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IV. CONCLUDING OBSERVATIONS

CERD

- Bosnia and Herzegovina, CERD, A/48/18 (1993) 87 at para. 467.

Grave concern was expressed about the massive, gross and systematic human rights violations occurring in the territory of Bosnia and Herzegovina, as well as practices of "ethnic cleansing", including forced population transfers, torture, rape, summary executions, the blockading of international humanitarian aid and the commission of atrocities for the purpose of instilling terror among the civilian population. The lack of effective action to bring to an end these and other human rights violations is deplored.

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

The practice of illegal and arbitrary detention, disappearance, torture, deaths in custody and other human rights abuses by armed and paramilitary forces is of concern.

- Papua New Guinea, CERD, A/48/18 (1993) 103 at para. 568.

Reports of serious human rights violations in Bougainville, including summary executions and population transfers, are of concern.

- Yugoslavia (Serbia and Montenegro), CERD, A/50/18 (1995) 48 at paras. 240 and 246.

Paragraph 240

The failure of the State party to cooperate with the Special Process on disappearances of the Commission on Human Rights is deplored. It is noted that without this cooperation, no progress can be made in establishing the fate of large numbers of Croats, Bosnian Muslims and others who have disappeared.

Paragraph 246

It is urgently suggested that the State party reconsider its failure to cooperate with the Special Rapporteur and the Special Process on disappearances of the Commission on Human Rights. The Committee notes the important role played by both these mechanisms in promoting compliance with the terms of the Convention.

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

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

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

Paragraph 48

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

Paragraph 51

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

- United Kingdom of Great Britain and Northern Ireland, CERD, A/51/18 (1996) 35 at para. 242.

Investigations into deaths in custody should be carried out expeditiously by independent inquiry mechanisms.

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

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

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- Iraq, CERD, A/52/18 (1997) 37 at para. 268.

The State party should comply with the relevant Security Council resolutions calling for the release of all Kuwaiti nationals and nationals of other States who might still be held in detention, and to provide all available information on missing individuals of such States.

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

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

- Burundi, CERD, A/52/18 (1997) 73 at para. 574.

Concern is expressed over reports of delays in the process of prosecuting those responsible for the assassination of President Ndadaye and over the slow process of prosecuting and punishing perpetrators of mass killings and disappearances. The delays cast doubts on the effective implementation of the Government's policy of ending the pattern of impunity.

- Yugoslavia, CERD, A/53/18 (1998) 45 at paras. 203 and 204.

Paragraph 203

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

Paragraph 204

It is noted with serious concern that a great number of victims of the recent events in Kosovo and Metohija are civilians, including women and children whose deaths cannot be justified by any means. A military solution to the long-standing crisis in Kosovo could have distressing consequences.

- Cambodia, CERD, A/53/18 (1998) 55 at para. 286.

Concern is expressed over the lack of independence of the judiciary, as well as the impunity of perpetrators of human rights violations, violations which in some cases include summary executions and torture. This contributes to the serious undermining of efforts to establish the rule of law, without which the full implementation of the Convention is not possible.

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

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

- Rwanda, CERD, A/55/18 (2000) 31 at para. 145.

It is noted that given the nature of the recent genocide, the majority of the large number of imprisoned or detained persons belong to the Hutu ethnic group. Concern is expressed over the poor conditions of detention and imprisonment and the mortality rate of detained and imprisoned persons. It is recommended that the State party continue its efforts to respect minimum standards of detention.

- Holy See, CERD, A/55/18 (2000) 66 at para. 398.

The clarification concerning the involvement of ecclesiastics, against the precepts of the Catholic Church, in the genocide in Rwanda is noted. The State party should cooperate fully with the national and international judicial authorities in connection with prosecutions relating to the Rwanda genocide.

- Liberia, CERD, A/56/18 (2001) 70 at paras. 436 and 440.

Paragraph 436

Grave concern is expressed about the numerous reported instances of discrimination based on ethnicity. Reports of extrajudicial killings, allegations of torture and rape, and the lack of accountability of perpetrators, including government security forces, for these abuses are of particular concern.

Paragraph 440

The State party should guarantee swift and thorough investigation and prosecution of acts of violence against persons belonging to ethnic and racial groups.

ICCPR

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

The terrorism which appears to form part of the daily life in Peru is of concern. The atrocities perpetrated by insurgent groups are condemned, and the scale of terrorist violence, which shows no

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consideration for the most basic human rights is disturbing. Nevertheless, excessive force and violence used by the military, the para-military, the police, and armed civilian groups is also censured. The great number of complaints of extrajudicial executions and disappearances attributed to the security forces is troubling. In this respect, the absence of civilian control over the military and para-military groups, especially in the zones under their control, which in some cases amounts to impunity is of deep concern. In particular, it is regretted that they can be tried for acts of violence only under military law. Combatting terrorism with arbitrary and excessive State violence cannot be justified under any circumstances.

- Yugoslavia, ICCPR, A/47/40 (1992) 103 at para. 469.

In view of the serious situation prevailing in the State party, the Government should take all necessary measures to stop violations of human rights, particularly those relating to the right to life and the prohibition of torture. These measures should include re-establishment of control over the army, dissolution of paramilitary militias and groups, punishment of those guilty of violations and adoption of measures to prevent a recurrence of such abuses. The Committee also recommends full application of article 27 of the Covenant, which recognizes the right of persons belonging to ethnic, religious or linguistic minorities to enjoy their own culture, to profess and practice their own religion and to use their own language.

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

The general inadequacy of the legal and other measures designed to promote and protect human rights, and especially the various constitutional limitations on the effective enjoyment of human rights are of concern. The cases of extrajudicial executions and of torture documented in the reports prepared by the Special Rapporteurs of the Commission on Human Rights on those subjects and also as reported by various non-governmental organizations are alarming. In that connection, it is noted that no derogations from articles 6 and 7 of the Covenant are permitted under any circumstances. It is also noted that effective remedies to victims of human rights violations, as envisaged in article 2, paragraph 3, of the Covenant, are not available.

- Senegal, ICCPR, A/48/40 vol. I (1993) 23 at para. 103.

The lack of investigation into allegations of extrajudicial executions and torture by members of the army or police is of concern. Particular concern is expressed over the danger that the amnesty laws might be used to grant impunity to officials responsible for violations, who had to be brought to justice.

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- United Republic of Tanzania, ICCPR, A/48/40 vol. I (1993) 35 at para. 171.

The constitutional provisions allowing derogations from the right to life are not compatible with article 4 of the Covenant. In this regard, changes were clearly necessary.

- Islamic Republic of Iran, ICCPR, A/48/40 vol. I (1993) 44 at paras. 257 and 266.

Paragraph 257

The many cases of extrajudicial executions, disappearances, torture and ill-treatment of persons deprived of their liberty that have been brought to the Committee's attention are of concern.

Paragraph 266

All complaints of extrajudicial executions, disappearances, torture and ill-treatment should be duly investigated, the culprits should be punished and measures should be taken to prevent any recurrence of such acts.

- Venezuela, ICCPR, A/48/40 vol. I (1993) 61 at para. 307.

The serious human rights violations, such as enforced and involuntary disappearances, torture and extrajudicial executions, that were committed during the attempted *coup d'état* in 1989 and early 1992 are of concern. That sufficient steps to punish those guilty of such violations have not been taken, and that members of the police force and the security services and military personnel are likely to go unpunished as a result is disturbing. It is noted that judicial investigations into such cases have clearly been too slow, especially where members of the armed forces are concerned.

- Yugoslavia (Serbia and Montenegro), ICCPR, A/48/40 vol. I (1993) 82 at paras. 386-389.

Paragraph 386

Various concordant sources of information describe mass arrests, summary and arbitrary executions, enforced or involuntary disappearances, torture, rapes and looting committed by Serbian nationalists both in Croatia (Krajina) and in Bosnia and Herzegovina. Massive violence has been unleashed, *inter alia*, against Dubrovnik and Vukovar and is still being directed against Sarajevo. It is also observed that the means deployed and the interests involved demonstrate the existence of links between the nationalists and Serbia, which invalidates the Federal Government's claim to be exempt from responsibility.

