

LIFE - RIGHT TO - GENERAL

IV. CONCLUDING OBSERVATIONS, CONTINUED

CERD

- Canada, CERD, A/57/18 (2002) 56 at para. 333.

333. The Committee reiterates its concern about the high rate of incarceration of, violence against, and deaths in custody of Aborigines and people of African and Asian descent...

- Côte d'Ivoire, CERD, A/58/18 (2003) 19 at para. 30.

30. The Committee expresses its concern about information relating to the racial and xenophobic violence that ended in mass graves in various regions of the country and encourages the State party to continue its efforts to prevent a repetition of such violence and to punish the persons responsible for it.

- United Kingdom of Great Britain and Northern Ireland, CERD, A/58/18 (2003) 88 at paras. 537 and 542.

537. While the Committee welcomes the initiatives taken for further reforms within the police force, including enhanced representation of ethnic minorities, it recalls its previous concerns about the disproportionately high incidence of deaths in custody of members of ethnic or racial minority groups.

The Committee...encourages the State party to adopt measures conducive to integrating the different ethnic and racial representation within the police force.

...

542. The Committee expresses concern about the discrimination faced by Roma/Gypsies/Travellers that is reflected, *inter alia*, in their higher child mortality rate, exclusion from schools, shorter life expectancy, poor housing conditions, lack of available camping sites, high unemployment rate and limited access to health services.

The Committee draws the attention of the State party to its general recommendation XXVII on discrimination against Roma and recommends that the State party develop further appropriate modalities of communication and dialogue between Roma/Gypsy/Traveller communities and central authorities. It also recommends that the State party adopt national strategies and programmes with a view to improving the situation of the Roma/Gypsies/Travellers against discrimination by State bodies, persons or organizations.

LIFE - RIGHT TO - GENERAL

- Bahamas, CERD, A/59/18 (2004) 10 at para. 35.

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

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

- Libyan Arab Jamahiriya, CERD, A/59/18 (2004) 21 at para. 103.

103. The Committee is deeply concerned about reported acts of violence, stemming from anti-Black sentiment in the population, which were perpetrated in September 2000 against African migrant workers and led to the death of many persons. The Committee regrets that no updated response was provided by the State party on the action taken to sanction those responsible and prevent the occurrence of such violence in the future.

The Committee requests that the State party submit detailed information about the number of persons who died and their nationality, the results of the inquiry made by the authorities, the prosecution of persons in relation to these events, and sentences, if any, that were pronounced. The Committee also wishes to receive information about the results of the measures previously announced by the State party in response to these events, in particular the creation of a committee to look into the events and to study all manifestations of xenophobia, as well as measures for the regularization of undocumented migrants.

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

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

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

- Australia, CERD, A/60/18 (2005) 13 at para. 41.

41. The Committee remains concerned about the striking overrepresentation of indigenous

LIFE - RIGHT TO - GENERAL

peoples in prisons as well as the percentage of indigenous deaths in custody...

The Committee recommends that the State party increase its efforts to remedy this situation...

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

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

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

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

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

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

...

294. The Committee is deeply concerned about the adverse effects on the environment of ethnic communities through large-scale exploitation of natural resources in the Delta Region and other River States, in particular, the Ogoni areas. It is concerned at the State party's failure to engage in meaningful consultation with the concerned communities, and about the

LIFE - RIGHT TO - GENERAL

deleterious effects of the oil production activities on the local infrastructure, economy, health and education. In this regard, the Committee also notes with concern that the Land Use Act of 1978 and the Petroleum Decree of 1969 are contrary to the provisions of the Convention. Furthermore, the Committee is alarmed at the reports of assaults, use of excessive force, summary executions and other abuses against members of local communities by law enforcement officers as well as by security personnel employed by petroleum corporations (arts. 2 and 5).

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

- Venezuela (Bolivarian Republic of), CERD, A/60/18 (2005) 71 at para. 380.

380. The Committee notes with great concern that between 1995 and 2003, 61 persons, most of whom were indigenous or Afro-descendants, were murdered in land conflicts, presumably by private armed groups (*sicarios*), and that this problem has worsened since 2001.

