convention;

(b) To ratify the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(c) To ratify the African Charter on the Rights and Welfare of the Child; and

(d) To seek technical assistance from, among others, UNICEF and OHCHR.

- Oman, CRC, CRC/C/111 (2001) 36 at paras. 199 and 200.

199. The Committee is seriously concerned at the hazardous situation of children involved in camel racing. In particular it is concerned that sometimes very young children are

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involved and that such involvement produces serious injuries, even fatalities. It concurs with the ILO Committee of Experts on the Application of Conventions and Recommendations which has previously indicated that the employment of children as camel jockeys constitutes dangerous work under article 3(1) of ILO Convention No. 138.

200. In accordance with article 32 of the Convention and ILO Convention No. 182, which the State party has ratified, the Committee recommends that the State party:

(a) Take immediate and effective steps to ensure the implementation of article 32 of the Convention and ILO Convention No. 182, taking into account ILO Recommendation No. 190;

(b) Undertake efforts to develop a regional initiative in this regard, including bilateral and multilateral cooperation; and

(c) Seek assistance from the ILO.

See also:

- Qatar, CRC, CRC/C/111 (2001) 59 at paras. 320 and 321.

- Portugal, CRC, CRC/C/111 (2001) 48 at paras. 218 and 219.

218. The Committee notes that the State party's contribution to international cooperation was 0.26 per cent of GNP in 1999, and that the United Nations recommended target for development aid by States is 0.7 per cent of GNP.

219. The Committee recommends that the State party progressively increase its contributions to international cooperation in accordance with United Nations targets, giving particular attention to children's rights.

- Uzbekistan, CRC, CRC/C/111 (2001) 117 at paras. 576 and 577.

576. In the light of article 24 of the Convention, the Committee expresses its concern at problems of poor access to safe water and food security, exposure to toxic chemicals, and other hazards arising from the Aral Sea disaster, which negatively impact upon the health of children in the Karalpakstan region.

577. In the light of article 24 (c) of the Convention, the Committee recommends that the State party take all appropriate measures, including seeking international cooperation, to prevent and combat the damaging effects of environmental degradation on children,

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including pollution and contamination of water supplies.

- Cape Verde, CRC, CRC/C/111 (2001) 135 at paras. 650 and 651.

650. The Committee notes the relatively unimpeded access of refugees to the State party, but remains concerned that the State party has not yet ratified international instruments with regard to the protection of stateless persons.

651. The Committee recommends that the State party:

- (a) Continue efforts to ensure full respect for the rights of refugee children;
- (b) Ratify the 1954 Convention relating to the Status of Stateless Persons;
- (c) Ratify the 1961 Convention on the Reduction of Statelessness.

- Lebanon, CRC, CRC/C/114 (2002) 11 at paras. 80 and 84-86.

80. The Committee...encourages the State party to continue and strengthen its demining activities and to seek the necessary technical and financial support from the international community.

...

84. The Committee reiterates its recommendation ([CRC/C/15/Add.54], para. 40) that the State party, in cooperation with United Nations Relief and Works Agency for Palestine Refugees in the Near East, seek ways of addressing the socio-economic problems among Palestinian children that affect children negatively, including teaching about the Convention in the school and include children in development programmes.

85. While noting the measures taken by the State party in this sector, including raising the minimum age for employment, the Committee is concerned that despite stricter laws on child labour, a high percentage of working children are involved in activities which represent a danger to their health and development. The Committee welcomes the collaboration with ILO/IPEC in combating and preventing child labour.

86. The Committee recommends that the State party:

- (a) Continue and strengthen its cooperation with ILO/IPEC and carry out campaigns to inform and sensitize the general public, especially parents and children, of work hazards, as well as strengthen labour inspections and law enforcement; and

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(b) Make every effort to ratify and implement ILO Convention (No. 138) on the Minimum Age for Admission to Employment and seek assistance from ILO in this regard.

- Gabon, CRC, CRC/C/114 (2002) 47 at paras. 235 and 236.

235. While noting the criminalization of trafficking of children in a recent Act of 2001 and the establishment of a national inter-ministerial committee to fight against trafficking in children, and the serious commitment of the State party with regard to this issue, the Committee is deeply concerned at the large number of trafficked children, particularly children coming from abroad, who are still exploited, mostly in the informal labour market, or enslaved.

236. The Committee encourages the State party to pursue its efforts:

...

(c) To monitor the bilateral agreement with Benin and extend this cooperation to other countries where trafficked children come from, as well as envisage signing agreements with these countries;

...

- Mozambique, CRC, CRC/C/114 (2002) 65 at paras. 309, 310 and 314.

309. While noting the State party's significant efforts in the past to provide assistance to refugees and internally displaced persons, the Committee remains concerned that:

...

(b) Children who seek to cross through, or leave, Mozambique and to enter neighbouring countries are sometimes treated violently by border officials of those countries when caught.

310. The Committee recommends that the State party:

...

(b) Improve its collaboration, *inter alia* through bilateral arrangements and agreements, with relevant neighbouring countries to ensure that children who seek to cross through, or leave, Mozambique for those countries are treated in full respect of the Convention's provisions.

...

314. The Committee recommends that the State party:

(a) Devise a national plan of action to address child labour concerns, and seek technical assistance from ILO/International Programme on the Elimination of Child Labour (IPEC);

...

(e) Ratify ILO Conventions 138 concerning the Minimum Age for Admission to Employment and 182 concerning the Prohibition and Immediate Action for the Elimination

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of the Worst Forms of Child Labour.

(f) Ensure the implementation and enforcement of all domestic and international legal protections for children in this regard.

- Guinea-Bissau, CRC, CRC/C/118 (2002) 12 at paras. 41 and 42.

41. The Committee is deeply concerned that budget allocations for services such as health and education are extremely low. In addition, sole dependence on foreign assistance raises concerns as to the sustainability of the required resources...

42. With a view to the State party's strengthening of its implementation of article 4 of the Convention, and in the light of articles 2, 3, and 6, the Committee recommends that the State party:

(a) Establish a clear policy on the allocation of resources in favour of children, including those resources allocated by international agencies or bilateral assistance;

(b) Prioritize budgetary allocations to ensure implementation of the rights of children to the maximum extent of available resources and, where needed, within the framework of international cooperation;

...

- United Arab Emirates, CRC, CRC/C/118 (2002) 90 at paras. 406 and 407.

406. Despite noting some efforts by the State party, the Committee is seriously concerned at the hazardous situation of children involved in camel racing. In particular, it is concerned that very young children are sometimes involved; that children are trafficked, particularly from Africa and South Asia for this purpose; that children are denied education and health care; and that such involvement produces serious injuries, even fatalities. It concurs with the ILO Committee of Experts on the Application of Conventions and Recommendations, which has previously indicated to the State party that the employment of children as camel jockeys constitutes dangerous work under article 3, paragraph 1, of ILO Convention No. 138.