Paragraph 387

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

Paragraph 388

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

Paragraph 389

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

- Niger, ICCPR, A/48/40 vol. I (1993) 88 at paras. 423 and 425.

Paragraph 423

The cases of extrajudicial executions and torture that occurred in the context of the disturbances in 1991 and 1992 in the north of the country and the fact that these cases have not, to date, been the subject of investigations or compensation on the part of the authorities is of extreme concern. It is recalled that the Covenant does not authorize, in any case, derogations from articles 6 and 7 of the Covenant.

Paragraph 425

Investigations should be conducted into the cases of extrajudicial executions which were carried out in the context of the disturbances in 1991 and 1992 in the north of the country and into the torture and maltreatment of persons deprived of their freedom. The agents of the State responsible for such human rights violations should be tried and punished. They should in no case enjoy immunity through an amnesty law, and the victims or their relatives should receive compensation.

- Egypt, ICCPR, A/48/40 vol. I (1993) 139 at para. 705.

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The many severe measures taken by the Egyptian Government to combat terrorism in the country is are concern. The measures taken to do so should not prejudice the enjoyment of the fundamental rights enshrined in the Covenant, in particular, its articles 6, 7 and 9. The Committee is particularly disturbed by the adoption in 1992 of law No. 97 on terrorism, which contains provisions contrary to articles 6 and 15 of the Covenant. The definition of terrorism contained in that law is so broad that it encompasses a wide range of acts of differing gravity. The definition in question should be reviewed by the Egyptian authorities and stated much more precisely, especially in view of the fact that it enlarges the number of offences which are punishable with the death penalty.

- Mexico, ICCPR, A/49/40 vol. I (1994) 33 at paras. 172 and 174.

Paragraph 172

The large number of complaints concerning acts of torture or arbitrary detention when prosecution and sentencing of the guilty parties occurs very infrequently and falls far short of the recommendations of the National Human Rights Commission of Mexico, which has condemned these acts, is disturbing. Similarly, enforced or involuntary disappearances and extrajudicial executions are not systematically followed by investigations in which the perpetrators are identified, brought to justice and punished and the victims compensated.

Paragraph 174

The gross violation of both the right to life and the right to freedom of expression constituted by the frequent murder of journalists, which has reached alarming proportions, is deplored.

- Cameroon, ICCPR, A/49/40 vol. I (1994) 36 at paras. 192, 193 and 203.

Paragraph 192

The infringements of the right to life by representatives of the security forces, the Army and even paramilitary groups in respect of civilians is deplored.

Paragraph 193

The multiple cases of torture, ill-treatment, extrajudicial execution and illegal detention, suffered in particular by journalists and political opponents, is deplored. Torture and ill-treatment seem to be practised systematically by the security forces, and on several occasions their brutality has caused the death of the victims.

Paragraph 203

All necessary measures should be taken to prevent summary executions, torture, ill-treatment and illegal detention; all such cases should be investigated in order to bring those suspected of having

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committed such acts before the courts; those found guilty should be punished and the victims should be compensated.

- El Salvador, ICCPR, A/49/40 vol. I (1994) 38 at para. 214.

It is of concern that, despite the signing of the peace accord over two years ago, the rule of law has not yet been effectively re-established. It is also of concern that human rights violations continue in El Salvador, particularly serious and systematic violations of the right to life carried out by paramilitary groups. In this regard, politically motivated summary and arbitrary executions, death threats and cases of torture have continued to occur since the signing of the peace accord. Most recommendations of the Truth Commission still have not been implemented. A significant gap persists between constitutional and legal guarantees and the actual application of those legal guarantees. It is noted with concern that the rights and freedoms in the Covenant have not been fully included in the Constitution.

- Togo, ICCPR, A/49/40 vol. I (1994) 44 at paras. 249, 250, 256 and 261.

Paragraph 249

The internal disturbances in Togo during the period under review, which resulted in serious and systematic violations of the rights guaranteed by the Covenant, particularly articles 4, 6, 7, 9, 10 and 14, are noted with concern. Despite initiation of the democratic process, the rule of law has not yet been re-established in Togo and violations of human rights continue to occur. Consequently, a significant gap persists between constitutional and legal norms and their application in practice. In that context, the manifold obstacles faced by the National Human Rights Commission, which, unfortunately, is no longer operative and which is unable to contribute to the promotion of respect for human rights is of concern.

Paragraph 250

The large number of cases of summary and arbitrary executions, enforced or involuntary disappearances, torture and arbitrary or unlawful detention committed by members of the army, security or other forces during the period under review are of concern. It is of deep concern that those violations were not followed by any inquiries or investigations, that the perpetrators of such acts were neither brought to justice nor punished and that the victims were not compensated. It is noted that failure to exclude violators of human rights from service in the military or the security forces seriously undermines the transition to democracy.

Paragraph 256

The restrictive conditions in which the rights provided for in articles 21 and 22 of the Covenant are to be exercised are noted with concern, and the severe repression of peaceful demonstrations during

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the period under review involving loss of life, which has not been fully investigated, is deplored.

Paragraph 261

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

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

The events that have occurred recently in Azerbaijan in the context of the armed conflict, which have involved numerous violations of the rights guaranteed by the Covenant, are deeply deplored. There have been reports of cases of summary execution, enforced or involuntary disappearance, torture and other acts of violence against the person, as well as arbitrary detention. Such violations have not been investigated and the persons responsible for them have therefore not been punished, nor have the victims or their families been compensated.

- Cyprus, ICCPR, A/49/40 vol. I (1994) 53 at para. 317.

With respect to the right to life, it is of concern that article 7 of the Constitution provides for very broad exceptions to that right and that the current instructions governing the use of force leave wide discretion to police officers.

- Burundi, ICCPR, A/49/40 vol. I (1994) 58 at para. 361.

The massacres following clashes between Hutus and Tutsis that have occurred in Burundi since consideration of the initial report in October 1992 and the increasingly serious obstacles to the peaceful coexistence of the various elements of the Burundi population are deplored. The attempts to restore civil peace, to assuage the tensions of daily life in society and to redress the balance in the various State institutions, particularly the army, the police, the gendarmerie, the security forces and the judiciary, so as to make them more representative of the various elements of the population, have clearly failed. The pattern of gross violations of human rights in the form of numerous summary executions, disappearances and instances of torture which occurred following the events of autumn 1993 is also deplored. The army, the police, the gendarmerie and the security forces have continued to be responsible for many violations of human rights. The civilian population continues to be armed and further violations of human rights are feared.

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- Argentina, ICCPR, A/50/40 vol. I (1995) 35 at para. 153, 154, 159 and 161.

Paragraph 153

Amnesties and pardons have impeded investigations into allegations of crimes committed by the armed forces and agents of national security services and have been applied even in cases where there exists significant evidence of such gross human rights violations as unlawful disappearances and detention of persons, including children. Pardons and general amnesties may promote an atmosphere of impunity for perpetrators of human rights violations belonging to the security forces. Respect for human rights may be weakened by impunity for perpetrators of human rights violations.

Paragraph 154

It is regretted that evidence presented to the Senate against members of the armed forces, proving that they have engaged in extrajudicial executions, forced disappearances, torture, or other violations of human rights, may in some cases prevent the promotion of those accused but does not in itself cause their dismissal.

Paragraph 159

The State party should continue to investigate the whereabouts of disappeared persons, to complete urgently investigations into the allegations of illegal adoption of children of disappeared persons, and to take appropriate action. It is also urged to fully investigate recent allegations of murders committed by the military during the period of military rule and to take action on the findings.

Paragraph 161

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

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

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

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- Yemen, ICCPR, A/50/40 vol. I (1994) 49 at paras. 254 and 256.

Paragraph 254

Deep concern is expressed at the allegations of arbitrary deprivation of life, acts of torture or other cruel, inhuman or degrading treatment, arbitrary arrest and detention, abusive treatment of persons deprived of their liberty, and violations of the rights to a fair trial. It is of deep concern that those violations were not followed by inquiries or investigations, that the perpetrators of such acts were not punished, and that the victims were not compensated.

