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IV. CONCLUDING OBSERVATIONS, CONTINUED

CERD

- Republic of Moldova, CERD, A/57/18 (2002) 41 at para. 225.

225. The Committee is concerned at reports of police violence against persons belonging to minority groups, in particular the Roma population. The Committee recommends that the State party take all necessary measures to prevent and punish excessive use of force by law enforcement officials against minorities. Steps should also be taken for the education and sensitization of law enforcement officials about the provisions of the Convention. Due account should be taken of general recommendation XIII, according to which law enforcement officials should receive training to ensure that, in the performance of their duties, they respect and protect the human rights of all persons without distinction as to race, colour, or national or ethnic origin.

- Solomon Islands, CERD, A/57/18 (2002) 44 at para. 234.

234. The Committee recognizes the challenging economic and social conditions faced by Solomon Islands and is aware of the political and ethnic conflicts which have exacerbated the situation there. It is also aware of the violent conflict between the Isatabu Freedom Movement (IFM) and the Malaita Eagle Force (MEF), which has led to gross violations of human rights in Solomon Islands. Internal displacement, hostage taking, killings, torture, rape, looting and the burning of village homes have been reported by a number of intergovernmental and non-governmental organizations. The Committee is concerned that, despite several attempts at securing peace, favourable results have been limited, as tension between the two groups remains high. The Committee is hopeful that the successful elections held in December 2001 and the new ruling party's stated promise to rehabilitate the country politically and economically and to ensure better security will lead to sustainable peace and security in Solomon Islands.

- Switzerland, CERD, A/57/18 (2002) 46 at para. 253.

253. Allegations of police abuse and excessive use of force against persons of foreign origin during arrest or in the course of deportations are...of concern. The Committee notes that many cantons do not have independent mechanisms for investigation of complaints regarding violence and abuse by the police, and that sanctions against responsible officers have been rare. The State party should ensure that independent bodies with authority to investigate complaints against police officers are established in

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all cantons...

- Turkmenistan, CERD, A/57/18 (2002) 49 at para. 265.

265. The Committee...notes with deep concern that, according to information received, only the Russian Orthodox Church and the Sunni branch of Islam enjoy legal status, while other confessions are denied registration by the State party and their members are subject to increased persecution, such as disruption of religious services, including in private homes, prohibition of literature, detentions and ill-treatment of religious leaders, destruction of places of worship and restriction of freedom of movement imposed on religious leaders, which may be in contravention with article 5 of the Convention.

- Botswana, CERD, A/57/18 (2002) 53 at paras. 307 and 308.

307. The Committee is concerned at reported cases of intimidation by local police in Gaborone against the Wayeyi people, and recommends that thorough inquiries be conducted into these cases. The Committee recommends that human rights education programmes for law enforcement officers be undertaken, especially in matters relating to the elimination of racial discrimination...

308. The Committee expresses concern about information relating to the forced repatriation of some Namibian refugees. Taking note of the responses provided by the delegation, the Committee recommends that repatriation be effected only when voluntary...

- Canada, CERD, A/57/18 (2002) 56 at para. 338.

338. The Committee notes with concern that, in the aftermath of the events of 11 September 2001, Muslims and Arabs have suffered from increased racial hatred, violence and discrimination. The Committee therefore welcomes the statement of the Prime Minister in the Ottawa Central Mosque condemning any acts of intolerance and hatred against Muslims, as well as the reinforcement of Canadian legislation to address hate speech and violence. In this connection, the Committee requests the State party to ensure that the application of the Anti-terrorism Act does not lead to negative consequences for ethnic and religious groups, migrants, asylum-seekers and refugees, in particular as a result of racial profiling.

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- Hungary, CERD, A/57/18 (2002) 63 at paras 371, 378 and 379.

371. The Committee...welcomes the introduction of new provisions into the Criminal Code through Act XVII of 1996, in particular article 174/B penalizing violence against members of national, ethnic or racial minorities and religious groups. The Committee notes the positive elements incorporated in Law Decree No.11 of 1997 modernizing certain provisions of the Rules on the Enforcement of Punishment, with a view to prohibiting discrimination among convicted persons and ensuring basic rights of foreign convicted persons...

...

378. The Committee is concerned about the number of allegations of ill-treatment and discrimination against the Roma and non-citizens by law enforcement officials, especially the police. The Committee notes that the "Medium-Term Package of Measures to Improve the Living Conditions and Social Position of the Roma Population", as revised, contains a section on police behaviour in connection with members of the Roma minority. The Committee is aware, however, that the above practices have not ceased.

379. The Committee recommends that the State party intensify its efforts to combat ill treatment of Roma and non-citizens by the police, especially through the strict application of relevant legislation and regulations providing for sanctions, adequate training and instructions to be given to law enforcement bodies and the sensitization of the judiciary. The State party should also consider recruiting more members of minority groups, especially of the Roma minority, to serve in law enforcement bodies and strengthening the existing legal aid system for alleged victims, as well as empowering parliamentary commissioners to investigate allegations of ill-treatment and discrimination by the police.

- New Zealand, CERD, A/57/18 (2002) 69 at para. 427.

427. The Committee notes with concern that almost all asylum-seekers presenting themselves at the border after the events of 11 September 2001 were initially detained. While it notes that this practice by the New Zealand Immigration Service was successfully challenged in the High Court and the practice of detaining asylum-seekers has been suspended except for a small number of cases, it also notes that the High Court's decision has been appealed by the Immigration Service and that the practice may resume if the appeal is successful.

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

58. Serious concern is expressed about reported instances of excessive use of force by the police and armed forces against indigenous people, particularly in the context of political demonstrations and civil unrest. The Committee recommends that the State party ensure that such acts are avoided and, in this connection, recommends that the State party include human rights education in the professional training of police and armed forces, as well as prison staff, and requests it to report on any measures taken in this regard.

- Russian Federation, CERD, A/58/18 (2003) 38 at paras. 184, 186, 192 and 195.

184. While appreciating the particular history of Cossacks in the Russian Federation, the Committee is concerned at reports that some Cossack organizations have engaged in acts of intimidation and violence against ethnic groups. According to information received by the Committee, these organizations, which function as paramilitary units and are used by local authorities to carry out law enforcement functions, enjoy special privileges, including State funding. In this regard, the Committee recommends, in accordance with article 2 (b) of the Convention, that the State party ensure that no support is provided to organizations which promote racial discrimination and that it prevent Cossack paramilitary units from carrying out law enforcement functions against ethnic groups.

...

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

...

192. While acknowledging the efforts made to confront the scourge of terrorism, the Committee is concerned about reports that members of particular groups, notably Chechens, are singled out by law enforcement officials. In this regard, the Committee draws the State party's attention to its statement of 8 March 2002 in which the Committee underlines the obligation of States to "ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, decent, or national or ethnic origin" (A/57/18, chap. XI, sect. C, para. 5).

...

195. The Committee is concerned about the incidence of violent racist attacks against

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ethnic minorities by, among others, skinheads and neo-Nazis. In this regard, the Committee recommends that the State party strengthen its efforts to prevent racist violence and protect members of ethnic minorities and foreigners, including refugees and asylum-seekers...

- Uganda, CERD, A/58/18 (2003) 50 at para. 278.

278. While noting the efforts made by the State party to resume the dialogue with rebels of the Lord's Resistance Army in the north of the country, the Committee remains concerned about reports of grave acts of violence against tribes in the Gulu and Kitgum districts committed in the course of internal strife. The Committee invites the State party to continue its efforts to restore peace in the region and to protect vulnerable groups from human rights violations, notably tribal groups and children.

- Albania, CERD, A/58/18 (2003) 53 at para. 312.

312. The Committee is concerned about information that members of the Roma minority, especially the young, are generally regarded with suspicion and subjected to ill-treatment and the improper use of force by police officers.

The Committee recommends that the State party take measures to halt such practices and to increase law enforcement officials' sensitivity to and training in matters involving racial discrimination.

- Bolivia, CERD, A/58/18 (2003) 58 at para. 340.

340. The Committee is...concerned about reports that human rights defenders providing assistance to members of indigenous groups in the context of land disputes continue to be threatened and harassed by police officers, especially in the region of Chapare.

The Committee recommends that the State party take all necessary measures for the protection of human rights defenders against any violence, threats, retaliation, *de facto* discrimination, pressure or any arbitrary action as a consequence of their activities. In this regard, the Committee recalls its general recommendation XIII on the training of law enforcement officials in the protection of human rights and encourages the State party to improve the training of law enforcement officials, especially police officers, so that the standards of the Convention are fully implemented.

- Czech Republic, CERD, A/58/18 (2003) 65 at paras. 381 and 383.

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381. While noting the efforts undertaken by the State party to counter racially motivated violence and discrimination, the Committee remains concerned at the continuance of acts of racially motivated violence and incitement to hatred and the persistence of intolerance and *de facto* discrimination, in particular with regard to the Roma minority.

The Committee recommends that the Government pursue and intensify its efforts to achieve more effective application of existing legislation.

...

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

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

- Norway, CERD, A/58/18 (2003) 79 at para. 473.

473. The Committee takes note of the amendments to the Aliens Act, which include provisions for the expulsion of persons charged with terrorist acts or where there are serious reasons to suspect a person of participating in such an act.

While acknowledging the State party's national security concerns, the Committee recommends that the State party seek to balance those concerns with its human rights obligations. In this regard, it draws the State party's attention to the Committee's statement of 8 March 2002 in which it underlines the obligation of States to "ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent, or national or ethnic origin".

- Republic of Korea, CERD, A/58/18 (2003) 83 at para. 495.

495. The Committee remains concerned that foreign workers in the industrial trainee programme and undocumented migrants do not fully enjoy their rights as provided by

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article 5.

The Committee recommends that the State party continue to take measures to improve the situation of all migrant workers, in particular with regard to the right to security of person and to social security and social services...

- United Kingdom of Great Britain and Northern Ireland, CERD, A/58/18 (2003) 88 at paras. 536 and 538.

536. The Committee is deeply concerned about provisions of the Anti-Terrorism Crime and Security Act which provide for the indefinite detention without charge or trial, pending deportation, of non-nationals of the United Kingdom who are suspected of terrorism-related activities.

While acknowledging the State party's national security concerns, the Committee recommends that the State party seek to balance those concerns with the protection of human rights and its international legal obligations. In this regard, the Committee draws the State party's attention to its statement of 8 March 2002 in which it underlines the obligation of States to "ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent, or national or ethnic origin".

...

538. The Committee is concerned that a disproportionately high number of "stops and searches" are carried out by the police against members of ethnic or racial minorities.

The Committee encourages the State party to implement effectively its decision to ensure that all "stops and searches" are recorded and to give a copy of the record form to the person concerned...

- Bahamas, CERD, A/59/18 (2004) 10 at paras. 34, 35 and 37.

34. The Committee notes with concern that people entering the country without proper papers are automatically detained without such detention being subjected to judicial review. It takes note of the delegation's statement that such detention does not generally last longer than a few days but is disturbed at reports emphasizing that such detention sometimes extends to a year and more, depending on migrants' nationalities.

The Committee emphasizes that detention should be a last resort and invites the State party to adopt alternatives to detention for undocumented migrants and asylum-seekers. It recommends the institution of a right of appeal against orders to detain people entering

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the country without proper papers; such individuals should be duly informed of their rights and maximum duration of detention should be strictly defined.

35. The Committee notes that it has not received sufficient information on the rights of asylum-seekers and is disturbed by reports that the current system is incapable of guaranteeing that no one will be sent back to a country where his life or liberty might be in danger.

The Committee advises the State party to guarantee the rights of asylum-seekers to information, the services of an interpreter, legal assistance and judicial remedies...

...

37. Taking note of the substantial efforts already made to manage the Carmichael Road Detention Centre effectively, the Committee is very concerned at reports that conditions in detention there are unsatisfactory, especially as regards access to food and drinking water, hygiene and access to medical care.

The Committee recommends the State party to step up immediately its efforts in this connection...

- Nepal, CERD, A/59/18 (2004) 24 at paras. 130 and 131.

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

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

131. The Committee notes the lack of information in the periodic report on the situation of women belonging to disadvantaged groups who are victims of multiple discrimination, and expresses concern over the situation of forced prostitution of girls and women of the Badi caste.

The Committee recommends that the State party consider issues of political representation, personal security, employment and education, in line with general recommendations XXV (2000) on gender-related dimensions of racial discrimination and XXIX (2002) on descent-based discrimination, in taking measures to eliminate multiple

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discrimination against women who belong to vulnerable groups...

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

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

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

- Sweden, CERD, A/59/18 (2004) 41 at para. 225.

225. The Committee takes note of the Special Control of Foreigners Act, which allows the Government to expel a foreigner if this is deemed necessary to the security of Sweden or if there are reasons to suspect that he or she will commit or participate in crimes involving violence, threats or coercion for political purposes, without the possibility of appealing against such decisions.

While acknowledging the State party's national security concerns, the Committee reminds the State party of the need to balance those concerns with its human rights obligations. In this regard, it draws the State party's attention to the Committee's statement on terrorism and human rights of 8 March 2002 in which it underlines the obligation of States to "ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent, or national or ethnic origin". The Committee invites the State party to reconsider the Act to the extent that it provides for the possibility of expulsion without a right of appeal...

- Argentina, CERD, A/59/18 (2004) 45 at paras. 239 and 243.

239. The Committee regrets the lack of adequate information in the State party's report on complaints regarding acts of racial discrimination and the corresponding legal action taken by, and on behalf of, victims, including alleged complaints of violent racist attacks and acts of police brutality committed on racial grounds.

The Committee...recalls its general recommendation XIII on the training of law

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enforcement officials in the protection of human rights and encourages the State party to improve the training of law enforcement officials so that the standards of the Convention are fully implemented.

...

243. While taking note with satisfaction of the assurances given by the State party regarding its plan to intensify the human rights training of border and immigration officials, the Committee is concerned about reported cases of *refoulement* of refugees and allegedly unfair refugee status determination procedures. In this connection, the Committee observes that, while the State party generally endeavours to follow the standards of the Convention relating to the Status of Refugees, but within a more limited legislative framework, there is no comprehensive law dealing with the protection of refugees...

The Committee calls upon the State party to increase its efforts to fully respect article 5 (b) of the Convention and the principle of *non-refoulement* and improve refugee protection conditions and safeguards, including interpretation facilities, particularly at airports and other border points. It also urges the State party to ensure that new legislation is adopted that addresses eligibility for refugee status and the rights of refugees and specifies the refugee status determination procedures and rights of review...

- Kazakhstan, CERD, A/59/18 (2004) 54 at paras. 292 and 294.

292. The Committee is concerned that some refugees have been forcibly returned to their countries when there were substantial grounds for believing that they might suffer serious human rights violations.

The Committee...urges the State party to ensure, in accordance with article 5 (b) of the Convention, that no refugees will be forcibly returned to a country where there are substantial grounds for believing that they may suffer serious human rights violations.

...

294. While acknowledging the efforts made by the State party to confront the scourge of terrorism with a national counter-terrorism programme, the Committee is concerned about the lack of information on the impact of this programme on the principle of non-discrimination.

The Committee draws the State party's attention to its statement of 8 March 2002 in which it stressed the obligation of States to ensure that measures taken in the struggle against terrorism did not discriminate in purpose or effect on grounds of race, colour, descent, or national or ethnic origin...

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- Madagascar, CERD, A/59/18 (2004) 58 at para. 316.

316. The Committee notes that incitement to tribal and racial hatred occurs sporadically and that acts of racial violence have been committed against members of the Indian/Pakistani community.

The Committee recommends that additional measures be taken to prevent such acts, and that the perpetrators should be brought to justice in accordance with relevant domestic legislation, promulgated pursuant to article 4 of the Convention...

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

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

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

- Slovakia, CERD, A/59/18 (2004) 70 at paras. 382 and 384.

382. While the Committee notes with appreciation the continuous efforts undertaken to combat racial discrimination and related violence, including the setting up of a commission to deal with racially motivated violence and of the Racism and Xenophobia Monitoring Centre, it remains concerned about the occurrence of racially motivated crimes and incidents in the country.

The Committee encourages the State party to continue monitoring all tendencies that may give rise to racist and xenophobic behaviour and to combat the negative consequences of such tendencies. The Committee also recommends that the State party intensify its efforts to ensure to everyone within its jurisdiction effective protection against any act of racial discrimination, as well as the right to seek just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination. In this respect, the State party should ensure that victims of racist crimes are afforded wider access to

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free legal assistance.

...

384. While the Committee notes with satisfaction the efforts of the State party in respect of the training of law enforcement officials, it expresses concern about allegations of discriminatory behaviour by the police towards members of minority groups, in particular Roma, including acts of ill-treatment and violence.

The Committee recommends that the State party intensify its action to halt this phenomenon and set up an independent monitoring mechanism to carry out investigations into allegations of police misconduct.

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

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

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

- Australia, CERD, A/60/18 (2005) 13 at paras. 33 and 43.

33. The Committee notes with concern reports that prejudice against Arabs and Muslims in Australia has increased and that the enforcement of counter-terrorism legislation may have an indirect discriminatory effect against Arab and Muslim Australians (arts. 4 and 5).

The Committee welcomes the national consultations on eliminating prejudice against Arab and Muslim Australians... It recommends that the State party increase its efforts to eliminate such prejudice and ensure that enforcement of counter-terrorism legislation does not disproportionately impact on specific ethnic groups and people of other national origins.

...

43. The Committee expresses concern about the mandatory detention of illegal migrants, including asylum-seekers, in particular when such detention affects women, children, unaccompanied minors, and those who are considered stateless. It is concerned that many persons have been in such administrative detention for over three years (art. 5).

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The Committee recommends that the State party review the mandatory, automatic and indeterminate character of the detention of illegal migrants...

- Bahrain, CERD, A/60/18 (2005) 22 at para. 85.

85. The Committee is concerned about allegations of substantial prejudice against women migrant domestic workers, in particular those coming from Asia, especially as regards their working conditions, and about the fact that these women do not benefit from the protection of the Labour Code.

In light of its general recommendation XXX and of its general recommendation XXV on gender-related dimensions of racial discrimination, the Committee requests the State party to take effective measures to prevent and redress the serious problems commonly faced by female domestic workers, including debt bondage, passport retention, illegal confinement, rape and physical assault, and to report on measures taken for the protection of their rights.

- France, CERD, A/60/18 (2005) 26 at para. 108.

108. Despite the State party's efforts, the Committee remains concerned at the situation of non-citizens and asylum-seekers in holding centres and areas and delays in processing applications from refugees for family reunification.

The Committee recommends to the State party that it should strengthen the supervision of police personnel responsible for the reception and day-to-day monitoring of holding centres for non-citizens and asylum-seekers; improve the conditions in which such persons are held; operationalize the national committee to monitor holding centres and premises and holding areas; and process applications from refugees for family reunification as speedily as possible.

- Ireland, CERD, A/60/18 (2005) 30 at para. 140.

140. The Committee notes the reported occurrence of discriminatory treatment against foreign nationals entering Ireland during security checks at airports (art. 5).

The Committee encourages the State party to review its security procedures and practices at entry points with a view to ensuring that they are carried out in a non-discriminatory manner.

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- Lao People's Democratic Republic, CERD, A/60/18 (2005) 35 at para. 166.

166. The Committee notes the absence of legislative provisions criminalizing acts of violence and incitement to violence on racial grounds.

The Committee invites the State party to adopt legislation to fully implement the provisions of article 4 of the Convention.

- Barbados, CERD, A/60/18 (2005) 43 at para. 209.

209. The Committee welcomes the draft National Plan on Justice, Peace and Security as an important step in providing victims of violent crime with the right to claim compensation.

- Georgia, CERD, A/60/18 (2005) 46 at paras. 245, 246 and 248.

245. While noting the new legal measures adopted regarding refugees, the Committee remains concerned that some refugees and asylum-seekers of particular ethnicities have been forcibly returned to countries where there are substantial grounds for believing that they may suffer serious human rights violations (art. 5).

The Committee recommends...urges the State party to ensure, in accordance with article 5 (b) of the Convention, that no refugees are forcibly returned to a country where there are substantial grounds for believing that they may suffer serious human rights violations.

The Committee encourages the State party to ratify the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.

246. Religious questions are of relevance to the Committee when they are linked with issues of ethnicity and racial discrimination. In this connection, and while acknowledging the effort made by the State party to fight ethno-religious violence, the Committee remains concerned about the situation of ethno-religious minorities, such as the Yezidi-Kurds (art. 5).

The Committee recommends that the State party...adopt the bill on freedom of conscience and religion designed to protect those minorities against discrimination and, in particular, against acts of violence.

...

248. The Committee is concerned by allegations of arbitrary arrests and detention,

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excessive use of force by law enforcement officials, and ill-treatment in police custody of members of minority groups and non-citizens, and about the lack of investigation of those cases (arts. 5 and 6).

The Committee recommends that the State party take appropriate measures to eradicate all forms of ill-treatment by law enforcement officials and ensure prompt, thorough, independent and impartial investigations into all allegations of ill-treatment, especially of members of ethnic groups and non-citizens; perpetrators should be prosecuted and punished, and victims granted compensation.

- Iceland, CERD, A/60/18 (2005) 51 at para. 261.

261. The Committee notes with appreciation that the Supreme Court of Iceland, in a judgement dated April 2002, confirmed the conviction of an individual under article 233 (a) of the General Penal Code for having publicly assaulted a group of people on account of their nationality, colour and race.

- Nigeria, CERD, A/60/18 (2005) 54 at paras. 289, 291 and 294.

289. The Committee is seriously concerned that despite attempts to foster national unity, prejudices and feelings of hostility among some ethnic groups persist in Nigeria, including active discrimination by people who consider themselves to be the original inhabitants of their region against settlers from other states. The Committee is particularly concerned at the persistence of inter-ethnic, intercommunal and interreligious violence in the country stemming from these hostile sentiments as well as at disputes over commercial interests and resource control, which have claimed thousands of lives and led to the displacement of a significant proportion of the population (art. 2).

The Committee encourages the State party to continue monitoring all initiatives and tendencies that may give rise to racist and xenophobic behaviour, and to combat the negative consequences of such tendencies. The Committee recommends that the State party carefully monitor the negative impact of its efforts to promote national unity through regional and state action and, in particular, the effects on relations between and among ethno-religious groups. The Committee recommends that the State party endeavour, by encouraging genuine dialogue, to improve relations between different ethnic and religious communities with a view to promoting tolerance and overcoming prejudices and negative stereotypes. It invites the State party to conduct studies with a view to effectively assessing and evaluating occurrences of racial discrimination.

...

291. The Committee expresses deep concern about numerous reports of ill-treatment,

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use of excessive force and extrajudicial killings as well as arbitrary arrests and detentions by law enforcement officials in attempts to quell incidents of intercommunal, inter-ethnic and interreligious violence. The Committee is particularly disturbed at reports of serious acts of violence targeting members of particular ethnic groups in reprisal for attacks on security forces, including the October 2001 incident in Benue State. While the Committee takes note of the establishment of numerous bodies to investigate these incidents, including panels of enquiry, it is concerned that most of the investigations have failed to produce prosecutions and sentences commensurate with the gravity of the crimes committed, leading to the appearance of impunity (arts. 2, 4 and 5).

The Committee recommends that the State party intensify its action to halt this phenomenon and requests that it submit detailed information about the number of persons who died and their ethnic affiliations, the prosecution of persons in relation to these events, and the sentences, if any, that were pronounced. The Committee urges the State party to make public the results of all investigations previously announced in response to these events and to sanction those responsible.

...

294. The Committee is deeply concerned about the adverse effects on the environment of ethnic communities through large-scale exploitation of natural resources in the Delta Region and other River States, in particular, the Ogoni areas. It is concerned at the State party's failure to engage in meaningful consultation with the concerned communities, and about the deleterious effects of the oil production activities on the local infrastructure, economy, health and education. In this regard, the Committee also notes with concern that the Land Use Act of 1978 and the Petroleum Decree of 1969 are contrary to the provisions of the Convention. Furthermore, the Committee is alarmed at the reports of assaults, use of excessive force, summary executions and other abuses against members of local communities by law enforcement officers as well as by security personnel employed by petroleum corporations (arts. 2 and 5).

In the light of general recommendation XXIII (1997) on the rights of indigenous peoples, the Committee urges the State party to take urgent measures to combat "environmental racism" and degradation. In particular, it recommends that the State party repeal the Land Use Act of 1978 and the Petroleum Decree of 1969 and the adoption of a legislative framework which clearly sets forth the broad principles governing the exploitation of the land, including the obligation to abide by strict environmental standards as well as fair and equitable revenue distribution. The Committee reiterates that along with the right to exploit natural resources there are specific, concomitant obligations towards the local population, including effective and meaningful consultation. It further urges the State party to conduct full and impartial investigations of cases of alleged human rights violations by law enforcement officials and by private security personnel, institute proceedings against perpetrators and provide adequate redress to victims and/or their families.

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- United Republic of Tanzania, CERD, A/60/18 (2005) 67 at paras. 352 and 353.

352. The Committee is concerned that, according to information brought to its attention by reliable sources, some refugees have been forcibly returned to countries where there are substantial grounds for believing that they may suffer serious human rights violations (art. 5).

