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IV. CONCLUDING OBSERVATIONS

CERD

- Nigeria, CERD, A/48/18 (1993) 61 at para. 325.

Concern is expressed over the ongoing inter-ethnic conflicts. Reports that the Nigerian Police Force had, in some circumstances of violence, been ineffective in protecting the rights of civilians is also of concern.

- Croatia, CERD, A/48/18 (1993) 90 at para. 498.

The practice of illegal and arbitrary detention, disappearance, torture, deaths in custody and other human rights abuses by armed and paramilitary forces is of concern. Reports of prisons run by private groups who take non-ethnic Croatians into custody for the purpose of exchanging them for ethnic Croatians held by other forces is also of concern.

- Yugoslavia (Serbia and Montenegro), CERD, A/48/18 (1993) 95 at para. 543.

In conformity with articles 2 and 4 of the Convention, the Government should prohibit racial discrimination and should urgently take vigorous steps to ban racist activities and propaganda. In that connection, it is vital that paramilitary groups be disbanded, reports of ethnically motivated attacks, including allegations of arbitrary arrests, disappearance and torture, promptly investigated and those responsible punished. The importance of providing proper training in human rights norms for law enforcement officials, in accordance with general recommendation XIII is emphasized, as is the ensuring of equitable representation among their ranks of national minorities.

- Peru, CERD, A/50/18 (1995) 41 at para. 203.

Special efforts should be made within the armed forces to terminate any unlawful violence towards civilians, including persons belonging to indigenous communities, and to ensure that perpetrators of human rights violations are brought to justice.

- Bosnia and Herzegovina, CERD, A/50/18 (1995) 46 at para. 220.

It is deeply regretted that no effective protection was afforded to the population even in the Security

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Council-declared "safe areas".

- Yugoslavia (Serbia and Montenegro), CERD, A/50/18 (1995) 48 at para. 237.

Great concern is expressed regarding the situation of the ethnic Albanian population of Kosovo. Reports continue to indicate campaigns of discrimination, harassment and, at times, terrorization, directed against them by State authorities. Dismissals from jobs in the public sector, principally from the police and education services, continue. Numerous reports have been received of physical attacks and robbery, either committed by persons in the service of the State or inadequately investigated by the police. It can be concluded that the ethnic Albanians of Kosovo continue to be deprived of effective enjoyment of the most basic human rights provided in the Convention.

- Romania, CERD, A/50/18 (1995) 53 at paras. 272 and 273.

Paragraph 272

While the State party's new legal framework prohibits manifestations of racism, including acts of violence, the propagation of racist speech, and discriminatory employment practices, the extent to which the legal prohibition of such acts is translated into effective prohibition is unclear. Once such acts occur, it is not evident what remedies are available to victims and whether and how it is ensured that the guilty parties are prosecuted in an adequate and timely manner. It is noted in this connection that with regard to the violence on 20 September 1993, which resulted in the death of three members of the Roma and the destruction of the homes of 170 others, victims have yet to receive compensation or have their homes reconstructed.

Paragraph 273

Concern is expressed at the continuing reports of racism among police forces, which have been said to occasionally use excessive force against members of certain groups or, alternatively, are said not to take action when acts of violence against certain groups are committed in their presence.

- Guatemala, CERD, A/50/18 (1995) 58 at para. 307.

Concern is expressed at the numerous excesses by elements of the military and the civilian self-defence patrols (PACs) against indigenous peoples, including summary executions and other cruel, inhuman or degrading treatment, threats and forcible recruitment into the armed forces.

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

Paragraph 48

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

Paragraph 51

Efficient mechanisms should be created immediately by the Government to coordinate and evaluate the various policies of protection of the rights of indigenous and Afro-Colombian communities, including their institutional aspects. Such mechanisms should promote full enjoyment of all human rights by the members of these communities and guarantee their life and security, as well as real and adequate participation by representatives of these communities in public life.

- Russian Federation, CERD, A/51/18 (1996) 25 at para. 143.

The use of excessive and disproportionate force in suppressing the attempted secession in Chechnya, resulting in unnecessary civilian casualties, is a matter of very grave concern. Reports of arbitrary arrests, ill-treatment of detainees, excessive destruction of civilian property and pillage in Chechnya also give rise to concern.

- United Kingdom of Great Britain and Northern Ireland, CERD, A/51/18 (1996) 35 at para. 232.

In connection with article 5 of the Convention, it is noted with serious concern that among the victims of death in custody are a disproportionate number of members of minority groups, that police brutality appears to affect members of minority groups disproportionately, that allegations of police brutality and harassment are reportedly not vigorously investigated and perpetrators, once guilt is established, are not appropriately punished.

- Brazil, CERD, A/51/18 (1996) 45 at para. 299.

Discriminatory attitudes towards the indigenous, black and mestizo populations persist within Brazilian society and are apparent at a number of levels in the political, economic and social life of the country. These discriminatory attitudes concern, *inter alia*, the right to life and security of the person, political participation, access to education and employment, access to basic public services,

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the right to health, the right to decent housing, land ownership, land use and law enforcement.

- Republic of Korea, CERD, A/51/18 (1996) 48 at para. 331.

The large number of foreigners who are being employed in ever-increasing numbers by businesses in the Republic of Korea, who live and work clandestinely in the country, usually under difficult and precarious conditions, and who are the victims of discrimination under the provisions of article 5 (a), (b), (d), (e) and (f) of the Convention, is of concern. The same concern has been expressed with regard to the situation of foreign trainees who are allegedly subjected to various forms of discrimination and forced labour.

- Zaire, CERD, A/51/18 (1996) 70 at para. 524.

It is noted with serious concern that, in violation of their obligations under article 5 (b) of the Convention, the authorities scarcely intervened to ease the tribal and ethnic conflicts in Shaba and Kivu and to protect the population.

- United Kingdom of Great Britain and Northern Ireland, CERD, A/52/18 (1997) 9 at para. 37.

With respect to the effective enjoyment of the rights provided for in article 5 of the Convention, concern is expressed at remaining instances of racial discrimination in the field of employment, notably the opportunities for professional promotions, in the private as well as in the public sectors, in the fields of housing and education, in the exercise of stop and search powers by the police, and with respect to occurrences of ill-treatment by the police.

- Guatemala, CERD, A/52/18 (1997) 14 at para. 75.

Concern is expressed that a climate of violence and intimidation still exists in the State party and that the detrimental effects of that climate are mostly borne by the indigenous population. This seriously jeopardizes the conditions of security of persons, as referred to in article 5 (b) of the Convention.

- Germany, CERD, A/52/18 (1997) 25 at para. 166.

Concern is expressed at instances of police brutality against foreigners, particularly Africans and Turks, which have been reported in the press. Better training and stricter disciplinary action against the perpetrators appear to be necessary.

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- Bulgaria, CERD, A/52/18 (1997) 39 at para. 290.

The State party should take immediate steps to prevent and combat cases of excessive use of force by members of the security forces. These steps should include the education and sensitization of law enforcement officials about the provisions of the Convention. Law enforcement officials should receive training to ensure that in the performance of their duties, they respect, as well as protect, human rights and uphold the human rights of all persons without distinction as to race, colour or national or ethnic origin.

- Mexico, CERD, A/52/18 (1997) 42 at paras. 307 and 321.

Paragraph 307

Concern is expressed over the right to security of the person, particularly for indigenous inhabitants and illegal immigrants. This right to security of the person has, in certain cases, been violated by representatives of the forces of law and order, paramilitary groups and landowners. All too often, those responsible for these crimes have gone unpunished.

Paragraph 321

The State party should exercise greater vigilance in the protection of the fundamental rights of indigenous inhabitants and other vulnerable groups of society, who are regularly the victims of intimidation, violence and serious human rights violations. The competent authorities should systematically prosecute those responsible for such crimes, regardless of whether they are members of private militias or State officials, and effective preventive measures should be taken, including the training of members of the police force and the army. The State party should also ensure that the victims of such acts are compensated.

- Algeria, CERD, A/52/18 (1997) 52 at para. 400.

The enjoyment by everyone without discrimination of the rights listed in article 5 of the Convention should be ensured, in particular the right to security of the person and protection against violence or bodily harm.

- Philippines, CERD, A/52/18 (1997) 55 at para. 424.

With respect to article 5, paragraphs (a) and (b), of the Convention, there is concern that many reported cases of disappearances, including members of indigenous peoples and Muslim Filipinos, have not yet been fully investigated and brought before the courts.

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- Burundi, CERD, A/52/18 (1997) 73 at para. 578.

While the appeal sent to Burundi refugees in neighbouring countries to return to Burundi is welcomed, the lack of information on measures taken to ensure their repatriation and their safe return is regretted. Similarly, reports state that refugees' rights to security of the person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual or group or institution, under article 5 (b) of the Convention, is not always guaranteed.

- Israel, CERD, A/53/18 (1998) 30 at para. 81.

When anyone makes threats in public against the security of persons of another ethnic origin, criminal proceedings must be initiated with due diligence and expedition.

- Ukraine, CERD, A/53/18 (1998) 39 at para. 148.

In regard to article 5, paragraphs (a) and (b), of the Convention, concern is expressed about reports of mistreatment by the police of members of the Roma population, especially those living in the Transcarpathian region.

- Yugoslavia, CERD, A/53/18 (1998) 45 at paras. 202 and 203.

Paragraph 202

Concern is expressed at persisting violations in Kosovo and Metohija of basic human rights standards, including article 5 (a) and (b) of the Convention, requiring that arrested persons be brought promptly before a judge, and prohibiting torture and ill-treatment of persons in detention or in the course of demonstrations. Equal concern is expressed about the impunity that perpetrators of such violations seem to enjoy.

Paragraph 203

The disproportionate use of force by law enforcement agencies and the military against the Albanian population in the province of Kosovo and Metohija has resulted in numerous violations of the right to life, destruction of property and displacement.

- Cambodia, CERD, A/53/18 (1998) 55 at para. 298.

Action should be taken at the legislative, administrative and judicial levels to protect the right of

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everyone, including ethnic Vietnamese, to enjoy their rights under article 5 of the Convention, especially the right to security of person and protection by the State against violence or bodily harm, to public health and medical care and to education and training.

- Croatia, CERD, A/53/18 (1998) 59 at para. 321.

The State party is urged to take steps to ensure the right to security of the person and protection against violence or bodily harm of returnees.

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

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

- Peru, CERD, A/54/18 (1999) 21 at para. 155.

Major shortcomings in the health services provided for the rural population in the Andes and in Amazonia is noted, as are allegations of forced sterilization of women belonging to indigenous communities.

- Syrian Arab Republic, CERD, A/54/18 (1999) 22 at para. 181.

The State party should undertake preventive measures, such as training programmes for law enforcement officials and security authorities, with a view to preventing human rights violations, such as arbitrary arrests, detention, and disappearances of stateless refugees and foreigners.

- Chile, CERD, A/54/18 (1999) 37 at para. 375.

Concern is expressed over land disputes between the Mapuche population and national and multinational private companies, resulting in tension, violence, clashes with law enforcement officials and arbitrary arrests of members of the indigenous population.

- Colombia, CERD, A/54/18 (1999) 44 at paras. 467 and 478.

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Paragraph 467

Concern is expressed that measures by the State party to assist the displaced have been limited and that some internally displaced persons have been forced to return to regions where minimal conditions of safety could not be guaranteed.

Paragraph 478

The State party is urged to take comprehensive steps to protect the security and promote the well-being of the internally displaced population consisting mainly of persons of the indigenous and Afro-Colombian communities and, as a matter of extreme priority, to guarantee the security of indigenous and Afro-Colombian community leaders and human rights defenders across the country who have sought to protect the rights of those communities.

- Lesotho, CERD, A/55/18 (2000) 28 at para. 112.

Concern is expressed about the recent incidents of tension between Lesotho nationals and Asian and South African white factory owners which resulted in kidnapping, violence and the flight of about 100 Asian nationals from the country for fear of persecution. It is recommended that the State party take measures to resolve the underlying socio-economic causes of these events. In this context, the attention of the State party is drawn to General Recommendation XI on non-citizens and the obligation to report fully upon legislation concerning foreigners and its implementation.