Paragraph 256

It is regretted that the right to life has not been incorporated in the new Constitution.

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

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

- Russian Federation, ICCPR, A/50/40 vol. I (1995) 65 at para. 389.

The excessive and disproportionate use of force by Russian forces in Chechnya, indicating grave violations of human rights is deplored. The fact that no one has been made responsible for the inhumane treatment of prisoners and other detained persons, that investigations on charges of human rights violations by Russian forces, including killing of civilians, have so far been inadequate, that civilian installations such as schools and hospitals were destroyed by government forces, and that a large number of civilians have been killed or displaced as a consequence of the destruction of their homes is further deplored.

- United Kingdom of Great Britain and Northern Ireland, ICCPR, A/50/40 vol. I (1995) 72 at para. 420.

Notwithstanding the establishment of mechanisms for the external supervision of investigations of incidents in which the police or military are allegedly involved, especially incidents that result in the death or wounding of persons, concern is expressed at the fact that the investigations are still carried out by the police, and are thus lacking sufficient credibility.

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

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

- Spain, ICCPR, A/51/40 vol. I (1996) 27 at para. 169.

It is noted with concern that terrorist groups continue to perpetrate bloody attacks which result in loss of human life and affect the application of the Covenant in Spain.

- Guatemala, ICCPR, A/51/40 vol. I (1996) 33 at paras. 233 and 236.

Paragraph 233

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

Paragraph 236

The situation of street children in Guatemala, who are subjected to serious violations of their human rights under the Covenant, particularly their right to life and not to be subjected to torture and ill-treatment, is deplored. The intensity of abuse against street children by persons of authority, including the public and private police, is of concern.

- Nigeria, ICCPR, A/51/40 vol. I (1996) 37 at paras. 284 and 298.

Paragraph 284

The high number of extrajudicial and summary executions, disappearances, cases of torture, ill-treatment, and arbitrary arrest and detention by members of the army and security forces and the failure of the Government to investigate fully these cases, to prosecute alleged offences, to punish those found guilty and provide compensation to the victims or their families are matters of deep concern. The resulting state of impunity encourages further violations of Covenant rights.

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Paragraph 298

Effective measures should be taken to prevent arbitrary, extrajudicial and summary executions, torture, ill-treatment, and arbitrary arrest and detention by members of the security forces; to investigate any such cases in order to bring before the courts those suspected of having committed or participated in such crimes; to punish them if found guilty, and to provide compensation to victims or to their families.

- Brazil, ICCPR, A/51/40 vol. I (1996) 44 at paras. 311, 313 and 324.

Paragraph 311

The cases of summary and arbitrary executions committed by security forces and by death squads against individuals belonging to particularly vulnerable groups that include street children, landless peasants, indigenous people and trade-union leaders are of deep concern.

Paragraph 313

The Committee deplores the fact that cases of summary and arbitrary executions, torture, death threats, arbitrary and unlawful detention and violence against detainees and other prisoners are seldom properly investigated and very frequently go unpunished. Members of security forces implicated in gross human rights violations enjoy a high level of impunity, which is incompatible with the Covenant.

Paragraph 324

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

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

Paragraph 354

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

Paragraph 360

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

- Peru, ICCPR, A/52/40 vol. I (1997) 28 at paras. 160 and 167.

Paragraph 160

It is noted with concern that the law still contains a provision exempting a rapist from punishment if he marries his victim and another which classifies rape as an offence prosecutable privately. It is also of concern that abortion gives rise to a criminal penalty even if a woman is pregnant as a result of rape, and that clandestine abortions are the main cause of maternal mortality. Those provisions not only mean that women are subject to inhumane treatment but are possibly incompatible with articles 3, 6 and 7 of the Covenant.

Paragraph 167

Peru must ensure that laws relating to rape, sexual abuse and violence against women provide women with effective protection and must take the necessary measures to ensure that women do not risk their lives because of the existence of restrictive legal provisions on abortion.

- Colombia, ICCPR, A/52/40 vol. I (1997) 44 at paras. 272, 278, 279, 287, 290, 296 and 300.

Paragraph 272

The establishment of a Commission of Inquiry to deal with complaints concerning forced disappearances, which provides for protective measures for complainants and witnesses is appreciated. The establishment of a national registry listing disappeared people, together with the creation of a commission for the follow-up of cases of forced disappearances and composed, among others, of the Public Prosecutor, the Ombudsman and representatives of non-governmental organizations, are viewed as positive steps in the struggle against forced disappearances.

Paragraph 278

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

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Paragraph 279

So-called "social-cleansing" operations, targeting street children, homosexuals, prostitutes and petty delinquents continue to be carried out. That appropriate and effective action has not yet been taken to ensure the full protection of the rights of these groups, especially of their right to life, is deplored.

Paragraph 287

Violence against women remains a major threat to their right to life and needs to be more effectively addressed.

Paragraph 290

Much remains to be done to protect children from violence within the family and the society at large, from forced recruitment by guerrilla and paramilitary groups and from employment below the legal minimum age, and specifically to protect street children from being killed or otherwise abused by vigilante groups and security forces.

Paragraph 296

Special measures should be adopted, including protective measures, to ensure that members of various social sectors, particularly journalists, human rights activists, trade union and political leaders, teachers, members of indigenous populations and judges, are able to exercise their rights and freedoms, including freedom of expression, assembly and association, without intimidation of any sort. The authorities are urged to take stringent measures to ensure full protection of the rights of victims of "social cleansing", in particular their rights under articles 6 and 7 of the Covenant.

Paragraph 300

Priority should be given to protecting women's right to life by taking effective measures against violence and by ensuring access to safe contraception. Measures should be taken to prevent and eliminate persisting discriminatory attitudes and prejudices against women, notably through education and information campaigns.

- India, ICCPR, A/52/40 vol. I (1997) 67 at para. 420.

The size of the country, its huge population, the massive poverty and the great disparities in the distribution of wealth among various social groups affect the advancement of rights. The persistence of traditional practices and customs, leading to women and girls being deprived of their rights, their human dignity and their lives, and to discrimination against members of the underprivileged classes and castes and other minorities, and ethnic, cultural and religious tensions constitute impediments to the implementation of the Covenant.

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- Senegal, ICCPR, A/53/40 vol. I (1998) 13 at para. 60.

In the context of events in Casamance, the allegations received regarding the indiscriminate killing of civilians by the army and police, of disappearances, and of ill-treatment and use of torture against persons suspected of being supporters of the Mouvement des forces démocratiques de Casamance (MFDC) are of concern. Measures should be taken to ensure the full observance of articles 6 and 7 by military personnel and police and the effective implementation in practice of article 7 of the Covenant *vis-à-vis* people suspected of being MFDC sympathizers. Especially because of the distance from the capital and the region's proximity to neighbouring States, consideration should be given to establishing an independent mechanism to monitor and investigate human rights abuses in Casamance, and persons found responsible for violations of rights should be brought to justice and the victims compensated. Further training in human rights should be provided for all security and law enforcement personnel.

- Jamaica, ICCPR, A/53/40 vol. I (1998) 15 at para. 87.

Concern is expressed over the fact that not all cases of death at the hands of the police or security forces are subject to a coroner's inquest. Therefore, all such deaths should be inquired into and inquests ordered under the Coroners Act which are adjourned pending the consideration by the Department of Public Prosecutions of potential charges must be reopened if no prosecution ensues.

- Iraq, ICCPR, A/53/40 vol. I (1998) 18 at paras. 97 and 98.

Paragraph 97

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

Paragraph 98

It is regretted that temporary decrees adversely affecting the implementation of certain Covenant

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rights have recently been enacted by the Revolutionary Command Council. In addition, the Committee expresses its concern that certain provisions of these decrees, which the State party has sought to justify on the ground that they are provisional, are incompatible with certain non-derogable Covenant rights, such as the right to life, the prohibition of torture and the principle of non-retroactivity of criminal laws. A thorough review of existing temporary laws and decrees should be undertaken with a view to ensuring their compliance with the provisions of the Covenant. In this regard, it is stressed that Covenant rights may be derogated from only in accordance with article 4 of the Covenant.