407. In accordance with article 32 of the Convention and ILO Conventions Nos. 138 and 182, which the State party has ratified, the Committee recommends that the State party:

(a) Take immediate and effective steps to ensure the implementation of article 32 of the Convention on the Rights of the Child and ILO Conventions Nos. 138 and 182, taking into account ILO Recommendations Nos. 146 and 190;

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(b) Undertake awareness-raising campaigns on trafficking in countries of origin and strengthen cooperation with those countries;

(c) Undertake a regional initiative (e.g. through the Gulf Cooperation Council) in this regard, including bilateral and multilateral cooperation; and

(d) Seek assistance from the ILO and UNICEF.

- Spain, CRC, CRC/C/118 (2002) 117 at paras. 512 and 513.

512. The Committee is deeply alarmed about the conditions of unaccompanied foreign children, mostly Moroccans, especially in the autonomous cities of Ceuta and Melilla. In particular, it expresses its concern at reports of:

...

(e) Summary expulsions of children without ensuring that they are effectively returned to family or social welfare agencies in their country of origin.

513. The Committee recommends that the State party urgently take the necessary measures in order to:

...

(c) Coordinate with the Government of Morocco to ensure that when children are repatriated from Spain to Morocco, they are returned to family members willing to care for them or to an appropriate social service agency;

...

(i) Consider signing and ratifying the International Convention on the Protection of the Rights of All Migrants Workers and Members of Their Families, as previously recommended ([CRC/C/15/Add.28], para.23).

- Sudan, CRC, CRC/C/121 (2002) 53 at paras. 229, 230, 239, 240, 266, 267, 278 and 279.

229. While noting that consideration of a draft children's code is continuing, the Committee, in light of Commission on Human Rights resolution 2001/18, expresses its concern that:

...

(b) The State party has yet to ratify a number of core international human rights treaties.

230. The Committee recommends that the Sudanese authorities:

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...

(c) Sign and ratify the African Charter on the Rights and Welfare of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of All Forms of Discrimination against Women and proceed with ratification of the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict, and on the sale of children, child prostitution and child pornography, and the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction.

...

239. The Committee recognizes the important role of civil society, as well as of international organizations, under the prevailing conditions, in the implementation of the provisions of the Convention, and is concerned at the insufficient efforts by the State party to fully cooperate with and facilitate their efforts.

240. The Committee recommends that the State party strengthen its cooperation with NGOs and international organizations and continue to ensure the safety of all NGO and intergovernmental personnel in the course of their work on behalf of children.

...

266. While noting the efforts undertaken to end female genital mutilation, the Committee remains deeply concerned that it continues to be practised widely.

267. The Committee recommends that the State party continue and strengthen its efforts to end the practice of female genital mutilation and to seek cooperation with other countries in the region with a positive experience in combatting this harmful practice. Religious and community leaders should be mobilized in this regard.

...

278. While noting the demobilization of some children, the Committee is deeply concerned that:

- (a) Children are still being used as soldiers by the Government and opposition forces;
- (b) Landmines continue to pose problems for the safety of children, including in regions where armed conflict is no longer taking place;
- (c) Government forces have conducted indiscriminate bombing of civilian areas, including of food stocks;
- (d) Access to needy populations by humanitarian organizations has sometimes been impeded.

279. The Committee recommends that the State party and, as far as applicable, other

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relevant actors:

...

(d) Ratify and fully implement the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and On Their Destruction, of 1997;

(e) Respect the provisions of article 38 of the Convention and related provisions of international humanitarian law with regard to the protection of civilians, including children, in armed conflicts;

(f) Guarantee the delivery of humanitarian assistance to the populations in need, and respect the rights of children among civilian populations to, among others, food, water, medical care and adequate housing;

(g) Fully cooperate with the United Nations verification team investigating alleged abuses against civilians, including children, during the armed conflict.

See also:

- Israel, CRC, CRC/C/121 (2002) 131 at paras. 239 and 240.
- Ukraine, CRC, CRC/C/121 (2002) 70 at paras. 342, 343 and 349.

342. The Committee regrets that its previous recommendation that the State party consider ratification of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993 has not yet been followed up ([CRC/C/15/Add. 42], para. 28)...

343. The Committee reiterates its recommendation that the State party ratify the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, of 1993...

...

349. The Committee recommends that the State party:

...

(c) Focus more on a long-term developmental approach to the assistance given to people through, *inter alia*, supporting United Nations initiatives in this area;

(d) Take all appropriate measures, including seeking international cooperation, to prevent and combat the damaging effects of environmental degradation on children, including pollution of the environment and food products.

- Burkina Faso, CRC, CRC/C/121 (2002) 103 at paras. 442, 443, and 479-482.

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442. The Committee welcomes the priority given to the allocation of resources to health and education, especially in the State budget for 2002, and notes with concern the chronic budget deficits in spite of aid plans established through international cooperation, the World Bank, United Nations agencies and bilateral donors.

443. While recognizing the difficult economic conditions, the Committee recommends that the State party:

(a) Make every effort to increase the proportion of the budget allocated to the realization of children's rights to the "maximum extent ... of available resources" and, in this context, to ensure the provision, including through international cooperation, of appropriate human resources and to guarantee that the implementation of policies relating to social services provided to children remain a priority;

...

479. While noting with appreciation the ratification by the State party of ILO Conventions No. 138 concerning the Minimum Age for Admission to Employment and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and the ongoing programme with the International Programme for the Elimination of Child Labour (ILO/IPEC) the Committee is deeply concerned at the fact that child labour in the State party is widespread and that children may be working long hours...

480. The Committee encourages the State party to continue its collaboration with ILO/IPEC...

481. While welcoming the efforts undertaken by the State party to combat child trafficking through a national programme and, in particular, the adoption of a travel document with five other countries of the region, the Committee is deeply concerned at the number of trafficked children who are exploited in the State party and in neighbouring countries.

482. The Committee recommends that the State party:

...

(c) Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

(d) Continue to seek assistance from ILO/IPEC.

- Israel, CRC, CRC/C/121 (2002) 131 at paras. 608 and 609.

608. The Committee is seriously concerned about the impact of terrorism on the rights of

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children in the State party, as well as the impact of military action on the rights of children in the occupied Palestinian territories. Moreover, the Committee is concerned about the insufficient cooperation of the State party in relation to demining efforts in southern Lebanon and the lack of redress available to the child victims of Israeli Defence Forces operations there.

609. The Committee recommends that the State party and other non-State actors:

(a) Establish and strictly enforce rules of engagement for military and other personnel which fully respect the rights of children as contained in the Convention and protected under international humanitarian law;

(b) Refrain from using and/or targeting children in the armed conflict and comply fully with article 38 of the Convention, and as much as possible with the Optional Protocol on the involvement of children in armed conflict;

(c) Provide full support and cooperation for demining efforts in southern Lebanon, and possibilities for adequate compensation, recovery and rehabilitation to the child victims of Israeli Defence Forces actions in southern Lebanon;

(d) Ratify and fully implement the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, of 1997.