The Committee...urges the State party to ensure, in accordance with article 5 (b) of the Convention, that no refugees are forcibly returned to a country where there are substantial grounds for believing that they may suffer serious human rights violations.

353. The Committee is concerned about allegations of arbitrary arrests and detention, excessive use of force and ill-treatment of refugees, in particular women, by law enforcement officials, and about the lack of investigation of those cases (arts. 5 and 6).

The Committee recommends that the State party take appropriate measures to eradicate all forms of ill-treatment by law enforcement officials of refugees, in particular women, and ensure prompt, thorough, independent and impartial investigations into all allegations of ill-treatment of refugees. The Committee further recommends that the persons responsible for the ill-treatment be prosecuted and punished, and victims granted compensation.

- Zambia, CERD, A/60/18 (2005) 75 at para. 402.

402. The Committee notes the efforts made by the State party to address the demands in the sphere of education, health care and food in regions hosting a large population of refugees, in particular through the Zambia Initiative. It remains concerned, however, about the fate of thousands of long-term refugees who are unable to return to their countries of origin, in particular Angolans, in a context where the 1970 Zambian Refugee Control Act does not encourage their local integration (art. 5).

The Committee encourages the State party to review its current refugee policy with a view to enhancing prospects for local integration of long-term refugees. To this end, the Committee recommends to the State party that it review the Refugee Control Act and consider withdrawing its reservation to the 1951 Convention relating to the Status of Refugees.

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- Ukraine, ICCPR, A/57/40 vol. I (2002) 32 at paras. 74(13), 74(16), 74(21) and 74(22).

(13) The Committee is concerned about allegations of police harassment, particularly of the Roma minority and aliens.

The State party should take effective measures to eradicate all forms of police harassment, and set up an independent authority to investigate complaints against the police. It should take steps against those held responsible for such acts of harassment.

...

(16) The Committee is concerned at reports of bullying and hazing (*dedovshchina*) of young conscripts in the armed forces by older soldiers, which in some cases have led to deaths, suicides and desertion.

The State party should strengthen measures to end these practices and prosecute offenders, and take steps by way of education and training in its armed forces to eradicate the negative culture that has encouraged such practices.

...

(21) The Committee is concerned about the intimidation and harassment, in particular by government officials, of human rights defenders.

The State party must take measures to end the intimidation and harassment of human rights defenders. Reported instances of intimidation and harassment should be investigated promptly.

(22) The Committee is concerned about reports of intimidation and harassment of journalists...

(a) The State party should ensure that journalists can carry out their activities without fear of being subjected to prosecution and refrain from harassing and intimidating them, in order to give full effect to the right to freedom of expression and of the press provided for in article 19 of the Covenant;

...

- United Kingdom of Great Britain and Northern Ireland, ICCPR, A/57/40 vol. I (2002) 36 at paras. 75(4), 75(11), 75(12), 75(14), 75(16) and 75(19).

(4) The Committee welcomes the conclusion of the Belfast Agreement in April 1998 and the changes adopted in Northern Ireland, based upon the agreement, as the State party and other signatories have sought to move away from the extraordinary measures in place in that jurisdiction towards higher promotion of respect for human rights and

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fundamental freedoms. In particular, the Committee commends the establishment of an independent Police Ombudsman with jurisdiction over complaints in regard to all uses of force on the part of the police and with significant powers of investigation and enforcement, as well as the creation of a Human Rights Commission in Northern Ireland.

Consonant with these developments, the Committee also welcomes the State party's recent withdrawal of its notice of derogation relating to article 9, paragraph 3, of the Covenant.

...

(11) Although the Committee appreciates the introduction of new criminal offences of racially aggravated violence, harassment or criminal damage, it is deeply disturbed by the recent repeated violent outbreaks of serious race and ethnicity-based rioting and associated criminal conduct in some major cities. These incidents seriously affected the enjoyment of rights under articles 9 and 26 of many persons of different ethnic groups.

(a) The State party should continue to seek to identify those responsible for these outbreaks of violence, and to take appropriate measures under its law. It should also work to facilitate dialogue between communities and between community leaders, and to identify and remedy the causes of racial tension in order to prevent such incidents in the future.

(b) The State party should also consider facilitating inter-political party arrangements to ensure that racial tension is not inflamed during political campaigns.

(12) The Committee is disturbed at the sharply increased number of racist incidents within the criminal justice system, particularly those reported as having been committed by police and prison staff against inmates. Racist violence between prisoners inappropriately located together has also resulted in serious violations of prisoners' rights under the Covenant, including at least one case of murder.

The State party should encourage the transparent reporting of racist incidents within prisons and ensure that racist incidents are rapidly and effectively investigated. It should ensure that appropriate disciplinary and preventive measures are developed to protect those persons who are particularly vulnerable. To this end, the State party should pay particular attention to improving the representation of ethnic minorities within the police and prison services.

...

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

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

...

(16) The Committee is concerned that asylum-seekers have been detained in various facilities on grounds other than those legitimate under the Covenant, including reasons of administrative convenience. In any event, the Committee considers unacceptable any detention of asylum-seekers in prisons. The Committee notes, moreover, that asylum-seekers, after final refusal of their request, may also be held in detention for an extended period when deportation might be impossible for legal or other considerations. The Committee is also concerned that the practice of dispersing asylum-seekers may have adverse effects on their ability to obtain legal advice and upon the quality of that advice. Dispersal, as well as the voucher system of support, have on occasion led to risks for the physical security of asylum-seekers.

The State party should closely examine its system of processing asylum-seekers in order to ensure that each asylum-seeker's rights under the Covenant receive full protection, being limited only to the extent necessary and on the grounds provided for in the Covenant. The State party should end detention of asylum-seekers in prisons.

...

(19) The Committee notes with concern that, under the general Terrorism Act 2000, suspects may be detained for 48 hours without access to a lawyer if the police suspect that such access would lead, for example, to interference with evidence or alerting another suspect. Particularly in circumstances where these powers have not been used in England and Wales for several years, where their compatibility with articles 9 and 14, *inter alia*, is suspect, and where other less intrusive means for achieving the same ends exist, the Committee considers that the State party has failed to justify these powers.

The State party should review these powers in the light of the Committee's views.

- Switzerland, ICCPR, A/57/40 vol. I (2002) 44 at paras. 76(11)-76(13) and 76(15).

(11) The Committee is deeply concerned at reported instances of police brutality towards persons being apprehended and detainees, noting that such persons are frequently aliens. It is also concerned that many cantons do not have independent mechanisms for investigation of complaints regarding violence and other forms of misconduct by the police. The possibility of resort to court action cannot serve as a substitute for such mechanisms.

The State party should ensure that independent bodies with authority to receive and investigate effectively all complaints of excessive use of force and other abuses of power

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by the police are established in all cantons. The powers of such bodies should be sufficient to ensure that those responsible are brought to justice or, as appropriate, are subject to disciplinary sanctions sufficient to deter future abuses and that the victims are adequately compensated (article 7 of the Covenant).

(12) The Committee is concerned that many of the guarantees in articles 9 and 14 are not contained in the criminal procedure codes of some cantons and that a unified criminal procedure code has not yet been adopted. Consequently, rights under articles 9 and 14 are not always respected. The Committee is particularly concerned at persistent reports that detainees have been denied the right to contact a lawyer upon arrest or to inform a close relative of their detention.

The State party should take measures to ensure effective implementation of all rights under articles 9 and 14 of the Covenant in all parts of its territory.

(13) The Committee is deeply concerned that, in the course of the deportation of aliens, there have been instances of degrading treatment and use of excessive force, resulting on some occasions in the death of the deportee.

The State party should ensure that all cases of forcible deportation are carried out in a manner which is compatible with articles 6 and 7 of the Covenant. In particular, it should ensure that restraint methods do not affect the life and physical integrity of the persons concerned.

...

(15) The Committee is concerned at the consequences of distinctions made in various pieces of legislation between citizens and non-citizens, the latter forming a considerable segment of the workforce. In particular, aliens without working papers run the risk of becoming victims of exploitation and abuse. Another vulnerable category of persons are foreign spouses of foreigners with residence permits, who are subject to deportation in the event of discontinuation of *de facto* cohabitation and, hence, may be forced to live in abusive relationships.

The State party should review its policies in relation to distinctions between citizens and aliens and between different categories of aliens, in particular in respect of those who do not have papers and spouses of foreigners with residence permits, in order to ensure that the rights of such persons under the Covenant are respected and ensured (arts. 2, 3, 9, 12, 17 and 23).

- Azerbaijan, ICCPR, A/57/40 vol. I (2002) 47 at paras. 77(9) and 77(17).

(9) The Committee is concerned at the lack of an independent mechanism for

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investigating complaints against members of the police and prison guards. This fact may account for the small number of recorded complaints, in contrast to information about large numbers of violations received from non-government sources (articles 2, 7 and 9 of the Covenant).

The State party should establish an independent body with authority to receive and investigate all complaints of excessive use of force and other abuses of power by law-enforcement officials, and initiate criminal and disciplinary proceedings against those found responsible.

...

(17) With regard to articles 3, 9 and 26 of the Covenant, the Committee is concerned at the incidence of violence against women, including rape and domestic violence. The Committee takes note with concern that domestic violence is apparently not acknowledged to be a problem. The Committee notes as well that information on these matters is not systematically maintained, that women have a low level of awareness of their rights and the remedies available to them, and that complaints are not being adequately dealt with.

The State party should take effective measures to combat violence against women, including marital rape. The State party should also organize an effective information campaign to address all forms of violence against women. The Committee urges that reliable data be systematically collected and maintained on the incidence of violence and discrimination against women in all their forms.

- Georgia, ICCPR, A/57/40 vol. I (2002) 53 at paras. 78(10) and 78(14).

(10) The Committee expresses its concern at the fact that a person may be detained and imprisoned or prevented from leaving his or her residence because of non-fulfilment of contractual obligations.

The State party should bring its civil and criminal legislation into line with articles 11 and 12 of the Covenant.

...

(14) The Committee notes with concern that domestic violence against women remains a problem in Georgia.

The State party should take effective measures, including the enactment and implementation of appropriate legislation, training of police officers, promotion of public awareness and, in more concrete terms, human rights training to protect women against domestic violence, in accordance with article 9 of the Covenant...

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- Sweden, ICCPR, A/57/40 vol. I (2002) 57 at paras. 79(10) and 79(12).

(10) The Committee notes with concern several cases of excessive use of force by the police which led to serious injury and death, for example of persons in custody or during the Goteborg summit (articles 6, 7 and 10 of the Covenant).

The State party should ensure the completion of investigations into such use of force, in conditions of total transparency and through a mechanism independent of the law enforcement authorities. Depending on the results of the investigations, it should expedite the prosecution of law enforcement officers implicated. The State party should also guarantee better human rights training of police officers. During demonstrations, the State party should ensure that no equipment that can endanger human life is used.

...

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

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

(b) In addition, the State party should maintain its practice and tradition of observance of the principle of *non-refoulement*. When a State party expels a person to another State on the basis of assurances as to that person's treatment by the receiving State, it must institute credible mechanisms for ensuring compliance by the receiving State with these assurances from the moment of expulsion; and

(c) The State party is also requested to undertake an educational campaign through the media to protect persons of foreign extraction, in particular Arabs and Muslims, from stereotypes associating them with terrorism, extremism and fanaticism.

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- Hungary, ICCPR, A/57/40 vol. I (2002) 60 at para. 80(10).

(10) The Committee regrets continuing reports of violence against women, including rape and sexual harassment.

The State party should take more vigorous measures to encourage the development of a culture of human rights and to ban violence against women; in this context, training and education in human rights are essential at all levels and in all sectors of society. In particular, the State party should take measures to encourage women to report domestic violence to the authorities, and to make police officers more sensitive in their handling of allegations of rape and its psychological effects on the victim. It should also consider enacting further legislation to deal with domestic violence, including the introduction of restraining orders as a means of separating women from violent male family members; and it should provide shelters and other support for victims of domestic violence (articles 3, 7 and 9 of the Covenant).

- New Zealand, ICCPR, A/57/40 vol. I (2002) 63 at para. 81(11).

(11) The Committee recognizes that the security requirements relating to the events of 11 September 2001 have given rise to efforts by New Zealand to take legislative and other measures to implement Security Council resolution 1373 (2001). The Committee, however, expresses its concern that the impact of such measures or changes in policy on New Zealand's obligations under the Covenant may not have been fully considered. The Committee is concerned about possible negative effects of the new legislation and practices on asylum-seekers, including by "removing the immigration risk offshore" and in the absence of monitoring mechanisms with regard to the expulsion of those suspected of terrorism to their countries of origin which, despite assurances that their human rights would be respected, could pose risks to the personal safety and lives of the persons expelled (articles 6 and 7 of the Covenant).

The State party is under an obligation to ensure that measures taken to implement Security Council resolution 1373 (2001) are in full conformity with the Covenant. The State party is requested to ensure that the definition of terrorism does not lead to abuse and is in conformity with the Covenant. In addition, the State party should maintain its practice of strictly observing the principle of non-refoulement.

- Viet Nam, ICCPR, A/57/40 vol. I (2002) 67 at paras. 82(8), 82(14) and 82(16).

(8) Notwithstanding the information provided by the delegation that only three persons were currently subject to administrative detention, referred to as probation by the

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delegation, the Committee remains concerned about the continued use of this practice as prescribed under decree CP-31, since it provides for persons to be kept under house arrest for up to two years without the intervention of a judge or a judicial officer. The Committee is equally concerned at the provisions of article 71 of the Code of Criminal Procedure, pursuant to which the Principal Prosecutor may prolong the duration of the preventive detention of an individual without time limits, "if required and for serious offences against national security".

The State party should ensure that no persons are subjected to arbitrary restriction of their liberty and that all persons deprived of their liberty are promptly brought before a judge or other officer authorized to exercise judicial power by law, and that they can only be deprived of their liberty on the basis of a judgement based on law, as required by article 9, paragraphs 3 and 4, of the Covenant.

...

(14) The Committee is concerned that the State party asserts that domestic violence against women is a new phenomenon and that, although some efforts have been made, there is no comprehensive approach to preventing and eliminating it and punishing the perpetrator (arts. 3, 7, 9 and 26).

The State party should assess the impact of measures already taken to address the incidence of domestic violence against women. It should strengthen and improve the effectiveness of legislation, policies and programmes aimed at combating such violence. The State party should further implement training and sensitization programmes for the judiciary, law enforcement officials and members of the legal profession, as well as awareness-raising measures, to ensure zero tolerance in society of violence against women.

...

(16) The Committee notes that the information provided by the delegation was insufficient for the Committee to have a clear view of the situation in Viet Nam with regard to religious freedom. In the light of information available to the Committee that certain religious practices are repressed or strongly discouraged in Viet Nam, the Committee is seriously concerned that the State party's practice in this respect does not meet the requirements of article 18 of the Covenant. The Committee is deeply concerned by allegations of harassment and detention of religious leaders and regrets that the delegation failed to provide information relating to such allegations. In this context, the Committee is concerned at the restrictions placed on outside observers who wished to investigate the allegations...

- Yemen, ICCPR, A/57/40 vol. I (2002) 72 at paras. 83(12) and 83(18).

(12) The Committee is concerned at the continued detention of women who have

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served their prison sentences and are held in detention because of the social and family attitudes of rejection towards them (articles 3, 9 and 26 of the Covenant).

The State party is encouraged to find appropriate solutions to enable these women to return to society.

...

(18) While it understands the security requirements connected with the events of 11 September 2001, the Committee expresses its concern about the effects of this campaign on the human rights situation in Yemen, in relation to both nationals and foreigners. It is concerned, in this regard, at the attitude of the security forces, including Political Security, which arrests and detains anyone suspected of links with terrorism, in violation of the guarantees set out in the Covenant (art. 9). The Committee also expresses its concern about cases of expulsion of foreigners suspected of terrorism without an opportunity for them to legally challenge such measures. Such expulsions are, furthermore, apparently decided on without taking into account the risks to the physical integrity and lives of the persons concerned in the country of destination (arts. 6 and 7).

The State party must ensure that the measures taken in the campaign against terrorism are within the limits of Security Council resolution 1373 (2001) and fully consistent with the provisions of the Covenant. It is requested to ensure that the fear of terrorism does not become a source of abuse.

- Egypt, ICCPR, A/58/40 vol. I (2002) 31 at para. 77(14).

(14) The Committee...is concerned at the lack of clarity concerning the safeguards laid down in article 9, paragraph 3, of the Covenant. The Committee also notes the persistent occurrence of cases of arbitrary detention.

The State party is requested to elaborate on the compatibility of its legislation and practice in matters of detention in custody and pre-trial detention with article 9 of the Covenant.

- Togo, ICCPR, A/58/40 vol. I (2002) 36 at paras. 78(9), 78(11), 78(13), 78(16), 78(20) and 78(23).

(9) The Committee is concerned at:

(a) Information that many extrajudicial executions, arbitrary arrests, threats and intimidation perpetrated by the Togolese security forces, against members of the civilian population, in particular members of the opposition, have not been investigated in a

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credible manner. The Committee notes that the adoption of laws such as the December 1994 Amnesty Act is likely to reinforce the culture of impunity in Togo.

(b) The fact that the Joint United Nations/OAU International Commission of Inquiry concluded that “a situation involving systematic violations of human rights existed in Togo during 1998” (E/CN.4/2001/134, para. 68). Those violations relate, in particular, to article 6 of the Covenant, and also to articles 7 and 9. The categorical rejection of the Commission’s report, which the State party has declared to be inadmissible, and the creation some weeks later of a national commission of inquiry, which has clearly not sought to identify precisely those responsible for the violations drawn to the Government’s attention, also prompt the greatest concern on the part of the Committee.

The State party should adopt legislative or other measures to combat and prevent the perpetration of such violations, in keeping with articles 6 and 9 of the Covenant and the “Principles on the effective prevention and investigation of extra-legal, arbitrary and summary executions”. The State party should establish, through judicial proceedings, the individual responsibilities of the alleged perpetrators of these violations.

...

(11) The Committee expresses its concern at the consistent information that law enforcement personnel make excessive use of force in student demonstrations and various gatherings organized by the opposition. The Committee is surprised at the State party’s reply in this regard, to the effect that the security forces never make excessive use of force and that the demonstrators are principally the victims of movements within the crowd. The Committee regrets that the State party has made no mention of any inquiry having been opened following these allegations.

The State party should open impartial inquiries following any allegation relating to the excessive use of force by the security forces. In particular, such inquiries should be carried out into the December 1999 demonstrations by students and teachers, and the demonstrations organized by non-governmental human rights organizations and political parties which were reported to have been violently broken up during 2001 and 2002.

...

(13) The Committee, taking note of the State party’s acknowledgement that arbitrary arrests sometimes take place, is concerned at the many reports of the arbitrary arrest of members of the opposition and civil society, human rights defenders and journalists, in violation of article 9 of the Covenant.

The State party should identify the prisoners who have allegedly been detained for political reasons in Togo, and review their situation. The State party should also ensure that persons who have been arbitrarily arrested are released as soon as possible, and that judicial proceedings are instituted against the perpetrators of such violations.

...

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(16) The Committee is deeply concerned at the alleged harassment, continuous intimidation and arrest of journalists, including incidents that took place in 2001 and 2002, and at reports that several independent publications and radio stations have been banned since the beginning of the year. The Committee takes note of the delegation's assertions that such restrictions on freedom of expression are imposed in accordance with article 26 of the Constitution but finds that the Press and Broadcasting Code has been amended over the past two years in a particularly repressive spirit.

The State party should review the Press and Broadcasting Code and ensure that it is consistent with article 19 of the Covenant.

...

(20) The Committee takes note of the State party's decision to dissolve, in June 2002, on the basis of article 40 of the Electoral Code, the Independent National Electoral Commission (CENI) that was the outcome of the Lomé Framework Agreement and was composed of representatives of various political parties. The Committee also takes note of the delegation's explanations in that regard, as well as of other reports that the State party has not made all the necessary efforts to ensure the smooth operation of CENI. In such conditions, the legislative elections of 27 October 2002, in which part of the opposition again refused to participate, might not have been sufficiently in keeping with the requirements of transparency and honesty under article 25 of the Covenant.

The State party should do everything in its power to ensure that the spirit and letter of the Lomé Framework Agreement are respected. The Committee also requests the State party to ensure the safety of all members of civil society, particularly the members of the opposition, during the forthcoming elections.

...

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

- Estonia, ICCPR, A/58/40 vol. I (2003) 41 at paras. 79(8)-79(11).

(8) The Committee is concerned that the relatively broad definition of the crime of terrorism and of membership of a terrorist group under the State party's Criminal Code may have adverse consequences for the protection of rights under article 15 of the Covenant, a provision which, significantly, is non-derogable under article 4, paragraph 2.

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The State party is requested to ensure that counter-terrorism measures, whether taken in connection with Security Council resolution 1373 (2001) or otherwise, are in full conformity.

(9) While welcoming the additional explanations of the delegation on a case of alleged ill-treatment committed by police officers, the Committee remains concerned that acts of ill-treatment or other forms of violence perpetrated or condoned by law enforcement officials are not prosecuted on the basis of the most appropriate criminal charges but only as minor offences.

The State party should ensure that law enforcement officials are effectively prosecuted for acts that are contrary to article 7 of the Covenant, and that the charges correspond to the seriousness of the acts committed. The Committee also recommends that the State party guarantee the independence from police authorities of the newly created “police control department”, which is responsible for carrying out investigations of abuses committed by the police.

(10) The Committee takes note of the delegation’s acknowledgement that legislation on detention of mental health patients is outdated and that steps have been taken to revise it, including the adoption of a draft Patient Rights Act. In this regard, the Committee is concerned at some aspects of the administrative procedure related to the detention of a person for mental health reasons, in particular the patient’s right to request termination of detention, and, in the light of the significant number of detention measures that had been terminated after 14 days, the legitimate character of some of these detentions. The Committee considers that a period of 14 days of detention for mental health reasons without any review by a court is incompatible with article 9 of the Covenant.

The State party should ensure that measures depriving an individual of his or her liberty, including for mental health reasons, comply with article 9 of the Covenant. The Committee recalls the obligation of the State party under article 9, paragraph 4, to enable a person detained for mental health reasons to initiate proceedings in order to review the lawfulness of his/her detention...

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

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

- Mali, ICCPR, A/58/40 vol. I (2003) 47 at paras. 81(15), 81(19) and 81(20).

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(15) The Committee is concerned by reports of cases of torture and extrajudicial executions, allegedly committed by soldiers in 2000 following the murder of three tourists in Kidal. The Committee finds it difficult to accept the view of the delegation that there were no extrajudicial executions, even though no inquiry has been conducted by the State party. The Committee is also seriously concerned about the delegation's statement that no inquiries have been conducted into the complaints of torture and inhuman or degrading treatment made by members of opposition parties arrested in 1997, because of the national reconciliation process and the need to protect public order (articles 6 and 7).

The State party should avoid the growth of a culture of impunity for the perpetrators of human rights violations and should ensure that systematic inquiries are conducted into allegations of violence against life and limb by its officials.

...

(19) The Committee notes that, under Malian law, police custody may be extended beyond 48 hours and that such extensions are authorized by the public prosecutor.

The State party should: (a) supplement its legislation to conform to the provisions of article 9, paragraph 4, of the Covenant, which requires that a court must decide without delay on the lawfulness of detention in custody; and (b) supervise the conditions of such custody, in accordance with article 9 of the Covenant...

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

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

- Slovakia, ICCPR, A/58/40 vol. I (2003) 52 at paras. 82(9), 82(11) and 82(17).

(9) The Committee is concerned at reports of high rates of domestic violence and regrets that the statistics provided by the State party were inconclusive. While noting some positive steps taken by the State party in the area of legislation, the Committee regrets that the adoption of the National Strategy for the Prevention and Elimination of Violence Committed against Women and in Families has been delayed (arts. 3, 9, 26).

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The State party should adopt the necessary policy and legal framework to combat domestic violence; specifically, it should provide a framework for the protection of a spouse who is subjected to violence or threats of violence. The Committee recommends that the Government of Slovakia establish crisis centre hotlines and victim support centres equipped with medical, psychological, legal and emotional support services; in order to raise public awareness, it should disseminate information on this issue through the media.

...

(11) The Committee is concerned about the persistent allegations of police harassment and ill-treatment during police investigations, particularly of the Roma minority, which the delegation described as resulting from psychological failure to handle the situation rather than to problems with legislation or police incompetence (arts. 2, 7, 9, 26).

The State party should take measures to eradicate all forms of police harassment and ill-treatment during police investigations of the Roma, including prompt investigations, prosecution of perpetrators and the provision of effective remedies to the victims.

...

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

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

- Portugal, ICCPR, A/58/40 vol. I (2003) 56 at paras. 83(8) and 83(15).

(8) The Committee is concerned about reported cases of disproportionate use of force and ill-treatment by the police, occurring particularly at the time of arrest and during police custody, and resulting, in some instances, in the death of the victims. Police violence against persons belonging to ethnic minorities appears to be recurrent. The Committee is equally concerned about the reported failure of the judicial and administrative systems to deal promptly and effectively with such cases, particularly those relating to the deaths of several persons in 2000 and 2001, allegedly caused by police officers (arts. 2, 6, 7 and 26).