The Committee requests the State party to take efficient and urgent measures to end this violence, which mainly affects indigenous peoples and Afro-descendants, including the establishment of an independent monitoring mechanism to investigate such incidents in order to ensure that they do not go unpunished.

ICCPR

- United Kingdom of Great Britain and Northern Ireland, ICCPR, A/57/40 vol. I (2002) at para. 75(8).

(8) The Committee is deeply disturbed that, a considerable time after murders of persons (including human rights defenders) in Northern Ireland have occurred, a significant number of such instances have yet to receive fully independent and comprehensive investigations,

LIFE - RIGHT TO - GENERAL

and the persons responsible to be prosecuted. This phenomenon is doubly troubling where persistent allegations of involvement and collusion by members of the State party's security forces, including the Force Research Unit, remain unresolved.

The State party should implement, as a matter of particular urgency given the passage of time, the measures required to ensure a full, transparent and credible accounting of the circumstances surrounding violations of the right to life in Northern Ireland in these and other cases.

- Switzerland, ICCPR, A/57/40 vol. I (2002) 44 at para. 76(13).

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

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

- Georgia, ICCPR, A/57/40 vol. I (2002) 53 at para. 78(7).

(7) The Committee expresses its concern at the still very large number of deaths of detainees in police stations and prisons, including suicides and deaths from tuberculosis. The Committee also remains concerned about the large number of cases of tuberculosis reported in prisons.

The State party should take urgent measures to protect the right to life and health of all detained persons as provided for in articles 6 and 7 of the Covenant. Specifically, the State party should improve the hygiene, diet and general conditions of detention and provide appropriate medical care to detainees as provided for in article 10 of the Covenant. It should also ensure that every case of death in detention is promptly investigated by an independent agency.

- Sweden, ICCPR, A/57/40 vol. I (2002) 57 at paras. 79(8), 79(10) and 79(12).

(8) The Committee notes with concern cases of female genital mutilation and "honour crimes" involving girls and women of foreign extraction (articles 3, 6 and 7 of the Covenant).

LIFE - RIGHT TO - GENERAL

The State party should continue its efforts to prevent and eradicate such practices. In particular, it should ensure that offenders are prosecuted, while promoting a human rights culture in the society at large, especially among the most vulnerable sectors of immigrant communities.

...

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

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

...

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

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

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

...

- Hungary, ICCPR, A/57/40 vol. I (2002) 60 at para. 80(11).

LIFE - RIGHT TO - GENERAL

(11) The Committee is concerned at the high maternal mortality rate in Hungary and the fact that the State party does not provide sufficient support for family planning through effective means of contraception.

The State party should take steps to protect women's life and health, through more effective family planning and contraception (article 6 of the Covenant).

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

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

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

- Viet Nam, ICCPR, A/57/40 vol. I (2002) 67 at para. 82(15).

(15) The Committee is concerned that the State party has not undertaken adequate measures to help women prevent unwanted pregnancies and to ensure that they do not undergo life-threatening abortions (art. 6).

The State party should take adequate measures to help women prevent unwanted pregnancies and avoid resorting to life-threatening abortions, and adopt appropriate family planning programmes to this effect.

See also:

- Azerbaijan, ICCPR, A/57/40 vol. I (2002) 47 at para. 77(16).

LIFE - RIGHT TO - GENERAL

- Yemen, ICCPR, A/57/40 vol. I (2002) 72 at paras. 83(6), 83(17) and 83(18).

(6) The Committee notes with concern the continued practice of female genital mutilation (articles 3, 6 and 7 of the Covenant)...

The State party must pursue its efforts to eradicate such practices. It should in particular ensure that proceedings are instituted against the perpetrators and promote a human rights culture within society along with greater awareness of the rights of women, especially the right to physical integrity...

...

(17) The Committee is disturbed to note cases of torture and cruel, inhuman or degrading treatment for which law enforcement officers are responsible. It is equally concerned at the absence, in general, of investigations into such reprehensible practices and of punishment for the perpetrators. It is also concerned at the absence of an independent body to investigate such reports (articles 6 and 7 of the Covenant).