- Estonia, CRC, CRC/C/124 (2003) 9 at para. 25.

25. The Committee welcomes:

...

(f) The ratification of international treaties relevant to the protection of children's rights (including the ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour; the Hague Conventions on Protection of Children and Cooperation in Respect of Intercountry Adoption and on Civil Aspects of International Child Abduction; and the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children).

- Republic of Korea, CRC, CRC/124 (2003) 24 at paras. 120 and 121.

120. ...The Committee...notes with concern the high number of intercountry adoptions, suggesting that this form of adoption is not necessarily a measure of last resort, and reiterates its concern, stated in previous concluding observations, that the State party has not ratified

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the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption.

121. The Committee reiterates its previous recommendation to the State party and calls for:

(a) A comprehensive review of the system of domestic and intercountry adoptions with a view to reforming legislation in order to bring it into full conformity with the principles and provisions of the Convention on the Rights of the Child, in particular article 21;

(b) The ratification of the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption.

- Italy, CRC, CRC/124 (2003) 36 at paras. 176 and 177.

176. The Committee welcomes the State party's ratification of the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption, but remains concerned at the different proceedings and costs of domestic adoption, depending on the authorized agency involved.

177. In the light of article 21 of the Convention, the Committee recommends that the State party take the necessary measures:

...

(b) To conclude bilateral agreements with (sending) countries that have not ratified the aforementioned Hague Convention.

- Romania, CRC, CRC/124 (2003) 49 at paras. 232, 233, 248, 249, 252 and 253.

232. The Committee is concerned at the high number of allegations of children being ill-treated and tortured by law enforcement officials received by the Special Rapporteur on the question of torture. The Committee regrets that the majority of these allegations have not been responded to and is concerned that they may not have been effectively investigated by an independent authority. Furthermore, the Committee is concerned that cooperation with the Special Rapporteur in this respect has been insufficient.

233. The Committee recommends that the State party:

(a) Investigate all allegations of torture and other cruel, inhuman or degrading treatment or

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punishment of children and make all efforts to cooperate fully with the Special Rapporteur on the question of torture;

...

(c) Bearing in mind the previous recommendation of the Committee ([CRC/C/15/Add.16], para. 20), undertake measures to follow up on the recommendations made by the Human Rights Committee (CCPR/C/79/Add.111, para. 12);

...

248. The Committee welcomes the efforts of the State party, undertaken in cooperation with United Nations partners, to combat HIV/AIDS, but remains concerned at:

(a) The incidence of HIV/AIDS among young children and the high rate of new infections affecting young people, particularly among minorities;

...

249. The Committee recommends that the State party:

(a) Actively pursue its ongoing activities supported by the Joint United Nations Programme on HIV/AIDS (UNAIDS) and UNICEF to counter HIV/AIDS;

...

(c) Take due account of the International Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37, annex I).

...

252. The Committee notes:

...

(b) That there have been reports of cases of arbitrary detention and threatened expulsion.

253. The Committee recommends that the State party:

...

(c) Fully uphold their international obligations concerning lawful detention as well as the principle of *non-refoulement*;

(d) Continue cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR) in this respect.

- Czech Republic, CRC, CRC/C/124 (2003) 78 at paras. 381-383.

381. The Committee welcomes:

(a) The establishment in the spring of 2002 of a trilateral Czech-German-Polish working group to address, *inter alia*, trafficking in human beings, in particular the sexual exploitation of children for prostitution occurring in these areas;

...

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382. The Committee remains concerned at:

...

(c) The lack of follow-up to the recommendations from the 1997 visit of the Special Rapporteur on the sale of children, child prostitution and child pornography;

...

(e) The failure to date to ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

383. The Committee recommends that the State party:

...

(c) Implement outstanding recommendations of the Special Rapporteur on the sale of children, child prostitution and child pornography, *inter alia* those related to the cross-border trafficking problem;

...

(e) Ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

- Haiti, CRC, CRC/124 (2003) 95 at paras. 432, 433, 452 and 453.

432. The Committee is concerned at the increase in intercountry adoptions without an adequate monitoring mechanism.

433. The Committee recommends that the State party:

(a) Ratify the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993;

(b) Undertake efforts to enhance its capacities to monitor intercountry adoptions so as to ensure full observance of article 21 and other relevant provisions of the Convention.

...

452. The Committee is deeply concerned at the high incidence of trafficking of children from Haiti to the Dominican Republic. The Committee is concerned that these children, once they are separated from their families, are forced to work or beg in the Dominican Republic.

453. The Committee recommends that the State party take all necessary measures to prevent the trafficking of Haitian children to the Dominican Republic. In particular, the Committee recommends that the State party conclude an agreement with the Dominican Republic for the repatriation of trafficked children to Haiti and for tightening border controls. The Committee recommends that the State party continue to seek assistance from, among others, UNICEF and the International Organization for Migration.

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- Iceland, CRC, CRC/124 (2003) 109 at paras. 476 and 477.

476. The Committee notes with appreciation the State party's contributions and various child rights-related activities in the area of international cooperation. However, it notes that while overseas development assistance is increasing in absolute terms, it is not increasing relative to its gross domestic product (GDP).

477. The Committee encourages the State party to continue and strengthen its activities in the area of international cooperation by, among other things, striving to achieve the United Nations target of 0.7 per cent of GDP for international development assistance.

- Eritrea, CRC, CRC/C/132 (2003) 8 at paras. 77 and 78.

77. While noting with appreciation the State party's extensive experience in providing care and protection to vulnerable children separated from their families through national and field-level structures, as well as the Eritrean Refugees and Relief Commission, the Committee is concerned that there are still a significant number of children suffering from the effects of armed conflict, in particular returnees, internally displaced children, landmine victims and children who were separated from their parents following expulsions of Eritreans from Ethiopia during the border war (1998-2001).

78. The Committee recommends that the State party continue to strengthen programmes to provide assistance and support to children affected by armed conflict, including returnee and displaced children and landmine victims, while paying particular attention to female-headed households. In particular, the Committee recommends that the State party:

(a) Ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and enact refugee legislation that adheres to international standards, in particular in the area of rights and obligations of asylum-seekers;

(b) Strengthen efforts to trace and reunite family members of refugee and displaced children, including those expelled from Ethiopia during the border war;

...

(d) Seek international support and technical assistance, where possible, from United Nations agencies, in particular UNHCR, and NGOs to expedite the process of demining and the social reintegration and, when necessary, rehabilitation of all victims of recent armed conflicts.

- Cyprus, CRC, CRC/C/132 (2003) 21 at para. 122.