- Sudan, ICCPR, A/53/40 vol. I (1998) 22 at para. 123.

The number of reports of extrajudicial executions, torture, slavery, disappearances, abductions and other human rights violations from United Nations and NGO sources, and the delegation's assertions that such human rights violations are relatively infrequent are of concern. In this connection, concern is extended to reports of abduction by security forces of children, particularly in the South. It is therefore recommended that:

- (a) Permanent and independent mechanisms be set up to investigate alleged abuses of power by police, security forces and the Popular Defence Forces;
- (b) The methodology of such investigations and their outcome be made public;
- (c) Such investigations lead to the release of any person improperly detained, with proper compensation, and to disciplinary or criminal proceedings against those found responsible;
- (d) The Government continue to cooperate with United Nations bodies and non-governmental organizations on these matters.

- Lithuania, ICCPR, A/53/40 vol. I (1998) 30 at para. 172.

Provision should be made to ensure that persons are not deported to States where they may face a real risk of violation of their rights under articles 6 and 7 of the Covenant.

- Ecuador, ICCPR, A/53/40 vol. I (1998) 43 at paras. 280 and 284.

Paragraph 280

The information that article 23 of the Constitution prohibits the enacting of amnesty legislation or granting pardons for human rights violations; that torture, enforced disappearances and extrajudicial executions have no statute of limitation; and that obedience to superior orders cannot be invoked as

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an extenuating circumstance are welcomed.

Paragraph 284

The very high number of suicides of young females, which appear in part to be related to the prohibition of abortion, is of concern. The State party's failure to address the resulting problems faced by adolescent girls, in particular rape victims, who suffer the consequences of such acts for the rest of their lives is regretted. Such situations are, from both the legal and practical standpoints, incompatible with articles 3, 6 and 7 of the Covenant, and with article 24 when female minors are involved. All necessary legislative and other measures should be adopted to assist women, and particularly adolescent girls, faced with the problem of unwanted pregnancies to obtain access to adequate health and education facilities.

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

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

- Algeria, ICCPR, A/53/40 vol. I (1998) 52 at paras. 351, 354-356 and 358.

Paragraph 351

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

Paragraph 354

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

(a) to prevent those attacks and, if they nevertheless occur, to come promptly to the defence of the population;

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(b) to ensure that proper investigations are conducted by an independent body to determine who the offenders are and to bring them to justice; and

(c) in all cases of massacres to conduct an independent enquiry into the conduct of the security forces, from the lowest to the highest levels, and where appropriate, to subject them to penal and disciplinary sanctions.

Paragraph 355

With regard to innumerable reports of arbitrary or extrajudicial executions of individuals, some while in custody, others under suspicion of being associated in one way or another with terrorist groups, the State party should urgently ensure that:

(a) independent mechanisms be set up to investigate all violations of the right to life and security of the person;

(b) the offenders be brought to justice;

(c) access be given as soon as possible to the International Committee of the Red Cross and other independent observers.

Paragraph 356

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

Paragraph 358

Disappearances may involve the right to life consecrated under article 6 of the Covenant, and where the disappeared individuals are still alive and are kept incommunicado, disappearances may involve the right guaranteed under article 16 of the Covenant which provides that every individual shall have the right to recognition everywhere as a person before the law. In this situation these individuals are also deprived of their capacity to exercise all the other rights, without any recourse, recognized under the Covenant. Furthermore, disappearances violate article 7 with regard to the relatives of the disappeared. The State party is urged to adopt measures (a) to establish a central register to record all reported cases of disappearances and day-to-day action taken to retrace the disappeared; and (b) to assist the families concerned to retrace the disappeared.

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- The Former Yugoslav Republic of Macedonia, ICCPR, A/53/40 vol. I (1998) 55 at para. 377.

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

- United Republic of Tanzania, ICCPR, A/53/40 vol. I (1998) 57 at paras. 399 and 402.

Paragraph 399

The Committee deplores the law in force in Zanzibar, which allows for the imprisonment of both mother and father in the event of an unmarried woman becoming pregnant, and which carries risks to the right to life (art. 6) (through resort to illegal abortion) and to the rights of the child (arts. 23 and 24) if born in such circumstances. This law in Zanzibar should be abolished, and noting in this connection that illegal abortion is a major cause of maternal mortality, a national review should be carried out on the restrictions on abortions (arts. 3, 6 and 26).

Paragraph 402

The absence of training for the police in human rights and in the proper use of riot equipment, such as "rubber bullets", is regretted. Noting actions by the police resulting in homicide, and being generally concerned that the investigation of complaints against the police is carried out by the police themselves, the Committee recommends that thorough training for the police be provided and that an independent mechanism be set up for investigating complaints (arts. 7 and 9).

- Belgium, ICCPR, A/54/40 vol. I (1999) 26 at para. 81.

Procedures used in the repatriation of some asylum seekers, in particular the placing of a cushion on the face of an individual in order to overcome resistance, entails a risk to life. The whole procedure of forcible deportations needs to be re-examined. All security forces concerned in effecting deportations should receive special training.

- Libyan Arab Jamahiriya, ICCPR, A/54/40 vol. I (1999) 32 at para. 126.

Allegations from various reliable sources of extrajudicial, arbitrary or summary executions perpetrated

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by State agents, as well as a high incidence of arbitrary arrest and detention, including long detention without trial, are deeply troubling. All such allegations should be fully, publicly and impartially investigated. The results of such investigations should be published, the perpetrators of those acts should be brought to justice and the victims and their families should be duly compensated.

- Chile, ICCPR, A/54/40 vol. I (1999) 44 at para. 211.

The criminalization of all abortions, without exception, raises serious issues, especially in the light of unrefuted reports that many women undergo illegal abortions which pose a threat to their lives. The legal duty imposed upon health personnel to report on cases of women who have undergone abortions may inhibit women from seeking medical treatment, thereby endangering their lives. The State party has a duty to take measures to ensure the right to life of all persons, including pregnant women whose pregnancies are terminated. Therefore, exceptions to the general prohibition of all abortions should be introduced and the confidentiality of medical information should be protected.

See also:

- Costa Rica, ICCPR, A/54/40 vol. I (1999) 54 at para. 280.
- Venezuela, ICCPR, A/56/40 vol. I (2001) 49 at para. 77(19).

- Canada, ICCPR, A/54/40 vol. I (1999) 48 at para. 234.

Homelessness has led to serious health problems and death. Positive measures should be taken, as required by article 6, to address this serious problem.

- Lesotho, ICCPR, A/54/40 vol. I (1999) 51 at paras. 254 and 255.

Paragraph 254

Abortion laws should be reviewed to provide for situations where the life of the woman is in danger.

Paragraph 255

The practice of female genital mutilation is contrary to human dignity and violates various human rights, including the right to life and the right to protection against cruel, inhuman and degrading treatment. The practice should be made punishable under law and educational programmes should be undertaken in this regard.

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- Cambodia, ICCPR, A/54/40 vol. I (1999) 57 at para. 303.

Reports of killings by the security forces, other disappearances and deaths in custody, and the failure of the State party to investigate fully all these allegations and to bring the perpetrators to justice is alarming. It is of particular concern that there has been a lack of action in regard to the many deaths and disappearances that occurred during 1997 and during the 1998 elections, and in regard to the delay in completing the investigation of the grenade attack on demonstrators on 30 March 1997. Action should be taken without delay to prevent the further occurrence of such incidents, to investigate all such allegations, and to bring those alleged to have violated Covenant rights to trial.

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

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

- Morocco, ICCPR, A/55/40 vol. I (2000) 24 at paras. 95, 100 and 101.

Paragraph 95

Investigations into the whereabouts of all persons reportedly missing should be intensified, any such persons who may still be held in detention should be released, and lists of prisoners of war should be provided to independent observers. Families should be informed about the location of the graves of disappeared persons known to be dead, the persons responsible for the disappearances or deaths should be prosecuted, and compensation should be provided to victims or their families where rights have been violated.