The State party should ensure that all human rights abuses are investigated and should, depending on the findings of the investigations, institute proceedings against the perpetrators of such violations. It should also set up an independent body to investigate such reports.

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

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

- Republic of Moldova, ICCPR, A/57/40 vol. I (2002) 76 at para. 84(9).

(9) The Committee is deeply concerned at the conditions prevailing in the State party's detention facilities, in particular its failure to comply with international standards (as

LIFE - RIGHT TO - GENERAL

acknowledged by the State party), including the guarantees provided in articles 7 and 10 of the Covenant. It is particularly disturbed at the prevalence of disease, notably tuberculosis, which is a direct result of prison conditions. It reminds the State party of its obligation to ensure the health and life of all persons deprived of their liberty. Danger to the health and lives of detainees as a result of the spread of contagious diseases and inadequate care amounts to a violation of article 10 of the Covenant and may also include a violation of articles 9 and 6.

The State party should take immediate steps to ensure that the conditions of detention within its facilities comply with the standards set out in articles 6, 7 and 10 of the Covenant, including the prevention of the spread of disease and the provision of appropriate medical treatment to persons who have contracted diseases, either in prison or prior to their detention.

- Egypt, ICCPR, A/58/40 vol. I (2002) 31 at para. 77(13).

(13) While noting the creation of institutional machinery and the introduction of measures to punish any violations of human rights by employees of the State, the Committee notes with concern the persistence of torture and cruel, inhuman or degrading treatment at the hands of law-enforcement personnel, in particular the security services, whose recourse to such practices appears to display a systematic pattern. It is equally concerned at the general lack of investigations into such practices, punishment of those responsible, and reparation for the victims. It is also concerned at the absence of any independent body to investigate such complaints (articles 6 and 7 of the Covenant).

The State party should ensure that all violations of articles 6 and 7 of the Covenant are investigated and, depending on the results of investigations, should take action against those held responsible and make reparation to the victims. It should also set up an independent body to investigate such complaints...

- Togo, ICCPR, A/58/40 vol. I (2002) 36 at paras. 77(3), 77(9) and 77(23).

(3) The Committee wishes in particular to express its concern at the major contradictions between the many consistent allegations of serious violations of several provisions of the Covenant, notably articles 6, 7 and 19, and the sometimes categorical denials of the State party. In the view of the Committee, the State party has not demonstrated its resolve to get to the bottom of the allegations. Noting that the submission and consideration of reports are designed to institute a constructive and sincere dialogue the Committee encourages the State party to make every effort to that end.

...

(9) The Committee is concerned at:

LIFE - RIGHT TO - GENERAL

(a) Information that many extrajudicial executions, arbitrary arrests, threats and intimidation perpetrated by the Togolese security forces, against members of the civilian population, in particular members of the opposition, have not been investigated in a credible manner. The Committee notes that the adoption of laws such as the December 1994 Amnesty Act is likely to reinforce the culture of impunity in Togo.

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

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

...

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

- Estonia, ICCPR, A/58/40 vol. I (2003) 41 at paras. 79(12) and 79(13).

(12) In the light of the State party’s legislation on the use of firearms, the Committee expresses concern at the possibility of the use of lethal force in circumstances not presenting a risk to the lives of others.

The State party is invited to revise its outdated legislation to ensure that the use of firearms is restricted by the principles of necessity and proportionality as reflected in paragraphs 9 and 16 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (articles 7 and 10 of the Covenant).

LIFE - RIGHT TO - GENERAL

(13) While welcoming the precise information provided by the delegation on the procedure related to the determination of refugee status, the Committee remains concerned that the application of the principle of “safe country of origin” may deny the individual assessment of a refugee claim when the applicant is considered to come from a “safe” country.

The State party is reminded that, in order to afford effective protection under articles 6 and 7 of the Covenant, applications for refugee status should always be assessed on an individual basis and that a decision declaring an application inadmissible should not have restrictive procedural effects such as the denial of suspensive effect of appeal (articles 6, 7 and 13 of the Covenant).

- Mali, ICCPR, A/58/40 vol. I (2003) 47 at paras. 81(14) and 81(15).