(a) The State party should end police violence without delay. It should increase its efforts to ensure that education on the prohibition of torture and ill-treatment, as well as

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sensitization on issues of racial discrimination, are included in the training of law enforcement personnel. Efforts should also be made to recruit members of minority groups into the police.

(b) The State party should ensure that all alleged cases of torture, ill-treatment and disproportionate use of force by police officers are fully and promptly investigated, that those found guilty are punished, and that compensation is provided to the victims or their families. To this end, a police oversight service, independent from the Ministry of the Interior, should be created...

...

(15) The Committee notes with concern that many of the provisions relating to terrorism in the Penal Code and the Code of Penal Procedure relate to exceptional situations, which may result in violations of articles 9, 15 and 17 of the Covenant.

The State party should ensure that measures taken against terrorism do not infringe the provisions of the Covenant and that exceptional provisions are not abused by State officials.

- El Salvador, ICCPR, A/58/40 vol. I (2003) 61 at paras. 84(13) and 84(15).

(13) The Committee is concerned about various reports of threats received by the Procurator in the performance of her duties.

In the light of article 2 of the Covenant, the Committee urges the State party to support the Office of the Procurator and provide it with full institutional backing so as to ensure its independence, and furnish the requisite physical and human resources for the Office to be fully operational. It also recommends the State party to take additional steps to guarantee the security of all Office officials in the performance of their functions.

...

(15) While noting the efforts made by the State party to combat domestic violence, the Committee notes with concern that violence against women persists: this raises questions under article 9 of the Covenant. The Committee is also concerned at the high proportion of women within the National Civil Police [PNC] who have been subjected to violence.

The State party should take steps to ensure compliance with the Domestic Violence Act. The Committee also trusts that the institutional plan to incorporate the gender perspective within PNC will be put into effect.

- Israel, ICCPR, A/58/40 vol. I (2003) 64 at paras. 85(12) and 85(17).

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(12) While welcoming the State party's decision to review the need to maintain the declared state of emergency and to prolong it on a yearly rather than an indefinite basis, the Committee remains concerned about the sweeping nature of measures during the state of emergency that appear to derogate from Covenant provisions other than article 9, derogation from which was notified by the State party upon ratification. In the Committee's opinion, these derogations extend beyond what would be permissible under those provisions of the Covenant which allow for the limitation of rights (e.g. arts. 12, para. 3, 19, para. 3, and 22...). As to measures derogating from article 9 itself, the Committee is concerned about the frequent use of various forms of administrative detention, particularly for Palestinians from the Occupied Territories, entailing restrictions on access to counsel and on the disclosure of full reasons for the detention. These features limit the effectiveness of judicial review, thus endangering the protection against torture and other inhuman treatment prohibited under article 7 and derogating from article 9 more extensively than what in the Committee's view is permissible pursuant to article 4. In this regard, the Committee refers to its earlier concluding observations on Israel and to its general comment No. 29.

The State party should complete as soon as possible the review initiated by the Ministry of Justice of legislation governing states of emergency. In this regard, and pending the adoption of appropriate legislation, the State party should review the modalities governing the renewal of the state of emergency and specify the provisions of the Covenant from which it seeks to derogate, to the extent strictly required by the exigencies of the situation (art. 4).

...

(17) The Committee is concerned about the IDF [Israeli Defence Force] practice in the Occupied Territories of using local residents as "volunteers" or shields during military operations, especially in order to search houses and to help secure the surrender of those identified by the State party as terrorist suspects.

The State party should discontinue this practice, which often results in the arbitrary deprivation of life (art. 6).

- Philippines, ICCPR, A/59/40 vol. I (2003) 15 at paras. 63(8), 63(9), 63(11) and 63(14).

(8) The Committee is concerned about the lack of appropriate measures to investigate crimes allegedly committed by State security forces and agents, in particular those committed against human rights defenders, journalists and leaders of indigenous peoples, and the lack of measures taken to prosecute and punish the perpetrators. Furthermore, the Committee is concerned at reports of intimidation and threats of retaliation impeding the right to an effective remedy for persons whose rights and freedoms have been

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violated.

(a) The State party should adopt legislative and other measures to prevent such violations, in keeping with articles 2, 6 and 9 of the Covenant, and ensure effective enforcement of the legislation.

...

(9) The Committee has noted pending legislation related to terrorism awaiting adoption by the Congress of the Philippines. While the Committee is mindful of the security requirements associated with efforts to combat terrorism, it is concerned by the exceedingly broad scope of the proposed legislation, as acknowledged by the delegation.

The draft legislation includes a broad and vague definition of acts of terrorism which could have a negative impact on the rights guaranteed by the Covenant.

The State party should ensure that legislation adopted and measures taken to combat terrorism are consistent with the provisions of the Covenant.

...

(11) The Committee expresses concern regarding reported cases of extrajudicial killings, arbitrary detention, harassment, intimidation and abuse, including of detainees, many of whom are women and children, that have neither been investigated nor prosecuted. Such a situation is conducive to perpetration of further violations of human rights and to a culture of impunity.

The State party should adopt and enforce legislative and other measures to prevent such violations, in keeping with articles 6 and 9 of the Covenant and to improve the implementation of relevant laws. The State party should conduct prompt and impartial investigations, and prosecute and punish the perpetrators.

...

(14) The Committee is concerned that the law allowing for warrantless arrest is open to abuse, in that arrests in practice do not always respect the statutory conditions that the person arrested is actually committing a crime or that the arresting officer has "personal" knowledge of facts indicating that the person arrested committed the crime. The Committee is also concerned that a vaguely worded anti-vagrancy law is used in order to arrest persons without warrant, especially female prostitutes and street children.

The State party should ensure that its laws and practices with regard to arrest are brought into full conformity with article 9 of the Covenant.

- Russian Federation, ICCPR, A/59/40 vol. I (2003) 20 at paras. 64(8), 64(13), 64(14), 64(22) and 64(24).

(8) The Committee is concerned that the State party has not implemented the

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

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

...

(13) The Committee remains deeply concerned about continuing substantiated reports of human rights violations in the Republic of Chechnya, including extrajudicial killings, disappearances and torture, including rape. The Committee notes that some 54 police and military personnel have been prosecuted for crimes committed against civilians in Chechnya, but remains concerned that the charges and sentences handed down do not appear to correspond with the gravity of the acts as human rights violations. The Committee is also concerned that investigations into a number of large-scale abuses and killings of civilians in 1999 and 2000, in the locations of Alkhan Yurt, Novye Aldy and Staropromyslovskii district of Grozny, have still not been brought to a conclusion. The Committee acknowledges that abuse of and violations against civilians also involve non-State actors, but reiterates that this does not relieve the State party of its obligations under the Covenant. In this regard, the Committee is concerned about the provision in the Federal Law "On Combating Terrorism" which exempts law enforcement and military personnel from liability for harm caused during counter-terrorist operations.

The State party should ensure that operations in the Republic of Chechnya are carried out in compliance with its international human rights obligations. The State party should ensure that abuse and violations are not committed with impunity *de jure* or *de facto*, including violations committed by military and law enforcement personnel during counter-terrorist operations. All cases of extrajudicial executions, enforced disappearances and torture, including rape, should be investigated, their perpetrators prosecuted and victims or their families compensated (arts. 2, 6, 7 and 9).

(14) While acknowledging the serious nature of the hostage-taking situation, the Committee cannot but be concerned at the outcome of the rescue operation in the Dubrovka theatre in Moscow on 26 October 2002. The Committee notes that various attempts to investigate the situation are still under way but expresses its concern that there has been no independent and impartial assessment of the circumstances, regarding medical care of the hostages after their liberation and the killing of the hostage-takers.

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The State party should ensure that the circumstances of the rescue operation in the Dubrovka theatre are subject to an independent, in-depth investigation, the results of which are made public, and, if appropriate, prosecutions are initiated and compensation paid to the victims and their families.

...

(22) The Committee expresses its concern at the high incidence of harassment, violent attacks and murders of journalists in the State party.

The State party should ensure that all cases of threats against and violent assault and murder of journalists are promptly and thoroughly investigated and that those found responsible are brought to justice (arts. 19 and 6).

...

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

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

- Latvia, ICCPR, A/59/40 vol. I (2003) 25 at paras. 65(8) and 65(13).

(8) The Committee is concerned that no independent oversight mechanism exists for investigating complaints of criminal conduct against members of the police, which could contribute to impunity for police officers involved in human rights violations (arts. 2, 7 and 9).

The State party should establish an independent body with authority to receive and investigate all complaints of excessive use of force and other abuse of power by the police.

...

(13) While noting the efforts made by the State party to combat domestic violence, particularly in the area of legislative reform, the Committee regrets the lack of detailed information on the nature of the problem. The Committee is concerned at reports that domestic violence persists (arts. 3, 9 and 26).

The State party should adopt the necessary policy and legal framework to combat domestic violence, as envisaged, *inter alia*, by the draft programme on the

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implementation of gender equality. Furthermore, the Committee recommends that the State party establish crisis- centre hotlines and victim-support centres offering medical, psychological, legal and emotional support. In order to raise public awareness, it should disseminate information on this issue through the media.

- Sri Lanka, ICCPR, A/59/40 vol. I (2003) 30 at paras. 66(9), 66(10) and 66(13).

(9) The Committee remains concerned about persistent reports of torture and cruel, inhuman or degrading treatment or punishment of detainees by law enforcement officials and members of the armed forces, and that the restrictive definition of torture in the 1994 Convention against Torture Act continues to raise problems in the light of article 7 of the Covenant. It regrets that the majority of prosecutions initiated against police officers or members of the armed forces on charges of abduction and unlawful confinement, as well as on charges of torture, have been inconclusive due to lack of satisfactory evidence and unavailability of witnesses, despite a number of acknowledged instances of abduction and/or unlawful confinement and/or torture, and only very few police or army officers have been found guilty and punished. The Committee also notes with concern reports that victims of human rights violations feel intimidated from bringing complaints or have been subjected to intimidation and/or threats, thereby discouraging them from pursuing appropriate avenues to obtain an effective remedy (article 2 of the Covenant).

The State party should adopt legislative and other measures to prevent such violations, in keeping with articles 2, 7 and 9 of the Covenant, and ensure effective enforcement of the legislation. It should ensure in particular that allegations of crimes committed by State security forces, especially allegations of torture, abduction and illegal confinement, are investigated promptly and effectively with a view to prosecuting perpetrators. The National Police Commission complaints procedure should be implemented as soon as possible. The authorities should diligently enquire into all cases of suspected intimidation of witnesses and establish a witness protection programme in order to put an end to the climate of fear that plagues the investigation and prosecution of such cases. The capacity of the National Human Rights Commission to investigate and prosecute alleged human rights violations should be strengthened.

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

The State party is urged to implement fully the right to life and physical integrity of all

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

...

(13) The Committee is concerned that the Prevention of Terrorism Act (PTA) remains in force and that several of its provisions are incompatible with the Covenant (arts. 4, 9 and 14). The Committee welcomes the decision of the Government, consistent with the Ceasefire Agreement of February 2002, not to apply the provisions of the PTA and to ensure that normal procedures for arrest, detention and investigation prescribed by the Criminal Procedure Code are followed. The Committee is also concerned that the continued existence of the PTA allows arrest without a warrant and permits detention for an initial period of 72 hours without the person being produced before the court (sect. 7), and thereafter for up to 18 months on the basis of an administrative order issued by the Minister of Defence (sect. 9). There is no legal obligation on the State to inform the detainee of the reasons for the arrest; moreover, the lawfulness of a detention order issued by the Minister of Defense cannot be challenged in court. The PTA also eliminates the power of the judge to order bail or impose a suspended sentence, and places the burden of proof on the accused that a confession was obtained under duress. The Committee is concerned that such provisions, incompatible with the Covenant, still remain legally enforceable, and that it is envisaged that they might also be incorporated into the Prevention of Organized Crimes Bill 2003.

The State party is urged to ensure that all legislation and other measures...taken to fight terrorism are compatible with the provisions of the Covenant. The provisions of the Prevention of Terrorism Act designed to fight terrorism should not be incorporated into the draft Prevention of Organized Crime Bill to the extent that they are incompatible with the Covenant.

- Colombia, ICCPR, A/59/40 vol. I (2004) 35 at paras. 67(9), 67(11), 67(12), 67(15), 67(16) and 67(18).

(9) The Committee notes with concern that the so-called “anti-terrorist statute” (draft legislative act No. 223 of 2003) was adopted into Colombian law in December 2003. This law makes provision for granting to the armed forces the powers of judicial police, and also authorizes searches, administrative detention and other measures without a prior judicial order. It also places restrictions on the right to privacy and the right to apply for remedies. These provisions do not seem to be compatible with the guarantees set forth in the Covenant (arts. 9, 14 and 17).

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The State party should ensure that, in the application of this law, no breaches of the guarantees laid down in the Covenant (arts. 2, 9, 14 and 17) occur.

...

(11) The Committee is concerned about the fact that a significant number of arbitrary detentions, abductions, forced disappearances, cases of torture, extrajudicial executions and murders continue to occur in the State party. The Committee is also concerned that such practices as the arrest of election candidates continue, and that murders of legislators dating from earlier years remain unpunished. Human rights defenders, political and trade union leaders, judges and journalists continue to be targets of such actions. The abduction of presidential candidate Ingrid Betancourt in February 2002 continues to be of concern to the Committee, as do the other abductions. The Committee is also disturbed about the participation of agents of the State party in the commission of such acts, and the apparent impunity enjoyed by their perpetrators.

The State party should take immediate and effective steps to investigate these incidents, punish and dismiss those found responsible and compensate the victims, so as to ensure compliance with the guarantees set forth in articles 2 (3), 6, 7 and 9 of the Covenant.

(12) The Committee also expresses its concern about links involving extensive violations of articles 6, 7 and 9 of the Covenant between elements of the armed forces and State security forces, on the one hand, and illegal paramilitary groups on the other.

The State party should take effective measures to terminate the links between elements of the security services and illegal paramilitary groups.

...

(15) The Committee notes allegations that the Office of the Public Prosecutor has not pursued with appropriate diligence members of the armed forces and security forces suspected of perpetrating criminal violations of human rights, notably torture, enforced disappearances and summary and arbitrary executions (articles 6, 7 and 9, together with article 2).

The State party should ensure that these cases are investigated, whoever the alleged perpetrators may be, and guarantee to the victims the full exercise of the right to an effective remedy, as stipulated in article 2 of the Covenant.

(16) The Committee is concerned that military tribunals are continuing to investigate crimes committed by military personnel involving torture, enforced disappearances and summary and arbitrary executions, despite their previous ineffectiveness in solving such crimes and the decision of the Constitutional Court assigning jurisdiction over such crimes to the ordinary courts (articles 6, 7 and 9, together with article 2).

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The State party should ensure that the ordinary courts investigate and adjudicate such crimes and that all elements of the armed forces cooperate in the proceedings in question.

Individuals under investigation for such crimes should be suspended from active duty during the investigation and trial.

...

(18) The Committee deplores information received regarding actions taken against human rights defenders, including intimidation and verbal and physical attacks originating at the highest political and military levels, as well as the interception of communications. Such acts constitute restrictions of their rights to freedom of expression and association.

The State party should halt such practices, and should also strengthen the protective measures that already exist in Presidential Directive 07 so that human rights defenders may fully enjoy the rights to freedom of expression and association recognized in articles 19 and 22 of the Covenant.

- Germany, ICCPR, A/59/40 vol. I (2004) 39 at para. 68(4).

(4) The Committee appreciates the measures taken to improve the protection of children, in particular legislation granting children a right to education in a non-violent environment, the removal of remaining differences in the legal status of children born in and out of wedlock, and the introduction of *jus soli* for children born in Germany to foreign parents.

- Suriname, ICCPR, A/59/40 vol. I (2004) 43 at para. 69(9).

(9) The Committee regrets that the State party has not provided the information requested on the domestic application of article 4 of the Covenant and whether national legislation further spells out the modalities under which article 23 of the Constitution may be invoked. The Committee has no information as to which factors are considered “a threat to the life of the nation” justifying derogation from particular rights, or which factors justify continued derogation.

The State party should ensure that the implementation of article 23 of the Constitution is in conformity with article 4 of the Covenant. Instances of detention during a public emergency should be strictly limited.

- Uganda, ICCPR, A/59/40 vol. I (2004) 47 at paras. 70(12) and 70(15) - 70(17).

(12) The Committee regrets that the State party has not taken sufficient steps to ensure

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the right to life and the right to liberty and security of persons affected by the armed conflict in northern Uganda, in particular internally displaced persons currently confined to camps (arts. 6 and 9).

The State party should take immediate and effective measures to protect the right to life and liberty of the civilian population in areas of armed conflict in northern Uganda from violations by members of the security forces. In particular, it should protect internally displaced persons confined in camps, which are constantly exposed to attacks from the Lord's Resistance Army.

...

(15) The Committee is concerned about the magnitude of the problem of abduction of children, in particular in northern Uganda. While acknowledging the measures taken by the State party to mitigate it, the Committee is concerned that available data do not show a decrease in the number of abductions. It is also concerned about the fate of former child soldiers (arts. 6, 8 and 24).

The State party should take the necessary steps, as a matter of extreme urgency and in a comprehensive manner, to face the abduction of children, and to reintegrate former child soldiers into society.

(16) While the Committee notes that several measures have been taken to prevent the excessive use of force by law enforcement officials, it remains concerned about situations in which they have allegedly extrajudicially executed civilians, such as the September 2002 incident in Gulu, or the one that took place during operation "Wembley" in June 2002 (art. 6).

The State party should ensure that law enforcement officials are prosecuted for any disproportionate use of firearms against civilians. Additionally, it should continue its efforts to train police agents, members of the military and prison officers to scrupulously respect applicable international standards.

(17) The Committee takes note of the explanation provided by the delegation about the outlawing of "safe houses", places of unacknowledged detention where persons have been subjected to torture by military personnel. Nevertheless it remains concerned that State agents continue arbitrarily to deprive persons of their liberty, including in unacknowledged places of detention, in particular in northern Uganda. It is also concerned about the widespread practice of torture and ill-treatment of persons detained by the military as well as by other law enforcement officials (arts. 7 and 9).

The State party should take urgent and effective measures to prevent arbitrary detention and torture by State agents. It should thoroughly investigate any alleged case of arbitrary detention and torture, prosecute those held responsible and ensure that full

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reparation is granted, including fair and adequate compensation.

- Lithuania, ICCPR, A/59/40 vol. I (2004) 52 at paras. 71(10), 71(13) and 71(15).

(10) The Committee is concerned that there is no independent oversight mechanism for the investigation of complaints of criminal conduct against members of the police. This may contribute to impunity for police officers involved in human rights violations (arts. 2, 7 and 9).

The State party should establish an independent body with authority to receive, investigate and adjudicate all complaints of excessive use of force and other abuse of power by the police.

...

(13) The Committee is concerned that persons may still be detained in respect of administrative offences, and it regrets the paucity of information it has received on various forms of administrative detention, such as involuntary psychiatric care, immigration detention and detention as administrative punishment. It is also concerned that persons may be detained in police custody beyond the 48-hour limit within which they must either be brought before a judge on criminal charges or be made subject to the proceedings applicable to administrative offences, and that they may be returned to police custody for further investigation (arts. 7 and 9).

The State party should eliminate the institution of detention for administrative offences from its system of law enforcement and re-examine its legislation to ensure that the Covenant is complied with, including article 9, paragraph 4, which requires effective judicial review of all forms of detention. It should also ensure that persons ordered detained beyond the statutory 48-hour period are not held in police custody and that, once remanded in detention in prison, they cannot be returned to police custody.

...

(15) The Committee is concerned at information that asylum-seekers from certain countries are prevented from requesting asylum at the border. In addition, it is concerned that although asylum-seekers are only detained in “exceptional circumstances”, the criteria for establishing such circumstances remain unclear. Moreover, the Committee is concerned about the very low number of persons who have been granted asylum in recent years, when compared with the number of applications over the same period (arts. 12 and 13).

The State party should take measures to secure access for all asylum-seekers, irrespective of their country of origin, to the domestic asylum procedure, in particular when applications for asylum are made at the border. The State party should also provide information on the criteria on the basis of which asylum-seekers may be detained, as well

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as on the situation with regard to minors seeking asylum. It should ensure that minors are only detained when justified in the particular circumstances of the case and their detention is regularly reviewed by a court or judicial officer.

- Belgium, ICCPR, A/59/40 vol. I (2004) 56 at paras. 72(12), 72(14), 72(17), 72(18) and 72(21).

(12) The Committee is concerned about the persistence of allegations of police violence, often accompanied by racial discrimination. According to certain reports, investigations are not always thorough and judgements, when handed down, are still mostly of a token nature (arts. 2 and 7).

The State party should put a stop to all police violence and step up its efforts to conduct more thorough inquiries. Actions alleging abuse or violence brought against members of the forces of law and order, and actions brought by the forces of law and order against alleged victims, should be routinely linked.

...

(14) The Committee is concerned by fresh allegations of excessive force being used when aliens are deported, despite the entry into force of new guidelines (arts. 6 and 7).

The State party should put an end to the excessive use of force when aliens are deported. Those responsible for effecting such deportations should be better trained and monitored.

...

(17) The Committee is concerned that foreigners held in closed facilities pending expulsion and then released by judicial decision have been held in the transit area of the national airport under questionable sanitary and social conditions. There are reports of periods of detention extending to several months in some cases. Such practices, in the Committee's view, are akin to arbitrary detention and can lead to inhuman and degrading treatment (arts. 7 and 9).

The State party should put an immediate stop to the holding of foreigners in the airport transit area.

(18) The Committee is concerned that, despite the recommendations it made in 1998, the State party has not ended its practice of keeping mentally ill people in prisons and psychiatric annexes to prisons for months before transferring them to social protection establishments. It reminds the State party that this practice is inconsistent with articles 7 and 9 of the Covenant.

The State party should end this practice as quickly as possible. It should also ensure

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that providing mental patients with care and protection and managing social protection establishments both form part of the Ministry of Health's responsibilities.

...

(21) The Committee welcomes the establishment of an Individual Complaints Board to look into complaints from aliens about the conditions under which they are held and the rules to which they are subject, but is concerned that complaints have to be lodged within five days and do not have the effect of suspending expulsion measures (arts. 2 and 10).

The State party should extend the deadline for lodging complaints and give complaints a suspensive effect on expulsion measures.

- Namibia, ICCPR, A/59/40 vol. I (2004) 64 at paras. 74(14) and 74(15).

(14) While the Committee takes note that, at present, magistrates are mandated to carry out independent inspections of detention centres, the Committee reiterates the need for an additional external and independent body mandated with the task of visiting the centres and receiving and investigating complaints emanating therefrom. A strong and independent mechanism is also required for the investigation of allegations of acts of police brutality in general.

The State party should consider establishing an independent body that would be able to visit all places of detention and conduct investigations into violations of rights and abuses in prisons and places of detention, and to investigate acts of police brutality in general.

(15) The Committee takes note of the reports that certain media personnel and journalists have faced harassment and that these allegations have not been investigated either promptly or thoroughly by the competent authorities.

The State party should take appropriate steps to prevent threats to and harassment of media personnel and journalists, and ensure that such cases are investigated promptly and with the requisite thoroughness and that suitable action is taken against those responsible.

- Serbia and Montenegro, ICCPR, A/59/40 vol. I (2004) 68 at paras. 75(13) - 75(15) and 75(25).

(13) The Committee is concerned at the measures taken under the state of emergency, which included substantial derogations from the State party's human rights obligations under the Covenant. The Committee notes the ruling of the Constitutional Court of Serbia of 8 July 2004, declaring unconstitutional some of the measures derogating from the Covenant taken by the Republic of Serbia under the state of emergency, and steps

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taken to punish violations that have occurred during this period and to provide compensation to all victims. Nevertheless, the Committee regrets that several concerns remain, particularly with regard to allegations of torture of detainees in the context of “Operation Sabre” (arts. 4, 7, 9, 14, 19).

The State party should take immediate steps to investigate all allegations of torture during “Operation Sabre” and take all necessary steps to ensure adequate mechanisms to prevent such violations and any abuse of emergency powers in future. The Committee draws the attention of the State party to its general comment No. 29 for the assessment of the scope of emergency powers.

(14) The Committee is concerned about continued allegations of ill-treatment of persons by law enforcement officials. It also notes the preliminary statement by the Committee against Torture, referred to in the initial report of the State party, to the effect that torture had been applied systematically in the Federal Republic of Yugoslavia prior to October 2000. The Committee is concerned that sufficient information has not been provided as to concrete steps taken to investigate such cases, punish those responsible and provide compensation to victims (art. 7).

The State party should take firm measures to eradicate all forms of ill-treatment by law enforcement officials, and to ensure prompt, thorough, independent and impartial investigations into all allegations of torture and ill-treatment, prosecute and punish perpetrators, and provide effective remedies to the victims.