Paragraph 100

Strict prohibitions on abortion, even in cases of rape or incest, and the stigmatization of women who give birth to children outside marriage results in clandestine, unsafe abortions which contribute to a high rate of maternal mortality.

Paragraph 101

Women should have equal access to family planning services and to contraception and criminal sanctions should not be applied in such a way as to increase the risk to life and health of women.

- Cameroon, ICCPR, A/55/40 vol. I (2000) 36 at paras. 204, 208 and 210.

Paragraph 204

The State party is urged to overcome impunity and ensure that all allegations of killings by security

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forces are promptly investigated, that responsible persons are brought to justice and that victims are compensated.

Paragraph 208

To secure compliance with articles 6 and 7 of the Covenant, firm measures must be taken to limit the use of force by the police, to investigate all complaints regarding the use of force by the police and appropriate action must be taken when the use is in violation of the relevant regulations.

Paragraph 210

Investigations of disappearances of persons must be carried out and compensation must be provided to victims or families.

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

Paragraph 267

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

Paragraph 268

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

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

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

- Kuwait, ICCPR, A/55/40 vol. I (2000) 65 at paras. 467, 469 and 470.

Paragraph 467

The State party should consider amending the law and make provision for the protection of the right

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to life of pregnant women under article 6 of the Covenant.

Paragraph 469

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

Paragraph 470

In accordance with articles 2, paragraph 3, 6, 7 and 16, of the Covenant, the State party should adopt concrete measures to clarify each and every case of disappearance.

- Trinidad and Tobago, ICCPR, A/56/40 vol. I (2001) 31 at para. 72(18).

Legal limitations on abortion should be reappraised and restrictions which may risk violation of women's rights be removed from the law, by legislation if necessary (arts. 3, 6.1 and 7).

- Argentina, ICCPR, A/56/40 vol. I (2001) 38 at paras. 74(4) and 74(5).

Paragraph 74(4)

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

Paragraph 74(5)

Recent developments in which some of those responsible for the most serious violations of human rights, including forced disappearances, torture and removal of children from their parents for purposes of illegal adoption or trafficking, are being brought to trial, are welcomed.

- Peru, ICCPR, A/56/40 vol. I (2001) 45 at para. 76(20).

It is a matter of concern that abortion continues to be subject to criminal penalties, even when pregnancy is the result of rape. Clandestine abortion continues to be the main cause of maternal mortality in Peru. These provisions are incompatible with articles 3, 6 and 7 of the Covenant. The legislation should be amended to establish exceptions to the prohibition and punishment of abortion.

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- Venezuela, ICCPR, A/56/40 vol. I (2001) 49 at paras. 77(6), 77(7) and 77(17).

Paragraph 77(6)

The reports of disappearances are of grave concern, despite the fact that such acts have been defined as crimes under the new legislation. The lack of action by the State to deal with disappearances that occurred in 1989 is also of concern. The delegation's statement that investigations of the disappearances are being pursued is unsatisfactory. Taking into account the provisions of articles 6, 7 and 9 of the Covenant, the State party should give special priority to rapid and effective investigations designed to determine the whereabouts of the disappeared persons and those responsible for disappearances. The State party should also take all necessary measures to prevent disappearances, including adoption of the legislation described in article 45 of the Constitution.

Paragraph 77(7)

The many reports of extrajudicial executions and the failure of the State party to react to them are matters of grave concern. The State party should conduct investigations to identify those responsible for extrajudicial executions and bring them to justice. It should also take the necessary measures to prevent the occurrence of such violations of article 6 of the Covenant.

Paragraph 77(17)

The level of violence against women is of concern, including the many reported cases of kidnapping and murder that have not resulted in arrests or prosecution of those responsible. The foregoing gives rise to serious concerns in the light of articles 6 and 7 of the Covenant. The State party should take effective measures to guarantee women's safety and ensure that those committing such acts are brought to justice.

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

The information from the delegation that 229 people suffered violent deaths at the hands of the police force in 2000 is noted with great concern. According to other sources the figure could be higher. The reports of extrajudicial executions of prisoners in the custody of the State party in its prisons and of deaths at the hands of the National Police, the Armed Forces and the National Drug Control Office owing to the excessive use of force and the apparent impunity that they enjoy are noted with equal concern. The State party should take urgent steps to ensure respect for article 6 of the Covenant, to have those responsible for violations of the right to life guaranteed thereunder prosecuted and punished, and to make redress.

- Croatia, ICCPR, A/56/40 vol. I (2001) 65 at para. 80(10).

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While the establishment of specialised departments for the investigation of war crimes in the Ministry of the Interior is welcomed, it is of deep concern that many cases involving violations of articles 6 and 7 of the Covenant, committed during the armed conflict, including the 'Storm' and 'Flash' operations, have not yet been adequately investigated, and that only a small number of the persons suspected of involvement in those violations have been brought to trial. Although the declared policy of the present government to carry out investigations, irrespective of the ethnic identity of those suspected, is appreciated, it is regretted that the Committee was not provided with detailed information on the number of prosecutions brought, the nature of the charges and the outcome of the trials. The State party is under an obligation to investigate fully all cases of alleged violations of articles 6 and 7 and to bring to trial all persons who are suspected of involvement in such violations. Towards this end, the State party should proceed, as a matter of urgency, with the enactment of the draft law on the establishment of specialised trial chambers within the major county courts, specialised investigative departments, and a separate department within the Office of the Public Prosecutor for dealing specifically with the prosecution of war crimes.

- Syrian Arab Republic, ICCPR, A/56/40 vol. I (2001) 70 at para. 81(10).

The allegations of extrajudicial executions and disappearances, which the delegation failed to give sufficient and precise explanations and information on are of deep concern. These allegations concern the disappearance of many Syrian nationals and of Lebanese nationals arrested in Lebanon by Syrian forces, then transferred to the Syrian Arab Republic. The State party is urged to establish an independent commission of inquiry on the above-mentioned disappearances. This commission should publish the results of its investigations within an appropriate time-frame, and the State party should ensure that its conclusions are acted upon, including, where applicable, through the indictment of law enforcement personnel identified in the results of such an investigation.

- The Netherlands, ICCPR, A/56/40 vol. I (2001) 76 at paras. 82(5a-d), 82(6) and 82(8).

Paragraph 82(5a)

It is acknowledged that the new Act concerning review procedures on the termination of life on request and assisted suicide, which will come into force on 1 January 2002, is the result of extensive public debate addressing a very complex legal and ethical issue. It is further recognised that the new law seeks to provide legal certainty and clarity in a situation which has evolved from case law and medical practice over a number of years. The Committee is well aware that the new Act does not as such decriminalize euthanasia and assisted suicide. However, where a State party seeks to relax legal protection with respect to an act deliberately intended to put an end to human life, the Covenant obliges it to apply the most rigorous scrutiny to determine whether the State party's obligations to ensure the right to life are being complied with (articles 2 and 6 of the Covenant).

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Paragraph 82(5b)

The new Act on assisted suicide contains, however, a number of conditions under which the physician is not punishable when he or she terminates the life of a person, *inter alia*, on the “voluntary and well-considered request” of the patient in a situation of “unbearable suffering” offering “no prospect of improvement” and “no other reasonable solution”. Concern is expressed lest such a system may fail to detect and prevent situations where undue pressure could lead to these criteria being circumvented. It is also of concern that, with the passage of time, such a practice may lead to routinization and insensitivity to the strict application of the requirements in a way not anticipated. The Committee learnt with unease that under the present legal system more than 2,000 cases of euthanasia and assisted suicide (or combination of both) were reported to the review committee in the year 2000, and that the said committee came to a negative assessment only in three cases. The large numbers involved raise doubts whether the present system is only being used in extreme cases in which all the substantive conditions are scrupulously maintained.