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122. The Committee welcomes the decision of the Government to publish the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment on its visit to Cyprus from 22 to 30 May 2000, and notes that the findings of the visit indicated that physical ill-treatment by the police remained a serious problem in Cyprus. The Committee further welcomes the responses of the Government to the report and the measures undertaken to combat ill-treatment, in particular as they relate to children between 10 and 18.

- Zambia, CRC, CRC/C/132 (2003) 32 at paras. 213 and 214.

213. The Committee notes the signing of a memorandum of understanding with ILO/IPEC on the National Programme on the Elimination of Child Labour in 2000 and the first results of this programme, such as the withdrawal of 1,481 children from the worst forms of child labour, as indicated in the written replies. The Committee nevertheless remains concerned at the large number of working children in the State party.

214. The Committee recommends that the State party:

...

- (c) Continue to seek assistance from ILO/IPEC and UNICEF.

- Solomon Islands, CRC, CRC/C/132 (2003) 58 at para. 300.

300. The Committee, noting that at least 87 languages and dialects are spoken in the country, welcomes the initiatives taken by the State party to disseminate the Convention and recommends further cooperation with UNICEF and OHCHR in disseminating international human rights treaties and in providing training programmes to raise awareness of the Convention...

- Jamaica, CRC, CRC/C/132 (2003) 86 at paras. 440 and 441.

440. Noting the intention to reform the social safety net for the poor, the Committee, in the light of its earlier concern about the large number of families living in poverty (CRC/C/15/Add.32, para. 20), wishes to stress that the situation is made more difficult by the lack of an efficient social security policy. The Committee is also concerned that the

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existing standard of living hampers children's physical, mental, spiritual, moral and social development.

441. The Committee therefore recommends that the State party strengthen its efforts to revise and/or establish a social security policy along with a clear and coherent family policy, as well as effective strategies for using the social safety net benefits to further the rights of children. Furthermore, the Committee recommends that the State party develop and implement a poverty reduction strategy and seek assistance from the international community, including United Nations agencies and other competent bodies, in that effort.

- Morocco, CRC, CRC/C/132 (2003) 100 at paras. 494, 495, 512 and 513.

494. The Committee is deeply concerned at the existence of difficulties in the implementation of decisions of the courts regarding custody and visitation rights for Moroccan children one of whose parents live outside Morocco and for foreign children one of whose parents is Moroccan.

495. The Committee recommends that the State party undertake all necessary efforts to strengthen dialogue and consultation with relevant countries, as mentioned in the State party's report ([CRC/C/93/Add.3] para. 258), notably those with which the State party has signed an agreement regarding custody or visitation rights, and ratify the Hague Convention on the Civil Aspects of International Child Abduction of 1980.

...

512. The Committee is deeply concerned at the situation of Moroccan children who are deported, notably in the cities of Ceuta and Melilla in Spain. In particular, the Committee is concerned at allegations of police brutality against such children. The Committee is further concerned that these children, once they are back on the territory of the State party, do not receive adequate protection or assistance and that their situation is not monitored.

513. Taking into consideration its recommendations to Spain (CRC/C/15/Add.185, para. 46), the Committee recommends that the State party take all necessary measures:

(a) To prevent unaccompanied children from migrating to other countries, including by offering them opportunities for education;

(b) To coordinate with the Government of Spain to ensure that when children are repatriated from Spain to Morocco, they are returned to family members willing to care for them or to an appropriate social service agency for their care and rehabilitation;

...

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- Kazakhstan, CRC, CRC/C/132 (2003) 129 at paras. 638 and 641.

638. The Committee notes the international cooperation in the sphere of health, the special comprehensive medium-term programme for the protection of mother and child health 2001-2005, and the reduction, in recent years, of the infant mortality rate, the under-5 mortality rate and the maternal mortality rate, but is nevertheless concerned that these remain unacceptably high.

...

641. The Committee urgently recommends that the State party:

...

(c) Continue and strengthen implementation of the WHO Integrated Management of Childhood Illness programme;

...

(f) Focus more on a long-term developmental approach to the assistance extended to children through, *inter alia*, supporting United Nations initiatives in this area;

(g) Take all appropriate measures, including seeking international cooperation, to prevent and combat the damaging effects of environmental degradation on children, including pollution of the environment and food products.

- Canada, CRC, CRC/C/133 (2003) 14 at paras. 78-81.

78. The Committee notes with satisfaction that Canada is a party to the Hague Convention on the Civil Aspects of International Child Abduction of 1980 and notes the concern of the State party that parental abductions of children are a growing problem.

79. The Committee recommends that the State party apply the Hague Convention to all children abducted to Canada, encourage States that are not yet party to the Hague Convention to ratify or accede to this treaty and, if necessary, conclude bilateral agreements to deal adequately with international child abduction. It further recommends that maximum assistance be provided through diplomatic and consular channels in order to resolve cases of illicit transfer and non-return in the best interests of the children involved.

80. The Committee is encouraged by the priority accorded by the State party to promoting the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993 in Canada and abroad. However, the Committee notes that while adoption falls within the jurisdiction of the provinces and territories, the ratification of the Hague Convention has not been followed up by legal and other appropriate measures in all provinces. The Committee is also concerned that certain provinces do not recognize the right of an adopted child to know, as far as possible, her/his biological parents (art. 7).

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81. The Committee recommends that the State party consider amending its legislation to ensure that information about the date and place of birth of adopted children and their biological parents are preserved and made available to these children. Furthermore, the Committee recommends that the Federal Government ensure the full implementation of The Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993 throughout its territory.

- Singapore, CRC, CRC/C/133 (2003) 84 at para. 403.

403. While noting the international cooperation undertaken by the State party within the Association of South-East Asian Nations, the Committee encourages the State party to implement the United Nations target of allocating 0.7 per cent of gross domestic product to overseas development assistance.

- New Zealand, CRC (Optional Protocol - Armed Conflict), CRC/C/133 (2003) 126 at para. 591.

591. The Committee welcomes the State party's international and bilateral technical cooperation activities and financial assistance aimed at preventing the involvement of children in armed conflicts and at assisting the recovery of child victims of armed conflicts and the rehabilitation and recovery of child combatants.

- Indonesia, CRC, CRC/C/137 (2004) 8 at paras. 34, 35, 59, 67, 68, 86, 91, 92 and 109.

34. The Committee encourages the State party to consider the possibility of supporting the ratification of the Convention by an Act of Parliament.

35. The Committee also encourages the State party to consider ratifying other human rights instruments, such as the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as the Rome Statute of the International Criminal Court, and to do so with the support of an Act of Parliament.

...

59. The Committee recommends that the State party amend all national and local laws relating to birth registration and that it implement a comprehensive strategy to achieve 100 per cent birth registration by 2015, including by cooperating with UNICEF and other international agencies.

...