(15) While taking note of the establishment in Serbia of the Office of Inspector General of the Public Security Service in June 2003, the Committee is concerned that no independent oversight mechanism exists for investigating complaints of criminal conduct against members of the police, which could contribute to impunity for police officers involved in human rights violations (arts. 2, 7, 9).

The State party should establish independent civilian review bodies at the Republic level with authority to receive and investigate all complaints of excessive use of force and other abuse of power by the police.

....

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

The State party should take all necessary measures to combat racial violence and incitement, provide proper protection to the Roma and other minorities, and establish mechanisms to receive complaints from victims and ensure investigation and prosecution

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of cases of racial violence and incitement to racial hatred, and ensure access to adequate remedies and compensation.

- Finland, ICCPR, A/60/40 vol. I (2004) 22 at para. 81(4).

(4) The Committee is pleased to observe the State party's concern to integrate human rights into action to combat terrorism, in part by maintaining an outright ban on extradition, *refoulement* or expulsion to a country where the individual concerned might be exposed to the death penalty and violations of articles 6 and 7 of the Covenant.

- Albania, ICCPR, A/60/40 vol. I (2004) 25 at paras. 82(9), 82(12), 82(13), 82(16) and 82(19).

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

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

...

(12) While welcoming the progress made by the State party in the fight against traditional "blood feuds" and situations where potential victims, including children, do not leave their homes, the Committee is concerned about these phenomena and the lack of detailed information provided about crimes related to customary law and traditional codes (arts. 6 and 7).

The State party should take firm measures to eradicate crimes committed under the guise of customary law and traditional codes. It should investigate such crimes and prosecute and punish all the perpetrators.

(13) The Committee is concerned about allegations of arbitrary arrests and detention, the excessive use of force by law enforcement officials, ill-treatment of detainees in police custody and use of torture to extract confession from suspects. It regrets that acts of torture by law enforcement officials are considered as "arbitrary acts" only and treated accordingly. It is also concerned that despite several cases of investigations and punishment of those responsible for ill-treatment, many cases have not been investigated

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properly and compensation to victims has not been provided (art. 7).

The State party should take firm measures to eradicate all forms of ill-treatment by law enforcement officials and ensure prompt, thorough, independent and impartial investigations into all allegations of torture and ill-treatment. It should prosecute perpetrators and ensure that they are punished in a manner proportionate to the seriousness of the crimes committed, and grant effective remedies including compensation to the victims.

...

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

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

...

(19) The Committee is concerned about instances of harassment and physical violence against journalists as well as about threats of defamation suits against them, and with the lack of information provided by the State party about those situations (art. 19).

The State party should fully guarantee and protect the right of freedom of opinion and expression of journalists and media representatives and introduce legal mechanisms and practical measures to that effect, and should prosecute and punish perpetrators of interference with those rights.

- Benin, ICCPR, A/60/40 vol. I (2004) 30 at paras. 83(12), 83(14) and 83(15).

(12) The Committee is concerned that certain provisions of the draft Criminal Code and Code of Criminal Procedure aimed at combating terrorism might infringe some of the rights set out in the Covenant (articles 2, 7, 9 and 14 of the Covenant).

The State party should seek to ensure that these provisions do not infringe the rights set out in the Covenant, particularly the right to security and freedom of the person, the right to a fair trial and the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment.

...

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(14) The Committee is concerned at the persistence of vigilante justice. It also notes with concern that infanticides motivated by traditional beliefs are being committed in the country (articles 6, 7 and 24 of the Covenant).

The State party should protect persons from acts committed by individuals that infringe their right to life and physical integrity, and should exercise due diligence with a view to preventing and punishing such acts, investigating them and providing reparations for the resulting harm. The State party should also step up its efforts to increase public awareness...

(15) The Committee is concerned by allegations that abuse of the system of police custody, torture and cruel, inhuman or degrading treatment are common practice in Benin. It is disturbed by the fact that law enforcement officials who perpetrate such violations appear to enjoy widespread impunity (articles 2, 7 and 9 of the Covenant).

The State party should display greater firmness in preventing abuses of police custody, torture and ill-treatment, and should strengthen the training provided to law enforcement personnel in this area. It should automatically bring disciplinary and criminal proceedings against the perpetrators of violations and, in particular, should enforce Constitutional Court decisions in such cases. The Committee recommends that the State party...conduct an independent investigation of the methods in use in the "Petit Palais".

- Morocco, ICCPR, A/60/40 vol. I (2004) 35 at paras. 84(6), 84(12) and 84(20).

(6) The Committee welcomes the decision of 26 September 2000 by Morocco Supreme Court concerning the primacy of article 11 of the Covenant, prohibiting imprisonment for inability to fulfil a contractual obligation, over domestic law and practice. It notes with interest the content of the letter dated 7 April 2003 referring to the above-mentioned Supreme Court decision, in which the Minister of Justice requests the principal public prosecutors at appeal courts and courts of first instance to apply article 11 of the Covenant and to refer back to the courts the cases of all persons serving such sentences.

...
(12) While acknowledging the work done by the Consultative Council on Human Rights (CCDH) in the field of data collection and compensation in relation to disappeared persons, the Committee is concerned that those responsible for disappearances have still not been identified, tried and punished (Covenant, arts. 6 and 7).

The State party should conduct the necessary investigations to identify, try and punish those responsible for such crimes (Covenant, arts. 6 and 7).

...

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(20) The Committee is concerned that the Criminal Code permits any serious attack using violence to be classed as a terrorist act. It is also concerned about the numerous reports that the Anti-Terrorism Act adopted on 28 May 2003 is being applied retroactively.

In order to rectify this situation of legal uncertainty, the Committee recommends that the State party should amend the legislation in question by clearly defining its scope, and requests it to ensure compliance with the provisions of article 15 and all the other provisions of the Covenant.

- Poland, ICCPR, A/60/40 vol. I (2004) 40 at para. 85(17).

(17) While noting measures taken to improve the conditions of the Roma community, the Committee is concerned that the Roma continue to suffer prejudice and discrimination, in particular with regard to access to health services, social assistance, education and employment. It is also concerned that acts of violence against members of the Roma community are not appropriately investigated and sanctioned (arts. 2, 26 and 27).

The State party should intensify its efforts to prevent discrimination against the Roma community and ensure their full enjoyment of their Covenant rights. The police and judiciary should be properly trained to investigate and sanction all acts of discrimination and violence against the Roma.

- Kenya, ICCPR, A/60/40 vol. I (2005) 44 at para. 86(22).

(22) While noting the delegation's explanations on the issue, the Committee remains concerned about reports of the forcible eviction of thousands of inhabitants from so called informal settlements, both in Nairobi and other parts of the country, without prior consultation with the populations concerned and/or without adequate prior notification. This practice arbitrarily interferes with the Covenant rights of the victims of such evictions, especially their rights under article 17 of the Covenant.

The State party should develop transparent policies and procedures for dealing with evictions and ensure that evictions from settlements do not occur unless those affected have been consulted and appropriate resettlement arrangements have been made.

- Iceland, ICCPR, A/60/40 vol. I (2005) 50 at para. 87(10).

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(10) The Committee expresses concern that Act 99/2002 amending the General Penal Code sets out a vague and broad definition of terrorism (art. 100 (a)), which might encompass and consequently jeopardize legitimate activity in a democratic society, in particular participation in public demonstrations (articles 2 and 21 of the Covenant).

The State party should formulate and adopt a more precise definition of terrorist offences.

- Mauritius, ICCPR, A/60/40 vol. I (2005) 52 at paras. 88(12) and 88(14).

(12) While the Committee understands the security obligations required in the fight against terrorism, it believes that the impact of the Prevention of Terrorism Act 2002 may be all the more serious as the notion of terrorism is vague and lends itself to broad interpretations. While noting that no arrests have been made under the counter-terrorism Act and despite certain guarantees undertaken by the State party such as video recordings of interrogations and of suspects in detention, the Committee expresses concern that the provisions of that Act denying bail and access to counsel for 36 hours are at variance with the provisions of the Covenant (Covenant, arts. 7 and 9).

The State party should ensure that its legislation adopted in the context of the fight against terrorism is fully consistent with all the provisions of the Covenant, including article 4, taking into account general comment No. 29.

...

(14) The Committee reiterates its concern that the powers to detain provided for by article 5, paragraphs 1 (k) and 4, of the Constitution are incompatible with article 9, paragraphs 3 and 4, of the Covenant.

The State party should review these constitutional provisions that are incompatible with the Covenant.

- Uzbekistan, ICCPR, A/60/40 vol. I (2005) 56 at paras. 89(14), 89(18), 89(20), 89(22) and 89(24).

(14) The Committee considers that the length of custody for which a suspect may be held without being brought before a judge or an officer authorized to exercise judicial power - 72 hours - is excessive (Covenant, art. 9).

The State party should ensure that a judge reviews all detentions to determine if they are legal and that all cases of detention are brought before a judge for that purpose, in conformity with the provisions of article 9 of the Covenant.

...

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(18) The Committee is concerned about the lack of information on acts that may be qualified in the legal order as “terrorist acts” (Covenant, arts. 2, 6, 7, 9 and 14).

The State party should define what constitutes “terrorist acts” and ensure that its legislation in this matter complies with all the guarantees provided in the Covenant, in particular articles 2, 6, 7, 9 and 14.

...

(20) The Committee is concerned about persistent reports that journalists have been harassed in the exercise of their profession (Covenant, art. 19).

The State party should adopt appropriate measures to prevent any harassment or intimidation of journalists and ensure that its legislation and practice give full effect to the requirements of article 19 of the Covenant.

...

(22) The Committee notes that the provisions of the Freedom of Conscience and Religious Organizations Act require religious organizations and associations to be registered in order to be able to manifest their religion or belief. It is concerned about *de facto* limitations on the right to freedom of religion or belief, including the fact that proselytizing constitutes a criminal offence under the Criminal Code. The Committee is also concerned about the use of criminal law to penalize the apparently peaceful exercise of religious freedom and the fact that a large number of individuals have been charged, detained and sentenced and that, while a majority of them were subsequently released, several hundred remain in prison (Covenant, article 18; see also paragraph 24 of the concluding observations on the initial report).

The State party should take steps to ensure full respect for the right of freedom of religion or belief and ensure that its legislation and practices conform fully with article 18 of the Covenant.

...

(24) The Committee...is...concerned about the practice of kidnapping young women to force them to marry, which resurfaced after the State party’s independence (Covenant, arts. 3, 23 and 26).

The State party should ... combat the practice of forced marriages of kidnapped women.

- Greece, ICCPR, A/60/40 vol. I (2005) 60 at paras. 90(9) and 90(11).

(9) The Committee is concerned about reported cases of disproportionate use of force by the police, including fatal shootings, and ill-treatment at the time of arrest and during police custody. Police violence against migrants and Roma appears to be recurrent. The Committee is equally concerned about the reported failure of the judicial and

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administrative systems to deal promptly and effectively with such cases and the leniency of the courts in the few cases where law enforcement officers have been convicted (arts. 2 and 7).

(a) The State party should end police violence without delay. It should increase its efforts to ensure that education on the prohibition of torture and ill treatment, as well as sensitization on issues of racial discrimination are included in the training of law enforcement personnel;

(b) The State party should ensure that all alleged cases of torture, ill treatment and disproportionate use of force by police officers are fully and promptly investigated, that those found guilty are punished under laws that ensure that sentences are commensurate with the gravity of the offence, and that compensation is provided to the victims or their families...

...
(11) The Committee is concerned about reports that undocumented aliens are detained in overcrowded facilities with poor living and sanitary conditions, are not informed of their rights, and lack any effective means of communication with their families and their lawyers (art. 10).

The State party should ensure that undocumented aliens are held in facilities with adequate living and sanitary conditions, are informed of their rights, including the right to appeal and to lodge complaints, and are afforded effective means of communication with their families and counsel.

- Yemen, ICCPR, A/60/40 vol. I (2005) 65 at paras. 91(13) and 91(20).

(13) The Committee notes the statement by the State party that although its effort to combat terrorism has had an impact on the enjoyment of civil and political rights in Yemen, this has not resulted in systematic and continuing violations. The Committee remains concerned, however, about reported grave violations of articles 6, 7, 9 and 14 of the Covenant committed in the name of the anti-terrorism campaign. It notes with concern reported cases of extrajudicial killings, enforced disappearances, arbitrary arrests, indefinite detention without charge or trial, torture and ill-treatment, and deportation of non-citizens to countries where they are in danger of being subjected to torture or ill-treatment.

The State party should ensure that the utmost consideration is given to the principle of proportionality in all its responses to terrorist threats and activities. It should bear in mind the non-derogable character of specific rights under the Covenant, in particular articles 6 and 7, which must be respected in all circumstances...

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...

(20) The Committee is concerned about reported violations of freedom of the press, including arrest and harassment of journalists, as well as about reports regarding the restrictive character of the new draft Press and Publications Act currently under review.

The State party should respect freedom of the press and ensure that the new Press and Publications Act will be in full conformity with the provisions of article 19 of the Covenant.

- Tajikistan, ICCPR, A/60/40 vol. I (2005) 70 at paras. 92(12), 92(13) and 92(21).

(12) The Committee is concerned that a procurator, rather than a judge, remains responsible for authorizing arrests. This creates an imbalance in the equality of arms between the accused and the prosecution, as the procurator may have an interest in the detention of those who are to be prosecuted. Further, detainees are not brought before the procurator following their arrest. An appeal to a court to review the lawfulness and grounds of arrest is possible, but it does not guarantee the participation of the detainee (art. 9).

The State party should revise its criminal procedure legislation and introduce a system that ensures that all detainees are as a matter of course brought promptly before a judge who will decide without delay on the lawfulness of the detention.

(13) The Committee is concerned that a person may be placed under administrative arrest for up to 15 days, and that such detention is not subject to judicial supervision (art. 9).

The State party should ensure that administrative detention is subject to the same right to challenge the lawfulness of the detention as ought to pertain to other forms of detention, in light of the Committee's recommendations in paragraph 12 above.

...

(21) The Committee is concerned about persistent reports that journalists have been harassed by State officials in the exercise of their profession and that newspapers have been seized (art. 19).

The State party should avoid any harassment or intimidation of journalists and ensure that its legislation and practice give full effect to the requirements of article 19 of the Covenant.

- Syrian Arab Republic, ICCPR, A/60/40 vol. I (2005) 78 at paras. 94(8) and 94(12).

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

The State party should give a particularized account of Lebanese nationals and Syrian nationals, as well as other persons, who were taken into custody or transferred into custody in Syria and who have not heretofore been accounted for. The State party should also take immediate steps to establish an independent and credible commission of inquiry into all disappearances, in line with the recommendations the Committee made in 2001.

....

(12) The Committee is concerned at the obstacles imposed on the registration and free operation of non-governmental human rights organizations in the State party and the intimidation, harassment and arrest of human rights defenders. It also continues to be deeply concerned about the continuing detention of several human rights defenders and the refusal to register certain human rights organizations (arts. 9, 14, 19, 21 and 22).

The State party should immediately release all persons detained because of their activities in the field of human rights and end all harassment and intimidation of human rights defenders. Furthermore, the State party should take urgent steps to amend all legislation that restricts the activities of these organizations, in particular state of emergency legislation which must not be used as an excuse to suppress activities aimed at the promotion and protection of human rights. The State party should ensure that its law and practice allow these organizations to operate freely.

- Thailand, ICCPR, A/60/40 vol. I (2005) 83 at paras. 95(10), 95(15), 95(18), 95(19), 95(23) and 95(24).

(10) The Committee is concerned at the persistent allegations of serious human rights violations, including widespread instances of extrajudicial killings and ill-treatment by the police and members of armed forces, illustrated by incidents such as the Tak Bai incident in October 2004, the Krue Se mosque incident on 28 April 2004 and the extraordinarily large number of killings during the “war on drugs” which began in February 2003. Human rights defenders, community leaders, demonstrators and other

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members of civil society continue to be targets of such actions, and any investigations have generally failed to lead to prosecutions and sentences commensurate with the gravity of the crimes committed, creating a culture of impunity. The Committee further notes with concern that this situation reflects a lack of effective remedies available to victims of human rights violations, which is incompatible with article 2, paragraph 3, of the Covenant (arts. 2, 6, 7).

The State party should conduct full and impartial investigations into these and such other events and should, depending on the findings of the investigations, institute proceedings against the perpetrators. The State party should also ensure that victims and their families, including the relatives of missing and disappeared persons, receive adequate redress. Furthermore, it should continue its efforts to train police officers, members of the military and prison officers to scrupulously respect applicable international standards.

The State party should actively pursue the idea of establishing an independent civilian body to investigate complaints filed against law enforcement officials.

...

(15) The Committee is concerned about the persistent allegations of excessive use of force by law enforcement officials, as well as ill-treatment at the time of arrest and during police custody. The Committee is also concerned about reports of the widespread use of torture and cruel, inhuman or degrading treatment of detainees by law enforcement officials, including in the so-called "safe houses". It is also concerned at the impunity flowing from the fact that only a few of the investigations into cases of ill-treatment have resulted in prosecutions, and fewer, in convictions, and that adequate compensation to victims has not been provided (art. 2, 7, 9).

The State party should guarantee in practice unimpeded access to legal counsel and doctors immediately after arrest and during detention. The arrested person should have an opportunity immediately to inform the family about the arrest and place of detention. Provision should be made for a medical examination at the beginning and end of the detention period. Provision should also be made for prompt and effective remedies to allow detainees to challenge the legality of their detention. Anyone arrested or detained on a criminal charge must be brought promptly before a judge. The State party should ensure that all alleged cases of torture, ill-treatment, disproportionate use of force by police and death in custody are fully and promptly investigated, that those found responsible are brought to justice, and that compensation is provided to the victims or their families.

...

(18) The Committee is concerned about reports of intimidation and harassment against local and foreign journalists and media personnel as well as of defamation suits against them, originating at the highest political level. It is also concerned at the impact of the Emergency Decree on Government Administration in States of Emergency which imposes serious restrictions on media freedom (art. 19, para. 3).

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The State party should take adequate measures to prevent further erosion of freedom of expression, in particular, threats to and harassment of media personnel and journalists, and ensure that such cases are investigated promptly and that suitable action is taken against those responsible, regardless of rank or status.

(19) While welcoming the aspiration of the State party to accept and foster a vibrant civil society, including many human rights organizations, the Committee is nevertheless concerned at the number of incidents against human rights defenders and community leaders, including intimidation and verbal and physical attacks, enforced disappearances and extrajudicial killings (arts. 19, 21 and 22).

The State party must take measures to immediately halt and protect against harassment and attacks against human rights defenders and community leaders. The State party must systematically investigate all reported instances of intimidation, harassment and attacks and guarantee effective remedies to victims and their families.

...

(23) The Committee is concerned about the lack of full protection of the rights of registered and unregistered migrant workers in Thailand, particularly with regard to liberty of movement, access to social services and education, and access to personal documents. The deplorable conditions in which migrants are obliged to live and work indicate serious violations of articles 8 and 26 of the Covenant. The Committee notes that ethnic minorities and migrants from Myanmar are particularly vulnerable to exploitation by employers as well as to deportation by the Thai authorities. The Committee is also concerned that a significant number of migrant workers, mainly from Myanmar, are still missing in the aftermath of the tsunami in December 2004 and that others were not provided with the necessary humanitarian assistance due to their lack of legal status (arts. 2, 8 and 26).

The State party must take measures to effectively implement the existing legislation providing for the rights of migrant workers. Migrant workers should be afforded full and effective access to social services, educational facilities and personal documents, in accordance with the principle of non-discrimination. The State party should consider establishing a governmental mechanism to which migrant workers can report violations of their rights by their employers, including illegal withholding of their personal documents. The Committee also recommends that humanitarian assistance be effectively provided to all victims of the tsunami disaster without discrimination, regardless of their legal status.

(24) The Committee expresses its concern about the structural discrimination by the State party against minority communities, in particular the Highlanders with regard to citizenship, land rights, freedom of movement and the protection of their way of life.

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The Committee notes with concern the treatment of the Highlanders by law enforcement officials, in particular their forced eviction and relocation in the context of the 1992 Master Plan on Community Development, Environment and Narcotic Crop Control in Highland Areas, which gravely affected their livelihood and way of life, as well as the reports of extrajudicial killings, harassment and confiscation of property in the context of the “war on drugs” campaign. The Committee is also concerned about the construction of the Thai-Malaysian Gas Pipeline and other development projects which have been carried out with minimal consultation with the concerned communities. In addition, the Committee is concerned about violent suppression of peaceful demonstrations by law enforcement officers in contravention of articles 7, 19, 21 and 27 of the Covenant (arts. 2, 7, 19, 21 and 27).

The State party should guarantee the full enjoyment of the rights of persons belonging to minorities that are set out in the Covenant, in particular with respect to the use of land and natural resources, through effective consultations with local communities. The State party should respect the rights of persons belonging to minorities to enjoy their own culture, to profess and practice their own religion, and to use their own language in community with other members of their group.

ICESCR

- Colombia, ICESCR, E/2002/22 (2001) 110 at paras. 766 and 787.

766. The Committee is deeply concerned about the personal security of workers and trade union representatives, both of whom are at high risk of physical violence, including murder. The Committee is appalled to note that more than 1,500 trade union members were killed between 1991 and 2001, often merely because they belonged to a trade union, and that others were threatened or forced to become displaced...

...

787. The Committee urges the State party to take effective measures to provide for the personal security of trade union representatives, to try and punish the persons responsible for murdering trade union members and to provide for appropriate compensation for the victims' families...

- Algeria, ICESCR, E/2002/22 (2001) 116 at paras. 813 and 828.

813. The Committee is deeply concerned at the continuing violence and acts of terrorism in the country, which impede the full realization of the rights guaranteed in the Covenant.

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...

828. The Committee urges the State party to take, as a matter of priority, all steps necessary to guarantee a full measure of security to all persons within its jurisdiction, in order to fulfil its obligations under the Covenant and ensure the enjoyment of the rights guaranteed therein.

- Croatia, ICESCR, E/2002/22 (2001) 125 at para. 892.

892. The Committee notes with concern that measures to promote ethnic harmony appear to be inadequate and are impeded by continued application of discriminatory laws, policies and practices. It is concerned by reports that private acts of discrimination and ethnically-motivated violence are frequently not adequately addressed by the competent authorities.

- Jamaica, ICESCR, E/2002/22 (2001) 130 at paras. 937 and 950.

937. The Committee is profoundly concerned about the violence that has apparently become widespread in the State party. It is reported that over 1,000 people have been murdered in the year 2001 alone and that "tribal" politics is such that warlords rule large sections of the capital city where they are involved in extortion, drugs and prostitution. The Committee is particularly concerned that violence - including domestic and sexual violence - is committed against women of all ages and against children. According to reports from non-governmental organizations, children are regularly flogged and even threatened with weapons and child-rearing practices include corporal punishment of children in the home and in schools. The fact that these acts are committed with impunity constitutes a serious violation by the State party of its Covenant obligations.

...

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

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

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

...

301. The Committee calls upon the State party to exercise the full authority of the law

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

- Brazil, ICESCR, E/2004/22 (2003) 28 at paras. 142 and 165.

142. The Committee is deeply concerned that the State party does not provide sufficient protection for indigenous peoples, who continue to be forcibly evicted from their lands and face threats to their lives and even execution...

...

165. The Committee calls upon the State party to ensure that indigenous peoples are effectively protected from threats and danger to their lives and from eviction from their lands...

- Israel, ICESCR, E/2004/22 (2003) 42 at paras. 262 and 278.

262. The Committee deeply regrets the refusal of the State party to provide in its second periodic report additional information on the living conditions of population groups other than Israeli settlers in the occupied territories as requested in its 2001 concluding observations. The Committee continues to be gravely concerned about the deplorable living conditions of the Palestinians in the occupied territories, who - as a result of the continuing occupation and subsequent measures of closures, extended curfews, roadblocks and security checkpoints - suffer from impingement of their enjoyment of economic, social and cultural rights enshrined in the Covenant, in particular access to work, land, water, health care, education and food.

...

278. ...The Committee...calls upon the State party to give full effect to its Covenant obligations and, as a matter of the highest priority, to undertake to ensure safe passage at checkpoints for Palestinian medical staff and people seeking treatment, the unhampered flow of essential foodstuffs and supplies, free movement to places of employment, and the safe conduct of students and teachers to and from schools.^{23/}

Notes

...

^{23/} [Official Records of the Economic and Social Council], 1999, Supplement No. 2 (E/1999/22-E/C.12/1998/26), chap. IV, para. 265.

- Guatemala, ICESCR, E/2004/22 (2003) 59 at paras. 402, 411, 413, 420, 429 and 431.

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402. The Committee is concerned by the insufficient progress made by the State party towards the effective implementation of the peace agreements of 1996 (including the Comprehensive Agreement on Human Rights, the Agreement on Social and Economic Aspects and the Agrarian Situation) which has led to persistent serious problems, such as violence at the national level, intimidation, corruption, impunity and lack of constitutional, fiscal, educational and agrarian reforms. All these have impacted adversely on the full realization of economic, social and cultural rights enshrined in the Covenant, particularly with regard to indigenous peoples.

...