- Spain, CERD, A/55/18 (2000) 34 at paras. 164 and 165.

Paragraph 164

It is noted with concern that remarkably few cases before national courts have been identified as incidents of racial discrimination, despite a recognized general increase in juvenile violence, including attacks on foreigners by extremist groups, neo-Nazi movements and gangs. It is also noted that violence against certain foreigners often results in judicial proceedings alleging assault, unlawful detention and property damage, and that the racial aspect of such acts is not taken into consideration.

Paragraph 165

Concern is expressed about the recent incidents of violence against persons of Moroccan nationality in El Ejido in the region of Almería and about reports that the underlying socio-economic problems which provoked these events are also found in other regions of the country. Therefore, it is recommended that the State party take measures to resolve the underlying causes of tension and unrest, not merely on an emergency basis, but as part of a long-term strategy to combat racial discrimination and violence, so as to prevent the recurrence of such incidents.

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- Slovakia, CERD, A/55/18 (2000) 47 at para. 261.

The persistence of acts of violence by groups, particularly “skinheads”, directed towards Roma and other ethnic minorities is of concern. It is recommended that the State party strengthen procedures for timely and thorough investigations and effective prosecutions of racist organizations. The State party is encouraged to expand throughout the State preventive programmes to curb racially motivated violence.

- Czech Republic, CERD, A/55/18 (2000) 50 at para. 282.

While noting the number of convictions for racially motivated offences, the Committee is concerned by the increasing number of incidents of racially motivated violence against minority groups, in particular against members of the Roma community, many of which may not even be reported. The State party should strengthen the measures already undertaken to intensify enforcement of the criminal law against racially motivated crimes.

- Bangladesh, CERD, A/56/18 (2001) 21 at para. 71.

Reports of human rights violations by security forces present in the Chittagong Hill Tracts affecting the tribal population, including reports of arbitrary arrests and detentions, and ill-treatment are of concern. It is recommended that the State party implement effective measures to guarantee to all Bangladeshis, without distinction based on race, colour, descent, or national or ethnic origin, the right to security of person and protection by the State against violence or bodily harm.

- Japan, CERD, A/56/18 (2001) 34 at para. 172.

Concern is expressed about reports of violent actions against Koreans, mainly children, students and about inadequate reaction of the authorities in this regard. It is recommended that the Government take more resolute measures to prevent and counter such acts.

- Sudan, CERD, A/56/18 (2001) 40 at paras. 211-213.

Paragraph 211

The Committee reiterates its recommendations to the State party contained in its Decision 5(54) of 19 March 1999 (A/54/18, para. 21(5)), *inter alia*, to implement immediately effective measures to guarantee all Sudanese, without distinction based on race, colour, descent, or national or ethnic origin, freedom of religion, opinion, expression and association; the right to security of person and

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protection by the State against violence or bodily harm; the right to study and communicate in a chosen language, and the right to enjoy their own culture without interference.

Paragraph 212

The Committee repeats its concern over continuous reports and allegations regarding the abduction by armed militia of primarily women and children belonging to different ethnic groups. In this regard it notes that the State party, while disassociating itself from any such practices, attributes abduction to traditions deeply rooted among certain tribes. Notwithstanding this position, it is strongly emphasized that it is the State party's responsibility to undertake all measures to bring the practice of abduction to an end and to ensure that legal action be taken against those responsible for such acts, as well as compensatory measures to those aggrieved.

Paragraph 213

Deep concern is expressed about the forced relocation of civilians from the Nuer and Dinka ethnic groups in the upper Nile region and reports that the relocations involved significant military force resulting in civilian casualties. The State party is urged to uphold the fundamental economic and social rights of the Nuer and Dinka in the upper Nile region including the right to personal security, to housing, food and to just compensation for property confiscated for public use.

- Ukraine, CERD, A/56/18 (2001) 61 at para. 373.

Reports of the continuing discriminatory treatment of Roma and violence against them and their property are of concern. Reports of police brutality against the Roma population, including arbitrary arrests and illegal detention are of particular concern. Immediate and effective steps should be taken to stop these abuses.

- United States of America, CERD, A/56/18 (2001) 64 at para. 394.

The incidents of police violence and brutality are noted with concern, which include cases of deaths as a result of excessive use of force by law enforcement officials, particularly affecting minority groups and foreigners. The State party should take immediate and effective measures to ensure the appropriate training of the police force with a view to combatting prejudices which may lead to racial discrimination and ultimately to a violation of the right to security of persons. Firm action should also be taken to punish racially motivated violence and ensure the access of victims to effective legal remedies and the right to seek just and adequate reparation for any damage suffered as a result of such actions.

ICCPR

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- Peru, ICCPR, A/47/40 (1992) 69 at para. 343.

The terrorism which appears to form part of the daily life in Peru is of concern. The atrocities perpetrated by insurgent groups is condemned, and the scale of terrorist violence, which shows no consideration for the most basic human rights is disturbing. Nevertheless, excessive force and violence used by the military, the para-military, the police, and armed civilian groups is also censured. The great number of complaints of extrajudicial executions and disappearances attributed to the security forces is troubling. In this respect, the absence of civilian control over the military and para-military groups, especially in the zones under their control, which in some cases amounts to impunity, is of deep concern. In particular, it is regretted that they can be tried for acts of violence only under military law. Combating terrorism with arbitrary and excessive State violence cannot be justified under any circumstances.

- Burundi, ICCPR, A/48/40 vol. I (1993) 16 at paras. 79 and 80.

Paragraph 79

The absence of legal provisions prohibiting illegal detention and of a habeas corpus procedure seriously undermine the rights to liberty and security of the person as set forth in article 9 of the Covenant.

Paragraph 80

A determined effort should be made to bring national laws and practice more closely into conformity with the provisions of the Covenant, the use of excessive force by law enforcement officers should be effectively prevented and, in conformity with articles 2, 26 and 27 of the Covenant, the rights of persons belonging to minorities living in the country should be given full protection.

- Croatia, ICCPR, A/48/40 vol. I (1993) 75 at para. 361.

It is believed that in Croatia there were undesignated places of detention where persons were held, often by private groups. Many persons for whom there was no legitimate cause of detention were unlawfully held. Sometimes they were deprived of their liberty simply in order to be able to effect exchanges for Croatians held as prisoners elsewhere.

- Yugoslavia (Serbia and Montenegro), ICCPR, A/48/40 (1992) 82 at paras. 386-389.

Paragraph 386

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Various concordant sources of information describe mass arrests, summary and arbitrary executions, enforced or involuntary disappearances, torture, rapes and looting committed by Serbian nationalists both in Croatia (Krajina) and in Bosnia and Herzegovina. It is reported that some 20 camps are controlled by these armed men and that they are holding thousands of civilians, including women, children and elderly people, in conditions unworthy of the respect due to the human person. Massive violence has been unleashed, *inter alia*, against Dubrovnik and Vukovar and is still being directed against Sarajevo. It is also observed that the means deployed and the interests involved demonstrated the existence of links between the nationalists and Serbia which invalidated the Federal Government's claim to be exempt from responsibility.

Paragraph 387

The purpose of these acts is to displace or eliminate Muslims, Croats or other nationalities and thus constitute ethnically homogeneous areas.

Paragraph 388

This situation is strongly deplored and it is regretted that the Federal Government refuses to acknowledge its responsibility for such acts on the grounds that they were committed outside its territory.

Paragraph 389

The Federal Government is firmly urged to put an end to this intolerable situation for the observance of human rights, and to refrain from any support for those committing such acts, including in territory outside the Federal Republic of Yugoslavia (Serbia and Montenegro). The Government should show a clear political will and to effectively dissociate itself from the Serbian nationalist movements by totally repudiating their ideology and condemning their schemes. Unwavering firmness on this point would deprive the extremists of support that is essential to them. The Federal Government was invited to do its utmost to foster public awareness of the need to combat national hatred and to crack down forcefully on the perpetrators of violations of individual rights by bringing them to justice. The Federal Government should put an end to the repression of the Albanian population in the province of Kosovo and adopt all necessary measures to restore the former local self-government in the province.

- Dominican Republic, ICCPR, A/48/40 vol. I (1993) 95 at para. 461.

Concern is expressed over the low level of legal protection and effective remedies available to the public concerning arbitrary arrest and lengthy pre-trial detention. The powers and independence of the judiciary do not appear to be sufficiently protected. A judicial order for release should be implemented without question.

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- Egypt, ICCPR, A/48/40 vol. I (1993) 139 at para. 691.

The very strict measures taken by the Egyptian Government to combat terrorism in the country is of concern. It is pointed out that measures to combat terrorism should not prejudice the enjoyment of fundamental rights enshrined in the Covenant, particularly, its articles 6, 7 and 9. Law No. 97 of 1992, adopted to combat terrorism, contained provisions which were contrary to articles 6 and 15 of the Covenant. The definition of terrorism contained in the law appeared to be very broad and should therefore be reviewed by the Egyptian authorities, especially in view of the fact that the anti-terrorism law had enlarged the number of offences punishable with the death penalty.

- Cameroon, ICCPR, A/49/40 vol. I (1994) 36 at paras. 203 and 204.

Paragraph 203

All necessary measures should be taken to prevent summary executions, torture, ill-treatment and illegal detention, all such cases should be investigated in order to bring those suspected of having committed such acts before the courts, those found guilty should be punished and the victims compensated.

Paragraph 204

The Cameroonian authorities are invited to modify their legislation applicable to administrative detention so as to make it limited in time and subject to appeal in accordance with article 9, paragraph 4, of the Covenant. The authorities should require law-enforcement officers to have a strict respect for the provisions of article 9 of the Covenant, in order to put an end to arbitrary or illegal detention, by organizing specific training for them if necessary.

- Togo, ICCPR, A/49/40 vol. I (1994) 44 at paras. 250 and 261.

Paragraph 250

The large number of cases of summary and arbitrary executions, enforced or involuntary disappearances, torture and arbitrary or unlawful detention committed by members of the army, security or other forces during the period under review is deplored. It is of deep concern that those violations were not followed by any inquiries or investigations, that the perpetrators of such acts were neither brought to justice nor punished and that the victims were not compensated.

Paragraph 261

All necessary measures should be taken to prevent summary or arbitrary executions, enforced or involuntary disappearances, torture and ill-treatment and illegal or arbitrary detention; all such cases should be systematically investigated in order to bring those suspected of having committed such acts before the courts; and those found guilty should be punished and the victims compensated.

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See also:

- Yemen, ICCPR, A/50/40 vol. I (1995) 49 at para. 254.
- Nigeria, ICCPR, A/51/40 vol. I (1996) 37 at para. 298.

- Azerbaijan, ICCPR, A/49/40 vol. I (1994) 50 at para. 298.

The events that have occurred recently in Azerbaijan in the context of the armed conflict and that have involved numerous violations of the rights guaranteed by the Covenant are deeply deplored. There have been reports of cases of summary execution, enforced or involuntary disappearance, torture and other acts of violence against the person, as well as arbitrary detention. The practice of hostage-taking as a retaliatory measure or for bargaining purposes also seems widespread. Such violations have not been investigated and the persons responsible for them have therefore not been punished. Nor have the victims or their families been compensated.

- Argentina, ICCPR, A/50/40 vol. I (1995) 35 at paras. 156 and 161.

Paragraph 156

Cases of excessive use of force, torture and arbitrary or unlawful detentions committed by members of the police and the armed forces are of concern. There is no clear mechanism for investigating complaints of police violence to ensure there will be no reprisals against complainants, where provincial administrations are lax in dealing with allegations of police violence the federal authorities do not ensure compliance with the Covenant, and the perpetrators of acts of police violence generally are not punished and the victims are not compensated.

Paragraph 161

All necessary steps should be taken to prevent cases of excessive use of force, torture, arbitrary detention or extrajudicial execution by members of the armed forces or the police. These steps should include preventive, disciplinary and punitive measures, as well as appropriate training. All violations should be investigated and the victims compensated

- Haiti, ICCPR, A/50/40 vol. I (1995) 46 at paras. 230 and 237.