Paragraph 82(5c)

Serious concern is expressed that the new law on assisted suicide is also applicable to minors who have reached the age of 12 years. It is noted that the law provides for the consent of parents or guardians of juveniles up to 16 years, while for those 16 to 18 years the parents’ or guardian’s consent may be replaced by the will of the minor provided that the minor can appropriately assess his or her interests in the matter. The Committee considers it difficult to reconcile a reasoned decision to terminate life with the evolving and maturing capacities of minors. In view of the irreversibility of euthanasia and assisted suicide, the Committee wishes to underline its conviction that minors are in particular need of protection.

Paragraph 82(5d)

Full note is taken of the monitoring task of the review committee but concern remains about the fact that it exercises only an *ex post* control, not being able to prevent the termination of life when the statutory conditions are not fulfilled. The State party should re-examine its law on euthanasia and assisted suicide in the light of these observations. It must ensure that the procedures employed offer adequate safeguards against abuse or misuse including undue influence by third parties. The *ex ante* control mechanism should be strengthened. The application of the law to minors highlights the serious nature of these concerns. The State party is asked to keep the law and its application under strict monitoring and continuing observation.

Paragraph 82(6)

Grave concern is expressed at reports that newborn handicapped infants have had their lives ended by medical personnel. The State party should scrupulously investigate any such allegations of violations of the right to life (article 6 of the Covenant), which fall outside the law on euthanasia.

Paragraph 82(8)

Concern remains that, six years after alleged involvement of members of the State party’s

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peacekeeping forces in the events surrounding the fall of Srebrenica, Bosnia-Herzegovina, in July 1995, the responsibility of the persons concerned has yet to be publicly and finally determined. In respect of an event of such gravity, it is of particular importance that issues relating to the State party's obligations to ensure the right to life be resolved in an expeditious and comprehensive manner (articles 2 and 6 of the Covenant). The State party should complete its investigations as to the involvement of its armed forces in Srebrenica as soon as possible, publicise these findings widely and examine the conclusions to determine any appropriate criminal or disciplinary action.

- Guatemala, ICCPR, A/56/40 vol. I (2001) 93 at paras. 85(12)-85(16) and 85(19)-85(21).

Paragraph 85(12)

The absence of a State policy intended to combat impunity has prevented the identification, trial and punishment of those responsible for violations of article 6 and the payment of compensation to the victims. It is of concern that delays in and the shortcomings of legal procedure and the failure of the authorities to comply with the decisions and orders of the courts have strengthened the perceptions by the public that justice is not being done. The State party should strictly apply the National Reconciliation Act, which explicitly excludes crimes against humanity from amnesty, set up an appropriate independent body to investigate disappearances and provide adequate compensation for the victims of human rights violations.

Paragraph 85(13)

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

Paragraph 85(14)

The many reports of, and the State party's failure to provide answers about, extrajudicial executions allegedly carried out by former members of the military and paramilitary forces and attributed to ordinary criminals are of deep concern. These acts are all contrary to article 6 of the Covenant. The State party should conduct investigations to identify those responsible for extrajudicial executions and bring them to justice. It should also take the necessary measures to prevent the occurrence of such violations of articles 6 and 7 of the Covenant.

Paragraph 85(15)

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The information received on the traffic in children separated from their parents, a situation which has still not yet been clarified, is also of concern. The State party should conduct investigations to identify those responsible for the traffic in children and bring them to justice. It should take the necessary measures to prevent the occurrence of such violations of articles 6, 7 and 24 of the Covenant. It should also take the appropriate measures to comply with the provisions of international instruments on child labour.

Paragraph 85(16)

Despite the efforts made by the authorities through workshops to raise public awareness, the reports of lynchings of members of the judiciary in breach of articles 6 and 7 of the Covenant and the apparent delay in the State party's reaction to such incidents are of deep concern. The State party has the obligation to ensure the full protection of all authorities, especially their security during the exercise of their judicial functions.

Paragraph 85(19)

The criminalization of all abortion, with the severe penalties imposed by the legislation in force except where the mother's life is in danger, gives rise to serious problems, especially in the light of unchallenged reports of the serious impact on maternal mortality of clandestine abortions and the lack of information on family planning. The State party has the duty to adopt the necessary measures to guarantee the right to life (art. 6) of pregnant women who decide to interrupt their pregnancy by providing the necessary information and resources to guarantee their rights and amending the legislation to provide for exceptions to the general prohibition of all abortions, except where the mother's life is in danger.

Paragraph 85(20)

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

Paragraph 85(21)

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

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- Democratic People's Republic of Korea, ICCPR, A/56/40 vol. I (2001) 98 at para. 86(12).

Given the State party's obligation, under article 6 of the Covenant, to protect the life of its citizens and to take measures to reduce infant mortality and increase life expectancy, serious concern remains about the lack of measures taken to deal with the food and nutrition situation in the DPRK, and the lack of measures taken to address, in cooperation with the international community, the causes and consequences of the drought and other natural disasters which seriously affected the country's population in the 1990s. The Committee recalls paragraph 5 of its General Comment No. 6 [16] on article 6 of the Covenant, which recommends that States parties "take all possible measures to reduce infant mortality and increase life expectancy, especially in adopting measures to eliminate malnutrition...".

ICESCR

- Togo, ICESCR, E/2002/22 (2001) 57 at para. 314.

Deep concern is expressed about the deteriorating human rights situation in the State party during the last three years, during which large-scale human rights violations, such as killings, extra-judicial executions, rapes, and bombing of houses have allegedly taken place, as examined in the report of the International Commission of Inquiry for Togo of 22 February 2001.

- Israel, ICESCR, E/2002/22 (2001) 103 at paras. 704 and 706.

Paragraph 704

Deep concern is expressed about the continuing gross violations of economic, social and cultural rights in the occupied territories, especially the severe measures adopted to restrict the movement of civilians between points within and outside the occupied territories, severing their access to food, water, health care, education and work. It is of particular concern that on frequent occasions, the State party's closure policy has prevented civilians from reaching medical services and that emergency situations have ended at times in death at checkpoints. There is alarm over reports that the Israeli security forces have turned back supply missions of the International Committee of the Red Cross and the United Nations Relief and Works Agency for Palestine Refugees in the Near East attempting to deliver food, water and medical relief to affected areas.

Paragraph 706

The State party is urged to exercise its powers and responsibilities to put an end to the violence, the loss of human lives and the restrictions imposed on the movement of civilians between points within and outside the occupied territories. In this regard, the State party is urged to implement without delay its obligations under the Covenant and to desist from decisions and measures resulting in

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violations of the economic, social and cultural rights of the population living in the occupied territories. The Committee expresses its firm conviction that the implementation of the International Covenant on Economic, Social and Cultural Rights can play a vital role in procuring a lasting peace in Israel and Palestine.

CEDAW

- Croatia, CEDAW, A/50/38 (1995) 110 at para. 587.

Deep concern is expressed over the fact that many women were still missing and about the material and psychological effect this had on their families.

- Morocco, CEDAW, A/52/38/Rev.1 part I (1997) 11 at para. 78.

Special measures should be taken to reduce maternal mortality rates and protect women's right to life by ensuring full and timely access of all women to emergency obstetric care.

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

The practice of so-called honour killings, based on customs and traditions, is a violation of the right to life and security of persons and therefore must be appropriately addressed under the law.

- Dominican Republic, CEDAW, A/53/38/Rev.1 part I (1998) 28 at para. 337.

The high rate of maternal mortality, which is caused by toxæmia, haemorrhages during childbirth and clandestine abortions, is of deep concern. Toxæmia may be caused by induced abortions. The high rate of maternal mortality, in conjunction with the fact that abortions in the Dominican Republic are absolutely and under all circumstances illegal, cause very great concern and attention is drawn to the implications of the situation for women's enjoyment of the right to life.

- Algeria, CEDAW, A/54/38/Rev.1 part I (1999) 12 at paras. 81 and 82.

Paragraph 81

The situation of wives of disappeared persons who can neither legally prove that their husbands are dead, owing to the length and difficulty of the procedure, nor enjoy their status as married women is a concern. This results in human and material injuries to these women and their children.

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Paragraph 82

The Government should help this group of women and their families by simplifying, even on a temporary basis, the legal procedure for certification of death so that they can clarify their status, obtain custody of their children and legally dispose of property to which they are entitled.