67. The Committee welcomes the expressed commitment by and increasing cooperation of the State party in the facilitation of durable solutions for East Timorese children separated from their families. However, the Committee remains concerned at the rather limited

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repatriation which has taken place since 1999 of these children.

68. The Committee recommends that the State party:

(a) Strengthen measures to ensure the quick and safe repatriation of all separated children to Timor-Leste;

(b) Continue its collaboration in this regard with UNHCR.

...

86. The Committee recommends that the State party:

...

(b) Strengthen the measures taken to ensure quick and safe repatriation of all Timorese children separated from their families to Timor-Leste;

(c) Accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the Convention on the Status of Stateless Persons and the Convention on the Reduction of Statelessness;

(d) Continue its collaboration with, among others, UNHCR.

...

91. The Committee urges the State party:

...

(c) To take immediate measures to facilitate access to children and their families by national and international aid and humanitarian agencies, particularly in Aceh;

...

(e) To abide faithfully by the principles of human rights law and international humanitarian law and the conventions to which Indonesia is party;

(f) To ensure that all persons, including senior officials, who have sponsored, planned, incited, financed or participated in military or paramilitary operations using child soldiers or children as sexual slaves, or violating any rights of the children, will be prosecuted, including those who committed abuses in East Timor in 1999.

92. The Committee recommends that the State party develop a comprehensive policy and programme for implementing the rights of children who have been affected by conflict. In particular, the Committee recommends that the State party:

(a) Develop, in collaboration with NGOs and international organizations, a comprehensive system of psychosocial support and assistance for children affected by conflict, in particular child combatants, unaccompanied IDPs and refugees, returnees and smuggled children, which also ensures their privacy;

...

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109. The Committee recommends that the State party:

...

(c) Seek to establish bilateral and multilateral agreements with neighbouring countries to prevent the sale, trafficking and abduction of children, and facilitate their protection and safe return to their families;

(d) Seek cooperation with and assistance from, *inter alia*, UNICEF and IOM.

- Armenia, CRC, CRC/C/137 (2004) 36 at paras. 227 and 244.

227. In the light of article 24 (c) of the Convention, the Committee reiterates its recommendation that the State party take all appropriate measures, including international cooperation, to prevent and combat the damaging effects of environmental degradation on children, including pollution and contamination of water supplies...

...

244. The Committee recommends that the State party:

...

(c) Conduct further research related to the occurrence of child trafficking and strengthen regional cooperation with countries to which Armenian children are trafficked, and consider seeking technical cooperation from, among others, UNICEF, ILO and the International Organization for Migration in this respect.

- Germany, CRC, CRC/C/137 (2004) 51 at paras. 272, 273, 289, 290, 297 and 298.

272. The Committee notes the approval of the Programme of Action 2015 for Poverty Reduction and the many other activities in the area of international cooperation and assistance, but remains concerned that the State party devotes only about 0.27 per cent of its gross national income to the official development assistance, and that the foreseen increase to 0.33 per cent in 2006 is very slow.

273. In light of its previous recommendations ([CRC/C/15/Add.43], para. 25), the Committee encourages the State party to implement the United Nations target of allocating 0.7 per cent of gross domestic product to overseas development assistance as soon as possible and emphasize its concern about basic social services to attain the objectives of the Copenhagen 20/20 Initiative.

...

289. The Committee notes with satisfaction that Germany is a party to the Hague Convention on the Civil Aspects of International Child Abduction of 1980, but remains concerned that the abduction of children by either of their parents is a growing problem.

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290. The Committee recommends that the State party fully and effectively apply the Hague Convention of 1980 to all children abducted into Germany (including those abducted from non-State parties to the aforesaid Convention) and encourage States which are not yet parties to this Convention to ratify or accede to it and, if necessary, conclude bilateral agreements to deal adequately with international child abduction. It further recommends that maximum assistance be provided through diplomatic and consular channels, in order to solve cases of illicit transfer of children abroad.

...

297. The Committee notes that the prohibition on the practice of female genital mutilation is covered under criminal law, but expresses its concern at reports that female genital mutilation is practised in the State party on girls from sub-Saharan countries.

298. The Committee recommends that the State party:

(a) Undertake a study on the extent and nature of female genital mutilation practised in the State party or abroad on girls who live in Germany;

...

(d) Give priority to the elimination of female genital mutilation in its programme of international cooperation by, *inter alia*, extending financial and technical assistance to countries of origin where female genital mutilation is practised that have active programmes designed to eliminate this practice.

- The Netherlands (Netherlands and Aruba), CRC, CRC/C/137 (2004) 63 at paras. 322, 352 and 353.

322. The Committee...notes with appreciation that the State party has met the United Nations target of allocating at least 0.7 per cent of gross national income to official development assistance.

...

352. The Committee shares the State party's concern that a significant number of births are not registered in Aruba.

353. The Committee recommends that the State party strengthen efforts in Aruba to ensure that the births of all children are registered, including those of undocumented migrants. In this regard, the Committee suggests that the State party explore cooperation between the regions of Aruba and the Netherlands Antilles and possibly other countries in the region.

- Rwanda, CRC, CRC/C/140 (2004) 36 at para. 218.

218. The Committee recommends that the State party improve respect for the right of

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children to leisure and cultural activities, including by promoting these rights among parents, teachers and community leaders. The Committee recommends that the State party seek assistance from UNESCO and UNICEF in this regard.

- Sao Tome and Principe, CRC, CRC/C/140 (2004) 54 at paras. 269, 275 and 276.

269. The Committee recommends that the State party continue implementing its comprehensive strategy in order to achieve a 100 per cent rate of birth registration as soon as possible, including by cooperating with UNICEF and other international agencies. The Committee further recommends that the strategy be adapted so as to establish public service mechanisms that will ensure birth registration in the future.

...

275. The Committee is...concerned by the lack of parental responsibilities, reflected in the high number of children abandoned by one or both parents, who depart for neighbouring countries.

276. The Committee recommends that the State party take all necessary measures:

...

(c) To ensure that fathers, as well as mothers, meet their parental responsibilities, if necessary by acceding to or concluding international agreements securing the recovery of maintenance for the child when the parent is abroad, in line with article 27, paragraph 4, of the Convention.

- Liberia, CRC, CRC/C/140 (2004) 67 at paras. 310, 319 and 320.

310. The Committee urges the State party to undertake every measure possible to restore enjoyment by the children in Liberia of their rights as enshrined in the Convention and make this the highest priority and have it reflected in the allocation of human and financial resources. In this regard, the State party should urge the international community, other States agencies of the United Nations system, and NGOs to meet their pledges in the most expedient manner and to further increase their financial and humanitarian assistance. The Committee wishes to express its full support for such an appeal, taking into account the importance the Convention attaches to international cooperation to assist State parties to meet their international obligations under the treaty.

...