Paragraph 230

The effects of the Amnesty Act, agreed upon during the process which led to the return of the elected

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Government of Haiti, are of concern. Despite the limitation of its scope to political crimes committed in connection with the *coup d'état* or during the past regime, the Amnesty Act might impede investigations into allegations of human rights violations, such as summary and extrajudicial executions, disappearances, torture and arbitrary arrests, rape and sexual assault committed by the armed forces and agents of national security services. An amnesty in wide terms may promote an atmosphere of impunity for perpetrators of human rights violations and undermine efforts to re-establish respect for human rights in Haiti and to prevent a recurrence of the massive human rights violations experienced in the past.

Paragraph 237

In order to guarantee the safety of the population, a clear policy should be implemented to disarm members of former paramilitary groups and effective measures should be taken to reduce the number of weapons in the community.

- United States of America, ICCPR, A/50/40 vol. I (1995) 52 at paras. 282, 297 and 299.

Paragraph 282

The reportedly large number of persons killed, wounded or subjected to ill-treatment by members of the police force in the purported discharge of their duties is of concern. The easy availability of firearms to the public and the fact that federal and state legislation is not stringent enough in that connection to secure the protection and enjoyment of the right to life and security of the individual guaranteed under the Covenant is also regretted.

Paragraph 297

All necessary measures should be taken to prevent any excessive use of force by the police. Rules and regulations governing the use of weapons by the police and security forces should be in full conformity with the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Any violations of these rules should be systematically investigated in order to bring those found to have committed such acts before the courts, and those found guilty should be punished and the victims should be compensated. Regulations limiting the sale of firearms to the public should be extended and strengthened.

Paragraph 299

Appropriate measures should be adopted to provide speedy and effective remedies to compensate persons who have been subjected to unlawful or arbitrary arrests as provided in article 9, paragraph 5, of the Covenant.

- Ukraine, ICCPR, A/50/40 vol. I (1995) 57 at para. 317.

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It is of particular concern that torture and ill-treatment of persons committed by members of the police and other security forces continue to be reported, particularly to the Public Prosecutor's Office. In this regard, it is of concern that the right to personal security may be restricted without any involvement of a judicial body. The Procurator's functions during the investigation process as well as throughout the trial do not ensure the minimum requirements contained in articles 9 and 14 of the Covenant. Furthermore, cases of administrative detention, in particular of vagrants, denial of access of detainees to legal counsel and long periods of pre-trial detention are matters of great concern.

- Latvia, ICCPR, A/50/40 vol. I (1995) 62 at para. 348.

Concern is expressed at that fact that the new Code of Criminal Procedure has not been enacted. The role of the Prosecutor under the Law on Prosecutor's Supervision, enacted on 19 May 1994, runs counter to the principle of equality of arms in criminal trials and does not protect in a proper way the right to personal security.

- Russian Federation, ICCPR, A/50/40 vol. I (1995) 65 at paras. 384, 390 and 400.

Paragraph 384

The reports of harassment shown towards persons belonging to minority groups from the Caucasus region, in the form of searches, beatings, arrests and deportation are of concern.

Paragraph 390

The large number of reported cases of torture, ill treatment of the person and arbitrary detention in "reception centres" or "filtration camps", which were originally established to determine the identities of captured combatants but are reported to accommodate large numbers of civilians as well, is of deep concern. The maltreatment of detainees in these centres is deplored and that the International Committee of the Red Cross (ICRC) has not been given access to all such camps is of concern.

Paragraph 400

Stringent measures should be adopted to ensure an immediate end to mistreatment and abuse of army recruits by their officers and fellow soldiers.

- United Kingdom of Great Britain and Northern Ireland, ICCPR, A/50/40 vol. I (1995) 72 at para. 422.

The treatment of illegal immigrants, asylum-seekers and those ordered to be deported gives cause for

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concern. It is observed that the incarceration of persons ordered to be deported and particularly the length of their detention may not be necessary in every case. The incidences of the use of excessive force in the execution of deportation orders is of concern. It is also noted that adequate legal representation is not available for asylum-seekers to effectively challenge administrative decisions.

- Sri Lanka, ICCPR, A/50/40 vol. I (1995) 75 at para. 450.

The information received of cases of loss of life of civilians, disappearances, torture, and summary executions and arbitrary detention caused by both parties in conflict is of serious concern. An effective system for the prevention and punishment of such violations does not appear to exist. In addition, violations and abuses allegedly committed by police officers have not been investigated by an independent body, and frequently the perpetrators of such violations have not been punished. This may contribute to an atmosphere of impunity among the perpetrators of human rights violations and constitute an impediment to the efforts being undertaken to promote respect for human rights.

- Estonia, ICCPR, A/51/40 vol. I (1996) 19 at para. 119.

It is of concern that, as a result of the lack of domestic legislation and procedures governing the treatment of asylum seekers and the determination of their status, the Government has too often resorted to measures of deprivation of liberty.

- Zambia, ICCPR, A/51/40 vol. I (1996) 29 at para. 210.

The authorities should take the necessary steps to ensure that torture, ill-treatment and illegal detention do not occur and that any such cases are duly investigated by an independent authority in order to bring before the courts those accused of having committed such acts and to punish them if found guilty.

- Guatemala, ICCPR, A/51/40 vol. I (1996) 33 at paras. 232-234 and 246.

Paragraph 232

The information received of cases of summary executions, disappearances, torture, rape and other inhuman or degrading treatment or punishment, arbitrary arrests and detention of persons by members of the army and security forces, or paramilitary and other armed groups or individuals, notably the Civil Self-Defence Patrols (PACs) and former military commissioners, is alarming.

Paragraph 233

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The cases of violence against the repatriated population, which have resulted in extrajudicial executions, disappearances and torture or ill-treatment, are of concern. In this connection, the conduct of PAC members who have availed themselves of their position to harass repatriated persons is of concern.

Paragraph 234

It is noted with concern that members of various social sectors, particularly members of the judiciary, lawyers, journalists, human rights activists, members of trade unions and members of political parties are subject to intimidation, death threats and even murder, thus facing serious obstacles in the legitimate performance of their duties. It is deplored that effective measures have not yet been taken to prevent the recurrence of such acts.

Paragraph 246

All necessary steps, including protective and pre-emptive measures, should be taken to ensure that members of various social sectors, particularly members of the judiciary, lawyers, journalists, human rights activists, members of trade unions and members of political parties, are enabled to perform their duties without intimidation of any sort.

- Nigeria, ICCPR, A/51/40 vol. I (1996) 37 at paras. 287-289 and 299.

Paragraph 287

Serious concern is expressed at violations of the right to freedom of expression, as exemplified by the adoption of a number of decrees suspending newspapers, as well as the arbitrary arrest, detention and harassment of editors or journalists.

Paragraph 288

The restrictions on freedom of association and assembly in law and in practice are of concern. The numerous reports received that members of unions were harassed and intimidated, sometimes even arrested and detained, and that the dissolution of certain unions was ordered by the Government are of concern.

Paragraph 289

The arrest and detention of officers of human rights organizations, involving violations of articles 9 and 22 of the Covenant and interfering with the free exercise of the significant role played by such organizations in the protection of human rights, is of concern.

Paragraph 299

Urgent steps should be taken to release all persons who have been detained arbitrarily or without charge and to reduce the period of pre-trial detention.

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- Brazil, ICCPR, A/51/40 vol. I (1996) 44 at paras. 312, 317, 324 and 326.

Paragraph 312

The prevalence of torture, arbitrary and unlawful detention, death threats and acts of violence against prisoners committed by security forces and in particular by the military police is of deep concern.

Paragraph 317

It is noted with concern that where members of State security forces are accused of human rights violations, witnesses are not afforded protection against reprisals, intimidation, threats and harassment.

Paragraph 324

Immediate and effective steps should be taken to prevent and combat human rights violations by members of the security forces, especially cases of summary and arbitrary executions, torture, excessive use of force and arbitrary detention. These steps should include the education and sensitization of law enforcement officials, particularly the military police, about human rights. Campaigns and programmes should be developed accordingly and the systematic incorporation of human rights education in all training activities ensured.

Paragraph 326

Immediate steps should be taken to ensure that convicted persons are released without delay on completion of their sentences.

- Peru, ICCPR, A/51/40 vol. I (1996) 48 at paras. 354, 359 and 360.

Paragraph 354

The cases of disappearances, summary executions, torture, ill-treatment and arbitrary arrest and detention by members of the army and security forces and the Government's failure to investigate fully those cases, to prosecute alleged offences, to punish those found guilty and to provide compensation to the victims and their families is of deep concern. The failure to resolve the high number of cases of past disappearances is of particular concern.

Paragraph 359

Immediate measures should be taken to release innocent prisoners and provide them with compensation and to systematically revise, on a non-discretionary basis, convictions handed down by the military tribunals in treason and terrorism cases, particularly convictions based on lack of identification documents or on evidence obtained in the application of the repentance law. The same applies to detainees awaiting trial.

Paragraph 360

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Effective measures should be taken to investigate allegations of summary executions, disappearances, torture and ill-treatment, and arbitrary arrest and detention, to bring the perpetrators to justice, to punish them and to compensate victims. If allegations of such crimes have been made against members of the security forces, whether military or civilian, the investigations should be carried out by an impartial body that does not belong to the organization of the security forces themselves.

- Denmark, ICCPR, A/52/40 vol. I (1997) 14 at paras. 68 and 75.

Paragraph 68

Concern is expressed over the methods of crowd control, including the use of dogs, employed by the police forces against participants in various demonstrations or gatherings which, on certain occasions, have resulted in serious injuries to persons in the crowds, including bystanders.

Paragraph 75

The Government should further train police forces in methods of crowd control and of handling offenders, including those suffering from mental disorders, and to keep those issues constantly under review. The authorities should reconsider the use of dogs in crowd control.

- Bolivia, ICCPR, A/52/40 vol. I (1997) 35 at paras. 214 and 217.

Paragraph 214

The curtailment of the rights of members of trade unions to the freedoms of association, assembly and expression, the high levels of violence against trade union members, the intimidation by police agents of persons taking part in peaceful demonstrations, and the high number of strikes that are deemed illegal are of concern.

Paragraph 217

The necessary mechanisms should be put in place to avoid a recurrence of the events surrounding the 1995 state of siege, where the police used excessive violence against the members of teachers' unions.

- Colombia, ICCPR, A/52/40 vol. I (1997) 44 at para. 278.

The Committee deplores extrajudicial executions, murders, torture and other degrading treatment, forced disappearances and arbitrary arrests, carried out by members of the armed forces, the police and paramilitary and guerrilla groups. Journalists, human rights activists, trade union and political leaders, teachers, members of indigenous populations and judges appear to be specifically targeted.

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- Lebanon, ICCPR, A/52/40 vol. I (1997) 53 at para. 346.

The well substantiated allegations of acts of torture and cruel, inhuman and degrading treatment committed by the State party's police, the Lebanese security forces and non-Lebanese security forces operating within the State party's territory, the occurrence of arbitrary arrest and detention, searches operated without warrants, abusive treatment of individuals deprived of their liberty, and violations of the right to a fair trial, are of concern.

- India, ICCPR, A/52/40 vol. I (1997) 67 at paras. 431 and 448.

Paragraph 431

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

Paragraph 448

The plight of street children and the reported high level of violence against children within society is of concern. The reports of child mutilation are of particular concern. Therefore, urgent measures should be taken to address the problem and specific mechanisms should be set up for the protection of children.

- Iraq, ICCPR, A/53/40 vol. I (1998) 18 at para. 97.