411. The Committee...takes note of the efforts made by the State party towards the implementation of the National Reparations Programme for victims of war. However, the Committee expresses concern at the lack of effective measures to reunite families separated by the conflict, to establish the whereabouts of children who have disappeared and to safeguard the rights of children orphaned by the war.

...

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

...

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

...

429. The Committee urges the State party to increase its efforts to reunite separated families, to continue seeking children who have disappeared and to safeguard the situation of war orphans while facilitating access to the judicial system for affected persons.

...

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

- Greece, ICESCR, E/2005/22 (2004) 23 at paras. 131 and 152.

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131. ...[T]he Committee...is particularly concerned about reported instances of police violence against Roma, sweeping arrests, and arbitrary raids of Roma settlements by the police.

...

152. The Committee urges the State party to investigate reported instances of police violence against the Roma and alleged arbitrary raids of Roma settlements, and to bring perpetrators to justice. It further recommends that the State party continue its efforts to train police officers on international human rights standards and to raise awareness of the dimensions of discrimination against the Roma among local authorities.

- Ecuador, ICESCR, E/2005/22 (2004) 39 at paras. 291 and 316.

291. The Committee is concerned that domestic violence is widespread and does not constitute a criminal offence in the State party. The Committee is also concerned by the narrow definition of rape as a criminal offence in the Ecuadorian Criminal Code.

...

316. The Committee urges the State party to take effective measures to combat domestic violence, including through the effective application of the existing laws and awareness-raising campaigns. It also strongly urges the State party to amend its Criminal Code with the view to redefining the crime of rape to reflect international standards and to protect women and children.

- Chile, ICESCR, E/2005/22 (2004) 67 at paras. 541 and 561.

541. The Committee is deeply concerned about the application of special laws, such as the Law on State Security (No. 12.927) and the law that defines terrorist acts and establishes the penalties (No. 18.314), in the context of the current tensions over the ancestral lands in the Mapuche areas.

...

561. The Committee recommends that the State party not apply special laws, such as the Law on State Security (No. 12927) and the law that defines terrorist acts and establishes the penalties (No. 18314), to acts related to the social struggle for land and legitimate indigenous complaints.

- Zambia, ICESCR, E/2006/22 (2005) 19 at para. 76.

76. The Committee welcomes the establishment in 2003 of the Zambia police services sex crimes unit to deal with cases of sexual violence, spouse battery and sexual abuse.

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- China, ICESCR, E/2006/22 (2005) 25 at paras. 164, 165, 193 and 194.

164. The Committee is concerned about the significant number of persons, especially women, who suffer from mental illnesses and about the inadequacy of measures to ensure a decent life for persons suffering from mental illnesses. The Committee is also concerned that, in addition to suffering social stigmatization, persons with mental illnesses often spend a long time in psychiatric facilities, where they live in sub-standard conditions and receive sub-standard treatment and care...

165. The Committee is deeply concerned about reports of forced abortions and forced sterilizations imposed on women, including those belonging to ethnic minority groups, by local officials in the context of the one-child policy, and about the high maternal mortality rate as a result of unsafe abortions.

...

193. The Committee recommends that the State party allocate adequate resources and undertake effective measures for the treatment of, and care for, persons with mental illnesses, and to ensure that appropriate standards are established and enforced in psychiatric facilities to prevent maltreatment and neglect of mentally ill patients...

194. The Committee urges the State party to undertake effective measures to ensure that abortions are carried out voluntarily and under adequate medical and sanitary conditions and to ensure that the existing legislation governing the one-child policy does not violate the rights enshrined in article 10 of the Covenant...

- Serbia and Montenegro, ICESCR, E/2006/22 (2005) 41 at paras. 272, 296, 300 and 323.

272. The Committee expresses its deep concern about reported incidents of inter-ethnic violence and racially motivated acts against ethnic minorities such as the Roma.

...

296. The Committee regrets the absence of information on mental health services in the State party's report, including provision of psychological rehabilitation to victims of physical and sexual violence and other traumatizing experiences related to armed conflict.

...

300. The Committee urges the State party to investigate such incidents, to bring perpetrators to justice, and to take all necessary measures to raise awareness of the dimensions of ethnic discrimination and intolerance among local authorities and the general public.

...

323. The Committee requests the State party to ensure the provision of adequate

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counselling and other assistance to victims of physical and sexual violence and other traumatizing experiences related to armed conflict, in particular women and children...

- Norway, ICESCR, E/2006/22 (2005) 48 at para. 369.

369. The Committee recommends that the State party ensure that every decision to detain a person with a mental disorder for compulsory psychiatric treatment be reviewed promptly by an independent judicial body.

CEDAW

- Sri Lanka, CEDAW, A/57/38 part I (2002) 31 at paras. 286 and 287.

286. The Committee is alarmed by the high and severe incidences of rape and other forms of violence targeted against Tamil women by the police and security forces in the conflict areas. While recognizing the prohibition of torture in the Constitution and the establishment of the inter-ministerial working group to counter these acts of violence, the Committee is concerned that victims in remote areas might be unaware of their rights and of the manner in which to seek redress.

287. The Committee urges the State party to monitor strictly the behaviour of the police and the security forces, to ensure that all perpetrators be brought to justice and to take all necessary measures to prevent acts of violence against all women.

- Russian Federation, CEDAW, A/57/38 part I (2002) 40 at paras. 391 and 392.

391. The Committee is concerned about reports of ill-treatment of women in pre-detention centres and in prisons. The Committee is deeply concerned by the fact that, despite credible evidence that police officials have used violence against women in custody, the State party has not, as a rule, investigated, disciplined or prosecuted offenders. The Committee is also disturbed by the fact that, despite strong evidence that members of the Russian forces have committed acts of rape or other sexual violence against women in the context of the armed conflict in Chechnya, the State party has failed to conduct the necessary investigations or hold anyone accountable in the vast majority of cases.

392. The Committee urges the State party to take necessary measures to ensure that custodial violence by officials, including acts of sexual violence against women and girls in detention or under investigation, are prosecuted and punished as grave crimes. It also urges the State party to adopt preventive measures, including swift disciplinary inquiries

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and human rights education programmes for the armed forces and law enforcement personnel.

- Czech Republic, CEDAW, A/57/38 part III (2002) 157 at paras. 93 and 94.

93. While recognizing current legal and other efforts by the State party to address violence against women, the Committee is concerned about the persisting prevalence of violence against women and girls, including domestic violence. It is particularly concerned that domestic violence deprives women of their personal security and their access to safe accommodation.

94. In the light of its general recommendation 19, the Committee urges the State party to place high priority on the introduction of comprehensive and holistic measures to address violence against women in the family and in society. The Committee calls upon the State party to ensure that such violence is prosecuted and punished with the required seriousness and speed, and that women victims of violence have immediate means of redress and protection, including protection orders. The Committee requests the State party to enact legislation on domestic violence. It recommends that measures be taken to provide shelters for women victims of violence in sufficient numbers and to ensure that public officials, especially law enforcement officials, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women.

The Committee invites the State party to undertake awareness-raising measures through the media and public education programmes, including a campaign of zero tolerance, to make such violence socially and morally unacceptable.

- Uganda, CEDAW, A/57/38 part III (2002) 164 at paras. 155 and 156.

155. While noting the positive involvement of women in peace-building initiatives, the Committee notes with concern that some areas of northern and western Uganda continue to experience insecurity as a result of civil strife. The Committee is particularly concerned that many women and girls in the conflict areas have been victims of violence, including abduction and sexual slavery.

156. The Committee urges the State party to include women in national reconciliation and peace-building initiatives. The Committee recommends that the State party include women from all ethnic groups affected by armed conflict in peace negotiations. It also recommends that the State party include in peace negotiations measures of accountability, redress and rehabilitation for women and girls who have been victims of violence, including enslavement, in those conflicts.

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- Hungary, CEDAW, A/57/38 part III (2002) 189 at paras. 333 and 334.

333. While welcoming the State party's comprehensive review of its current law on sexual crimes, the Committee remains concerned that the Hungarian Penal Code currently treats sexual crimes as crimes against decency rather than violations of women's rights to bodily security. It is particularly concerned that the definition of rape, including that within marriage, is based on the use of force rather than lack of consent, as well as the issue of seduction of girls below the age of 14 years...

334. The Committee recommends that the State party reform its law to define sexual crimes as crimes involving violations of women's rights to bodily security and that the State party define the crime of rape as sexual intercourse without consent, and amend its law on seduction of girls less than 14 years of age to incorporate the concept of statutory rape and prohibit sexual intercourse with underage girls...

- Mexico, CEDAW, A/57/38 part III (2002) 205 at paras. 439 and 440.

439. The Committee expresses great concern at the incidents in Ciudad Juárez and at the continuing murders and disappearances of women. It is especially concerned at the apparent lack of results of the investigations into the causes of the numerous murders of women and the failure to identify and bring to justice the perpetrators of such crimes with a view to protecting women against this type of violence.

440. The Committee calls on the State party to promote and accelerate compliance with Recommendation No. 44/98 of the Mexican National Human Rights Commission in relation to the investigation and punishment of the Ciudad Juárez murders. The Committee also calls on the State party to protect women from such violations of their human right to personal safety.

- Ecuador, CEDAW, A/58/38 part II (2003) 122 at paras. 309-312.

309. Given the increasing numbers of Ecuadorian women taking refuge in foreign countries to escape from poverty and extreme poverty, the Committee is concerned at the fact that this situation makes it likely that emigrant women will be victims of various forms of violence, exploitation and trafficking. The Committee is likewise concerned at the vulnerability of women whose spouses emigrate to other countries. It is also concerned at the situation of Ecuadorian women living on the Ecuador-Colombia border and that of Colombian women who flee Colombia and take refuge in Ecuador, since they are also victims of violence of all kinds owing to the militarization of the border area and

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the application of “Plan Colombia”.

310. The Committee urges the State party to focus on the causes of this phenomenon and adopt measures to alleviate poverty and extreme poverty, and to protect migrant women and those who remain in Ecuador when their spouses emigrate, as well as women living on the Ecuador-Colombian border.

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

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

- Nepal, CEDAW, A/59/38 part I (2004) 34 at paras. 202 and 203.

202. The Committee expresses its concern about the internal armed conflict that has continued in Nepal since 1996 and its impact on women...

203. The Committee calls on the State party to ensure the full and equal participation of women in the process of conflict resolution and peace-building. It urges the State party to allocate sufficient resources to meet the needs of women who have suffered damage as a result of the conflict and to ensure their security and protection from violence...

- Ethiopia, CEDAW, A/59/38 part I (2004) 42 at paras. 255 and 256.

255. The Committee is concerned that no specific legislation has been enacted to combat violence against women, including domestic violence, and at the lack of systematic data collection on violence against women, particularly domestic violence. The Committee is also concerned that, while abduction has been recognized as a crime

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under the Ethiopian criminal code, the implementation of the law is weak and abductions tend to be resolved through discriminatory customary laws and practice. The Committee is also concerned about the incidence of rape in the country.

256. The Committee urges the State party to expedite the adoption and implementation of a national strategy to combat violence against women, to include, *inter alia*, legislation on violence against women, including domestic violence; the collection of data on all forms of violence against women; and research into the extent of violence against women and girls. The Committee calls upon the State party to ensure that all forms of violence against women are prosecuted and punished adequately and that victims have immediate means of redress and protection, in accordance with general recommendation 19. The Committee also recommends that the State party step up its efforts, through public awareness and education campaigns targeting the general public, with a particular focus on the judiciary, the police and medical personnel, to bring about attitudinal and behavioural changes to make such violence socially and morally unacceptable.

- Equatorial Guinea, CEDAW, A/59/38 part II (2004) 126 at paras. 197 and 198.

197. While welcoming the abolition, by presidential decree, of imprisonment of women for non-repayment of dowries following separation or divorce from their husbands, the Committee remains concerned about lack of knowledge and implementation of the decree.

198. The Committee recommends that the State party put in place measures to raise awareness about the decree prohibiting imprisonment of women for non-repayment of dowries.

- Algeria, CEDAW, A/60/38 part I (2005) 23 at paras. 135, 137 and 138.

135. The Committee commends the State party for including the offence of sexual harassment in the revised Penal Code.

...

137. The Committee regrets that the State party has not taken adequate steps to implement the recommendations in regard to some concerns raised in its previous concluding comments, adopted in 1999 (see A/54/38/Rev.1, chap. IV, Sect. B.1). In particular, the Committee finds that its concern about the consequences of the physical violence suffered by women at the hands of terrorist groups, expressed in paragraph 77 of those concluding comments, and the situation of wives of disappeared persons, expressed in paragraph 81, have been insufficiently addressed.

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138. The Committee reiterates these concerns and recommendations and urges the State party to implement the recommendations without delay, as well as to undertake comprehensive studies on the effects of terrorism on women and girls.

- Ireland, CEDAW, A/60/38 part II (2005) 151 at paras. 386 and 387.

386. While acknowledging the efforts made to address violence against women, including legislative measures, the provision of refuges and rape crisis centres, and research and awareness-raising initiatives, the Committee is concerned about the prevalence of violence against women and girls, low prosecution and conviction rates of perpetrators, high withdrawal rates of complaints and inadequate funding of organizations that provide support services to victims. The Committee is also concerned that insufficient information was provided on the question of sexual harassment, as requested in the previous concluding comments (A/54/38/Rev.1, part two, para. 188). The Committee is furthermore concerned about violence suffered by women from marginalized and vulnerable groups, including Traveller women, migrant women, asylum-seeking and refugee women and women with disabilities.

387. The Committee urges the State party to take all necessary measures to combat violence against women in conformity with the Committee's general recommendation 19, to prevent violence, punish offenders and provide services for victims. It recommends that the State party adopt without delay its strategic plan and systematically monitor and regularly evaluate the plan's components, particularly in relation to marginalized and vulnerable women, including Traveller women, migrant women, asylum-seeking and refugee women and women with disabilities. The Committee recommends that sustained training and awareness-raising initiatives be carried out for public officials, the judiciary, health professionals and members of the public. The Committee also recommends that the State party closely monitor the incidence of all forms of violence against women, including sexual harassment.

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- Benin, CAT, A/57/44 (2002) 19 at paras. 34 and 35.

34. The Committee is concerned about the following:

...

(b) Citizens' apparent mistrust of the police and justice system and the resulting recurring problem of mob justice;

...

35. The Committee recommends that:

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...

(e) The State party should take measures to eradicate the practice of mob justice;

...

- Indonesia, CAT, A/57/44 (2002) 22 at paras. 42 and 45.

42. The Committee is concerned about:

(a) The large number of allegations of acts of torture and ill-treatment committed by members of the police forces, especially the mobile police units (“Brimob”), the army (TNI), and paramilitary groups reportedly linked to authorities, and in areas of armed conflict (Aceh, Papua, Maluku, etc.);

(b) Allegations of excessive use of force employed against demonstrators or for purposes of investigation;

(c) Allegations that paramilitary groups, reported to be perpetrators of torture and ill-treatment in Indonesia, are supported by some parts of the military, and sometimes reportedly are joined by military personnel;

(d) Allegations of numerous attacks directed against human rights defenders, sometimes leading to death;

(e) Allegations that human rights abuses related to the Convention are sometimes committed by military personnel employed by businesses in Indonesia to protect their premises and to avoid labour disputes;

(f) Allegations of inadequate protection against rape and other forms of sexual violence, which are frequently alleged to be used as forms of torture and ill-treatment;

(g) The high number of persons reported to be suffering from the after-effects of torture and other forms of ill-treatment.

...

45. The Committee recommends that the State party:

...

(b) Establish an effective, reliable and independent complaint system to undertake prompt, impartial and effective investigations into allegations of ill-treatment and torture by police and other officials and, where the findings so warrant, to prosecute and punish perpetrators, including senior officials;

(c) Ensure that all persons, including senior officials, who have sponsored, planned, incited, financed or participated in paramilitary operations using torture will be

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appropriately prosecuted;

...

(j) Ensure that human rights defenders are protected from harassment, threats and other attacks;

...

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

57. The Committee expresses its concern about the following:

...

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

...

(i) Reported threats and harassment, including ill-treatment, of independent journalists and others who have raised allegations of abuses by officials;

...

(l) Despite certain progress, the practise of bullying and hazing (*dedovshchina*) of young conscript soldiers is still widely practised in the armed forces.

...

58. The Committee recommends that the State party:

...

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

...

(n) Adopt a more effective system to end the practise of bullying and hazing (*dedovshchina*) in the armed forces, through training and education, and prosecute and punish offenders;

...

- Russian Federation, CAT, A/57/44 (2002) 42 at paras. 93-95.

93. The Committee is particularly concerned over the following: in connection with the events in Chechnya:

(a) Numerous, ongoing reports of severe violations of human rights and the Convention, including arbitrary detention, torture and ill-treatment, including forced confessions, extrajudicial killings, and forced disappearances, particularly during "special operations" or "sweeps", and the creation of illegal temporary detention centres, including "filtration

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camps". Allegations of brutal sexual violence are unusually common. Additionally, armed units which are reported to be very brutal towards civilians have been sent again into the conflict area;

(b) Numerous armed units and forces operating under the authority of various departments and services in Chechnya, which hinder the identification of the personnel responsible for the reported abusive actions cited above;

...

94. The Committee recommends that the State party:

(f) Consider the creation of an independent body to inspect prisons, monitor all forms of violence in custody, including sexual violence against both men and women, and all forms of inter-prisoner violence, including proxy violence with the acquiescence of officials. The participation of public defenders in the investigation stage following detention would offer a safeguard for detainees;

...

95. With regard to the situation in Chechnya, the Committee also recommends that the State party:

...

(b) While a number of mechanisms have been put in place in Chechnya in connection with allegations of human rights violations, none has possessed the attributes associated with an independent impartial investigating body. Accordingly, the Committee reiterates its 1996 conclusion calling upon the Government of the State party to establish a credible impartial and "independent committee to investigate allegations of breaches of the Convention by the military forces of the Russian Federation and Chechen separatists, with a view to bringing to justice those against whom there is evidence that establishes their involvement or complicity in such acts" (A/52/44,para. 43(h));

...

(e) Take steps to ensure civilian control over the army and ensure, in practice, that hazing, torture and ill-treatment are prohibited in the military, among conscripts and officers;

...

- Sweden, CAT, A/57/44 (2002) 51 at paras. 105, 107 and 108.

105. The Committee emphasizes with satisfaction the strong and steadfast commitment to human rights manifested by Sweden and the positive responses to the Committee's earlier recommendations. It welcomes in particular the following:

...

(d) The establishment of an official committee entrusted with the task of investigating the actions of the police during the events in Göteborg, and determining what steps the

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police should take on the occasion of public demonstrations to protect public order as well as the fundamental right to demonstrate;

...

107. The Committee...records its concern at the following:

...

(c) Several cases of the excessive use of force by police personnel and prison guards, leading to the death of the persons concerned, have occurred in recent years in Sweden. In addition, the year 2001 was marked by the Göteborg riots, following which many complaints of ill-treatment were made;

...

108. The Committee recommends that the State party should:

...

(f) Ensure that all allegations of violations committed by police personnel and prison guards, and in particular any death in detention, are investigated promptly and impartially. Due attention should be paid to the conclusions and recommendations of the "Osma Vallo Commission";

...

- Egypt, CAT, A/58/44 (2002) 22 at paras. 40-42.

40. The Committee is aware of the difficulties that the State party faces in its prolonged fight against terrorism, but recalls that no exceptional circumstances whatsoever can be invoked as a justification for torture, and expresses concern at the possible restrictions of human rights which may result from measures taken for that purpose.

41. The Committee is concerned about the following:

(a) The fact that a state of emergency has been in force since 1981, hindering the full consolidation of the rule of law in Egypt;

...

(d) The many reports of abuse of under-age detainees, especially sexual harassment of girls, committed by law enforcement officials, the lack of monitoring machinery to investigate such abuse and prosecute those responsible, and the fact that minors kept in places of detention have contact with adult detainees;

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

...

(h) The excessive length of many of the proceedings initiated in cases of torture and ill-treatment, and the fact that many court decisions to release detainees are not enforced

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in practice;

...

42. The Committee recommends that the State party:

(a) Reconsider the maintenance of the state of emergency;

...

(g) Ensure that legislation gives full effect to the rights recognized in the Convention and institute effective remedies for the violation of such rights; ensure in particular that proceedings take place within a reasonable time after the submission of complaints, and that any court decision to release a detainee is actually enforced;

...

(j) Halt all practices involving abuse of minors in places of detention and punish the perpetrators, and ban the holding of under-age detainees with adult detainees;

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

...

- Estonia, CAT, A/58/44 (2002) 26 at paras. 49 and 50.

49. The Committee is concerned that:

...

(c) Isolated cases of ill-treatment of detainees by officials still occur in police stations. Although violence, including sexual violence, between prisoners in detention facilities and between patients in psychiatric facilities has diminished, the high risk of such incidents still remains. Conditions in old police detention centres are still of concern;

...

(e) Under Estonian law, illegal immigrants and rejected asylum-seekers may be detained in expulsion centres until deported; such persons may be subjected to long periods of detention when expulsion is not enforceable;

...

50. The Committee recommends that the State party:

...

(c) Ensure close monitoring of inter-prisoner and inter-patient violence, including sexual violence, in detention and psychiatric facilities, with a view to preventing them;

...

(g) Introduce legally enforceable time limits for the detention of illegal immigrants and rejected asylum-seekers who are under expulsion orders;

...

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- Spain, CAT, A/58/44 (2002) 29 at paras. 59, 63 and 69.

59. The Committee is aware of the difficult situation confronting the State party as a result of the serious and frequent acts of violence and terrorism which threaten the security of the State, resulting in loss of life and damage to property. The Committee recognizes the right and the duty of the State to protect its citizens from such acts and to put an end to violence, and observes that its lawful reaction must be compatible with article 2, paragraph 2, of the Convention, whereby no exceptional circumstances whatsoever may be invoked as a justification of torture.

...

63. The Committee...expresses its concern at the following:

...

(c) Cases of ill-treatment during enforced expulsion from the country, particularly in the case of unaccompanied minors;

...

69. The Committee encourages the State party to take the necessary measures to ensure that the process of expulsion from the country, in particular in the case of minors, is in keeping with the Convention.

- Venezuela, CAT, A/58/44 (2002) 32 at paras. 76, 80 and 81.

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

...

(f) It regulates custody safeguards appropriately, e.g. a prior court order is required for any arrest or detention, except in *flagrante delicto*; it establishes a period of 48 hours for bringing a detainee before a judicial authority, as the Code of Criminal Procedure already provides; it regards as the general rule that persons charged should remain at liberty and pre-trial custody as the exception;

...

80. The Committee expresses its concern at the following:

...

(b) The numerous complaints of torture, cruel, inhuman and degrading treatment, abuse of authority and arbitrary acts committed by agents of State security bodies which render the protective provisions of the Constitution and the Code of Criminal Procedure inoperative;

(c) Complaints of abuse of power and improper use of force as a means of control, particularly during demonstrations and protests;

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(d) Complaints of threats and attacks against sexual minorities and transgender activists, particularly in the State of Carabobo;

(e) Information on threats to and harassment of persons who bring complaints of ill-treatment against police officers and the lack of adequate protection for witnesses and victims;

...

(g) The numerous instances in prisons of prisoner-on-prisoner violence and violence against prisoners by prison officers, which have led to serious injuries and in some cases to death. The precarious material conditions in prisons are also a matter for concern;

81. The Committee recommends that the State party should:

...

(b) Adopt all necessary measures to ensure immediate and impartial investigation of all cases of complaints of torture and cruel, inhuman or degrading treatment. The officials concerned should be suspended from their duties during these investigations;

...

(e) Adopt measures to improve material conditions of detention in prisons and prevent both prisoner-on-prisoner violence and violence against prisoners by prison personnel. It is also recommended that the State party strengthen independent prison inspection procedures.

- Azerbaijan, CAT, A/58/44 (2003) 36 at paras. 88 and 89.

88. The Committee is concerned about:

...

(f) Reports that some persons have been held in police custody much beyond the time limit of 48 hours established in the Code of Criminal Procedure, and that in exceptional circumstances, persons can be held in temporary detention for up to 10 days in local police facilities;

...

(i) Reports of harassment and attacks against human rights defenders and organizations;

...

89. The Committee recommends that the State party:

...

(b) Guarantee that, in practice, persons cannot be held in initial preventive detention (police custody) longer than 48 hours, and eliminate the possibility of holding persons in temporary detention in local police facilities for a period of up to 10 days;

...

(h) Ensure the full protection of non-governmental human rights defenders and

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organizations;

...

- Iceland, CAT, A/58/44 (2003) 43 at paras. 108 and 110.

108. The Committee is...concerned at the problem of inter-prisoner violence (in Litla Hraun State Prison) which has created fear among certain categories of prisoners, leading, *inter alia*, to requests to be placed voluntarily in solitary confinement.

...

110. The Committee...recommends that:

...

(b) The State party continue to address issues of inter-prisoner violence by actively monitoring such violence and ensuring that prison staff are trained and able to intervene appropriately;

...

- Slovenia, CAT, A/58/44 (2003) 44 at paras. 115 and 116.

115. The Committee expresses concern about the following:

...