CAT

- China, CAT, A/51/44 (1996) 22 at para. 149.

The following is of concern:

Claims that the special environment that exists in Tibet continues to create conditions that result in alleged maltreatment and even death of persons held in police custody and prisons;

The fact that some methods of capital punishment may be in breach of article 16 of the Convention;

The important number of deaths apparently arising out of police custody.

- Algeria, CAT, A/52/44 (1997) 14 at para. 79.

Reports concerning extrajudicial executions, disappearances and a rising incidence of torture are of concern.

- Georgia, CAT, A/52/44 (1997) 20 at para.120.

The number of deaths in prison is alarming.

- Namibia, CAT, A/52/44 (1997) 35 at para. 247.

The cases of disappearance of former members of the South West Africa People's Organization (SWAPO) should be promptly and impartially investigated. In all situations where reasonable grounds exist to believe that those disappearances amounted either to torture or to other forms of cruel, inhuman or degrading treatment, the dependants of the deceased victims should, according to article 14 of the Convention, be afforded fair and adequate compensation.

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- Argentina, CAT, A/53/44 (1998) 8 at para. 64.

Police brutality which results in the death of or serious injury to the victim, while not constituting torture as defined in article 1 of the convention, represents cruel, inhuman and degrading treatment which the State party is obligated to punish under article 16 of the Convention.

- El Salvador, CAT, A/55/44 (2000) 28 at para. 165.

Cases of extrajudicial executions, whose victims show signs of torture, though very infrequent, would appear to reveal a persistence of the criminal practices employed during the armed conflict superseded by the Peace Agreements.

- Bolivia, CAT, A/56/44 (2001) 40 at paras. 95 and 96.

Paragraph 95

The numerous complaints submitted to the Ombudsman and the Human Rights Commission established by the Chamber of Deputies regarding treatment in breach of articles 1 and 16 of the Convention are of concern, which in some cases have caused serious injury and even loss of life, inflicted on soldiers in barracks during their compulsory military service under the pretext of disciplinary measures.

Paragraph 96

The exceptional nature of those few cases in which the State has accepted its obligation to compensate for damage caused by exceptionally serious violations of the right to life would appear to demonstrate the absence of any State policy relating to redress for victims of human rights violations. There is particular concern about the lack of government initiatives for the rehabilitation of torture victims.

CRC

- Peru, CRC, CRC/C/20 (1993) 16 at paras. 61 and 70.

Paragraph 61

The continued violence which has already caused thousands of killings, disappearances and displacements of children and parents is of deep concern. It is therefore necessary that the Peruvian Government and Peruvian society adopt an urgent, effective and fair response to protect the rights of the child.

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Paragraph 70

Investigations should be conducted into cases of extrajudicial executions, disappearances and torture which are carried out in the context of the internal violence prevailing in several parts of the country. Those accused of such abuses should be tried and, when found guilty, punished.

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

Paragraph 88

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

Paragraph 93

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

- Mongolia, CRC, CRC/C/50 (1996) 13 at paras. 60 and 72.

Paragraph 60

Concern is expressed that the State party has not yet taken fully into account in its legislation the general principles of the Convention: article 2 (principle of non-discrimination), article 3 (principle of the best interests of the child), article 6 (right to life, survival and development) and article 12 (respect for the views of the child).

Paragraph 72

In the framework of its legal reform, the Government should fully take into account the provisions of the Convention on the Rights of the Child, especially its general principles (arts. 2, 3, 6 and 12).

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- Croatia, CRC, CRC/C/50 (1996) 31 at para. 192.

The major problems experienced as a consequence of war are noted. Special note is taken of an unknown number of children who have suffered the most fundamental violations of their right to life.

- China, CRC, CRC/C/54 (1996) 18 at para. 119.

The persistence of practices leading to cases of selective infanticide is of concern.

- Nepal, CRC, CRC/C/54 (1996) 25 at paras. 160 and 184.

Paragraph 160

Concern is expressed that the State party has not fully taken into account in its legislation and policy-making the general principles of the Convention: article 2 (principle of non-discrimination), article 3 (principle of the best interests of the child), article 6 (right to life, survival and development) and article 12 (respect for the views of the child).

Paragraph 184

Firm measures should be taken to ensure the right of survival of all children in Nepal, including those who live and/or work in the streets. Such measures should aim at the effective protection of children against any form of exploitation, particularly child labour, prostitution, drug-related activities and child trafficking and sale.

- Azerbaijan, CRC, CRC/C/66 (1996) 41 at para. 269.

The Committee notes the major problems experienced as a consequence of the armed conflict, which has imposed serious hardships on the entire population, including heavy casualties, long-lasting physical, emotional and psychological effects, and the disruption of some basic services. Particular note is taken of the unknown number of children who have suffered the most fundamental violations of their right to life, and of the existence of a large population of refugees and displaced persons, who are being attended to by international aid.

- Uganda, CRC, CRC/C/69 (1997) 21 at para. 136.

Concern is expressed over the violation of the rules of international humanitarian law applicable to children in armed conflict. Furthermore, the abduction, killings and torture of children occurring in this area of armed conflict and the involvement of children as child soldiers are of concern.

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- Togo, CRC, CRC/C/69 (1997) 39 at para. 253.

The insufficiency of the measures taken to ensure the effective implementation of the general principles of non-discrimination (article 2), the best interests of the child (article 3), the right to life, survival and development (article 6) and respect for the views of the child (article 12) of the Convention in relation to legal, judicial and administrative decisions, as well as to the political decision-making process, are matters of concern.

- Benin, CRC, CRC/C/87 (1999) 35 at para. 147.

The continued practice of infanticide, particularly in rural communities and on infants with disabilities, is of concern. Measures, including those of a legal nature, should be taken to prevent and discourage infanticide and protect infants and guarantee their right to life, survival and development. In this regard, education and awareness-raising programmes should be introduced to change societal attitudes.

- Venezuela, CRC, CRC/C/90 (1999) 10 at para. 47.

Concern is expressed over the alleged cases of killings of children during anti-crime operations. Effective measures to prevent the killing of children should be undertaken in order to avoid impunity of the alleged perpetrators. Judicial mechanisms should be effectively used to investigate these killings.

- Russian Federation, CRC, CRC/C/90 (1999) 18 at para. 118.

The lack of respect for the rights of children in areas of ongoing armed conflict, the involvement of children in armed conflict, the violations of provisions of international humanitarian law and the number and situation of internally displaced children are matters of special concern. The application of the death penalty and certain corporal punishments, including mutilation, when sentencing children and the allegations of summary executions, involuntary disappearances, arbitrary detention, torture and ill-treatment of children are also of concern.

- India, CRC, CRC/C/94 (2000) 10 at paras. 70 and 95.

Paragraph 70

With respect to article 37(a) of the Convention, concern is expressed about numerous reports of

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routine ill-treatment, corporal punishment, torture and sexual abuse of children in detention facilities, and alleged instances of killings of children living and/or working on the streets by law enforcement officials.

Paragraph 95

Areas of conflict, particularly Jammu and Kashmir and the north-eastern states, have seriously affected children, especially their right to life, survival and development (art. 6 of the Convention). In the light of articles 38 and 39, the Committee expresses its very serious concern at reports of children who are involved in and are victims of these conflicts. Moreover, it is concerned at reports of involvement of the security forces in disappearances of children in these conflict areas.

- Sierra Leone, CRC, CRC/C/94 (2000) 24 at para. 130.

In light of articles 2, 3, and 6 of the Convention, the State party is encouraged to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation. The State party is urged to establish a clear policy on the allocation of resources in favour of children.

- Peru, CRC, CRC/C/94 (2000) 64 at paras. 363 and 371.

Paragraph 363

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

Paragraph 371

Concern is expressed about the short- and long-term consequences of the decreasing but still prevailing climate of violence in several regions of the State party's territory (emergency zones), which threatens the development and right to life of children. The State party should continue taking effective measures to protect children against the negative impact of internal violence, including the establishment of rehabilitation measures for child victims of this violence.