(14) While noting the considerable efforts made by the State party, the Committee remains concerned at the high maternal and infant mortality rate in Mali, due in particular to the relative inaccessibility of health and family planning services, the poor quality of health care provided, the low educational level and the practice of clandestine abortions (article 6 of the Covenant).

So as to guarantee the right to life, the State party should strengthen its efforts in that regard, in particular in ensuring the accessibility of health services, including emergency obstetric care. The State party should ensure that its health workers receive adequate training. It should help women avoid unwanted pregnancies, including by strengthening its family planning and sex education programmes, and ensure that they are not forced to undergo clandestine abortions, which endanger their lives. In particular, attention should be given to the effect on women’s health of the restrictive abortion law.

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

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

LIFE - RIGHT TO - GENERAL

- Portugal, ICCPR, A/58/40 vol. I (2003) 56 at paras. 83(8)-83(10) and 83(12).

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

(a) The State party should end police violence without delay. It should increase its efforts to ensure that education on the prohibition of torture and ill-treatment, as well as sensitization on issues of racial discrimination, are included in the training of law enforcement personnel. Efforts should also be made to recruit members of minority groups into the police.

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

(9) The Committee notes with concern that Portuguese regulations on police use of firearms, as described in the periodic report, are not compatible with the United Nations Principles on the Use of Force and Firearms by Law Enforcement Officials. It is concerned that several persons have been shot dead by the police in recent years and that training in the use of firearms is reported to be insufficient (arts. 6 and 7).

The State party should ensure that principles 9, 14 and 16 of the United Nations Principles on the Use of Force and Firearms by Law Enforcement Officials, relating to legitimate cases of use of firearms, are fully integrated into Portuguese law and implemented in practice and that adequate training is effectively conducted.

(10) The Committee is concerned about reported cases of ill-treatment and abuse of authority by prison staff and of violence among prisoners which, in some instances, have led to the death of the victims (arts. 6, 7 and 10).

(a) The State party should increase its efforts towards the elimination of violence among prisoners and ill-treatment by prison staff, in particular through adequate training of staff and timely prosecution of offences.

...

(12) The Committee takes note that asylum-seekers whose applications are deemed

LIFE - RIGHT TO - GENERAL

inadmissible (e.g. on the basis of the exclusion clauses of article 1 F of the 1951 Convention relating to the Status of Refugees or because they have missed the eight-day deadline for submitting their applications) are not deported to countries where there is armed conflict or systematic violations of human rights. However, it remains concerned that applicable domestic law does not provide effective remedies against forcible return in violation of the State party's obligation under article 7 of the Covenant.

The State party should ensure that persons whose applications for asylum are declared inadmissible are not forcibly returned to countries where there are substantial grounds for believing that they would be in danger of being subjected to arbitrary deprivation of life or torture or ill-treatment, and provide effective remedies in domestic law in this regard.

- El Salvador, ICCPR, A/58/40 vol. I (2003) 61 at paras. 84(7), 84(12), 84(14), 84(16) and 84(19).

(7) The Committee expresses concern at the fact that the investigations into the killing of Mgr. Oscar Romero, the Archbishop of San Salvador and similar cases have been under the statute of limitations, even though the supposed perpetrators have been identified, without checking whether the decision is compatible with the State party's obligations under international law.

The State party should review its rules on the statute of limitations and bring them fully into line with its obligations under the Covenant so that human rights violations can be investigated and punished.

...

(12) The Committee is concerned at reports of PNC [National Civil Police] involvement in violations of the right to life (art. 6) and in torture, cruel, inhuman or degrading treatment and abuse of authority (art. 7), and regrets that it was unable to obtain precise information on the number of sackings that have resulted from cases of torture or similar conduct.

The Committee...recommends compliance by PNC with the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. It also requests the State party to consider establishing an external mechanism, independent of the National Civil Police, with the right to conduct inquiries and supervise the police.

...

(14) The Committee expresses its concern at the severity of the current law against abortion in the State party, especially since illegal abortions have serious detrimental consequences for women's lives, health and well-being.

The State party should take steps to bring its legislation into line with the Covenant as regards the protection of life (art. 6), so that women can be helped to avoid unwanted

LIFE - RIGHT TO - GENERAL

pregnancies and need not to resort to clandestine abortions that may put their lives in danger, as mentioned in the Committee's general comment No. 28.