(d) Allegations of excessive use of force by the police, especially against members of ethnic minorities, continue...

...

116. The Committee recommends that the State party:

...

(d) Strengthen existing efforts to reduce occurrences of ill-treatment by police and other public officials, in particular that which is ethnically motivated, and, while ensuring protection of individual privacy, devise modalities for collecting data and monitoring the occurrence of such acts in order to address the issue more effectively...

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

121. The Committee expresses concern about:

...

(f) The alarming problems in prisons as a result of the introduction of the so-called "F-type prisons" which have led to hunger strikes causing the deaths of more than 60 inmates;

...

122. The Committee is also concerned about:

...

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(c) The continuing reports of harassment and persecution of human rights defenders and non-governmental organizations.

123. The Committee recommends that the State party:

...

(f) Solve the current problems in prisons generated by the introduction of “F-type prisons” by implementing the recommendations of CPT and by entering into serious dialogue with those inmates continuing hunger strikes;

...

(i) Ensure that human rights defenders and non-governmental organizations are respected, together with their premises and archives;

...

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

129. The Committee is concerned about:

...

(c) Cases of the excessive use of force during public demonstrations and expulsions of foreigners;

...

(f) The possibility of extending the detention of foreigners for as long as they do not cooperate in their repatriation, the possibility of placing unaccompanied minors in detention for lengthy periods, and information that asylum-seekers who have been formally released have been transferred to the transit area of the national airport, without assistance and without being allowed to leave;

...

(j) Prison violence;

...

131. The Committee recommends that the State party:

...

(c) Ensure that the guidelines on the use of force during public demonstrations and expulsions of foreigners are fully in keeping with the requirements of the Convention, guarantee their full implementation and conduct immediate inquiries into any allegations of the excessive use of force by law enforcement officials;

...

(e) Set a time limit for the detention of foreigners against whom an expulsion order is issued, draft specific legislation on unaccompanied minors that takes account of the best interests of the child, and monitor asylum-seekers who have been released;

...

(i) Combat prison violence more effectively;

...

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- Bulgaria, CAT, A/59/44 (2004) 19 at paras. 32 and 33.

32. The Committee expresses concern about the following:

...

(e) Poor conditions in homes for persons with mental disabilities and the insufficient steps taken thus far by the authorities to address this situation, including the failure to amend the legislation relating to involuntary placement in such an institution for purposes of evaluation and the lack of judicial appeal and review procedures;

...

33. The Committee recommends that the State party:

...

(e) Undertake all necessary measures to address the situation in homes and hospitals of persons with mental disabilities to ensure that the living conditions, therapy and rehabilitation provided are not in violation of the requirements of the Convention. The Committee also urges the State party to ensure that the placement of children in social care homes is regularly reviewed. It urges the State party to provide monitoring and reassessment of diagnoses by specialists, with appropriate appeal procedures;

...

(j) Ensure close monitoring of inter-prisoner and other violence, including sexual violence, in detention facilities and social care homes, with a view to preventing it...

...

- Cameroon, CAT, A/59/44 (2003) 23 at paras. 40, 42, 44 and 46.

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

...

(c) Reports of torture, ill-treatment and arbitrary detention perpetrated under the responsibility of certain traditional chiefs, sometimes with the support of the forces of law and order.

...

42. The Committee, while welcoming the effort made by the State party to transmit information relating to the prosecution of State officials responsible for violations of human rights, is concerned about reports of the impunity of perpetrators of acts of torture. It is particularly worried about:

...

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(d) The reluctance of victims or their relatives to lodge complaints, through ignorance, distrust or fear of reprisals;

...

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

...

(e) Immediately end the torture, ill-treatment and arbitrary detention perpetrated under the responsibility of the traditional chiefs in the north. The Committee notes the delegation's assurance that proceedings have been brought in such cases and urges the State party to step up its efforts in this direction. The peoples concerned should be duly informed of their rights and of the limits on the authority and powers of these traditional chiefs.

...

46. The Committee recommends that the State should greatly increase its efforts to end the impunity of perpetrators of acts of torture, in particular by:

...

(d) Ensuring the protection of victims and witnesses against any intimidation or ill-treatment, and by informing the public of their rights, notably with regard to complaints against State employees;

...

- Chile, CAT, A/59/44 (2004) 28 at paras. 54, 56 and 57.

54. The Committee notes the following positive developments:

...

(d) The abolition of provision for arrest on suspicion;

...

(g) The establishment of the National Commission on Political Imprisonment and Torture to identify persons who were deprived of freedom and tortured for political reasons during the military dictatorship, and the assurances by the representative of the State party that its tenure would be extended to permit it to complete its work;

(h) Assurances by the representatives of the State party that mechanisms have been created to ensure that any testimony obtained under torture will not be admissible in court, and their recognition of the serious problem of coercing confessions from women who seek life-saving treatment in public hospitals after illegal abortions;

...

56. The Committee expresses concern about the following:

...

(j) Reports that life-saving medical care for women suffering complications after illegal abortions is administered only on condition that they provide information on those

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performing such abortions. Such confessions are reportedly used subsequently in legal proceedings against the women and against third parties, in contravention of the provisions of the Convention;

...

57. The Committee recommends that the State party should:

...

(j) Improve conditions in places of deprivation of liberty to meet international standards[;]... introduce a system for monitoring the conditions of detention, the treatment of inmates and prisoner-on-prisoner and sexual violence in prisons;

...

(m) Eliminate the practice of extracting confessions for prosecution purposes from women seeking emergency medical care as a result of illegal abortion; investigate and review convictions where statements obtained by coercion in such cases have been admitted into evidence, and take remedial measures including nullifying convictions which are not in conformity with the Convention. In accordance with World Health Organization guidelines, the State party should ensure immediate and unconditional treatment of persons seeking emergency medical care;

...

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

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

...

(d) The allegations and information indicating:

(i) That some prosecutors in the Human Rights Unit of the Public Prosecutor's Office have been forced to resign and that members of the Unit have been threatened in connection with their investigation of cases of human rights violations;

...

(iv) The widespread, serious attacks on human rights defenders, who are playing an essential role in reporting torture and ill-treatment; in addition, the repeated attacks on members of the judiciary, threatening their independence and physical integrity;

(e) The numerous forced internal displacements of population groups as a result of the armed conflict and insecurity in the areas in which they live, taking into account the continuing absence in those areas of State structures that observe and ensure compliance with the law;

...

69. The Committee recommends that the State party take all necessary measures to

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prevent the acts of torture and ill-treatment that are being committed in its territory, and in particular that it:

...

(d) Ensure that the staff of the Human Rights Unit of the Public Prosecutor's Office are able to carry out their duties independently, impartially and in safety and provide the Unit with the resources needed to do its work effectively;

...

(h) Take effective measures to protect human rights defenders against harassment, threats and other attacks and report on any judicial decisions and any other measures taken in that regard. The Committee also recommends the adoption of effective measures for the protection of the physical integrity and independence of members of the judiciary;

- Croatia, CAT, A/59/44 (2004) 38 at paras. 72, 77 and 78.

72. The Committee notes with satisfaction the ongoing efforts by the State party to reform its legislation in order to ensure better protection of human rights, including the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment, namely:

...

(c) The entry into force in January 2001 of the Law on the Police Force, which regulates the use of coercive measures, including the use of firearms;

...

77. The Committee is concerned about the following:

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

...

(iii) The reported harassment, intimidation and threats faced by witnesses and victims testifying in proceedings and the lack of adequate protection from the State party;

...

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

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

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

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

(e) The alleged failure of the State party to address the issue of violence and bullying between children and young adults placed in social care institutions;

(f) The alleged failure of the State party to prevent and fully and promptly investigate violent attacks by non-State actors against members of ethnic and other minorities;

...

78. The Committee recommends that the State party:

...

(c) Enforce all relevant legislation providing for the protection of witnesses and other participants in proceedings and ensure that sufficient funding is allocated for effective and comprehensive witness protection programmes;

...

(f) Adopt all necessary measures to improve the material conditions of the reception centres for asylum-seekers and immigrants and ensure the physical and psychological integrity of all individuals accommodated in these centres;

(g) Refrain from detaining asylum-seekers and illegal immigrants for prolonged periods;

...

(k) Increase the protection of children and young adults placed in social care institutions, *inter alia* by ensuring that violent acts are reported and investigated, providing support and treatment for children and young adults with psychological problems, and ensuring that these institutions employ trained personnel, such as social workers, psychologists and pedagogues;

(l) Ensure the protection of members of ethnic and other minorities, *inter alia* by undertaking all effective measures to prosecute and punish all violent acts against these individuals, establishing programmes to raise awareness, prevent and combat this form of violence, and including this issue in the training of law enforcement officials and other relevant professional groups;

...

- Czech Republic, CAT, A/59/44 (2004) 42 at paras. 86 and 87.

86. The Committee expresses concern about the following:

(a) The persistent occurrence of acts of violence against the Roma and the alleged reluctance on the part of the police to provide adequate protection and to investigate such crimes, despite efforts made by the State party to counter such acts;

...

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(e) The occurrence of inter-prisoner violence and the lack of statistical data that may provide a breakdown by relevant indicators to facilitate determination of the root causes and the design of strategies to prevent and reduce such occurrences;

(f) Medical consultations may not always be confidential and the decision to resort to restraints is not always covered by the law or regularly reviewed;

...

(h) The findings of the investigations into the excessive use of force by the police following the demonstrations in Prague during the September 2000 International Monetary Fund/World Bank Meeting, according to which only one case qualified as a criminal offence;

...

(j) The amendments to the law on the right to asylum which amplified the grounds for rejecting asylum requests and allows for the detention of persons in the process of being removed to be held in aliens' detention centres for a period of up to 180 days; as well as the restrictive nature of the conditions in these centres which are comparable to those in prisons;

(k) Allegations regarding some incidents of uninformed and involuntary sterilizations of Roma women, as well as the Government's inability to investigate due to insufficient identification of the individual complainants.

87. The Committee recommends that the State party:

(a) Exert additional efforts to combat racial intolerance and xenophobia and ensure that the comprehensive anti-discrimination legislation being discussed include all relevant grounds covered by the Convention;

(b) Take measures to establish an effective, reliable and independent complaint system to undertake prompt and impartial investigations into all allegations of ill-treatment or torture by the police or other public officials, including allegations of racially motivated violence by non-State actors, in particular any that have resulted in deaths, and to punish the offenders;

(c) Strengthen existing efforts to reduce occurrences of ill-treatment by the police and other public officials, including those which are ethnically motivated, and, while ensuring protection of an individual's privacy, devise modalities of collecting data and monitoring the occurrence of such acts in order to address the issue more effectively;

...

(g) Monitor and document incidents of inter-prisoner violence with a view to revealing the root causes and designing appropriate prevention strategies...

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(h) Ensure that medical examinations are confidential and consider possibilities of transferring the medical services from the Ministry of Justice to the Ministry of Health;

...

(k) Review the independence and effectiveness of the investigations into complaints of excessive use of force in connection with the International Monetary Fund/World Bank Meeting demonstrations of September 2000, with a view to bringing those responsible to justice and providing compensation to the victims;

...

(m) Review the strict regime of detention for illegal immigrants with a view to its repeal and ensure that all children held in these detention centres are removed with their parents to family reception centres;

(n) Investigate claims of involuntary sterilizations, using medical and personnel records, and urge the complainants, to the extent possible, to assist in substantiating the allegations;

...

- Germany, CAT, A/59/44 (2004) 45 at paras. 90-92.

90. The Committee welcomes:

...

(e) The significant improvements that have been made over the reporting period (i) to the Frankfurt airport refugee facilities; (ii) to the applicable refugee determination processes conducted there; and (iii) to the methods exercised in forcibly returning failed asylum-seekers by air;

...

(g) The consideration by the State party of issues of torture and other conduct contrary to the Convention that is committed by non-State actors, when relevant under the Convention, in asylum and removal proceedings, and the fact that according to federal jurisprudence individual claims of mistreatment may also be made where a person originates from a "safe" third country;

...

91. The Committee expresses its concern at:

(a) The length of time taken to resolve criminal proceedings arising from allegations of ill-treatment of persons in the custody of law enforcement authorities, including in particular serious cases where death has resulted, such as that of Amir Ageeb, who died in May 1999;

...

(d) The fact that, owing to perceived constitutional difficulties arising from the division of powers between federal and Länder authorities, measures taken at the federal level to

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enhance compliance with the Convention are not applicable to relevant activities of the Länder. Thus, the comprehensive federal rules regarding forcible return by air, while applicable to returns carried out by the Federal Border Police (*Bundesgrenzschutz*), are not applicable to returns carried out by Länder authorities;

...

92. The Committee recommends that:

...

(c) The State party take such measures as are appropriately within its power with respect to the authorities of the Länder to ensure the adoption and general application of measures which have proven efficacious at the federal level in improving compliance with the Convention, such as the federal rules on forcible return by air;

...

- Lithuania, CAT, A/59/44 (2003) 52 at paras. 109 and 110.

109. The Committee expresses concern about the following:

...

(i) The lack of information provided regarding allegations of brutality against conscripts in the army.

110. The Committee recommends that the State party:

...

(f) Ensure that officials in the army promptly investigate reports of brutality against conscripts that may amount to ill-treatment or torture, and investigate other reports of abuse fairly and impartially, and hold those responsible to account;

...

- New Zealand, CAT, A/59/44 (2004) 61 at paras. 134 and 135.

134. The Committee expresses concern about:

(a) The fact that the immigration legislation does not include the *non-refoulement* obligation provided for in article 3 of the Convention;

(b) The significant decrease in the proportion of asylum-seekers who are immediately released without restriction into the community upon arrival and the detention of several asylum-seekers in remand prisons, who are not separated from other detainees;

(c) The process of issuing a security-risk certificate under the Immigration Act, which could lead to a breach of article 3 of the Convention as the authorities may remove or deport a person deemed to constitute a threat to national security, without having to give

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detailed reasons or to disclose classified information to the person concerned; possibilities of effective appeal are limited; and the fact that the Minister of Immigration has to decide within three working days whether to remove or deport the person concerned;

...

135. The Committee recommends that the State party:

(a) Incorporate in its immigration legislation the *non-refoulement* obligation contained in article 3 of the Convention against Torture and consider establishing a single refugee determination procedure in which there is first an examination of the grounds for recognizing refugee status as contained in the 1951 Convention relating to the Status of Refugees, to be followed by the examination of other possible grounds for the grant of complementary forms of protection, in particular under article 3 of the Convention against Torture;

(b) Ensure at all times that the fight against terrorism does not lead to a breach of the Convention and impose undue hardship on asylum-seekers, and establish a time limit for the detention of and restrictions on asylum-seekers;

(c) Immediately take steps to review the legislation relating to the security-risk certificate in order to ensure that appeals can effectively be made against decisions to detain, remove or deport a person, extend the time given to the Minister of Immigration to adopt a decision and ensure full respect of article 3 of the Convention;

- Yemen, CAT, A/59/44 (2003) 64 at paras. 145 and 146.

145. The Committee expresses concern about the following:

...

(c) Reports of the frequent practice of *incommunicado* detention by Political Security Department officials, including occurrences of mass arrests and detention for prolonged periods without judicial process;

...

(h) The situation of women who have served their prison sentences but who remain in prison for prolonged periods;

...

146. The Committee recommends that the State party:

...

(e) Take immediate steps to ensure that arrests and detentions are carried out under independent and impartial judicial supervision;

...

(k) Continue and expand efforts to establish "half-way homes" for women in order to

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avoid their remaining in prison beyond the expiration of their sentence;

...

- Argentina, CAT, A/60/44 (2004) 12 at para. 32.

32. The Committee...warmly welcomes the following positive developments:

...

(c) The promulgation in January 2004 of the new Migration Act, No. 25.871, which lays down, *inter alia*, that a foreigner may be detained only by a judicial authority;

(d) The work accomplished by the National Commission for the Right to an Identity, which was entrusted with the task of locating children who disappeared under the military dictatorship.

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

39. The Committee expresses its concern at:

...

(c) The incomplete factual and legal grounds advanced to the Committee justifying the derogations from the State party's international human rights obligations and requiring the emergency powers set out in Part IV of the Anti-terrorism, Crime and Security Act 2001; similarly, with respect to Northern Ireland, the absence of precise information on the necessity for the continued emergency provisions for that jurisdiction contained in the Terrorism Act 2000;

...

(e) The State party's resort to potentially indefinite detention under the Anti-terrorism, Crime and Security Act 2001 of foreign nationals suspected of involvement in international terrorism and the strict regime applied in Belmarsh prison;

...

(h) Reports of incidents of bullying followed by self-harm and suicide in the armed forces, and the need for full public inquiry into these incidents and adequate preventive measures; and

(i) Allegations and complaints against immigration staff, including complaints of excessive use of force in the removal of denied asylum-seekers.

40. The Committee recommends that:

...

(g) The State party should re-examine its review processes, with a view to strengthening independent periodic assessment of the ongoing justification for

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emergency provisions of both the Anti-terrorism, Crime and Security Act 2001 and the Terrorism Act 2000, in view of the length of time the relevant emergency provisions have been operating, the factual realities on the ground and the relevant criteria necessary to declare a state of emergency;

(h) The State party should review, as a matter of urgency, the alternatives available to indefinite detention under the Anti-terrorism, Crime and Security Act 2001;

...

(n) The State party should consider offering, as routine practice, medical examinations before all forced removals by air and, in the event that they fail, thereafter;

...

- Greece, CAT, A/60/44 (2004) 20 at paras. 46-48.

46. The Committee notes the following positive developments:

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

...

(iv) The new Law on Arms Possession and Use of Firearms (3169/2003), which regulates the possession and use of firearms by police personnel;

...

(vii) The circulars of the Chief of the Greek Police of July 2003 concerning the detention of undocumented migrants and that of November 2003 regarding the treatment of victims of trafficking;

...

47. The Committee notes that many of the concerns it expressed during the consideration of the third periodic report (A/56/44, para. 87) have not been adequately addressed, and will be reiterated in the present concluding observations. Consequently, the Committee expresses its concern at:

...

(c) Training provided to public officials which may be inadequate to provide an appropriate response to the numerous challenges with which they are faced, including undocumented migrants and asylum-seekers and victims of trafficking, many of whom are women and children;

...

(h) Continuing allegations of excessive use of force and firearms, including cases of killings and reports of sexual abuse, by the police and, in particular, border guards. Many of the victims are reportedly Albanian citizens or members of other socially disadvantaged groups, and the Committee regrets the fact that disaggregated statistical

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data in this respect are not available from the State party;

...

(j) Ill-treatment of Roma by public officials in situations of forced eviction or relocation. The fact that these may be carried out pursuant to judicial orders cannot serve as a justification for ill-treatment, numerous allegations of which have been reported by national and international bodies alike;

(k) The reported prevalence of violence against women and girls, including domestic violence, and the reluctance on the part of the authorities to, *inter alia*, adopt legislative measures to counter this phenomenon;

(l) The inadequate measures taken to protect children picked up by the Security Police and taken into State care during the period 1998-2003. In particular, the Committee notes that of the approximately 600 children taken to the Aghia Varvara children's institution, 500 reportedly went missing and that these cases were not promptly investigated by a judicial authority;

...

48. The Committee recommends that the State party:

(a) Strengthen existing efforts to reduce occurrences of ill-treatment, including that which is racially motivated, by police and other public officials. While ensuring protection of individual privacy, the State party should devise modalities for collecting data and monitoring the occurrence of such acts in order to address the issue more effectively. The Committee recommends that the State party continue to take measures to prevent incidents of xenophobic and discriminatory behaviour;

...

(i) Ensure strict application of the new legislation on the use and possession of firearms, in particular by border guards;

...

(k) Ensure that all actions of public officials, in particular where the actions affect the Roma (such as evictions and relocations) or other marginalized groups, are conducted in a non-discriminatory fashion and that all officials are reminded that racist or discriminatory attitudes will not be permitted or tolerated;

(l) Adopt legislation and other measures to combat violence against women, within the framework of plans to take measures to prevent such violence, including domestic violence, and to investigate all allegations of ill-treatment and abuse;

(m) Review the modalities for protecting street children, in particular to ensure that those measures protect their rights. All decisions affecting children should, to the extent possible, be taken with due consideration for their views and concerns, with a view to finding an optimal, workable solution. The Committee urges the State party to take

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measures to prevent the recurrence of cases such as the Aghia Varvara children's institution. It should also ensure that a judicial investigation is carried out...

...

- Canada, CAT, A/60/44 (2005) 25 at paras. 57 and 58.

57. The Committee expresses its concern at:

...

(h) The still substantial number of "major violent incidents", defined by the State party as involving serious bodily harm and/or hostage-taking, in the State party's federal corrections facilities; and

(i) Continued allegations of inappropriate use of chemical, irritant, incapacitating and mechanical weapons by law enforcement authorities in the context of crowd control.

58. The Committee recommends that:

...

(g) The State party should take steps to ensure that the frequency of "major violent incidents" in its federal corrective facilities decreases progressively;

(h) The State party should conduct a public and independent study and a policy review of the crowd control methods, at federal and provincial levels, described in paragraph 57, subparagraph (i) above;

...

- Switzerland, CAT, A/60/44 (2005) 28 at paras. 64 and 65.

64. The Committee expresses concern regarding the following:

...

(b) The draft federal law regulating the use of force by police during deportations and during the transport of detainees ordered by a federal authority:

(i) Authorizes the use of electro-shock instruments, including taser devices, which can sometimes be used as instruments of torture;

(ii) Does not make any provision for independent monitors to be present during the deportation;

...

(h) Changes have been introduced by the revised law on asylum which restrict or aggravate asylum-seekers' access to legal counsel and the length and conditions of

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detention in “preparatory” or pre-deportation detention. The Committee is also concerned that in cases of non-entry decisions (*décision de non-entrée en matière*) the social benefits of asylum-seekers are being curtailed significantly;

(i) Asylum-seekers retained at airports are not consistently being informed of their right to walk and exercise regularly in the fresh air as well as to request medical assistance;

(j) The “guidelines relating to forcible deportations by air” do not contain an explicit ban on the wearing of masks or hoods by officers involved in the deportations.

65. The Committee recommends that the State party:

...

(b) Undertake efforts to encourage the successful outcome of the ongoing consultations on the draft federal law regulating the use of force by police during deportations and during the transport of detainees ordered by a federal authority regarding the ban on the use of electro-shock instruments. The State party should also ensure that independent human rights observers and/or doctors are present during all forced removals by air. It should also offer, as a routine practice, medical examinations both before forced removals by air and, in the case of abortive attempts, thereafter;

...

(f) Ensure that all complaints for acts of ill-treatment are properly and effectively investigated and that the alleged perpetrators are prosecuted and if found guilty sanctioned accordingly. Victims and their families should be informed of their right to pursue compensation and procedures should be made more transparent. In this regard, the State party should provide written information to the Committee on the steps taken to compensate the families of the two victims of the two recent cases of death caused during forcible deportation;

...

(h) Ensure that asylum-seekers are granted full respect of their right to a fair hearing, to an effective remedy and to social and economic rights during all procedures established by the revised law on asylum;

(i) Take measures to effectively inform all asylum-seekers retained at airports of all their rights, and in particular the right to regularly access fresh air and access to a doctor;

...

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

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

...

(g) The reassurance that strict provisions of law are in place to govern the use of force,

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including the use of sedatives and other medication, in the execution of deportation orders;

...

- Uganda, CAT, A/60/44 (2005) 39 at paras. 93 and 97.

93. The Committee is...concerned about:

...

(d) The wide array of security forces and agencies in Uganda with the power to arrest, detain and investigate;

...

(f) The pervasive problem of sexual violence, including in places of detention and in camps for internally displaced persons;

...

(h) The magnitude of the problem of abduction of children by the Lord's Resistance Army, in particular in northern Uganda;

...

97. The Committee recommends that the State party take all necessary legislative, administrative and judicial measures to prevent acts of torture and ill-treatment in its territory, and in particular that it:

...

(f) Enhance the accessibility and effectiveness of *habeas corpus*;

...

(h) Minimize the number of security forces and agencies with the power to arrest, detain and investigate and ensure that the police remain the primary law enforcement agency;

...

(m) Establish and promote effective machinery within the prison system to receive and investigate reports of sexual violence and provide protection and psychological and medical assistance to victims;

...

(n) Act without delay to protect the civilian population in areas of armed conflict in northern Uganda from violations by the Lord's Resistance Army and members of the security forces. In particular, the State party should protect internally displaced persons confined in camps, which are constantly exposed to attacks from the Lord's Resistance Army;

(o) Take the necessary steps, as a matter of extreme urgency and in a comprehensive manner, to prevent the abduction of children by the Lord's Resistance Army and to facilitate the reintegration of former child soldiers into society;

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(p) Take effective measures, including judicial measures, to prevent mob justice;

...

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

107. The Committee notes the following positive developments:

(a) The extensive political, legal and social reforms on which the State party has embarked, including:

(i) The adoption of the National Action Charter in 2001 which outlines reforms aimed at enhancing non-discrimination, due process of law and the prohibition of torture and arbitrary arrest and stating, *inter alia*, that any evidence obtained through torture is inadmissible;

...

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

...