The reports from many sources concerning the high incidence of summary executions, arbitrary arrests and detention, torture and ill-treatment by members of security and military forces, disappearances of many named individuals and of thousands of people in northern Iraq and in the southern marshes, and forced relocations are of grave concern. In this respect, the lack of transparency on the part of the Government in responding to these concerns is regretted. The statement by the delegation that a non-governmental committee has been established to deal with disappearances is also noted, and it is regretted that information on its functions or on its powers to investigate cases of involuntary disappearance, to bring those found responsible to justice and to otherwise prevent and combat disappearances in Iraq was not obtainable. Therefore, it is recommended that all allegations mentioned above be fully, publicly and impartially investigated, that the results of such investigations be published and that the perpetrators of those acts be brought to justice.

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- Sudan, ICCPR, A/53/40 vol. I (1998) 22 at paras. 124 and 133.

Paragraph 124

With respect to liberty and security of the person, concern is expressed over the vague and legally undefined concept of "national security", as it is inconsistent with the provisions of article 9 of the Covenant and can be used as a basis for arrest and detention of persons without a more specific charge, creating an atmosphere of fear and oppression for anyone critical of the Government. Moreover, the Committee is of the view that the procedures for pre-trial detention allow the National Security Council, chaired by the President of the Republic, the power to detain persons for excessively long periods of time. The concept of "national security" should be clearly defined by law and police and security officers should be required to state in writing why a person has been arrested. Such information should be available to the public and should be reviewable by the courts. The provisions of the National Security Act 1994, as amended, allowing detention by the National Security Council, should be repealed.

Paragraph 133

The official enforcement of strict dress requirements for women in public places, under the guise of public order and morality, and the inhuman punishment imposed for breaches of such requirements is of concern. Restrictions on the liberty of women under the Personal Status of Muslims Act, 1992 are matters of concern under articles 3, 9 and 12 of the Covenant. It is incumbent on the State party to ensure that all its laws, including those dealing with personal status, are compatible with the Covenant.

- Belarus, ICCPR, A/53/40 vol. I (1998) 26 at para. 145.

The numerous allegations of ill-treatment of persons by police and other law enforcement officials during peaceful demonstrations and on arrest and detention, and the high number of cases in which police and other security officials resort to the use of weapons are of concern. Noting that investigations of such abuses are not conducted by an independent mechanism and that the number of prosecutions and convictions in these cases is very low, the Committee expresses concern that these phenomena may lead to impunity for members of the police and other security officials. Therefore, in order to combat impunity, steps should be taken to ensure that all allegations of ill-treatment and unlawful use of weapons by security and police officials be promptly and impartially investigated by an independent body, that the perpetrators be prosecuted and punished, and that the victims be compensated. Moreover, in accordance with paragraph 10 of the Committee's General Comment No. 20 (44) on article 7 of the Covenant, "enforcement personnel, (...) police officers and any other persons involved in the custody or treatment of any individual subjected to any form of arrest, detention or imprisonment must receive appropriate instruction and training" concerning the ban on torture and other cruel, inhuman or degrading treatment prohibited by article 7 and the observance of other human rights norms.

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- Lithuania, ICCPR, A/53/40 vol. I (1998) 30 at paras. 168-170.

Paragraph 168

Additional measures should be taken to prevent, investigate and prosecute cases of violence against women, including domestic violence, and abuse of children, including sexual abuse, and to promote the right of women and children to personal security. Programmes for the rehabilitation of traumatized children and adequate legal and social procedures and mechanisms to deal with complaints of both physical and mental ill-treatment need to be developed.

Paragraph 169

The reported cases of harassment and use of excessive force by members of the army against conscripts and of police brutality against detainees is of concern. An independent investigation mechanism should be established to inquire into all cases of alleged brutality committed by members of the police or the army. Intensive training and education programmes in the field of human rights for members of the army and law enforcement officials are also recommended to ensure their observance of the Covenant, especially its articles 7, 9 and 10.

Paragraph 170

The power of the police to detain people for up to five hours could be used for the purpose of harassment or intimidation, in violation of the right under article 9 of the Covenant to personal liberty and security. The provisions on police detention should be reviewed to bring them into conformity with the Covenant.

- Zimbabwe, ICCPR, A/53/40 vol. I (1998) 35 at para. 218.

The investigation of all cases of alleged excessive use of force committed by members of the police or the army by an independent and impartial body, the taking of action against those officers found to have committed abuses and the payment of compensation to the victims is urged. Intensive training and education programmes in the field of human rights for members of the army and law enforcement officials are recommended. A reduction in the list of situations in which the use of lethal force is allowed under domestic law is urged.

- Israel, ICCPR, A/53/40 vol. I (1998) 45 at paras. 303 and 313.

Paragraph 303

The recent establishment of the Public Defender's Office is welcomed. The progressive steps which have led to the amendment of the Criminal Code and to the establishment of the Department for Investigation of Police Misconduct within the Ministry of Justice to review complaints of

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maltreatment by members of the police and security forces are welcomed.

Paragraph 313

The number of Palestinians who have been killed by the security forces, as well as all persons who have been the victims of terrorist attacks, is of concern. The use of rubber-coated metal bullets by the security forces in the occupied territories in dispersing demonstrations is reported to have killed many Palestinians, including children. The State party is urged to enforce rigorously the strict limitations on the operational rules as to the use of firearms and the use of rubber bullets against unarmed civilians.

- Algeria, ICCPR, A/53/40 vol. I (1998) 52 at paras. 351, 354, 356 and 360.

Paragraph 351

Widespread and indiscriminate attacks against the civilian population, involving the loss of innumerable human lives, and a general climate of violence heighten the responsibilities of the State party to re-establish and maintain the conditions necessary for the enjoyment and protection of fundamental rights and freedoms.

Paragraph 354

The Committee is appalled at the widespread massacre of men, women and children in a great number of villages and towns; is seriously concerned that women have been the victims of not only killings, but also of abduction, rape and severe violence; and is concerned at the lack of timely or preventive measures of protection to the victims from police or military officials in the vicinity and at the persistent allegations of collusion of members of the security forces in terrorist attacks. The State party is urged to adopt effective measures:

- (a) to prevent those attacks and, if they nevertheless occur, to come promptly to the defence of the population;
- (b) to ensure that proper investigations are conducted by an independent body to determine who the offenders are and to bring them to justice; and
- (c) in all cases of massacres to conduct an independent enquiry into the conduct of the security forces, from the lowest to the highest levels, and where appropriate, to subject them to penal and disciplinary sanctions.

Paragraph 356

The Committee is concerned about the meager information provided regarding the organization of "legitimate defence groups", their official recognition, competence, supervision and training. Serious questions arise as to the legitimacy of the transfer of such power by the State to private groups,

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especially in view of the power which the State itself confers on them and the very real risk to human life and security entailed by the exercise of that power, coupled with the risks of unsanctioned abuse. The Government should urgently take measures to maintain within its police and defence forces the responsibility of maintaining law and order and the protection of the life and security of the population and, in the meantime, to ensure that these defence groups are brought under the strict and effective control of responsible State organs, and that they are promptly brought to justice in the case of abuse.

Paragraph 360

The State party must ensure that:

- (a) nobody may be arrested or detained "outside the law";
 - (b) complaints about such arrest or detention be given immediate attention and that relatives, friends or lawyers of persons detained are able to receive an effective remedy, which includes reviewing the legality of the detention;
 - (c) all persons arrested be kept at officially designated places of detention; their families are immediately informed; they have immediate access to a lawyer; and they are promptly charged and brought to trial;
 - (d) their detention should not exceed the limit provided by law and that they have a right to medical examination on arrest and at the end of their detention.
- The Former Yugoslav Republic of Macedonia, ICCPR, A/53/40 vol. I (1998) 55 at paras. 377, 378 and 382.

Paragraph 377

The Committee expresses serious concern at ethnic violence involving the police in Gostivar on 7 July 1997, in the course of which three persons lost their lives and hundreds were wounded. It is also concerned at indications that all fair-trial guarantees were not met in dealing with local officials. These events should be thoroughly investigated by an independent body, those found responsible should be subjected to appropriate penal or disciplinary sanctions, and all necessary measures should be taken to prevent their recurrence anywhere within the country.

Paragraph 378

The persons responsible for reported cases of abuse of police authority, including unlawful arrest and detention, excessive use of force - especially against members of minority groups - and physical ill-treatment of detainees should be subjected to appropriate disciplinary or penal sanctions. Training programmes on human rights for the police should be strengthened and permanent mechanisms

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should be established for ongoing instruction with the participation of international agencies and experts in the field.

Paragraph 382

The practice of forcing citizens to attend so-called "informative talks" is incompatible with provisions of article 9 of the Covenant.

- United Republic of Tanzania, ICCPR, A/53/40 vol. I (1998) 57 at paras. 393, 402 and 403.

Paragraph 393

The Nyalali Commission has accurately identified all of the following provisions as infringing human rights which are also protected by the Covenant, and recommended the repeal of: the Emergency Powers Act 1986 (art.4); certain aspects of the Human Resources Deployment Act 1983 which led to forced labour on communal projects (art. 8); powers of the President to detain persons (incommunicado for a period) without trial under the Preventive Detention Act 1962 (art. 9); punishment under the Witchcraft Ordinance 1928 (arts. 7 and 10). Priority should be given to implementing the proposed reforms.

Paragraph 402

The absence of training for the police in human rights and in the proper use of riot equipment, such as "rubber bullets", is regretted. Noting actions by the police resulting in homicide, and being generally concerned that investigation of complaints against the police is carried out by the police themselves, the Committee recommends that thorough training for the police be provided and an independent mechanism be set up for investigating complaints against the police.

Paragraph 403

Regarding reports of armed groups which act as vigilantes and may commit abuses of human rights, the Committee notes with approval the Nyalali Commission's recommendation that no militia be allowed to operate without specific legislative approval and recommends that, in any event, any such militia be properly trained and that their activities be subject to full supervision by the courts.

- Belgium, ICCPR, A/54/40 vol. I (1999) 26 at paras. 84 and 88.

Paragraph 84

The period of five months' detention, which may be extended to eight months, to which asylum seekers may be subjected, may amount to arbitrary detention in violation of article 9 of the Covenant, unless the detention is subject to judicial review which secures the release of the person if there is no lawful purpose being served by the detention.

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Paragraph 88

The practice of keeping psychiatric patients in prison psychiatric annexes for several months before transferring them to hospitals that treat mental disorders (*établissement de protection sociale*) is incompatible with articles 7 and 9 of the Covenant and should be discontinued.

- Libyan Arab Jamahiriya, ICCPR, A/54/40 vol. I (1999) 32 at paras. 127 and 132.

Paragraph 127

The Committee is deeply troubled by the allegations, from various reliable sources, of extrajudicial, arbitrary or summary executions perpetrated by State agents as well as of a high incidence of arbitrary arrest and detention, including long detention without trial. All such allegations should be fully, publicly and impartially investigated, the results of such investigations should be published, the perpetrators of those acts should be brought to justice and the victims and their families should be duly compensated.

Paragraph 132

The law enacted in 1997 known as the "Charter of Honour", which authorizes collective punishment for those found guilty of collective crimes (including "obstructing the people's authority, damaging public and private institutions"), violates several articles of the Covenant, including articles 7, 9 and 16. The application of this law should be suspended without delay and steps should be taken to repeal it.

- Japan, ICCPR, A/54/40 vol. I (1999) 36 at paras. 161, 165, 166, 171 and 172.

Paragraph 161

The Committee is concerned about allegations of violence and sexual harassment of persons detained pending immigration procedures, including harsh conditions of detention, the use of handcuffs and detention in isolation rooms. Persons held in immigration detention centres may remain there for periods of up to six months and, in some cases, even up to two years. The conditions of detention should be reviewed and, if necessary, measures should be taken to bring the situation into compliance with articles 7 and 9 of the Covenant.

Paragraph 165

The substitute prison system (*Daiyo Kangoku*), though subject to a branch of the police which does not deal with investigation, is not under the control of a separate authority. This may increase the chances of abuse of the rights of detainees under articles 9 and 14 of the Covenant. The substitute prison system should be made compatible with all requirements of the Covenant.