...

(16) The Committee expresses concern at the incidents of people being attacked, or even killed, on account of their sexual orientation (art. 9), at the small number of investigations mounted into such illegal acts, and at the current provisions (such as the local "contravention orders") used to discriminate against people on account of their sexual orientation (art. 26).

The State party should provide effective protection against violence and discrimination based on sexual orientation.

(19) The Committee is sorry that the delegation was unable to explain the Legislative Assembly's reasons for not approving the establishment of a national commission of inquiry to track down children who disappeared in the conflict (arts. 6, 7 and 24).

The State party is...invited to reconsider the establishment of a national commission on disappeared children and a compensation fund for young people who are found.

- Israel, ICCPR, A/58/40 vol. I (2003) 64 at paras. 85(15) and 85(17).

(15) The Committee is concerned by what the State party calls "targeted killings" of those identified by the State party as suspected terrorists in the Occupied Territories. This practice would appear to be used at least in part as a deterrent or punishment, thus raising issues under article 6. While noting the delegation's observations about respect for the principle of proportionality in any response to terrorist activities against civilians and its affirmation that only persons taking direct part in hostilities have been targeted, the Committee remains concerned about the nature and extent of the responses by the Israeli Defence Force (IDF) to Palestinian terrorist attacks.

The State party should not use "targeted killings" as a deterrent or punishment. The State party should ensure that the utmost consideration is given to the principle of proportionality in all its responses to terrorist threats and activities. State policy in this respect should be spelled out clearly in guidelines to regional military commanders, and complaints about disproportionate use of force should be investigated promptly by an independent body. Before resorting to the use of deadly force, all measures to arrest a person suspected of being in the process of committing acts of terror must be exhausted.

...

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

LIFE - RIGHT TO - GENERAL

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

- Philippines, ICCPR, A/59/40 vol. I (2003) 15 at paras. 63(8), 63(11) and 63(17).

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

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

(b) The State party should provide information on the outcome of the proceedings related to the cases of Eden Marcellana and Eddie Gumanoy and the execution of 11 persons on Commonwealth Avenue, Manila, in 1995.

...

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

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

...

(17) The Committee is concerned that the measures of protection of children are inadequate and the situation of large numbers of children, particularly the most vulnerable, is deplorable. While recognizing that certain legislation has been adopted in this respect, many problems remain in practice, such as:

...

(c) street children vulnerable to extrajudicial executions and various forms of abuse and exploitation;

...

The State party should:

...

LIFE - RIGHT TO - GENERAL

(b) Devise programmes for street children which offer support and assistance. Support to relevant non-governmental organizations is encouraged in this respect;

...

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

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

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

...

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

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

LIFE - RIGHT TO - GENERAL

families compensated (arts. 2, 6, 7 and 9).

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

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

...

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

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

- Latvia, ICCPR, A/59/40 vol. I (2003) 25 at para. 65(9).

(9) While welcoming the entry into force of the new asylum law, the Committee remains concerned at the short time limits, in particular for the submission of an appeal under the accelerated asylum procedure, which raises concerns regarding the availability of an effective remedy in cases of *refoulement* (arts. 6, 7 and 2, para. 3).

The State party should ensure that the time limits under the accelerated asylum procedure are extended, in particular for the submission of an appeal.

- Sri Lanka, ICCPR, A/59/40 vol. I (2003) 30 at paras. 66(7), 66(10) and 66(12).

(7) While taking note of the proposed constitutional reform and the legislative review project currently being undertaken by the National Human Rights Commission, the Committee remains concerned that Sri Lanka's legal system still does not contain provisions which cover all of the substantive rights set forth in the Covenant, or all the necessary safeguards required to prevent the restriction of Covenant rights beyond the limits permissible under the Covenant. It regrets in particular that the right to life is not expressly mentioned as a fundamental right in chapter III of the Constitution of Sri Lanka, even though

LIFE - RIGHT TO - GENERAL

the Supreme Court has, through judicial interpretation, derived protection of the right to life from other provisions of the Constitution...