CRC

- Uzbekistan, CRC, CRC/C/111 (2001) 117 at paras. 592 and 593.

592. The Committee is concerned about insufficient information in the area of juvenile justice, and it is particularly concerned about:

...

Children subjected to ill-treatment and unlawful investigative methods;

...

593. The Committee recommends that the State party:

...

(c) Ensure that children are not arbitrarily arrested, that deprivation of liberty is only used as a measure of last resort, for the shortest possible time, is authorized by the court and that persons under 18 are not detained with adults;

...

- Mozambique, CRC, CRC/C/114 (2002) 65 at paras. 291, 292, 309, 310, 321 and 322.

291. The Committee is concerned that:

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(a) As noted in the State party's report, "mechanisms are not sufficiently strong to prevent the illegal transfer or non-return of minors", including in the context of the separation of parents and where one parent chooses to leave with a child;

...

292. The Committee recommends that the State party:

(a) Implement measures and develop mechanisms to prevent the illegal transfer or non-return of minors;

...

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

...

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

310. The Committee recommends that the State party:

...

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

...

321. The Committee is concerned that:

...

(d) While the illegal detention of minors and violence by the police have decreased, such incidents continue;

...

(g) There have been incidents of mistaken detention of children below the age of age 16.

322. The Committee recommends that the State party:

...

(e) Ensure that no children are detained illegally and that, when detention is necessary as a measure of last resort, children are detained for the shortest time necessary and separately from adults;

...

- Bahrain, CRC, CRC/C/114 (2002) 122 at paras. 485 and 486.

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485. ...The Committee regrets...that no information has been provided in the State party's report concerning the serious allegations of torture and arbitrary arrest of persons under 18 referred to in other reports, including the decisions and opinions of the Working Group on Arbitrary Detention (e.g. E/CN.4/1997/Add.1, E/CN.4/1998/44/Add.1); and the reports of the Special Rapporteur on torture (e.g. E/CN.4/1997/7/Add.1, E/CN.4/1999/61, E/CN.4/2000/9, E/CN.4/2001/66).

486. The Committee strongly recommends that the State party:

(a) Investigate effectively all cases of torture and inhuman and degrading treatment or punishment by police officers or other government officials and bring the perpetrators to justice;

(b) Pay full attention to the victims of these violations and provide them with adequate compensation, recovery and social reintegration...

- Spain, CRC, CRC/C/118 (2002) 117 at paras. 509 and 511-513.

509. The Committee notes with concern:

...

(c) The rather widespread bullying in schools;

(d) The negative impact of terrorism on children's development.

...

511. In light of articles 28 and 29 of the Convention, the Committee recommends that the State party:

...

(b) Take measures to prevent bullying and other forms of violence in schools, in light of the Committee's recommendations adopted at its day of general discussion on "Violence against children within the family and in schools";

(c) Ensure that the educational process will promote the culture of peace and tolerance, as well as address the negative impact of terrorism on the physical and psychological well-being of children;

...

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

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(a) Ill-treatment of children by police during forced expulsion to the country of origin where, in some cases, they were deported without access to legal assistance and interpretation;

...

(c) Overcrowding and bad conditions of residential centres and cases of ill-treatment by residential centre staff and other children;

...

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

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

...

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

(d) Take all measures to prevent irregular procedures in the expulsion of unaccompanied foreign children;

(e) Investigate in an effective way reported cases of ill treatment of these children;

...

(g) Take all necessary measures to improve the conditions and safety of residential centres and adequately train residential centre staff;

...

- Argentina, CRC, CRC/C/121 (2002) 8 at paras. 59 and 60.

59. The Committee recognizes the work done by the National Commission for the Right to an Identity to recover children missing during the military regime in power from 1976 to 1983, and notes that out of an estimated 500 cases of disappearances of children, 73 have been found.

60. In light of article 8 of the Convention, the Committee encourages the State party to continue and strengthen its efforts to recover the children who disappeared during the military regime.

- United Kingdom of Great Britain and Northern Ireland, CRC, CRC/C/121 (2002) 23 at paras. 119, 120 and 139-142.

119. The Committee is concerned at the continued use of plastic baton rounds as a

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means of riot control in Northern Ireland as it causes injuries to children and may jeopardize their lives.

120. Following the recommendations of the Committee against Torture (A/54/44, para. 77 (d)), the Committee urges the State party to abolish the use of plastic baton rounds as a means of riot control.

...

139. ...[T]he Committee is concerned at the widespread bullying in schools...

140. In light of articles 2, 12, 28 and 29 of the Convention, and in line with its previous recommendations ([CRC/C/15/Add.34], para. 32), the Committee recommends that the State party:

...

(e) Take measures and set up adequate mechanisms and structures to prevent bullying and other forms of violence in schools and include children in the development and implementation of these strategies, in light of the Committee's recommendations adopted at its day of general discussion on violence against children within the family and in schools;

...

141. The Committee welcomes the establishment in 1994 of the Children's Panel of Advisers and is aware of the increasing number of children claiming asylum, either with their families or on their own. The Committee is concerned that detention of these children is incompatible with the principles and provisions of the Convention...

142. In accordance with the principles and provisions of the Convention, especially articles 2, 3, 22 and 37, and with respect to children, whether seeking asylum or not, the Committee recommends that the State party:

(a) Refrain, as a matter of policy, from detaining unaccompanied minors and ensure the right to speedily challenge the legality of detention, in compliance with article 37 of the Convention. In any case, detention must always be a measure of last resort and for the shortest appropriate period of time;

...

- Sudan, CRC, CRC/C/121 (2002) 53 at paras. 254, 255, 278 and 279.

254. The Committee is concerned that corporal punishment is widely practised in the State party, including within the family, schools and other institutions; that children have been the victims of violence by, among others, the police; and that acts of torture, rape and other cruel, inhuman or degrading treatment have been committed against children in the context of the armed conflict.

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255. The Committee recommends that the State party:

- (a) Prohibit under law the practice of corporal punishment in the family, in schools and in all other contexts and make use of legislative and administrative measures, as well as public education initiatives, to end the use of corporal punishment, including the provision of information on alternative non-violent methods of discipline;
- (b) Prevent all forms of violence against children and make sure that perpetrators of violence against children, including the police, are prosecuted;
- (c) Immediately end the practice of detaining children in camps where they suffer torture and other cruel, inhuman or degrading treatment or punishment and make sure that those responsible for such acts are brought to justice;
- (d) Take into consideration the other recommendations of the Committee adopted at its days of general discussion on violence against children (CRC/C/100, para. 688 and CRC/C/111, paras. 701-745);
- (e) Seek assistance from, among others, UNICEF and the World Health Organization (WHO).

...

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

...

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

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

...

- (d) Ratify and fully implement the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and On Their Destruction, of 1997;
- (e) Respect the provisions of article 38 of the Convention and related provisions of international humanitarian law with regard to the protection of civilians, including

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children, in armed conflicts;

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

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

- Israel, CRC, CRC/C/121 (2002) 131 at paras. 554, 555, 581 and 582.

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

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

...

581. The Committee deeply regrets the killing and injuring of all children in the State party committed by all actors prior to and during the present armed conflict. It is extremely concerned about the consequences of the climate of terror which seriously harms the development of children.

582. The Committee strongly urges the State party and all relevant non-State actors:

(a) To take immediate and all necessary measures to end the violence;

(b) To take immediate and all necessary measures to ensure that children are not recruited and do not participate in the conflict;

(c) To investigate immediately and effectively all killings of children and bring the perpetrators to justice;

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(d) To take all necessary measures to provide child victims of these human rights violations with possibilities for adequate compensation, recovery and social reintegration.

- Estonia, CRC, CRC/C/124 (2003) 9 at paras. 45 and 46.

45. The Committee is concerned that the current discriminatory attitudes towards linguistic minority communities (e.g. the Russian-speaking community), non-citizens, especially those without legal status, and other disadvantaged groups may restrict, directly or indirectly, the rights guaranteed under the Convention to children belonging to those groups. In particular, the Committee is concerned:

(a) That there are no legislative provisions defining crimes with a racist element as racially motivated crimes, or for racist motivation to be taken into account by the courts as a factor when pronouncing sentence. In this regard, the Committee is concerned at the effectiveness of measures to guarantee the security of children who may be victims of racist acts;

...

46. The Committee recommends that the State party:

...

(c) Consider the adoption of provisions to criminalize and punish racially motivated acts;

...

- Republic of Korea, CRC, CRC/124 (2003) 24 at paras. 134 and 135.

134. The Committee is concerned that juveniles accused of violating the law and subject to protective measures may be deprived of their liberty without undergoing criminal proceedings or having access to legal assistance.

135. The Committee recommends that the State party:

...

(b) Use deprivation of liberty only as a measure of last resort and ensure that all juveniles involved in protection measures that may result in deprivation of liberty have access to legal counsel at an early stage;

(c) Amend legislation in order to eliminate the discretionary power of the public prosecutor to decide whether a minor is subject to criminal proceedings or protective measures.

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- Italy, CRC, CRC/124 (2003) 36 at paras. 184 and 185.

184. ...[T]he Committee is concerned at the prevalence of bullying in schools...

185. The Committee recommends that the State party:

...

(c) Take measures to set up adequate mechanisms and structures with the participation of children to prevent bullying and other forms of violence in schools and include children in the development and implementation of these strategies;

...

- Romania, CRC, CRC/124 (2003) 49 at paras. 250-253.

250. The Committee notes the initiatives to launch special programmes and provide free textbooks and school materials, as well as meals, to encourage school enrolment and attendance. However, the Committee is concerned that:

...

(c) School bullying and violence against and by children persist;

...

251. The Committee recommends that the State party, taking into account the Committee's general comment No. 1 on the aims of education:

...

(f) Promote violence-free schools;

...

252. The Committee notes:

...

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

253. The Committee recommends that the State party:

...

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

...

- Czech Republic, CRC, CRC/C/124 (2003) 78 at paras. 377, 378, 386 and 387.

377. The Committee notes that the number of refugees and asylum-seekers is steadily increasing and welcomes the ongoing efforts of the State party to provide for the special

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needs of these persons and the systematic recording of information on unaccompanied minors since 1998...However, the Committee remains concerned that:

(a) Special care and protection are not accorded to all asylum-seekers, particularly those in the 15-18 age group and that children aged under 15 may be placed in diagnostic institutions which are not equipped to provide the special care these children require;

(b) Children may be placed in detention facilities for foreigners for prolonged periods;

...

378. The Committee recommends that the State party:

(a) Guarantee special protection and care to all child asylum-seekers with respect to their special needs, including those in the 15-18 age group;

(b) Avoid any form of detention of asylum-seekers under 18 years of age;

...

386. The Committee notes the information provided in the State party's report (para. 293) related to discussions by the Recodification Commission on the non-existence of a juvenile justice system leading to treatment which may not be in conformity with the provisions and principles of the Convention, and welcomes the information provided by the delegation that a bill for juvenile justice reform will be submitted to parliament soon.

At the same time the Committee is concerned at the rise in delinquency and crimes committed by children.

387. The Committee recommends that the State party:

...

(d) Ensure that all acts of violence by the police towards minors are ended, including through the prosecution of police officers guilty of such acts;

(e) Ensure that no children are detained illegally and that when detention is necessary as a measure of last resort, that persons under 18 are detained separately from adults;

...

- Haiti, CRC, CRC/124 (2003) 95 at paras. 420, 421, 428 and 429.

420. The Committee is concerned that the principle of the best interests of the child is not fully recognized and implemented in the relevant legislation and in decisions relevant to children. The Committee is especially concerned that the existing legislation, as referred to in the State party's report (para. 51), allows parents to send their children to prison for a period of up to six months, without the involvement of a court or similar body, which constitutes a violation of article 37, paragraph (d), of the Convention.

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However, the Committee welcomes the information that this rule is rarely applied in practice.

421. The Committee recommends that the State party ensure that the principle of the best interests of the child is reflected in all relevant legislation, policies, programmes and otherwise in the implementation of the Convention. The Committee particularly recommends that the State party abolish the rule of *correction paternelle*, which allows parents to place a child in prison.

428. The Committee welcomes the Act prohibiting corporal punishment (August 2001) within the family and at schools, but remains concerned at the persistent practice of corporal punishment by parents or teachers and the ill-treatment of child domestics (*restaveks*). The Committee is further deeply concerned about instances of ill-treatment of street children by law enforcement officers.

429. The Committee recommends that the State party:

(a) Take all necessary measures for the effective implementation of the law prohibiting corporal punishment, in particular by making use of information and education campaigns to sensitize parents, teachers, other professionals working with children and the public at large to the harm caused by corporal punishment and to the importance of alternative, non-violent forms of discipline, as foreseen in article 28, paragraph 2, of the Convention;

(b) Investigate in an effective way reported cases of ill-treatment of children by law enforcement officers and ensure that alleged offenders are transferred from active duty or suspended while they are under investigation, dismissed and punished if convicted;

(c) Provide for the care, recovery and reintegration of child victims.

- Jamaica, CRC, CRC/C/132 (2003) 86 at paras. 426 and 427.

426. The Committee is deeply concerned about:

(a) The generally violent environment in which Jamaican children are living;

(b) The stereotypical and discriminatory attitudes concerning the roles of women and children, including traditions of violence, abuse, including sexual abuse, and neglect.

427. The Committee urges the State party to strengthen considerably its efforts to address and condemn violence in society, including violence against women and children,

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particularly in the context of the family, as well as in schools and other environments. Further, it recommends that the State party take steps to monitor and address any incidents of violence and sexual or other abuse against children and take measures to ensure the rehabilitation of traumatized and victimized children by, *inter alia*:

(a) Carrying out public education campaigns about the negative consequences of violence and ill-treatment of children and promoting positive, non-violent forms of conflict resolution and discipline, especially within the family and in the educational system;

(b) Taking all legislative measures to prohibit all forms of physical and mental violence, including corporal punishment and sexual abuse, against children in all contexts in society, as well as taking effective measures for the prevention of violent acts committed within the family, in schools and by the police and other State agents, making sure that perpetrators of these violent acts are brought to justice, thereby putting an end to the practice of impunity;

(c) Providing care, recovery and reintegration for child victims of direct or indirect violence and ensuring that the child victim is not revictimized in legal proceedings and that his/her privacy is protected;

(d) Taking into consideration the recommendations of the Committee adopted on its days of general discussion on violence against children (CRC/C/100, para. 688 and CRC/C/111, paras. 701-745);

(e) Seeking assistance from, among others, UNICEF and WHO.

- Canada, CRC, CRC/C/133 (2003) 34 at para. 97.

97. In accordance with the principles and provisions of the Convention, especially articles 2, 3, 22 and 37, and with respect to children, whether seeking asylum or not, the Committee recommends that the State party:

...

(c) Refrain, as a matter of policy, from detaining unaccompanied minors and clarify the legislative intent of such detention as a measure of “last resort”, ensuring the right to speedily challenge the legality of the detention in compliance with article 37 of the Convention;

...

- Pakistan, CRC, CRC/C/133 (2003) 37 at paras. 195 and 196.

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195. While acknowledging the actions taken to address discrimination against girls in education, the Committee is concerned at the persistence of discriminatory social attitudes and discrimination against minority children and against girls, early and forced marriages, low school enrolment and high dropout rates, honour killings, mutilation and violence...

196. The Committee recommends that the State party:

(a) Make greater efforts to ensure that, in accordance with article 2, all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, particularly girl children, children belonging to a religious or other minority group, children with disabilities and other vulnerable groups of children;

...

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

473. While taking note of the efforts by the State party to raise public awareness of the ill-treatment of children, the Committee is concerned at reports of ill-treatment and violence against children in State institutions such as orphanages and rehabilitation centres, including by law enforcement agents, as well as at the solitary confinement of juvenile and child prisoners. The Committee is also concerned at reports of violence against street children. Furthermore, the Committee expresses its deep concern at the reported inhuman and degrading punishment carried out by order of traditional village councils ("shalishes") as well as at the increasing incidents of acid attacks on women and girls.

474. The Committee strongly recommends that the State party:

(a) Review its legislation (*inter alia*, Code of Criminal Procedure, 1898) with the aim of prohibiting the use of all forms of physical and mental violence, also within educational and other institutions;

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

(c) Establish effective procedures and mechanisms to receive, monitor and investigate complaints, including intervening where necessary, and investigate and prosecute cases of torture, neglect and ill-treatment, ensuring that the abused child is not revictimized

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through legal proceedings and that his or her privacy is protected;

- (d) Undertake all necessary measures to prevent and punish police violence;
- (e) Take all necessary effective measures to ensure the implementation of the 2002 Acid Control Act and of the 2002 Acid Control Prevention Act;
- (f) Provide care, recovery, compensation and reintegration for victims;
- (g) Take into consideration the recommendations of the Committee adopted at its day of general discussion on the theme "Violence against children" (CRC/C/100, para. 688 and CRC/C/111, paras. 701-745);
- (h) Seek assistance from, *inter alia*, UNICEF and the World Health Organization (WHO).

- Georgia, CRC, CRC/C/133 (2003) 111 at paras. 556, 557, 572 and 573.

556. The Committee notes the information provided in the written replies to its list of issues on the Plan of Action to Combat Violence against Women 2000-2002 and on the 2000-2003 State programme for the protection, development and social adaptation of minors. However, the Committee regrets that many of its concerns and recommendations expressed during the consideration of the initial report have not been addressed, and is deeply concerned at the high incidence of abuse, neglect and violence within the family and in other settings. The Committee is also concerned at the occurrence of violence (bullying) in schools. The Committee concurs with the concerns expressed by the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, with regard to the occurrence of domestic violence, as they relate to children. The Committee regrets that the State party has not introduced domestic violence as a specific offence in criminal law or criminal procedural legislation and has not considered undertaking studies, or other steps, in this respect.

557. The Committee recommends that the State party reinforce its efforts to formalize a comprehensive strategy to prevent and combat domestic violence and other forms of violence, including bullying in schools. The State party is encouraged to enact specific domestic violence legislation which brings together criminal and civil provisions, including remedies. In this respect, the State party is encouraged, *inter alia*, to consult the framework for model legislation on domestic violence (E/CN.4/1996/53/Add.2) which outlines important elements integral to comprehensive legislation on domestic violence. Furthermore, the Committee recommends that measures be taken to provide counselling and support services to all children victims of violence, including those who

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bully others in school.

...

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

573. The Committee...urges the State party to pay particular attention to the situation of internally displaced children and their families, while continuing to support their right to return voluntarily to their homes in safety and dignity. It further recommends that the State party amend the 1998 Law on Refugees and by-laws to fully reflect its commitments under the Convention relating to the Status of Refugees of 1951 and its Protocol of 1967 by offering a clear legal status to *prima facie* refugees.

- Indonesia, CRC, CRC/C/137 (2004) 8 at paras. 81, 83, 87, 91, 99 and 100.

81. ...[T]he Committee is very concerned:

...

(e) At the high incidence of violence against children in the schools, including bullying and fighting among students, and that no specific law exists to regulate school discipline and protect children against violence and abuse in the school.

...

83. The Committee recommends that the State party:

...

(h) Take measures to reduce violence in the schools;

...

87. The Committee is alarmed at the high level of fatalities in Aceh, West Kalimantan, Central Sulawesi, Maluku and Ambon, as well as those which resulted from the conflict in East Timor in 1999. The Committee is further concerned that children affected by armed conflict remain a particularly vulnerable group and that the perpetrators of violations of their human rights, especially during conflicts, are rarely prosecuted.

...

91. The Committee urges the State party:

(a) To take measures to prevent and end the violence affecting children's lives and rights, especially in areas such as Aceh, Maluku and West Papua;

(b) To ensure that the application of martial law in Aceh under no circumstances contradicts the rights guaranteed in the Convention on the Rights of the Child;

(c) To take immediate measures to facilitate access to children and their families by

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national and international aid and humanitarian agencies, particularly in Aceh;

(d) To prevent the use of children in armed conflict by regular army, paramilitary and rebel groups;

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

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

...

99. The Committee welcomes the introduction of the Social Safety Net Programme for Street Children and of the Free Street Children Programme of Bandung Raya. It is nonetheless concerned at the high number of children living on the streets and at the violence to which they are subject, especially during sweep operations.

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

(a) To end the violence, arbitrary arrest and detention carried out by the State apparatus against street children;

(b) To bring to justice those responsible for such violence;

(c) To facilitate the social reintegration of street children, notably by ensuring that street children, especially those who are runaways, can obtain an official identity card.

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

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

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

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

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

570. The Committee recommends that the State party take all measures to ensure that discipline in schools is upheld in a manner that respects the human dignity of the child. It also encourages the State party to ensure that the commission appointed by the Minister of Education to analyse the problem of violence in Slovene education be given adequate support. Furthermore, the Committee recommends that the State party strengthen measures to address the general problem of violence among adolescents, *inter alia*, through education and awareness-raising campaigns.

- Japan, CRC, CRC/C/137 (2004) 116 at paras. 635, 636, 643 and 644.

635. The Committee is concerned that children's right to privacy is not fully respected, in particular, with regard to the searching of a child's belongings, and the fact that staff in institutions may interfere with a child's personal correspondence.

636. The Committee recommends that the State party:

(a) Ensure the full implementation of a child's right to privacy, including with respect to personal correspondence and searching of personal effects;

(b) Amend the Minimum Standards for Child Welfare Institutions so as to bring them into conformity with article 16 of the Convention.

...

643. The Committee is concerned that there are insufficient safeguards to protect children from abduction.

644. The Committee recommends that the State party ratify and implement the Hague Convention on the Civil Aspects of International Child Abduction of 1980.

- El Salvador, CRC, CRC/C/140 (2004) 8 at paras. 51-54, 63 and 64.

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51. The Committee is deeply concerned about the disproportionately high number of children who are victims of crimes, violence and homicides in the State party.

52. The Committee urges the State party to take effective measures to address the high level of crime, violence and homicides against children within the framework of strategies based on constitutional norms and the rights of the child enshrined in the Covenant. It also recommends that the State party adopt policies which aim at addressing the causes which give rise to the victimization of children.

53. The Committee is concerned that the State party has not taken a more active role in efforts to investigate the disappearance of more than 700 children during the armed conflict between 1980 and 1992. It notes, in this regard, that the efforts which to date have led to the tracing of some 250 children have been undertaken mainly by the NGO *Pro-Búsqueda*.

54. In the light of article 8 of the Convention, the Committee recommends that the State party assume an active role in efforts to trace the children who disappeared during the armed conflict, and, in line with the Human Rights Committee, encourages the State party to proceed with plans to establish a national commission with adequate resources and capacity to trace the disappeared children. It also encourages the State party to ratify the Inter-American Convention on the Forced Disappearance of Persons.

...
63. The Committee is concerned that Salvadoran society is still characterized by high levels of violence, and notes with particular concern the high number of cases of sexual assault against minors.

64. The Committee recommends that the State party strengthen policies and programmes at all levels to prevent violence against children, *inter alia*, through the education system and public awareness-raising campaigns.

- Liberia, CRC, CRC/C/140 (2004) 67 at paras. 360, 361 and 363.

360. The Committee notes that the Comprehensive Peace Agreement of 18 August 2003 recognizes the special demobilization and reintegration needs of child combatants. However, the Committee expresses its extremely deep consternation at the very high number of children who have been forcibly recruited into armed forces and armed groups by all parties involved in the conflict, including children as young as nine years old. The Committee is also concerned that these children have been forced to carry goods and weapons, guard checkpoints and often fight in the front line, while girls have been raped and forced to become servants of the soldiers as well as combatants. The Committee is deeply concerned at the direct effects of the armed conflict on all child victims, including

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child combatants, and about the tragic loss of life and severe psychological trauma inflicted upon them. The Committee is also concerned at the very high number of children who have been internally displaced within the country or who have been forced to leave as refugees including, in particular, those who have been separated from their parents.

361. The Committee urges the State party:

(a) To take every feasible measure to have all child abductees and combatants released and demobilized and to rehabilitate and reintegrate them in society taking into account, in particular, the specific needs of girls and other vulnerable groups;

(b) In the light of article 38, paragraph 3, to ensure to give priority to those who are the oldest when recruiting young persons and to limit recruitment by all armed forces and groups to persons of 18 years of age or older;

(c) To take all necessary measures, in cooperation with national and international NGOs and United Nations bodies such as UNICEF, to address the physical needs of children victims of the armed conflict, in particular the psychological needs of all children affected directly or indirectly by the traumatic experiences of the war. In this regard, the Committee recommends that the State party develop as quickly as possible a long-term and comprehensive programme of assistance, rehabilitation, reintegration and reconciliation;

(d) To make every effort to assist children who have been displaced from their homes to return as soon as possible, including through assistance in the reconstruction of homes and other essential infrastructure, within the framework of international cooperation.

...

363. In the light of articles 7, 22 and relevant provisions of the Convention, the Committee recommends that the State party:

...

(b) Prevent sexual assaults and other exploitation of refugee and internally displaced children, with particular attention to girls, and provide for their rehabilitation and reintegration into society;

(c) Prevent forcible conscription of refugee and internally displaced boys and provide for their rehabilitation and reintegration into society;

...

- Democratic People's Republic of Korea, CRC, CRC/C/140 (2004) 111 at paras. 545 and 546.