- Islamic Republic of Iran, CRC, CRC/C/97 (2000) 8 at paras. 48 and 49.

Paragraph 48

That respect for the inherent right to life of a person under 18 is not guaranteed under the law is a serious concern, particularly in light of article 220 of the Penal Law which provides that a man who

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kills his own child or his son's child is subject only to discretionary punishment and the payment of blood money.

Paragraph 49

All necessary measures should be taken to ensure that there is no discriminatory treatment for such crimes, and ensure prompt and thorough investigations and prosecutions.

- Jordan, CRC, CRC/C/97 (2000) 31 at paras. 181 and 182.

Paragraph 181

Serious concern is expressed that respect for the inherent right to life of a person under 18 is not guaranteed under the law, particularly in light of articles 340 and 98 of the Penal Code (No. 16/1960), which condone crimes perpetrated in the name of honour. That there is often reluctance on behalf of the police to arrest perpetrators, and that they receive lenient or token punishments are matters of concern.

Paragraph 182

In line with Commission on Human rights resolutions 2000/31 and 2000/45, the recommendations of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/2000/3) and those of CEDAW, all necessary measures should be taken to ensure that there is no discriminatory treatment for crimes of honour and that they are promptly and thoroughly investigated and prosecuted. In addition, awareness-raising activities to demonstrate that such practices are socially and morally unacceptable should be undertaken.

- Burundi, CRC, CRC/C/100 (2000) 17 at paras. 115, 116, 127, 128, 162 and 163.

Paragraph 115

Deep concern is expressed about the extensive violations of the right to life of children by, *inter alia*, armed conflict, deliberate killings by armed persons including members of the armed forces, State regroupment policies, other forms of population displacement, poor health and sanitation facilities, severe malnutrition and related illnesses, and as a result of the prevailing conflict between groups of the population.

Paragraph 116

The State party is strongly urged to make every effort to reinforce protection of the right to life, survival and development of all children within the State party through policies, programmes and services that target and guarantee protection of this right. The State party is urged to seek as much international assistance as possible in this regard.

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Paragraph 127

Concern is expressed that violations of human rights, including in particular the killing of civilians, committed against children or their parents are only rarely addressed through judicial processes and that this climate of impunity is detrimental to the overall respect of children's rights.

Paragraph 128

Much greater efforts should be made to investigate violations of human rights and to prosecute the perpetrators of these acts.

Paragraph 162

Deep concern is expressed about the poor situation of Batwa children and the lack of respect for almost all of their rights, including the rights to health care, to education, to survival and development, to a culture and to be protected from discrimination.

Paragraph 163

The State party should urgently gather information on the Batwa people, strengthen the representation of Batwa in national policy-making and elaborate a plan of action to protect the rights of Batwa children, including those rights related to minority populations and indigenous peoples.

- Colombia, CRC, CRC/C/100 (2000) 64 at paras. 356, 357 and 377.

Paragraph 356

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

Paragraph 357

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

Paragraph 377

Deep concern is expressed about the extremely negative impact of the armed conflict on all children, including children formerly involved in hostilities, and about the serious threat to their right to life, survival and development and the severe psychological trauma inflicted upon them. The lack of a national policy to guarantee the social reintegration of children formerly involved in hostilities is also of concern.

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- Central African Republic, CRC, CRC/C/100 (2000) 77 at paras. 429 and 430.

Paragraph 429

Concern is expressed at violations of the child's right to life with regard to those children born in the breech position. Many children's rights to survival and development are not respected.

Paragraph 430

The State party should review the impact of traditional attitudes which may be harmful for children, such as attitudes with regard to children born in the breech position, and the right to life should be guaranteed. The State party is urged to strengthen its efforts to ensure respect for the rights to survival and development of all children.

- Marshall Islands, CRC, CRC/C/100 (2000) 89 at paras. 509 and 510.

Paragraph 509

Noting that the State party's general approach is more welfare oriented rather than child rights based, concern is expressed that the principles of the best interests of the child (art. 3) and the right to life and development (art. 6) are not fully reflected in the State party's legislation, its administrative and judicial decisions, or its policies and programmes relevant to children.

Paragraph 510

The general principles of the Convention, in particular the provisions of articles 3 and 6, should be appropriately integrated in all revisions to legislation as well as in judicial and administrative decisions and in projects, programmes and services which have an impact on children and should guide the determination of policy-making at every level and in particular actions taken by social welfare institutions, courts of law and administrative authorities.

- Ethiopia, CRC, CRC/C/103 (2001) 24 at paras. 148 and 149.

Paragraph 148

The Committee joins the State party in expressing concern at the insufficient respect for children's rights to life, survival and development in the State party.

Paragraph 149

The State party is urged to continue to make every effort to achieve respect for children's rights to life, survival and development, including through improved economic development, strengthening of social infrastructure and efforts to alleviate poverty. Special attention should be given to children living in rural areas and to refugee and internally displaced children.

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- Turkey, CRC, CRC/C/108 (2001) 18 at paras. 111 and 112.

Paragraph 111

Deep concern is expressed about the violation of the right to life with reference to the practice of “honour killings”, whereby immediate family members kill women who are suspected of being unchaste. It is further noted that often both the victims and the perpetrators are minors.

Paragraph 112

In the light of article 2 (non-discrimination), article 3 (best interests of the child), article 6 (right to life) and article 19 (protection from all forms of violence) of the Convention and in line with Commission on Human Rights resolution 2001/45, with the recommendations of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/2001/9, paras. 38-41) and with concluding observations of the Committee on the Elimination of Discrimination against Women (A/52/38/Rev.1, paras. 179 and 195), the Committee strongly recommends that the State party review rapidly legislation with a view to addressing these crimes in an effective way and to eliminating all provisions allowing reductions of sentence if the crime is committed for honour purposes. It also recommends the development and effective implementation of an awareness raising and education campaign, involving also religious and community leaders, to combat effectively discriminatory attitudes and harmful traditions affecting girls, in particular in the eastern and south-eastern regions, by demonstrating that such practices are socially and morally unacceptable. The State party should also provide special training and resources to law enforcement personnel with a view to protecting in a more effective way girls who are in danger of “honour killing” and to prosecuting such cases in an effective way.

- Democratic Republic of the Congo, CRC, CRC/C/108 (2001) 31 at paras. 175, 176 and 211-214.

Paragraph 175

It is of deep concern that children’s rights to life, survival and development are severely violated within the State party. Reports of massive numbers of deaths related to the armed conflict in the east of the State party are of particular concern as is the practice of infanticide.

Paragraph 176

The State party strongly is urged to take all measures to prevent deaths related to the armed conflict and to prevent infanticide through, *inter alia*, a peaceful, rapid and conclusive end to the armed conflict, through legislative and judicial means, and through the development and implementation of appropriate policies to assure the rights to life, survival and development of all children.

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Paragraph 211

Deep concern is expressed over the grave violations of the rights of refugee children and their families and, in particular, at allegations of widespread massacres of tens of thousands of refugees and the State party's lack of cooperation with, and obstruction of, efforts by the United Nations investigative mission mandated to clarify such allegations.

Paragraph 212

The State party should strengthen its efforts to provide adequate assistance to refugees and every effort should be made to prevent all forms of violence against refugee and internally displaced children and investigate and seek justice with regard to allegations of massacres of refugee children and their families.

Paragraph 213

The direct and indirect impact of the armed conflict on almost all children in the State party is of deep concern. Concern is expressed about the deliberate killing of children by armed forces of the State party, armed forces of other State parties that have participated in the conflict and by other armed groups, and about the continuing impunity for such acts constituting very serious violations of children's rights.

Paragraph 214

The State party is urged to strengthen its efforts to end the armed conflict to ensure that the protection and promotion of children's rights are given due consideration in the ongoing peace process. Further, the State party is urged to prevent the killing or other forms of harm of children and to ensure that those persons responsible for committing such acts are prosecuted.

- Guatemala, CRC, CRC/C/108 (2001) 47 at paras. 275, 276 and 281.

Paragraph 275

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

Paragraph 276

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

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Paragraph 281

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