Paragraph 166

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Rule 4 of the Habeas Corpus Rules under the Habeas Corpus Law limits the grounds for obtaining a writ of habeas corpus to (a) the absence of a legal right to place a person in custody and (b) manifest violation of due process. It also requires exhaustion of all other remedies. Rule 4 impairs the effectiveness of the remedy for challenging the legality of detention and is therefore incompatible with article 9 of the Covenant. Rule 4 should be repealed and the remedy of habeas corpus should be made fully effective without any limitation or restriction.

Paragraph 171

Planned new legislation against child prostitution and child pornography may not protect children under the age of 18 when the age limit for sexual consent is as low as 13. The absence of specific legal provisions prohibiting the bringing of foreign children to Japan for the purpose of prostitution is of concern, despite the fact that abduction and sexual exploitation of children are subject to penal sanctions. The situation should be brought into compliance with the State party's obligations under articles 9, 17 and 24 of the Covenant.

Paragraph 172

The high incidence of violence against women, in particular domestic violence and rape, and the absence of any remedial measures to eradicate this practice is of continuing grave concern. That the courts in Japan seem to consider domestic violence, including forced sexual intercourse, as a normal incident of married life is troubling.

- Chile, ICCPR, A/54/40 vol. I (1999) 44 at para. 206.

An independent body with authority to receive and investigate all complaints of excessive use of force and other abuses of power by the police and other security forces should be established. The sole possibility of resort to court action cannot serve as a substitute to such mechanisms.

- Lesotho, ICCPR, A/54/40 vol. I (1999) 51 at para. 260.

The excessive use of force by police and security forces, including the shooting of suspects to prevent their flight even in cases where there is no violence on the part of the suspects, should be investigated, and the prosecution and punishment of those responsible should be ensured. Impunity for violation of human rights is incompatible with the obligations of article 2(3).

- Mexico, ICCPR, A/54/40 vol. I (1999) 61 at para. 328.

Effective measures should be taken to protect the security of women, to ensure that no pressure is brought to bear on them to deter them from reporting violations such as abduction, murder, and the

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rape or torture of women in detention by security forces, and to ensure that all allegations of abuse are investigated and the perpetrators brought to justice

- Romania, ICCPR, A/54/40 vol. I (1999) 68 at para. 371.

The use of firearms by the police should be closely regulated in order to prevent violations of the right to life and personal security.

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

Paragraph 102

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

Paragraph 103

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

- Congo, ICCPR, A/55/40 vol. I (2000) 43 at paras. 267 and 268.

Paragraph 267

Summary and extrajudicial executions, disappearances and arbitrary arrests and detentions carried out not only by the armed forces, but also by the militias, other paramilitary groups, as well as by foreign soldiers, in violation of articles 6, 7 and 9 of the Covenant, are of grave concern.

Paragraph 268

All appropriate enquiries and investigations should be conducted into these crimes and the necessary measures should be taken to bring the perpetrators to justice and effectively protect the right to life and security of person.

- Guyana, ICCPR, A/55/40 vol. I (2000) 53 at para. 359.

Allegations of extra-judicial killings and excessive use of force should be promptly investigated by an impartial body and measures should be taken to ensure the prosecution of offenders and to provide effective remedies to victims. All law enforcement officials should be thoroughly trained in international human rights standards, particularly those contained in the Covenant.

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- Kyrgyzstan, ICCPR, A/55/40 vol. I (2000) 57 at paras. 389, 414 and 415.

Paragraph 389

Instances of torture, inhuman treatment and abuse of power by law enforcement officials are of grave concern.

Paragraph 414

The intimidation and harassment, in particular by government officials, of journalists and human rights activists, including members of human rights NGOs, who have been subjected to prosecution, fines and imprisonment, is of concern, especially the use of libel suits against journalists who criticize the Government. Such harassment is incompatible with the freedom of expression and of the press as stipulated in article 19 of the Covenant.

Paragraph 415

The State party must protect journalists and human rights activists from harassment. It should ensure that journalists can exercise their profession without fear of being subjected to prosecution and libel suits for criticizing government policy or government officials. Journalists and human rights activists subjected to imprisonment in contravention of articles 9 and 19 of the Covenant should be released, rehabilitated, and given compensation pursuant to articles 9, paragraph 5, and 14, paragraph 6, of the Covenant.

- Ireland, ICCPR, A/55/40 vol. I (2000) 61 at paras. 436-439 and 447.

Paragraph 436

The continuing operation of the Offences Against the State Act is of concern, including the increase in the periods of detention without charge under the Act, that persons may be arrested on suspicion of being about to commit an offence, that the majority of persons arrested are never charged with an offence, and that, in circumstances covered by the Act, failure to respond to questions may constitute evidence supporting the offence of belonging to a prohibited organization. The application of the Act raises problems of compatibility with articles 9 and 14, paragraph 3 (g), of the Covenant.

Paragraph 437

Steps should be taken to ensure that all criminal procedures are brought into compliance with articles 9 and 14 of the Covenant.

Paragraph 438

The seven-day period of detention without charge under the Drug Trafficking Act raises issues of compatibility with article 9, paragraph 1.

Paragraph 439

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The State party should ensure that all aspects of detention, including the period of detention and availability of legal aid, are administered in full compliance with article 9 of the Covenant.

Paragraph 447

In regard to proposed changes to the law regarding asylum-seekers, the State party should ensure that the grounds on which detention may be authorized and the right of access to judicial review of detention decisions are in full conformity with the provisions of article 9 of the Covenant. It should also ensure that requirements relating to the place of residence of refugees do not infringe the rights to liberty of movement protected under article 12.

- Kuwait, ICCPR, A/55/40 vol. I (2000) 65 at para. 469.

The many reported cases of persons detained in 1991 who have subsequently disappeared, many of them Palestinians with Jordanian passports, Kurds, and other persons formerly residing in Kuwait, are of concern. While the delegation acknowledges only one case, other sources suggest that the fate of at least 62 persons, whose names have been communicated to the State party, remains unknown. The delegation's undertaking to receive and investigate this and other lists of names, and in this connection refers to the State party's cooperation with the United Nations Working Group on Enforced or Involuntary Disappearances is appreciated.

- Australia, ICCPR, A/55/40 vol. I (2000) 71 at paras. 526 and 527.

Paragraph 526

The mandatory detention under the Migration Act of "unlawful non-citizens", including asylum-seekers, raises questions of compliance with article 9, paragraph 1, of the Covenant, which provides that no person shall be subjected to arbitrary detention.

Paragraph 527

The State party is urged to reconsider its policy of mandatory detention of "unlawful non-citizens" with a view to instituting alternative mechanisms of maintaining an orderly immigration process.

- Trinidad and Tobago, ICCPR, A/56/40 vol. I (2001) 31 at paras. 72(14)-72(16).

Paragraph 72(14)

That problems relating to the police force (such as corruption, brutality, abuse of power and obstacles placed in the way of police personnel who seek to correct such practices), identified over the last decade have still not been rectified is regretted. That there is little reduction in the numbers of complaints of harassment and battery submitted in 1999 and 2000 is of concern. The Plan of Action

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now in preparation should reinforce reforms already made and ensure that the culture of the force genuinely becomes one of public service. Dereliction of duty, harassment and battery (among other things) by police officers should be the subject of swift disciplinary or criminal proceedings (arts. 2.1, 2.2. and 7).

Paragraph 72(15)

The Committee supports the expressed concern of the Trinidad and Tobago Police Complaints Authority about the inadequacy of reports from the Police Complaints Division and failure of that Division adequately to report on continuing complaints in important categories. The Complaints Division should improve the contents of its reports and accelerate its reporting process so as to enable the Police Complaints Authority thoroughly to fulfil its statutory functions and so that violations of articles 7 and 9.1 may be properly investigated.

Paragraph 72(16)

Chapter 15.01 of the Police Act, which enables any policemen to arrest persons without a warrant in a large number of circumstances, is of concern. Such a vague formulation of the circumstances in the Act gives too generous an opportunity to the police to exercise this power. It is recommended that the State party confine its legislation so as to bring it into conformity with article 9.1 of the Covenant.

- Denmark, ICCPR, A/56/40 vol. I (2001) 34 at paras. 73(4) and 73(5).

Paragraph 73(4)

That the Government changed the rules and practices on the use of police dogs in crowd control is appreciated.

Paragraph 73(5)

The State party's new rules on examination of complaints concerning the police are noted with appreciation.

- Argentina, ICCPR, A/56/40 vol. I (2001) 38 at paras. 74(4), 74(12) and 74(13).

Paragraph 74(4)

The efforts being made to provide financial and other compensation to victims of arbitrary detention and the families of persons who died or disappeared under the military regime are appreciated.

Paragraph 74(12)

In relation to article 7 of the Covenant, questions of torture and excessive use of force by police

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officials were not adequately dealt with in the present report. Allegations indicating that this is a widespread problem and that government mechanisms established to address it are inadequate are of concern.

Paragraph 74(13)

Continuing attacks on human rights defenders, judges, complainants, representatives of human rights organizations and members of the media are of concern. In addition, persons who participate in peaceful demonstrations are reportedly subject to detention and penal action. Attacks against human rights defenders and persons participating in peaceful demonstrations should be promptly investigated and the perpetrators disciplined or punished as required.

- Gabon, ICCPR, A/56/40 vol. I (2001) 41 at para. 75(15).

The practice of putting people in prison for civil debts is in breach of article 11 of the Covenant. The State party must abolish imprisonment for debt.

- Peru, ICCPR, A/56/40 vol. I (2001) 45 at para. 76(18).

It is deplored that, of the four opposition members of Parliament who were victims of repeated acts of intimidation and about whom the Committee requested reports from the Government, vague replies were given only about Mr. Gustavo Molme Llona, who has since died; no explanation was given about the three others, Javier Díez Canseco, Henry Pease García, Jorge del Castillo and some of their co-workers, and not a single reference was made to the investigations conducted in order to find the persons responsible. The intimidation of members of Parliament, which prevents them from representing their constituents and exercising their functions freely and independently, must cease immediately and acts of intimidation must be investigated and the persons responsible punished.

- Venezuela, ICCPR, A/56/40 vol. I (2001) 49 at paras. 77(6) and 77(8).

Paragraph 77(6)

The reports of disappearances are of grave concern, despite the fact that such acts have been defined as crimes under the new legislation. The lack of action by the State to deal with disappearances that occurred in 1989 is also of concern. The delegation's statement that investigations of the disappearances are being pursued is unsatisfactory. Taking into account the provisions of articles 6,

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7 and 9 of the Covenant, the State party should give special priority to rapid and effective investigations designed to determine the whereabouts of the disappeared persons and those responsible for disappearances. The State party should also take all necessary measures to prevent disappearances, including adoption of the legislation described in article 45 of the Constitution.

Paragraph 77(8)

The reports of torture and excessive use of force by the police and other security forces in breach of article 7 of the Covenant; the State party's apparent delay in responding to such occurrences; and the absence of independent mechanisms to investigate the reports in question are of deep concern. The right of recourse to the courts is not a substitute for such mechanisms. The State party should establish an independent body empowered to receive and investigate all reports of excessive use of force and other abuses of authority by the police and other security forces, to be followed, where appropriate, by prosecution of those who appear to be responsible for them. The State party is also urged to pass laws giving effect to the prohibition of torture and cruel, inhuman and degrading treatment laid down in article 7 of the Covenant and article 46 of the Constitution.

- Dominican Republic, ICCPR, A/56/40 vol. I (2001) 54 at para. 78(8).

The information from the delegation that 229 people suffered violent deaths at the hands of the police force in 2000 is noted with great concern. According to other sources the figure could be higher. The reports of extrajudicial executions of prisoners in the custody of the State party in its prisons and of deaths at the hands of the National Police, the Armed Forces and the National Drug Control Office owing to the excessive use of force and the apparent impunity that they enjoy are noted with equal concern.

- Syrian Arab Republic, ICCPR, A/56/40 vol. I (2001) 70 at paras. 81(3) and 81(14).

Paragraph 81(3)

The information that a large number of political prisoners have been released since the early 1990s and, more recently, in July and November 2000 is welcomed.