319. The Committee is concerned that budgetary allocations are insufficient to respond to national and local priorities for the promotion and protection of children's rights. The Committee is also concerned that aggravated by internal strife and governance problems, international development assistance is slowly delivered.

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320. In the light of articles 2 and 3, the Committee recommends that the State party pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, in particular those belonging to economically disadvantaged groups, “to the maximum extent of...available resources and, where needed, within the framework of international cooperation”.

- Democratic People’s Republic of Korea, CRC, CRC/C/140 (2004) 111 at paras. 532, 533, 571 and 572.

532. The Committee notes that the State party’s cooperation with United Nations bodies and specialized agencies and international NGOs have significantly contributed to the implementation of the rights of children, but is concerned that a large proportion of children are still in need of humanitarian assistance, which indicates the necessity for the State party to strengthen its international cooperation.

533. The Committee recommends that the State party strengthen its cooperation with United Nations bodies and specialized agencies and the international donor community in the area of policy planning, and to provide them with full access to all vulnerable groups, in particular children, and to areas which require special attention and share information on policies and financial expenditures in the social sector.

...

571. While noting that the minimum age for employment and labour is set at 16, the Committee notes that the State party has not ratified ILO Conventions No. 138 concerning Minimum Age for Admission to Employment, and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, whose ratification would further improve the protection of persons below 18 from economic exploitation. The Committee also notes that the Democratic People’s Republic of Korea is not yet a member of the International Labour Organization.

572. The Committee recommends the State party to consider membership in ILO in order to be in a position to hereafter consider ratifying relevant ILO international conventions to protect persons below 18 from economic exploitation, and that it strictly apply the minimum age for access to employment (16).

- Brazil, CRC, CRC/C/143 (2004) 10 at paras. 51, 65, 66, 87 and 88.

51. In the light of article 42 of the Convention, the Committee encourages the State party to:

...

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(c) Implement the recommendations made by the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the question of torture, the Special Rapporteur on the sale of children, child prostitution and child pornography, related to provisions of training.

...

65. The Committee notes that the 1997 Law on Torture, the Penal Code and the Statute of the Child and Adolescent (ECA) strongly prohibit torture and ill-treatment. Nevertheless, the Committee is deeply concerned by the gap existing between the law and its implementation, as a significant number of cases of torture, inhuman and degrading treatment have been reported over the last years, including by the Special Rapporteur on the question of torture (E/CN.4/2001/66/Add.2).

66. The Committee urges the State party to implement fully its legislation and to take into account the recommendations of the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the question of torture, in particular with regard to effective measures to combat impunity...

...

87. The Committee welcomes the decision of the State party's President, to make the fight against child sexual exploitation a priority of his Government. However, the Committee is deeply concerned by the wide occurrence of sexual exploitation and related issues, as also noted in the report of the Special Rapporteur on the sale of children, child prostitution, and child pornography following his mission to Brazil in 2003 (E/CN.4/2004/9/Add.2).

88. The Committee recommends that the State party:

...

(b) Provide protection to victims of sexual exploitation and trafficking, especially prevention, social reintegration, access to health care and psychological assistance in a culturally appropriate and coordinated manner, including by enhancing cooperation with non-governmental organizations and with neighbouring countries; and

(c) Follow-up on the recommendation made by the Special Rapporteur that specialized criminal courts for child victims of crimes, together with specialized units of the public prosecutor's and specialized police precincts for the protection of children and adolescents should be established.

- Croatia, CRC, CRC/C/143 (2004) 36 at paras. 212 and 213.

212. The Committee notes with satisfaction that the State party has ratified the Hague Convention on the Civil Aspects of International Child Abduction of 1980 but remains concerned that problems persist in the implementation of this Convention.

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213. The Committee recommends that the State party apply the Hague Convention to all children abducted to Croatia and encourage other States that are not yet a party to the Hague Convention to ratify or accede to this treaty and, if necessary, conclude bilateral agreements to deal adequately with international child abduction. It further recommends that professionals dealing with this kind of case receive adequate and ongoing training and that maximum assistance be provided through diplomatic and consular channels, in order to solve cases of illicit transfer.

- 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. Exposure to environmental hazards such as mining wastes or unsafe drinking water also worries the Committee.

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. International assistance from WHO and UNICEF should be requested, *inter alia* to address the issue of providing safe drinking water and increased access to sanitation.

- Equatorial Guinea, CRC, CRC/C/143 (2004) 64 at paras. 367 and 368.

367. The Committee welcomes the State party's ratification of ILO Conventions No. 138 and No. 182 in 2001 and takes note of the adoption in 2004 of the new law against smuggling of migrants and trafficking in persons. Nevertheless, it remains concerned at the significant number of children, especially girls, working on the street and as domestic servants and about the lack of effective implementation of the labour laws and mechanisms to control child labour.

368. The Committee recommends that the State party:

...

(b) Ensure the implementation of legislation fully covering article 32 of the Convention and ILO Conventions No. 138 and No. 182, taking due account of the Minimum Age

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Recommendation, 1973 (No. 146), the Worst Forms of Child Labour Recommendation, 1999 (No. 190) and the comments made by the ILO Committee of Experts on the Application of Conventions and Recommendations;

...

(d) Strengthen cooperation with countries from which cross-border child labour originates in order to combat the economic exploitation of those children;

(e) Seek assistance from the International Programme on the Elimination of Child Labour (ILO/IPEC) and UNICEF, among others.

- Sweden, CRC, CRC/C/146 (2005) 8 at paras. 40, 41, 49, 50, 67 and 68.

40. The Committee notes with appreciation the State party's outstanding performance in the area of international cooperation and development assistance. In this regard, the Committee notes that the State party allocates a significant percentage of its gross domestic product to foreign aid, of which 60 per cent is spent on children or professionals and others who work with, for or on behalf of children or safeguard their interests.

41. The Committee recommends that the State party continue and strengthen its leading role in international development cooperation projects relating to children, *inter alia*, by taking into account in its bilateral cooperation with developing countries the concluding observations and recommendations made by the Committee regarding those countries and provide support for their implementation.

...

49. The Committee is concerned about the degree of violence accessible to children on the Internet and shown on television early in the evenings. The Committee is further concerned about the insufficient protection of children against child pornography and violent computer games.

50. The Committee recommends that the State party take all necessary measures, including by enforcing appropriate legislation, providing parental education and awareness-raising of children, to effectively protect children against violence on the Internet, television and computer games, and against the display of child pornography and encourage international cooperation in this respect.

...

67. The Committee notes with appreciation that, following the First World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in 1996, a National Plan of Action was adopted to protect children against sexual abuse and ill-treatment, which was brought up to date in 2001 for the Second World Congress, held in Yokohama, Japan. It also welcomes the proposed revisions to the Criminal Code regarding sexual offences, which, if adopted, will improve the protection of children against sexual exploitation. However, the

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Committee is concerned at:

(a) The occurrence of trafficking in children, prostitution and related issues in Sweden and abroad committed by Swedish citizens;

...