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545. The Committee is concerned at the various reports on the persistence of some forms of institutional violence against persons under 18, especially in detention and in social institutions.

546. The Committee recommends the State party to continue and strengthen all necessary measures to prevent and eliminate any form of institutional violence.

- France, CRC, CRC/C/140 (2004) 124 at paras. 629 and 630.

629. The Committee notes the efforts of the State party to address the situation of unaccompanied minors by providing them assistance during their time in the holding area by an “ad hoc administrator” who replaces a legal representative. However, the Committee also notes that the number of minors in such situations has been steadily increasing, and that the implementation of the new legislation remains a challenge. Foreign unaccompanied minors continue to be deprived of their liberty and placed in detention with adults. The Committee is also concerned that unaccompanied children arriving at the airport may be returned to the country of origin without judicial intervention and without an evaluation of their family situation...

630. The Committee recommends that the State party pursue its efforts in this area...

...

- Brazil, CRC, CRC/C/143 (2004) 10 at paras. 89 and 90.

89. The Committee expresses its grave concern at the significant number of street children and the vulnerability of these children to extrajudicial killings, various forms of violence, including torture, sexual abuse and exploitation, and at the lack of a systematic and comprehensive strategy to address the situation and protect these children, and the very poor registration of missing children by the police.

90. The Committee recommends that the State party:

(a) Develop a comprehensive strategy to address the high number of street children, with the aim of reducing and preventing this phenomenon;

(b) Ensure that street children are provided with adequate nutrition and shelter as well as with health care and educational opportunities in order to support their full development, and provide them with adequate protection and assistance.

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- Croatia, CRC, CRC/C/143 (2004) 36 at paras. 204, 205, 212 and 213.

204. The Committee is deeply concerned about cases of violence among children and young adults placed in homes for re-education and other institutions and about cases of violence and bullying among children and young adults in social care institutions.

205. The Committee recommends that the State party take all necessary measures to prevent acts of violence in homes for re-education and social care institutions. In accordance with the recommendation of the Committee against Torture (CAT/C/CR/32/3, para. 9(k)), the Committee urges the State party to increase the protection of children in social care institutions, *inter alia* by ensuring that violent acts are reported and investigated and providing adequate support and treatment, including psychological treatment to victims of such acts.

...

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

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

- Angola, CRC, CRC/C/143 (2004) 78 at paras. 407, 408, 437 and 438.

407. The Committee expresses its deep concern at the re-emergence of the persecution of children accused of witchcraft and the very negative consequences of such accusations, including cruel, inhuman and degrading treatment, and even murder.

408. The Committee urges the State party to take immediate action to eliminate the mistreatment of children accused of witchcraft, including by prosecuting the perpetrators of this mistreatment and intensive education campaigns that involve local leaders.

...

437. While welcoming the actions undertaken for the disarmament, demobilization and reintegration of combatants, the Committee is deeply concerned that inadequate attention is given to the plight of former child soldiers, in particular girls. The Committee is also concerned about the situation of children in the enclave of Cabinda, which is still affected by violent conflict.

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438. The Committee recommends that the State party ensure that special attention is given to former child soldiers and children, in particular girls, who were domestic workers, porters, etc. All children who participated in military groups should be eligible for rehabilitation programmes. These programmes should include psychosocial rehabilitation and programmes for community integration. Furthermore, the State party should take all necessary measures to provide adequate protection for children in the enclave of Cabinda.

- Sweden, CRC, CRC/C/146 (2005) 8 at paras. 51, 52, 59 and 60.

51. The Committee notes with appreciation that financial assistance is made available to cover the costs incurred by individuals when restoring illicitly transferred or non-returned children and the review currently under way of the implementation of the Hague Convention No. 28 on the Civil Aspects of International Child Abduction of 1980. However, the Committee notes that there are still a number of pending cases to be solved involving children of mixed marriages.

52. The Committee recommends that the State party continue strengthening measures to prevent and combat illicit transfer and non-return of children and to solve pending cases, with due regard to the best interests of the child.

...

59. The Committee welcomes the efforts taken to eradicate bullying, such as the incorporation into the Education Act (*Skollagen - 1985:1100*) and into the national curriculum of rules on action to counter bullying, as well as the 2001-2002 campaign against bullying, entitled "Together" (*Tillsammans*). However, the Committee notes that the rules still have to be fully implemented and that bullying against children with disabilities and of foreign origin continues to be a concern.

60. The Committee recommends that the State party, in its efforts to prevent and combat bullying, pay special attention to children with disabilities and of foreign origins, and that the rules for countering bullying are fully implemented in all schools and other institutions with the involvement of children.

- Albania, CRC, CRC/C/146 (2005) 19 at paras. 103 and 104.

103. The Committee welcomes the information provided in the State party's report relating to legislation that protect the right to life of all persons. However, the Committee is deeply concerned at the practice of vendetta and revenge, which has re-emerged during the 1990s, as well as at the reported occurrence of honour killings

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(blood feuds). The Committee is concerned that efforts undertaken to counter such occurrences in practice have not helped to eradicate these phenomena.

104. The Committee urges the State party to strengthen measures to counter the practices of revenge killings as well as others having a destructive impact on the development of the child.

- Belize, CRC, CRC/C/146 (2005) 59 at paras. 340 and 341.

340. While noting the State party's efforts to combat violence against children and child abuse, including through the Families and Children (Child Abuse) (Reporting) Regulations, the Committee remains gravely concerned at the generally violent environment in which Belizean children are living and at the growing number of cases of murders, abductions, violence in the streets, domestic violence and sexual abuse of minors, especially girls.

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

(a) To effectively implement the Families and Children (Child Abuse) (Reporting) Regulations and conduct timely and adequate investigations of cases of child abuse and violence in order to bring perpetrators to justice;

(b) To introduce awareness-raising campaigns, with the involvement of children themselves, in order to prevent all forms of violence against children and to combat child abuse, including sexual child abuse, and to change public attitudes and prevailing cultural practices in this respect;

(c) To ensure due adherence to all relevant protocols, policies and procedures regarding the management of child abuse cases;

(d) To ensure that child victims of violence and abuse have access to "one-stop service" and adequate counselling and multidisciplinary assistance with recovery and reintegration.

- Islamic Republic of Iran, CRC, CRC/C/146 (2005) 88 at paras. 476, 477, 486 and 487.

476. The Committee is concerned that little progress has been made in the area of freedom of religion and notes that members of unrecognized religions continue to be discriminated against and do not have the same rights as those of recognized religions, for example with regard to access to social services. In addition, it continues to be

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concerned at reports that these minorities, in particular the Baha'i minority, are subjected to harassment, intimidation and imprisonment on account of their religious beliefs.

477. The Committee recommends that the State party take effective measures, including enacting or rescinding legislation, to prevent and eliminate discrimination on the grounds of religion or belief and ensure that members of minority religions are not imprisoned or otherwise ill-treated on account of their religion and that access to education for their children is provided on an equal footing with others.

...

486. The Committee is concerned about the large number of children living in prisons with their mothers and about their living conditions and the regulation of their care if they are separated from their mothers in prison.

487. The Committee recommends that the State party develop and implement clear guidelines on the placement of children with their mothers in prison (e.g. the age of the children, the length of stay, contact with the outside world and movement in and out of prison) and ensure that the living conditions in prisons are adequate for the child's development in accordance with article 27 of the Convention. It further recommends that the State party develop and implement adequate alternative care for children who are removed from prison and allow them to maintain personal relations and direct contact with their mothers remaining in prison.

- Togo, CRC, CRC/C/146 (2005) 104 at paras. 581 and 582.

581. The Committee is concerned at the large number of children living and working on the streets, at the vulnerability of these children to various forms of violence, including sexual abuse and economic exploitation, at the lack of a systematic and comprehensive strategy to address the situation and protect these children, and at the very poor registration and tracing of missing children by the police.

582. The Committee recommends that the State party:

...

(c) Provide street children with adequate protection from abuse and violence, and with assistance when they are victims of such violence;

...

(e) Ensure adequate registration and effective tracing of missing children;

...

- Bolivia, CRC, CRC/C/146 (2005) 121 at paras. 626, 627, 632 and 633.

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626. The Committee is concerned at reported cases of police brutality against children in the State party.

627. The Committee recommends that the State party adopt measures to prevent and eliminate all kinds of institutional violence. It also recommends that the State party ensure that alleged cases of police brutality against children are duly investigated and that those responsible for such crimes are prosecuted.

...

632. The Committee reiterates its concern about the situation of children living in prisons with one of their parents and about the living conditions of these children and the regulation of their care if they are separated from their parent in prison.

633. The Committee recommends that the State party develop and implement clear guidelines on the placement of children with their parent in prison, in instances where this is considered to be in the best interest of the child (e.g. the age of the children, the length of stay, contact with the outside world and movement in and outside the prison) and ensure that the living conditions in prisons are adequate for the child's development, as required by article 27 of the Convention. It further recommends that the State party develop and implement adequate alternative care for children who are removed from prison, which is regularly supervised and allows the child to maintain personal relations and direct contact with its parent remaining in prison.

- Nigeria, CRC, CRC/C/146 (2005) 135 at paras. 708, 709, 720-722, 729 and 730.

708. The Committee is deeply concerned about:

(a) Traditional and discriminatory attitudes and behaviour towards women and children, contributing to violence, abuse, including sexual abuse, neglect, killing, torture and extortion;

(b) Generally high level of acceptance of domestic violence among law enforcement officials and court personnel; and

(c) Lack of adequate measures taken by the State party to prevent and combat violence, abuse and neglect against women and children.

709. The Committee urges the State party to strengthen considerably its efforts to prevent and combat violence in society, including violence against women and children, in the context of the family, as well as in schools and other environments. In this regard, the Committee recommends the State party to take the following specific actions:

(a) Carry out public education campaigns about the negative consequences of violence

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and ill-treatment of children and promote positive, non-violent forms of conflict resolution and discipline, especially within the family and in the educational system and in institutions;

(b) Take all legislative measures to prohibit all forms of physical and mental violence, including sexual abuse, against children in all contexts in society, as well as take effective measures for the prevention of violent acts committed within the family, in schools and by the police and other State agents, making sure that perpetrators of these violent acts are brought to justice, putting an end to the practice of impunity;

(c) Give attention to addressing and overcoming sociocultural barriers, especially the submission and acceptance of maltreatment on the part of girls and women, which inhibit them from seeking assistance;

(d) Provide care, recovery and reintegration for child victims of direct or indirect violence and ensuring that the child victim is not re-victimized in legal proceedings and that his/her privacy is protected;

(e) Train parents, teachers, law enforcement officials, care workers, judges and health professionals in identification, reporting and management of ill-treatment cases, using a multidisciplinary approach;

(f) Use as a guidance for further actions the recommendations of the Committee adopted on its days of general discussion (CRC/C/100, para. 688 and CRC/C/111, paras. 701-745); and

(g) Seek assistance from, among others, UNICEF and WHO.

...

720. The Committee welcomes the introduction of a bill on violence against women in Parliament in May 2003, aimed to prohibit forms of violence such as harmful traditional practices and domestic violence, including marital rape. However, it reiterates its concern at the widespread and continuing existence of harmful traditional practices in the State party, most notably the practice of female genital mutilation, as well as scarification and ritual killing of children which pose very serious threats to children, in particular girl children.

721. The Committee is concerned at the lack of legal prohibition and sufficient interventions on the part of the State party to address harmful traditional practices. The Committee is also concerned at the lack of support services available to protect girls who refuse to undergo female genital mutilation and of services to rehabilitate girl victims of that practice.

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722. The Committee recommends that the State party, as a matter of urgency, take all necessary measures to eradicate all traditional practices harmful to the physical and psychological well-being of children, by strengthening awareness-raising programmes. The Committee further recommends the State party to adopt federal legislation prohibiting such practices and encourage further legal changes at the State level, in particular, female genital mutilation, as well as measures to provide support for girls at risk and girls who refuse to undergo female genital mutilation, and provide recovery services for victims of this harmful traditional practice.

...

729. The Committee is deeply concerned by the impact of communal conflicts on children in Nigeria. The Committee is alarmed by the reports of indiscriminate extrajudicial killings in these conflicts, where children as well as adults are routinely killed, shot to death and burnt. The Committee is seriously concerned at the direct effects of this violence on child victims, including child combatants, and about the severe physical and psychological trauma inflicted upon them. The Committee notes that the State party has signed but not yet ratified the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict.

730. The Committee recommends the State party to take all possible measures to prevent the occurrence of communal conflicts, and to develop a comprehensive policy and programme for implementing the rights of children who have been affected by conflict, and allocate human, technical and financial resources accordingly. In particular, the Committee recommends that the State party:

- (a) Develop, in collaboration with NGOs and international organizations, a comprehensive system of psychosocial support and assistance for children affected by conflict, in particular child combatants, unaccompanied IDPs and refugees, returnees;
- (b) Take effective measures to ensure that children affected by conflict can be reintegrated into the education system, including through the provision of non-formal education programmes and by prioritizing the restoration of school buildings and facilities and provision of water, sanitation and electricity in conflict-affected areas; and
- (c) Ratify the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict as a matter of priority.

- Philippines, CRC, CRC/C/150 (2005) 24 at paras. 186, 187, 193 and 194.

186. The Committee reiterates its grave concern at the high number of children living in the streets and their special vulnerability to various forms of violence and abuse, including sexual abuse and exploitation, economic exploitation and substance abuse.

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The Committee notes the lack of a systematic and comprehensive strategy to address the situation and protect children living in the streets. The Committee emphasizes that unlawful arrest and detention of street children are serious violations of the provisions and principles of the Convention...

187. The Committee recommends that the State party:

...

(b) Ensure that children living in the streets are not unlawfully arrested and detained, protect them from police brutality and where needed, secure their access to adequate legal services;

...

(d) Provide street children with adequate recovery and social reintegration services for physical, sexual and substance abuse and promote reunification with their families, when feasible;

...

193. ...Unlawful detention of children, street children for instance, for the extended period of time and limited, or lacking access to appropriate legal aid and assistance and adequate social and health services give cause for serious concern...

194. The Committee...recommends to the State party in particular that it:

...

(b) Ensure that deprivation of liberty is used only as a measure of last resort, for the shortest possible time and in appropriate conditions, and that persons below 18 years of age are not detained with adults;

...

(d) Ensure that persons below 18 years of age have access to legal aid and independent and effective complaints mechanisms;

...

- Bosnia and Herzegovina, CRC, CRC/C/150 (2005) 49 at paras. 260-264.

260. The Committee is...concerned about:

...

(b) Reports suggesting that violence in school is widespread, in particular among students.

261. The Committee recommends that the State party:

...

(f) ...[E]stablish adequate programmes and activities with a view to create an environment of tolerance, peace and understanding of cultural diversity shared by all children to prevent intolerance, bullying and discrimination in schools and society at large;

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...

262. While the Committee welcomes the fact that, as of September 2004, more than 1 million former refugees and displaced persons, including children, have returned home in the State party, it notes that a significant number of refugees from Bosnia and Herzegovina remain in the region (around 100,000 living in Serbia and Montenegro and Croatia and 50,000 living elsewhere) and that a further 314,000 are still displaced within the country. The Committee is also concerned at the information that violent incidents against returnees and displaced persons and their property, memorials or religious objects are frequent in the country.

263. While the Committee welcomes the 1998 Law on Displaced Persons, Refugees and Returnees in the Republika Srpska - regulating the status, rights and duties of displaced persons, refugees and returnees as well as their reintegration in the society - it is concerned that no comprehensive programme has been initiated at the national level in this respect. The Committee is also concerned that refugee and displaced children are accommodated together with adults in "collective centres" and that collective centres often accommodate not only children but also chronically ill persons.

264. The Committee recommends that the State party:

(a) Continue its efforts aimed at the safe return of displaced and refugee children and their parents and prevent, as much as possible, violent attacks against returnees and displaced persons and/or their property;

(b) Address the special needs and rights of displaced and refugee children, and in particular to ensure proper accommodation arrangements for these children as well as social and professional reintegration of their parents;

(c) Harmonize legislation at the Entity level with the refugee legislation at the State level;

(d) Look into the issue of children whose parents are asylum-seekers, temporarily admitted persons or recognized refugees, when neither the parents, nor the child are in possession of adequate documentation, and ensure them access to the rights prescribed for these categories of persons;

(e) Continue to seek technical cooperation from UNHCR in this regard.

- Nepal, CRC, CRC/C/150 (2005) 66 at paras. 291, 293, 332, 333, 348, 349, 359, 361-363 and 379-381.

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291. The Committee notes the extremely negative impact of the armed conflict between the State party and the Communist Party of Nepal (the Maoists) on children in Nepal, and that it has created conditions in which even minimal implementation of the Convention is difficult. The Committee notes that the climate of fear, insecurity and impunity resulting from the armed conflict and the states of emergency, declared in 2000 and 2004, have had a seriously negative physical and psychological impact on the sound development of children in the State party. The Committee is extremely concerned at the large-scale bombing, destruction and closing of schools by Maoist insurgents, which are violations of the fundamental rights to education of children. The Committee also notes with deep concern that the conflict has also exacerbated the existing problems in the implementation of the Convention in the State party, as outlined in the present concluding observations.

...

293. While noting the *de facto* control by non-State actors of areas of the State party's territory, the Committee emphasizes the full responsibility of the State party, and urges the Communist Party of Nepal (the Maoists) to respect child rights within the areas in which they operate. The Committee reminds the State party of its obligation to respect the Convention at all times and not to derogate from any of its provisions, even in exceptional circumstances, including the state of emergency. The Committee further recommends the State party to take stronger measures to combat impunity with regard to violence against children.

...

332. The Committee is concerned about the significant number of children who are living in adult prisons with their parents, often in poor conditions that fall short of international standards.

333. The Committee recommends to the State party that it review the current practice of children living with their parents in prison, with a view to limiting the stay to instances in which it is in his/her best interest, and to ensuring that the living conditions are suitable for his/her needs for the harmonious development of his/her personality. The Committee also recommends that children of parents in prison should be provided with adequate alternative care, for instance, within the extended family and be allowed regular contact with their parents.

...

348. The Committee notes with concern that certain harmful traditional practices continue to prevail in the State party, most notably the caste system and traditions such as the *Deuki*, *Kumari*, *Jhuma*, *Badi*, *Kamlari* and *Chaupadi*, causing extreme insecurity, health hazards and cruelty to girl children. The Committee regrets the absence of legal prohibition and sufficient interventions on the part of the State party to address the harmful effects of these traditional practices on the enjoyment of rights by children who are affected by these practices.

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349. The Committee recommends that the State party, as a matter of urgency, take all necessary measures to eradicate all traditional practices harmful to the physical and psychological well-being of children, by strengthening awareness-raising programmes. The Committee further recommends the State party to adopt legislation prohibiting such practices.

...

359. The Committee welcomes the adoption in August 2004 of an official policy that is grounded on the principle of *non-refoulement*, but it regrets that the State party has not yet ratified the Convention relating to the Status of Refugees, Convention relating to the Status of Stateless Persons or the Convention on the Reduction of Statelessness, and that there is no domestic legislation that covers the rights of refugees and asylum-seeking persons. In this regard, and given the fact that a large population of these persons are children the Committee is concerned about:

(a) The reports of discrimination and ill-treatment, including high incidence of sexual abuse of women and children in Bhutanese camps in Nepal;

(b) The reports of deportation of Tibetan asylum-seekers to China by Nepal, including unaccompanied minors and the closure of the Tibetan Refugee Welfare Office in January 2005;

...

361. The Committee recommends that the State party:

...

(c) Take immediate measures to ensure that all internally displaced, refugee women and children under its jurisdiction are protected from all forms of sexual exploitation and that perpetrators are duly prosecuted;

...

362. The Committee is highly alarmed by the number of children who were killed in armed conflicts in the State party. The Committee notes with grave concern the reports of abduction and forcible conscription of children by the armed groups for political indoctrination and for use as combatants, informants, cooks or porters and as human shields. The Committee is equally concerned that Government forces target under 18s suspected of being members of the armed groups and about the highly alarming reports of disappearances and arbitrary detention and of Government forces allegedly using children as spies and messengers. The Committee is also deeply concerned that there are reports of detention of children under the 2004 amendment to the Terrorist and Disruptive Activities (Control and Punishment) Ordinance. The Committee is concerned at the direct effects of this violence on child victims, including child combatants, and about the severe physical and psychological trauma inflicted upon them...

363. The Committee recommends that the State party develop a comprehensive policy

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and programme for implementing the rights of children who have been affected by conflict, and allocate human and financial resources accordingly. In particular, the Committee recommends that the State party:

(a) Criminalize abduction, recruitment and use of children for military purposes by any armed forces or armed group;

(b) Establish a separate Rule of Engagement for its security forces with regard to children;

(c) Amend or repeal the Terrorist and Disruptive Activities (Control and Punishment) Ordinance in the light of the international juvenile justice standards and norms;

(d) Develop, in collaboration with NGOs and international organizations, a comprehensive system of psychosocial support and assistance for children affected by conflict, in particular child combatants, unaccompanied internally displaced persons and refugees, returnees;

...

(f) Ratify the Hague Convention on the Civil Aspects of International Child Abduction;

(g) Ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict as a matter of priority;

(h) Seek technical assistance from, *inter alia*, OHCHR and UNICEF in this regard, and provide maximum possible cooperation to the newly established office of OHCHR in Nepal.

...

379. The Committee is also concerned about the reports of persons under 18 held under the Terrorist and Disruptive Activities (Control and Punishment) Ordinance which has no set minimum age and grants security forces wide powers to arrest and detain any person suspected of being associated with the armed groups, including children.

380. The Committee recommends...the State party, in particular to:

...

(d) Ensure that persons under 18 years are not held accountable, detained or prosecuted under anti-terrorism laws;

...

381. The Committee recommends the State party to amend or repeal the Terrorist and Disruptive Activities (Control and Punishment) Ordinance in the light of international juvenile justice standards and norms.

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- Ecuador, CRC, CRC/C/150 (2005) 91 at paras. 417, 418, 451 and 452.

417. The Committee is particularly concerned about the high number of children who are victims of violence.

418. The Committee urges the State party to undertake effective measures, to the maximum extent possible, to reduce and eliminate the occurrence of violence.

...

451. The Committee expresses its concern at the high number of people, among which a significant number of children, who are victims of violence and displacement, which are to a significant degree a consequence of Plan Colombia.

452. The Committee recommends that the State party undertake all necessary measures to reduce the negative impacts of Plan Colombia on the population, to ensure the respect of the rights of the children and to provide all victims with assistance for recovery.

- Norway, CRC, CRC/C/150 (2005) 105 at paras. 503-506.

503. The Committee welcomes the numerous measures taken to combat bullying at school, particularly the initiatives taken by the Ombudsman for Children, but it remains concerned at the persistence of this phenomenon in many schools.

504. The Committee recommends that the State party strengthen the measures taken to combat bullying and ensure the participation of children in the initiatives aimed at reducing bullying.

505. The Committee expresses concern about the large number of unaccompanied asylum-seeking children (33 in 2003) who disappear from reception centres in the State party. It is particularly concerned that these children are vulnerable to abuse and exploitation. The Committee is also concerned about the insufficient supervision of and care provided to unaccompanied asylum-seeking children as well as the insufficient psychological and psychiatric services provided to children living in reception centres...

506. The Committee urges the State party to strengthen measures to ensure that adequate support and supervision are provided to children living in reception centres, as well as adequate psychological and psychiatric care for traumatized asylum-seeking children. The Committee recommends that the State party improve the situation in reception centres for unaccompanied children seeking asylum, in terms of resources and adequately trained and competent staff, so that the assistance and care for these children reaches the same level as that provided in other institutions under the child welfare system...

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- Mongolia, CRC, CRC/C/150 (2005) 113 at paras. 567, 568, 577 and 578.

567. The Committee...is concerned about incidents reported where children have been subjected to violence in schools...

568. The Committee recommends that the State party take immediate measures to allocate adequate financial and human resources in order:

...

(h) To continue to include human rights in general, and the rights of the child in particular, into the school curricula, taking into account the Committee's general comment No. 1 (2001) on the aims of education, and to promote a safe and non-violent school environment.

...

577. The Committee regrets that the State party report did not provide it with adequate information about the situation of street children. While noting with appreciation the establishment of centres for children living in the street, the Committee is concerned at the increasing number of street children living in very harsh conditions and that the causes leading to this phenomenon are often abusive family situations. According to the Law on Temporary Detention of Children without Supervision adopted in July 1994, a runaway child can be detained up to one week. The Committee is concerned that the State party's domestic legislation does not remain in full conformity with the principles and provision of the Convention in this respect...

578. The Committee recommends that the State party:

(a) Adopt a comprehensive national strategy to address the situation of street children, paying particular attention to the most vulnerable groups, and provide these children with adequate assistance, including recovery and social reintegration services for physical, sexual and substance abuse and vocational and life-skills training in order to support their full development;

(b) As regards the implementation of the Law on Temporary Detention of Children without Supervision, adopted in July 1994, refrain as a matter of policy from detaining runaway children and seek alternative forms, which are fully compatible with the provisions of the Convention, for their detention;

...