Paragraph 81(14)

The number of people held in pre-trial detention, some of whom are in solitary confinement is of concern. Hundreds of people have reportedly been arrested and detained without an arrest warrant or indictment, only to be released without judicial procedures having been initiated and, in many cases, after many years in detention. Anyone arrested or detained on a criminal charge must be brought promptly before a judge (article 9, paragraph 3, of the Covenant). The State party must ensure that all other aspects of its practice are consistent with the provisions of article 9 of the

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Covenant and that detainees have access to counsel and are permitted to contact their families.

- Czech Republic, ICCPR, A/56/40 vol. I (2001) 83 at para. 83(15).

Deep concern is expressed about the persistent allegations of police harassment, particularly of the Roma minority and aliens, which the delegation explained as resulting from lack of sensitivity rather than harassment (arts. 2, 7, 9, 26). The State party should take firm measures to eradicate all forms of police harassment of aliens and vulnerable minorities.

- Guatemala, ICCPR, A/56/40 vol. I (2001) 93 at paras. 85(13), 85(20) and 85(21).

Paragraph 85(13)

Reports of human rights violations, particularly gross and systemic violations of the right to life, liberty and security of person, are of grave concern. Reports of disappearances in the State party, both the most recent reports and those in the past are of particular concern. The information supplied by the delegation that all such situations are being investigated is not satisfactory. Taking into account the provisions of articles 6, 7 and 9 of the Covenant, the State party should give special priority to investigating and bringing to justice the perpetrators of human rights violations, including police and military personnel. The perpetrators of such acts must be tried and punished; mere separation from service or dismissal from the army is not sufficient. All necessary measures should be taken to prevent the occurrence of such acts.

Paragraph 85(20)

The wide jurisdiction of the military courts to hear all cases involving the trial of military personnel and their powers to decide cases that belong to the ordinary courts contribute to the impunity enjoyed by such personnel and prevent their punishment for serious human rights violations. The State party should amend the law to limit the jurisdiction of the military courts to the trial of military personnel who are accused of crimes of an exclusively military nature (articles 6, 7, 9 and 14 of the Covenant).

Paragraph 85(21)

It is of concern that members of various sectors of society, particularly members of the judiciary, lawyers, human rights activists and trade unionists, are being intimidated, threatened with death and even killed; the lawful exercise of their functions is thus being seriously hampered (articles 6, 7 and 9). It is regretted that effective measures to prevent the repetition of such acts have still not been taken. All necessary preventive and protective measures should be taken to ensure that the members of various sectors of society, particularly members of the judiciary, lawyers, human rights activists and trade unionists, can carry out their functions without intimidation of any kind.

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- Democratic People's Republic of Korea, ICCPR, A/56/40 vol. I (2001) 98 at paras. 86(7) and 86(18).

Paragraph 86(7)

The discontinuation of administrative internment in the State party is appreciated.

Paragraph 86(18)

The compatibility of the State party's pre-trial detention practices and preliminary investigation procedures with article 9 of the Covenant is a matter of concern. The duration of detention before a person is brought before a judge is manifestly incompatible with article 9, paragraph 3 of the Covenant. Anyone arrested or detained on a criminal charge must be brought promptly before a judge. The State party must ensure that all of its practices are consistent with the provisions of article 9 of the Covenant and that detainees have access to counsel and are permitted to contact their families from the moment of apprehension.

ICESCR

- Sudan, ICESCR, E/2001/22 (2000) 57 at para. 309.

The continuing occurrence of abductions of women and children on a large scale by different tribes is of concern.

- Kyrgyzstan, ICESCR, E/2001/22 (2000) 62 at paras. 344 and 358.

Paragraph 344

Deep concern is expressed about the re-emergence of the old tradition of bride kidnapping.

Paragraph 358

It is recommended that the State party actively implement the law with regard to the practice of polygamy and bride kidnapping.

- Portugal, ICESCR, E/2001/22 (2000) 70 at para. 416.

The increase in paedophilia and child pornography is noted with concern. These phenomena are associated with the increase in drug trafficking and consumption and other criminal activities which endanger the security and health of the population of the State party.

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CEDAW

- Turkey, CEDAW, A/52/38/Rev.1 part I (1997) 24 at paras. 179 and 195.

Paragraph 179

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

Paragraph 195

The practice of so-called honour killings, based on customs and traditions, was a violation of the right to life and security of persons and therefore must be appropriately addressed under the law. The practice of virginity examinations in cases of alleged rape should be reviewed in a critical manner; likewise, the State party should investigate whether coerced virginity examinations had been carried out on women in the investigation of sexual attacks or abuses or in any other circumstances.

- Bangladesh, CEDAW, A/52/38/Rev.1 part II (1997) 117 at para. 443.

The absence of special prisons for women, which posed serious threats to the security and protection of women committed to prison, is of serious concern.

- Algeria, CEDAW, A/54/38/Rev.1 part I (1999) 12 at para. 78.

The Government should protect women in accordance with the provision of the Constitution that states that the State is responsible for the safety of persons and property. The Committee recommends that better care be taken of all women and girls who are victims of terrorist violence.

- Kyrgyzstan, CEDAW, A/54/38/Rev.1 part I (1999) 15 at para. 122.

The increase in all forms of violence against women, including gang rape, is of concern. The Committee is also concerned that the emphasis of the initial report is on sexual violence rather than on gender-based violence as an infringement of the right to personal security.

- Greece, CEDAW, A/54/38/Rev.1 part I (1999) 20 at para. 191.

That the revision of the laws on rape has not led to the recognition of rape as a serious infringement of a woman's human right to personal security is of concern.

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- Thailand, CEDAW, A/54/38/Rev.1 part I (1999) 24 at para. 243.

The Government of Thailand should amend the Penal Code to reflect that sexual harassment, rape, domestic violence and marital rape, whether in the family, the community or the workplace, constitute violations of women's right to personal security and bodily integrity.

- India, CEDAW, A/55/38 part I (2000) 7 at paras. 86 and 87.

Paragraph 86

Despite the willingness of the Government to work with NGOs and women's groups, women activists and human rights defenders are exposed to violence and harassment in the communities in which they work.

Paragraph 87

The Government is urged to strictly enforce the law and protect women activists and human rights defenders from acts of violence and harassment.

- Burkina Faso, CEDAW, A/55/38 part I (2000) 25 at para. 261.

The State party is particularly commended on the provisions and policies adopted in conjunction with all civil society to eradicate the practice of genital mutilation, which infringes on the right to personal security and the physical and moral integrity of girls and threatens their lives and health.

- Mongolia, CEDAW, A/56/38 part I (2001) 26 at paras. 249 and 250.

Paragraph 249

The deteriorating situation of women in Mongolia in a period of economic transformation is noted with deep concern. The fact that the Government has failed to prevent the erosion of women's rights to economic advancement, health, education, political participation and personal security is of particular concern.

Paragraph 250

The Government should protect and promote women's human rights and utilize the development and technical resources available as well as the human resources of the country, including civil society and women's groups, so as to reverse this trend.

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CAT

- Algeria, CAT, A/52/44 (1997) 14 at para. 80.

While aware of the difficulties posed by terrorist groups, torture is not warranted in any exceptional circumstances. In that light, it is recommended that steps should be taken to ensure that only a judicial authority can make decisions restricting individual liberty.

- Ukraine, CAT, A/52/44 (1997) 23 at para. 133.

The legislation in force fails to provide any effective judicial control of the lawfulness of arrests.

- Cuba, CAT, A/53/44 (1998) 12 at para. 114.

Certain types of punishment primarily directed at the limitation of the liberty of citizens, i.e. internal exile and confinement at home, are matters of great concern.

- Guatemala, CAT, A/53/44 (1998) 17 at para. 163.

The application of the Convention is being hindered by the repeated instances of intimidation of judges, prosecutors, witnesses, victims and their relations, human rights activists and journalists, which largely account for the absence of decisive action by the bodies that should investigate and try crimes and for the continuance of impunity. Article 13 of the Convention makes States responsible for the protection of victims and witnesses.

- New Zealand, CAT, A/53/44 (1998) 19 at para. 172.

The periodic review of the clinical status of mental patients committed to mental hospitals ensures that such compulsory treatment will not violate the mental patients' right to freedom.

- Egypt, CAT, A/54/44 (1999) 22 at para. 210.

Allegations that persons have been held in police or State Security Intelligence custody in defiance of court orders to release them are of concern.

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- Poland, CAT, A/55/44 (2000) 21 at para. 95.

Legislative and administrative measures should be introduced to safeguard against excessive use of force by the police, in particular in connection with the supervision of public meetings and to safeguard against the persistence of abusive measures associated with the practice of so-called "*fala*" in the army.

- China, CAT, A/55/44 (2000) 24 at paras. 120, 122 and 127.

Paragraph 120

The system of administrative sanctions that permits extrajudicial custodial orders in respect of individuals that have not committed, or are not charged with, a violation of the law is of concern.

Paragraph 122

Concern is expressed about reports of coercive and violent measures resorted to by some local officials in implementing the population policy of the State party, contrary to the relevant provisions of the Convention.

Paragraph 127

The State party should consider abolishing all forms of administrative detention, in accordance with the relevant international standards.

- El Salvador, CAT, A/55/44 (2000) 28 at paras. 157 and 158.

Paragraph 157

The promulgation and effective observance of the new Penal Code and Code of Criminal Procedure, whose provisions include important guarantees for the protection of fundamental human rights, should contribute to better fulfilment of the State's obligations under the Convention.

Paragraph 158

Among those provisions, particular importance is attached to several, including the requirement of written orders authorizing detentions, and the establishment of strict time limits within which a detainee must be brought before a court and the court must give a ruling regarding the detainee's release or remand.

- United States of America, CAT, A/55/44 (2000) 31 at para. 179.

Concern is expressed over the number of cases of police ill-treatment of civilians, and ill-treatment

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in prisons (including instances of inter-prisoner violence). Much of this ill-treatment by police and prison guards seems to be based upon discrimination.

- Slovenia, CAT, A/55/44 (2000) 34 at paras. 204, 205 and 209.

Paragraph 204

Concern is expressed in regard to allegations about instances of police ill-treatment and excessive use of force against members of the Roma population, which has reportedly resulted in severe injuries in some instances.

Paragraph 205

Allegations about the excessive use of force by the police in connection with arrests are of concern.

Paragraph 209

The State party should take the necessary steps to prevent the misuse of force by the police against members of the Roma population and other minorities, particularly in connection with arrests and detention.

- Belarus, CAT, A/56/44 (2001) 19 at para. 45.

Concern is expressed over the numerous continuing allegations of torture and other cruel, inhuman and degrading punishment or treatment, committed by officials of the State party or with their acquiescence, particularly affecting political opponents of the government and peaceful demonstrators, and including disappearances, beatings, and other actions in breach of the Convention.

- Canada, CAT, A/56/44 (2001) 24 at para. 58.

Concern is expressed over the following:

Allegations of actions not in conformity with the Convention, including the inappropriate use of pepper spray and force by police authorities to break up demonstrations and restore order, notably with regard to the 1997 APEC demonstrations.

Allegations of the use of undue force and involuntary sedation in the removal of rejected asylum-seekers.

- Cameroon, A/56/44 (2001) 28 at para. 65.

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Concern is expressed about the continuing practice of administrative detention, which allows the authorities reporting to or forming part of the executive power (the Ministry of the Interior) to violate individual liberty, something which, under the rule of law, should come under the jurisdiction of the judiciary.

- Georgia, CAT, A/56/44 (2001) 35 at para. 81.

Instances of mob violence against religious minorities, in particular Jehovah's witnesses are of concern, including the failure of the police to intervene and take appropriate action despite the existence of the legal tools to prevent and prosecute such acts and the risk of this apparent impunity resulting in such acts becoming widespread.

- Greece, CAT, A/56/44 (2001) 38 at para. 87.

Concern is expressed that, although the domestic legislation provides a satisfactory framework for protecting human rights in general and of certain Convention rights in particular, difficulties in effective implementation remain, which may amount to a breach of the Convention:

There is evidence that the police sometimes use excessive or unjustifiable force in carrying out their duties particularly when dealing with ethnic and national minorities and foreigners.