68. The Committee recommends that the State party:

...

(d) Strengthen the legislation allowing the prosecution of Swedish citizens involved in sexual exploitation of children abroad, including by prohibiting the reissuance of passports for persons freed after posting bail;

...

- Albania, CRC, CRC/C/146 (2005) 19 at paras. 141, 142, 145, 146, 149 and 150.

141. The Committee notes that the departure of children from Albania to neighbouring countries is a significant problem, and that approximately 4,000 children have left the country unaccompanied by their parents.

142. The Committee recommends that the State party strengthen its efforts in this area, in particular:

...

(c) To strengthen cooperation and accelerate conclusion of agreements with neighbouring countries in order to ensure respect for the rights of these children, as well as their protection and education.

...

145. The Committee notes the concerns expressed by the State party at the extent of the problem of sexual exploitation of children in Albania. It also welcomes the measures taken by the State party to combat trafficking in children, such as the establishment of an anti-trafficking centre in Vlora. However, the Committee notes with concern that the sale of children is not criminalized in domestic legislation, that children reportedly continue to be trafficked, in particular to Italy and Greece, and considers that additional efforts must be vigorously pursued to combat this persistent phenomenon.

146. The Committee recommends that the State party:

...

(b) Strengthen existing cooperation with the authorities of countries from or to which children are trafficked in order to combat the phenomenon and harmonize legislation in this respect;

...

(f) Proceed with the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as planned.

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...

149. The Committee is concerned at the increase in drug abuse, in particular among young children, including through the free distribution of drugs by drug dealers with the aim of luring children into drug use, which may occur also in school environments.

150. The Committee encourages the State party to continue and expand its activities in the area of prevention of substance abuse and use of children in the trafficking of such substances, and to support recovery programmes dealing with child victims of drug abuse. The Committee recommends that the State party consider seeking technical assistance from UNICEF and OHCHR.

- Austria, CRC (Optional Protocol - Armed Conflict), CRC/C/146 (2005) 57 at para. 284.

284. The Committee welcomes the State party's international and bilateral technical cooperation activities and financial assistance aimed at preventing the involvement of children in armed conflicts and assisting recovery of child victims of armed conflicts and the rehabilitation and recovery of child combatants.

- Belize, CRC, CRC/C/146 (2005) 59 at para. 358.

358. In the light of ILO Conventions No. 138 concerning Minimum Age for Admission to Employment and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and the relevant provisions of the Convention on the Rights of the Child, the Committee recommends that the State party ensure the full implementation of the child labour provisions, including the provision of non-formal education and training, in order to ensure the development of children to their full potential; take all necessary measures to prevent child labour, including in rural areas, *inter alia*, by extending the ILO-funded project to those parts of the country, as well as to urban areas; and improve the monitoring of child labour in the country. The Committee encourages the State party to strengthen its cooperation with ILO and its International Programme on the Elimination of Child Labour (IPEC) in this respect.

- Bahamas, CRC, CRC/C/146 (2005) 77 at paras. 411 and 412.

411. The Committee welcomes the efforts made by the State party to ensure payment of child maintenance, usually by fathers, but is concerned at the rather large percentage of fathers who are defaulting on child maintenance payments.

412. The Committee recommends that the State party carry out its plans to further

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strengthen the legal instruments for the enforcement of child maintenance orders, and continue and strengthen its international/bilateral cooperation with regard to the recovery of maintenance abroad.

- Islamic Republic of Iran, CRC, CRC/C/146 (2005) 88 at paras. 497 and 498.

497. While welcoming the efforts made by the State party so far in the repatriation of Iraqi and Iranian refugee children and their families, and noting the State party's commitment to include children of Afghan and Iraqi refugees in the recent registrations of Afghans and Iraqis residing in Iran, the Committee is concerned at reports of the deportation of unaccompanied children, mostly Afghans, back to their country of origin, and the lack of access by humanitarian organizations to these children. It is concerned at reports of unaccompanied children arriving in Iran from neighbouring countries, in particular Afghanistan, allegedly for the purpose of exploitation. The Committee is further concerned about the fate of Afghan children and their families who are not in a position to return to Afghanistan for different reasons, including their strong links with Iran or the fact that the mother of the family is Iranian.

498. The Committee recommends that the State party:

(a) Allow immediate access by humanitarian organizations and United Nations agencies to all unaccompanied children in the State party;

(b) Discontinue the practice of deporting unaccompanied children under 18 years of age back to Afghanistan and take the necessary steps to reunite all unaccompanied children with their families or take effective measures to integrate these children into society;

(c) Ensure that Afghan families who are not in a position to return to Afghanistan are not forcibly deported but assisted to integrate into society;

(d) Ensure that all refugee children are registered and have full access to free education, health and other services;

(e) Continue its cooperation with UNHCR and other United Nations agencies.

- Bolivia, CRC, CRC/C/146 (2005) 121 at paras. 634 and 635.

634. The Committee welcomes measures taken to strengthen the protection of the rights of adopted children. However, the Committee is concerned about the limited understanding and acceptance in the State party that domestic adoptions are more desirable than

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intercountry adoptions, the lack of mechanisms to prepare prospective adoptive parents, and the lack of mechanisms to follow up and monitor the situation of adopted children and children placed in foster care. The Committee is also deeply concerned about the continuing occurrence of illegal adoptions.

635. The Committee recommends that the State party develop and implement a comprehensive adoption policy and raise awareness of the importance of domestic adoption. As stipulated in article 21 (b) of the Convention, intercountry adoption should be considered an alternative means of childcare only if an adoptive family or foster care placement cannot be found within the country. Effective mechanisms to review, monitor and follow up adoption of children should be established. The Committee urges the State party to strengthen its efforts to prevent illegal adoptions and to ensure that its legislation and practice on national and international adoptions is brought into line with article 21 of the Convention and the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, respectively. The central authorities should be provided with adequate resources to regulate and monitor the activities of international adoption agencies in the State party.

- Philippines, CRC, CRC/C/150 (2005) 24 at paras. 147-150, 161 and 162.

147. As regards parental responsibilities for the upbringing and development of the child, the Committee is concerned about many Philippine children living with loose family ties due to the fact that at least one parent is working overseas.

148. The Committee calls for effective implementation of the Act to Institute the Policies of Overseas Employment and Establish a Higher Standard of Protection and Promotion of the Welfare of Migrant Workers, Their Families and Overseas Filipinos in Distress, and for Other Purposes (Republic Act No. 8042) and recommends to the State party that it take all necessary measures to ensure that overseas Philippine workers, equally women and men, are able to meet their parental responsibilities, including through concluding bilateral agreements with the countries of destination, and facilitate family reunification and a stable family environment for the upbringing of children. In addition, the Committee recommends that the State party continue its efforts to develop and provide child-sensitive family counselling services for overseas Philippine workers and their children.

149. While noting the high number of Philippine children with a parent or both parents working overseas, the increasing number of Philippine children born abroad during overseas migration and the cases where paternity has not been established, the Committee is concerned that the State party has not sufficiently ensured the recovery of maintenance in practice. The Committee is concerned about the insufficient implementation of domestic laws, for example the relevant provisions of the Family Code and the Special Protection of

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Children against Child Abuse, Exploitation and Discrimination Act, and the enforcement of court orders in this respect. In addition, the Committee is concerned at the actual implementation of, and in some cases, the absence of bilateral agreements for reciprocal enforcement of maintenance orders.

150. The Committee recommends that the State party secure in practice the recovery of maintenance for the child. As regards parent(s) working abroad, the Committee encourages the State party to conclude bilateral agreements for reciprocal enforcement of maintenance orders and consider establishing a fund to secure the payment of maintenance in those cases where the recovery of maintenance fails.

...

161. ...The Committee...expresses its concern at the risk that free trade agreements currently being negotiated with other countries may negatively affect access to affordable medicines.

162. The Committee recommends that the State party:

...

(g) Make use - in the negotiations of free trade agreements - of all the flexibilities reaffirmed by the Declaration on the Agreement on Trade-related Aspects of Intellectual Property Rights and Public Health adopted at the Fourth Ministerial Conference of the World Trade Organization in Doha and the mechanisms at its disposal to ensure access to affordable medicines in particular for the poor and most vulnerable children and their parents;

...

- Nepal, CRC, CRC/C/150 (2005) 66 at paras. 289, 376 and 377.

289. The Committee welcomes the agreement entered into by the State party with the Office of the United Nations High Commissioner for Human Rights (OHCHR) on 11 April 2005, providing for the establishment of an OHCHR Office in Nepal that will “monitor the observance of human rights and international humanitarian law, bearing in mind the climate of violence and the internal armed conflict in the country”.

...

376. The Committee takes note of the various efforts undertaken by the State party to combat child trafficking and welcomes the information that police officers are being trained in issues relating to sexual exploitation and trafficking of women and children. However, the Committee remains deeply concerned about the perversity of the phenomenon of trafficking and sale of children within Nepal and across the border for the purposes of sexual exploitation and bonded labour...

377. The Committee recommends that the State party:

...

(f) Seek to establish bilateral agreements with neighbouring countries, in particular India,

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to prevent the sale, trafficking and abduction of children, and to facilitate their protection and safe return to their families;

(g) Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; and

(h) Seek cooperation with, and assistance from, *inter alia*, UNICEF and the International Organization for Migration.

- Ecuador, CRC, CRC/C/150 (2005) 91 at paras. 406, 407, 427, 428, 439 and 440.

406. The Committee notes with deep concern that the resources allocated for social services, particularly with regard to the promotion and protection of children's rights are relatively low and this seems to a large extent to be caused by considerable expenditure (more than 35 percent of the national budget) on debt servicing. In addition, the Committee is concerned that the free trade agreements, currently being negotiated, may also negatively impact the allocation of budgets for social services.

407. The Committee urges the State party to increase budget allocations for the promotion and implementation of the rights of children in accordance with article 4 of the Convention and pay particular attention to investment for the implementation and protection of the rights of children belonging to vulnerable groups, including indigenous and Afro-Ecuadorian children, children living in poverty and those in remote areas. The Committee also recommends that the State party undertake maximum efforts to negotiate the rescheduling of payments on external and internal debts with a view to investing more in poverty reduction programmes including investment in the implementation of rights of children to, *inter alia*, education, the highest attainable standard of health and adequate standard of living and calls on the international and private financial institutions and bilateral and multilateral partners to support these efforts. The Committee finally recommends that the State party ensure that free trade agreements do not negatively affect the rights of children, *inter alia*, in terms of access to affordable medicines, including generic ones. In this regard, the Committee reiterates the recommendations made by the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.100).

...

427. The Committee is concerned that increasing emigration by Ecuadorians in recent years has had a negative impact on the exercising of parental responsibilities in the upbringing and development of the child.

428. The Committee recommends that the State party undertake all necessary measures to ensure that overseas Ecuadorian workers, equally men and women, are able to meet their

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parental responsibilities, including through strengthening of bilateral agreements with the countries of destination and the promotion of family reunification and stable family environments for the upbringing of children in accordance with articles 18 and 10 of the Convention. The Committee also encourages the State party to strengthen the provision of child-sensitive family counselling services for overseas Ecuadorian workers and their children.

...

439. The Committee reiterates the concern raised in its previous concluding observations (CRC/C/15/Add.93) with regard to the damaging effect of oil extraction and the spraying of illegal crops under Plan Colombia on the environment and on the health of children.

440. The Committee recommends that the State party effectively address the problem of pollution and environmental degradation, including by seeking bilateral agreements and international cooperation...

- Norway, CRC, CRC/C/150 (2005) 105 at para. 512.

512. The Committee encourages the State party to strengthen its efforts for an effective implementation of its plan to combat sexual exploitation and trafficking in persons. The Committee also encourages the State party to extend its cooperation to countries/regions which face serious problems in this area and to undertake a study to assess the nature and extent of trafficking and sexual exploitation of children and to identify groups which are particularly vulnerable to this form of exploitation.

- Costa Rica, CRC, CRC/C/150 (2005) 149 at paras. 716 and 717.

716. The Committee welcomes the ratification by the State party of International Labour Organization Worst Forms of Child Labour Convention, 1999 (No. 182); the measures taken by the State party to prohibit the economic exploitation of children; as well as the various projects implemented with the technical and financial assistance of the International Labour Organization/International Programme on the Elimination of Child Labour to eliminate child labour. The Committee also welcomes the State party's efforts to prohibit hazardous work for persons below the age of 18. The Committee remains concerned however at the large number of working children between the ages of 5 and 17 who work in the "informal" labour market and have consequently been excluded from the educational system, in particular in rural areas.

717. The Committee recommends that the State party continue to take effective measures, with the technical and financial assistance of International Labour Organization/International

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Programme on the Elimination of Child Labour, to eliminate prohibited child labour, in particular in rural areas where the phenomenon is more prevalent, *inter alia* by designing special programmes aiming at combating child labour.

- Norway, CRC (Optional Protocol - Sale of Children, Prostitution, Pornography), CRC/C/150 (2005) 177 at paras. 836 and 837.

836. The Committee notes that the State party is very active in initiating prevention projects in the Baltic States, and encourages the State party to continue its efforts of cooperation at the regional and international levels.

837. The Committee notes the positive efforts made by the State party to strengthen law-enforcement policies at the European and international levels, and it encourages the State party to continue these efforts and to further strengthen and improve its bilateral cooperation with law-enforcement agencies in States which face problems in the area covered by the Optional Protocol.