The harsh conditions of detention in general and, in particular, the long-term detention of undocumented migrants and/or asylum-seekers awaiting deportation in police stations without adequate facilities.

- Bolivia, CAT, A/56/44 (2001) 40 at paras. 95 and 97.

Paragraph 95

Concern is expressed with respect to the following:

The excessive and disproportionate use of force and firearms by the National Police and the armed forces in suppressing mass demonstrations resulting from social conflicts which, by remaining unpunished, encourage the repetition of such abuses and appear to indicate tacit approval on the part of the authorities. The torture, arbitrary detention and ill-treatment perpetrated by the police and military forces in their own facilities are particularly serious during periods when a state of siege has been declared.

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Frequent cases of harassment, threats and acts of aggression against human rights defenders.

Paragraph 97

The State party should adopt all necessary measures to guarantee the free exercise by human rights defenders of their right to promote respect for such rights, to report violations of this right and to defend victims.

- Slovakia, CAT, A/56/44 (2001) 43 at para.104.

The following are subjects of concern:

Allegations of instances of police participation in attacks on Roma and other members of the population, as well as allegations of inaction by police and law enforcement officials who fail to provide adequate protection against racially motivated attacks when such groups have been threatened by 'skinheads' or other extremist groups.

Allegations that law enforcement officials have ill-treated detainees during detention and in police custody, particularly in lock-ups and police cells.

Allegations of harassment of human rights defenders as well as threats, reportedly to deter submission of complaints, which are allegedly not adequately investigated.

- Czech Republic, CAT, A/56/44 (2001) 46 at paras. 113 and 114.

Paragraph 113

Concern is expressed over the following:

Instances of racism and xenophobia in society, including the increase in racially motivated violence against minority groups, as well as the increase in groups advocating such conduct.

Concern remains about continuing incidents of discrimination against Roma, including by local officials, and particularly about reports of degrading treatment by the police of members of minority groups, continuing reports of violent attacks against Roma and the alleged failure on the part of police and judicial authorities to provide adequate protection, and to investigate and prosecute such crimes, as well as the lenient treatment of offenders.

Allegations of the excessive use of force by law enforcement officials during and after demonstrations, particularly alleged instances of cruel, inhuman and degrading treatment of persons arrested and detained as a result of the demonstrations during the IMF/World Bank meeting in Prague

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in September 2000.

Inter-prisoner violence and bullying in various institutions, including prisons, the military and educational institutions, as well as the presence of male guards in prisons for women where it may lead to an abuse of their authority.

Paragraph 114

Efforts should be continued to counter all forms of discrimination against minorities and to implement its long-term policy aimed at the integration of the Roma population through legal as well as practical measures, and, in particular, to increase efforts to combat and adequately sanction police ill-treatment of minorities and their failure to provide them with adequate protection.

The independence and thoroughness of investigations of all allegations of ill-treatment should be ensured in general, and in connection with the IMF/World Bank meeting in September 2000 in particular.

- Costa Rica, CAT, A/56/44 (2001) 55 at para. 135.

The cases of abuse of authority by police officers and prison personnel are of concern.

CRC

- Indonesia (preliminary), CRC, CRC/C/20 (1993) 13 at para. 52.

The absence of a reply from the Government of Indonesia to its urgent communication of November 1991 relating to excessive use of violence by security forces against demonstrating children in Santa Cruz, Dili is of concern. In this regard, the Government's attention is drawn to requests for information about the safeguards established in accordance with the provisions of articles 37 and 40 of the Convention, to ensure that such violations would not occur again.

- Mexico, CRC, CRC/C/24 (1994) 12 at para. 42.

The State party should intensify its action against all violence resulting in cases of ill-treatment of children, in particular when committed by members of the police force and security services and the military. The State party should ensure that cases of crimes committed against children by members of the armed forces or the police are tried before civilian courts.

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- Burkina Faso, CRC, CRC/C/29 (1994) 15 at para. 71.

Harsh sentences, as well as the occurrence of arbitrary detention of juveniles and the admittedly very difficult conditions of detention, are not in conformity with the provisions of articles 37 and 40 of the Convention.

- Colombia, CRC, CRC/C/38 (1995) 16 at paras. 88 and 93.

Paragraph 88

The life-threatening situation faced by an alarming number of children, particularly those who, in order to survive, are working and/or living on the streets, is of concern. Many of those children are victims of "social cleansing" campaigns and subject to arbitrary arrest and torture and other inhuman or degrading treatment by authorities. They are also subject to coercion, disappearance, trafficking and murder by criminal groups.

Paragraph 93

Firm measures should be taken to ensure the right to survival for all children, including those who live in a situation of poverty, who have been abandoned, or those who to survive are forced to live and/or work in the streets. Such measures should aim at the effective protection of children against the occurrence of violence, disappearance, assassination or alleged organ trafficking. Thorough and systematic investigation should be carried out and severe penalties applied to those found responsible for such violations of children's rights. Violations of human rights and children's rights should always be examined by civilian courts under civilian law, not military courts. The outcome of investigations and cases of convictions should be widely publicized in order to deter future offences and thus combat the perception of impunity.

- United Kingdom of Great Britain and Northern Ireland, CRC, CRC/C/38 (1995) 35 at para. 212.

The absence of effective safeguards to prevent the ill-treatment of children under the emergency legislation is a concern. In this connection, under the same legislation it is possible to hold children as young as 10 for seven days without charge. The emergency legislation which gives the police and the army the power to stop, question and search people on the street has led to complaints of children being badly treated. This situation, which may lead to a lack of confidence in the system of investigation and action on such complaints, is a concern.

- Canada, CRC, CRC/C/43 (1995) 16 at paras. 92 and 93.

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Paragraph 92

The Government should address the situation of unaccompanied children and children having been refused refugee status and awaiting deportation. Deprivation of liberty of children, particularly unaccompanied children, for security or other purposes should only be used as a measure of last resort.

Paragraph 93

Penal legislation allowing corporal punishment of children by parents, in schools and in institutions where children may be placed, should be considered for review. In this regard, physical punishment of children in families should be prohibited. In connection with the child's right to physical integrity, the possibility of introducing new legislation and follow-up mechanisms to prevent violence within the family should be considered, and educational campaigns should be launched with a view to changing attitudes in society on the use of physical punishment in the family and fostering the acceptance of its legal prohibition.

- Yugoslavia (Serbia and Montenegro), CRC, CRC/C/50 (1996) 17 at paras. 88 and 89.

Paragraph 88

The abuse of children and teachers by the police as well as at the prevailing opinion of the victims of such abuse that the police are able to act with impunity is a concern.

Paragraph 89

Reports of the treatment of persons, including children belonging to a religious minority (Muslims), in Sandjak where incidents of harassment, police abuse, violent house searches and commission of human rights violations with impunity are alleged to have occurred are a concern. There have also been reports about serious incidents of discrimination against the Roma (Gypsy) population.

- Nigeria, CRC, CRC/C/57 (1996) 11 at paras. 74 and 77.

Paragraph 74

The provisions of national legislation by which a child may be detained "at Her Majesty's Pleasure" may permit the indiscriminate sentencing of children for indeterminate periods. Furthermore, the provisions of national legislation which provide for the detention of children assessed to be "beyond parental control" are a worry. The possibility that abandoned children or children living and/or working on the street would have such measures applied against them is of special concern. These legislative measures do not appear to be compatible with the provisions of article 37 (b) of the Convention, which lays down that the arrest, detention or imprisonment of a child shall only be used as a measure of last resort and for the shortest appropriate period of time. Equally, the application in practice of the provisions of section 3 of the Children and Persons Law may lead to the arbitrary

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detention of children, which is incompatible with the provisions and principles of the Convention.

Paragraph 77

The necessary safeguards against the excessive use of force by law enforcement officials or anyone else acting in this capacity are undermined by the provisions of section 73 of the Criminal Code. This may give rise to the violation of children's rights, including their right to life, and leads to impunity for the perpetrators of such violations. Therefore, the above-mentioned provisions of the Nigerian Criminal Code are incompatible with the principles and provisions of the Convention.

- Uruguay, CRC, CRC/C/57 (1996) 19 at para. 111.

The prevalence of the doctrine of “children in an irregular situation”, which paves the way for the stigmatization and frequent institutionalization and deprivation of liberty of children on the basis of their economic and socially disadvantaged situation, is of concern. The insufficient measures adopted to ensure, *inter alia*, that deprivation of liberty is only used as a measure of last resort, that children deprived of liberty are treated with humanity and in a manner which takes into account the needs of persons of their age, as well as that the rights to maintain contact with their families and to due process of law are ensured is of concern. Moreover, the high number of institutionalized children and the insufficient measures that have been taken to ensure effective alternatives to institutional care, and to promote their social reintegration is also of concern.

- Panama, CRC, CRC/C/62 (1997) 19 at para. 119.

Legislation should define a minimum age below which children may not be deprived of their liberty.

- Japan, CRC, CRC/C/79 (1998) 25 at paras. 170 and 191.

Paragraph 170

Current measures have been insufficient to prevent school violence. The frequency and level of violence in schools, especially the widespread use of corporal punishment and the existence of numerous cases of bullying among students, is of concern.

Paragraph 191

A comprehensive programme should be devised and its implementation should be closely monitored in order to prevent violence in schools, especially with a view to eliminating corporal punishment and bullying. Additionally, corporal punishment should be prohibited by law in the family and in childcare and other institutions and awareness-raising campaigns should be conducted to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity.

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See also:

- Chad, CRC, CRC/C/87 (1999) 45 at para. 197.
- Bolivia, CRC, CRC/C/80 (1998) 22 at para. 117.

The conditions of children living in special institutions, the use of violence by law enforcement officials, that deprivation of liberty is not systematically used as a measure of last resort and that children are detained together with adults are matters of concern. Further measures should be taken in order to ensure the full compatibility of the juvenile justice system with the relevant United Nations standards in this field. Particular attention should be paid to ensuring the improvement of the conditions of children living in special institutions, that violence is not used by law enforcement officials, that the use of deprivation of liberty is only used as a measure of last resort and that children are not detained together with adults. Training programmes on the relevant international standards should be conducted for all professionals involved with the juvenile justice system. In this regard, the State party should consider seeking technical assistance from, *inter alia*, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF through the Coordination Panel on Juvenile Justice.

See also:

- Honduras, CRC, CRC/C/87 (1999) 26 at para. 130.
- Guinea, CRC, CRC/C/84 (1999) 21 at para. 120.

The absence of a legal and administrative framework to protect the rights of unaccompanied and refugee children; the fact that most refugee births are not registered; the lack of alternative care measures for unaccompanied refugee children; and the arbitrary detention of refugee children are matters of concern. A legislative framework should be developed for the protection of refugee children and unaccompanied children, to establish alternative care for unaccompanied refugee children, to ensure that all refugee births are registered, and to ensure that refugee children are not subject to arbitrary detention. To this effect, the State party is encouraged to continue working in close cooperation with international agencies active in the field of refugee protection such as UNHCR and UNICEF.

- Yemen, CRC, CRC/C/84 (1999) 33 at para. 180.

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Adequate legal protection of refugee children, including the guarantee of their physical safety and access to health and education, should be ensured. In this connection, technical assistance should be considered from, *inter alia*, UNHCR.

- Honduras, CRC, CRC/C/87 (1999) 26 at para. 118.

Judicial mechanisms should be reinforced to deal with complaints of police brutality, ill-treatment and abuse of children. Cases of abuse should be duly investigated in order to avoid impunity for perpetrators.

See also:

- Nicaragua, CRC, CRC/C/87 (1999) 54 at para. 233.
- Venezuela, CRC, CRC/C/90 (1999) 10 at para. 50.

The persistent allegations about children being detained in conditions which amount to cruel, inhuman or degrading treatment, and about children being physically ill-treated by members of the police or the armed forces are of concern. Judicial mechanisms should be used to effectively deal with complaints of police brutality, ill-treatment and the abuse of children. Cases of violence and abuse against children should be duly investigated in order to avoid the impunity of perpetrators.

- Russian Federation, CRC, CRC/C/90 (1999) 18 at para. 132.

The deprivation of liberty should only be used as a measure of “last resort” in dispensing juvenile justice. A wider use of the alternatives to deprivation of liberty is urged and all the necessary resources for administering such alternatives and to restructure juvenile reform institutions with a view to enhancing the rehabilitation of juvenile delinquents should be made available.

- Mali, CRC, CRC/C/90 (1999) 43 at para. 214.

The insufficient measures taken to prevent and prohibit police brutality and the inadequate enforcement of existing legislation to ensure that children are treated with respect for their physical and mental integrity and their inherent dignity are of concern. Greater efforts should be made to prevent police brutality and to ensure that child victims are provided with adequate treatment to facilitate their physical and psychological recovery and social reintegration and that perpetrators are sanctioned. In this connection, ratification of the Convention against Torture and Other Cruel,

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Inhuman or Degrading Treatment or Punishment should be considered.

See also:

- South Africa, CRC, CRC/C/94 (2000) 81 at para. 434.
- Suriname, CRC, CRC/C/97 (2000) 84 at paras. 481 and 482.

- The Netherlands, CRC, CRC/C/90 (1999) 53 at para. 253.

Efforts should be continued to prevent bullying in schools, to collect information on the extent of this phenomenon and, in particular, to strengthen structures to enable children to participate in adequately addressing and resolving this problem.

- India, CRC, CRC/C/94 (2000) 10 at para. 107.

It is recommended that the State party criminalize the sexual exploitation of children and penalize all the offenders involved, whether local or foreign, while ensuring that the child victims of this practice are not penalized. While noting that *devadasi*, or ritual prostitution, is prohibited under the law, it is recommended that the State party take all necessary measures to eradicate this practice. In order to combat trafficking in children, including for commercial sexual purposes, the Penal Code should contain provisions against kidnapping and abduction. The State party should ensure that laws concerning the sexual exploitation of children are gender neutral; provide civil remedies in the event of violations; ensure that procedures are simplified so that responses are appropriate, timely, child-friendly and sensitive to victims; include provisions to protect from discrimination and reprisals those who expose violations; and vigorously pursue enforcement.

- Sierra Leone, CRC, CRC/C/94 (2000) 24 at paras. 185 and 202.

Paragraph 185

The Committee expresses its extremely deep consternation at the very high numbers of children who have been forcibly recruited into armed forces, including children as young as five years old, and who have often been forced to commit atrocities against other people, including other children and members of their community. Great concern is expressed at the horrifying amputation of hands, arms and legs, and at the many other atrocities and acts of violence and cruelty committed by armed persons against children, including, in some cases, against very young children.

Paragraph 202

Deep concern is expressed about the many incidents of sexual exploitation and abuse of children,

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particularly in the context of the conscription or abduction of children by armed persons and in the context of attacks on civilian populations by armed persons. Concern is also expressed at reports of commercial sexual exploitation and of widespread sexual abuse of girls within the family, within internally displaced person camps and within communities.

- Peru, CRC, CRC/C/94 (2000) 64 at para. 363.

While noting the decrease in political violence and terrorist activities, it is noted with concern that the consequences of these activities are still having a negative impact on the life, survival and development of children in the State party.

- Islamic Republic of Iran, CRC, CRC/C/97 (2000) 8 at para. 54.

Although the freedoms of expression and assembly are formally recognized in the Constitution, the exercise of these rights by children are restricted by vaguely worded limitation clauses (i.e. “in accordance with Islamic criteria”), which potentially exceed the permitted restrictions set out in paragraph 2 of articles 13 and 15 of the Convention. Concern is expressed about reports of incidents of threats and violence by vigilante groups, such as Ansari-Hezbollah, directed at persons seeking to service or to promote the exercise of these rights.

- Georgia, CRC, CRC/C/97 (2000) 18 at para. 139.

The State party should ensure that children living and/or working on the streets are provided adequate access to health care, rehabilitation services for physical, sexual, and substance abuse, protection from police brutality, services for reconciliation with their families and education, including vocational and life-skills training.

- Cambodia, CRC, CRC/C/97 (2000) 64 at para. 395.

With regard to the situation of children in conflict with the law, concern is expressed at the lack of special legislation, policies and programmes in this area; at reports of children detained in prisons with adults; the situation of children detained for extended periods without being charged and without access to a lawyer or to a court; and the reports of detained children allegedly being subjected to beatings and other ill-treatment.

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- Tajikistan, CRC, CRC/C/100 (2000) 53 at paras. 273, 295 and 296.

Paragraph 273

It is noted that the continuing civil unrest and the recent drought have seriously affected the physical security and survival of the population, especially children.

Paragraph 295

Concern is expressed about the numerous and continuing reports of ill-treatment of persons under the age of 18 by the militia, including psychological intimidation, corporal punishment and torture. Victims of such treatment are largely from vulnerable groups, such as children living and/or working on the streets. Fear of reprisals and inadequate complaints procedures discourage children and their parents from filing complaints.

Paragraph 296

In the light of article 37 of the Convention and the Code of Conduct for Law Enforcement Officials, adopted by the General Assembly in its resolution 34/169 of 17 December 1979, all necessary and effective steps should be taken to prevent incidents of ill-treatment by law enforcement officials. It is recommended that the State party provide the militia with training on how to deal with persons under the age of 18; ensure that persons are adequately informed of their rights when they are detained; ensure that complaints procedures are simplified so that responses are appropriate, timely, child-friendly and sensitive to victims; and provide rehabilitative support to victims.

See also:

- Kyrgyzstan, CRC, CRC/C/97 (2000) 51 at paras. 300 and 301.

- Colombia, CRC, CRC/C/100 (2000) 64 at paras. 356 and 357.

Paragraph 356

In the light of article 6 and other related provisions of the Convention, deep concern is expressed at the threat posed by the armed conflict to children's lives, including instances of extrajudicial killing, disappearance and torture committed by the police and paramilitary groups; at the multiple instances of "social cleansing" of street children; and at the persistent impunity of the perpetrators of such crimes.

Paragraph 357

The Committee reiterates its recommendation that effective measures should continue to be taken to protect children from the negative effects of the armed conflict. The State party is urged to protect children against "social cleansing" and to ensure that judicial action is taken against the perpetrators of such crimes.

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- Central African Republic, CRC, CRC/C/100 (2000) 77 at paras. 441 and 442.

Paragraph 441

Concern is expressed about incidents of police brutality and corporal punishment committed against children, notably in Bangui.

Paragraph 442

All acts of violence against children should be ended, including corporal punishment, committed by, among others, members of the police forces. The State party should provide child rights training programmes for police and detention officials.

- Slovakia, CRC, CRC/C/100 (2000) 100 at paras. 568 and 569.

Paragraph 568

Noting the relevant provisions of the Penal Code, concern is expressed at the persistence of acts of violence by groups, particularly skinheads, directed towards Roma and their children and other ethnic minorities, and at continuous allegations that the police and prosecutors have failed to investigate acts of racially motivated violence promptly and effectively, and have been reluctant to identify a racial motive behind such attacks. The numbers of indictments and convictions are low relative to the number of incidents reported. Perpetrators of racial crimes often receive light sentences.

Paragraph 569

The State party should continue carrying out timely and thorough investigations and effective prosecutions against racist organizations. The State party is encouraged to continue to expand throughout the State preventive programmes to curb racially motivated violence directed towards Roma and their children and other ethnic minorities. Clear guidelines and instructions for police and prosecuting authorities should be developed to assist them in identifying such crimes, and ensure timely and effective investigation, and prosecution of racially motivated attacks, including cases of police misconduct.

- Lesotho, CRC, CRC/C/103 (2001) 57 at paras. 343 and 344.

Paragraph 343

Extreme concern is expressed about incidents of violence, including beatings, committed against children by law enforcement officials and about the lack of investigation or criminal justice response to such incidents.

Paragraph 344

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The State party should establish an effective child-friendly complaint and investigation system to address acts of violence committed by law enforcement or other officials against children and to ensure that the perpetrators of such acts do not enjoy impunity. Awareness of children's rights issues within the criminal justice system should be strengthened.

- Turkey, CRC, CRC/C/108 (2001) 18 at para. 144.

Children living in the streets should be provided with rehabilitation services for physical, sexual and substance abuse; protection from police brutality; and services for reconciliation with their families.

See also:

- Côte d'Ivoire, CRC, CRC/C/108 (2001) 59 at para. 345.

- Democratic Republic of the Congo, CRC, CRC/C/108 (2001) 31 at paras. 165 and 166.

Paragraph 165

Deep concern is expressed about the reported high numbers of arrests and detentions of some NGO staff and the restrictions placed on NGO registration and activities.

Paragraph 166

The State party is urged to prevent all harassment (including arbitrary arrest and detention) of representatives and/or employees of NGOs.

- Guatemala, CRC, CRC/C/108 (2001) 47 at paras. 247, 248, 257, 258, 275, 276, 281 and 282.

Paragraph 247

It is of concern that some non-governmental organizations working with children have been subjected to threats and assaults.

Paragraph 248

It is strongly recommended that cases of threats and assaults against non-governmental organizations working with and for children be effectively investigated and prosecuted and that all the necessary measures be taken to prevent further such actions.

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Paragraph 257

It is deeply disturbing that violence against children is increasing. In particular, it is noted with great concern that many children fear for their lives because they are continually threatened and are victims of violence, not only when they are living and/or working in the street but also when they are at home. Of particular concern is the alleged involvement of the State Civil Police in some of the alleged cases of violence and the lack of proper investigation of these cases by Guatemalan authorities.

Paragraph 258

It is recommended that the State party take, as a matter of the highest priority, all the necessary steps to prevent these serious violations of children's rights and to ensure that they are properly investigated and that those responsible are brought to justice. In light of article 39, the State party is also invited to take all appropriate measures to ensure the physical and psychological recovery and social reintegration of child victims of torture and/or ill-treatment and to provide adequate compensation. International cooperation could also be sought in this regard.

Paragraph 275

It is noted with concern that a large number of children were internally displaced or forcibly disappeared during the armed conflict and that the State party did not investigate these disappearances effectively.

Paragraph 276

In light of article 39 of the Convention, the State party should consider complying with the recommendations of the Truth Commission regarding a national reparation programme that would also include children affected by the internal armed conflict, and it should effectively investigate all cases of children who were forcibly disappeared by allocating human and financial resources to and cooperating with the National Commission for Searching for Disappeared Children.

Paragraph 281

Serious concern is expressed at allegations of rape, ill-treatment and torture, including murder for the purpose of "social cleansing", of children living in the streets.

Paragraph 282

The State party should ensure that children living in the streets are provided with rehabilitation services for physical, sexual and substance abuse; protection from police brutality; and services for reconciliation with their families. The State party is encouraged to seek additional international cooperation from, among others, UNICEF and WHO.

- United Republic of Tanzania, CRC, CRC/C/108 (2001) 71 at paras. 388 and 389.

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Paragraph 388

There is concern about the incidence of police brutality, particularly against children living and/or working on the streets, refugee children and those in conflict with the law. Concern is also expressed about the inadequate enforcement of existing legislation to ensure that all children are treated with respect for their physical and mental integrity and their inherent dignity.

Paragraph 389

It is strongly recommended that all appropriate measures be taken to fully implement the provisions of articles 37 (a) and 39 of the Convention. In this regard, greater efforts should be made to prevent police brutality and to facilitate the recovery of child victims through rehabilitation and compensation. Additionally, effective measures should be taken to ensure that the perpetrators of brutality against children are brought to justice.

See also:

- Kenya, CRC, CRC/C/111 (2001) 21 at paras. 116 and 117.

- Monaco, CRC, CRC/C/108 (2001) 97 at paras. 523 and 524.

Paragraph 523

The prevalence of violence in schools is a matter of concern.

Paragraph 524

Measures should be implemented to prevent and end violence in schools.