The State party should ensure that its legislation gives full effect to the rights recognized in the Covenant and that domestic law is harmonized with the obligations undertaken under the Covenant.

...

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

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

...

(12) The Committee is concerned that abortion remains a criminal offence under Sri Lankan law, except where it is performed to save the life of the mother. The Committee is also concerned by the high number of abortions in unsafe conditions, imperilling the life and health of the women concerned, in violation of articles 6 and 7 of the Covenant.

The State party should ensure that women are not compelled to continue with pregnancies, where this would be incompatible with obligations arising under the Covenant (art. 7 and general comment No. 28), and repeal the provisions criminalizing abortion.

- Colombia, ICCPR, A/59/40 vol. I (2004) 35 at paras. 67(11) - 67(13), 67(15) and 67(16).

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

LIFE - RIGHT TO - GENERAL

impunity enjoyed by their perpetrators.

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

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

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

(13) The Committee notes with concern that the criminalization of all abortions can lead to situations in which women are obliged to undergo high-risk clandestine abortions. It is especially concerned that women who have been victims of rape or incest or whose lives are in danger as a result of their pregnancy may be prosecuted for resorting to such measures (art. 6).

The State party should ensure that the legislation applicable to abortion is revised so that no criminal offences are involved in the cases described above.

...

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

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

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

The State party should ensure that the ordinary courts investigate and adjudicate such crimes and that all elements of the armed forces cooperate in the proceedings in question. Individuals under investigation for such crimes should be suspended from active duty during the investigation and trial.

LIFE - RIGHT TO - GENERAL

- Germany, ICCPR, A/59/40 vol. I (2004) 39 at para. 68(15).

(15) While the Committee notes with satisfaction that the use of firearms by the police is restricted by law to a measure of coercion *in extremis* and that the number of persons killed or injured by the use of such force has declined in recent years, it is concerned that in some of these cases the use of firearms might not have been justified (art. 6).

(a) The State party should ensure prompt, thorough and impartial investigation of all cases of persons killed or injured as a consequence of the use of firearms by police forces, bring to justice those responsible for violations of the law, and grant full reparation, including fair and adequate compensation, and rehabilitation to victims and their families.

(b) The State party should also provide training to police in methods of controlling difficult situations without using firearms.

- Suriname, ICCPR, A/59/40 vol. I (2004) 43 at para. 69(7).

(7) The Committee is concerned at the continued impunity of those responsible for human rights violations committed during the period of military rule. In particular, investigations into the December 1982 killings and the 1986 Moiwana massacre remain pending and have not yet produced concrete results. The information supplied by the delegation that all such cases are still being investigated is disturbing, especially given the lapse of time since their occurrence. The Committee further considers that this situation reflects a lack of effective remedies available to victims of human rights violations, which is incompatible with article 2, paragraph 3, of the Covenant.

The State party should give special priority to bringing to justice the perpetrators of human rights violations, including human rights violations committed by police and military personnel. The perpetrators of such acts must be tried and punished if found guilty, regardless of rank and political status. The State party should take all necessary measures to prevent the recurrence of such acts. Victims and their relatives should be provided with adequate compensation.

- Uganda, ICCPR, A/59/40 vol. I (2004) 47 at paras. 70(12) and 70(14) - 70(16).

(12) The Committee regrets that the State party has not taken sufficient steps to ensure the right to life and the right to liberty and security of persons affected by the armed conflict in northern Uganda, in particular internally displaced persons currently confined to camps (arts. 6 and 9).

LIFE - RIGHT TO - GENERAL

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

...

(14) While the Committee takes note of the measures taken by the State party to deal with the widespread problem of HIV/AIDS, it remains concerned about the effectiveness of these measures and the extent to which they guarantee access to medical services, including antiretroviral treatment, to persons infected with HIV (art. 6).

The State party is urged to adopt comprehensive measures to allow a greater number of persons suffering from HIV/AIDS to obtain adequate antiretroviral treatment.

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

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

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

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

- Lithuania, ICCPR, A/59/40 vol. I (2004) 52 at para. 71(12).

(12) While noting the information provided orally by the delegation on sex education in schools, the Committee is concerned at the high rate of unwanted pregnancies and abortions among young women between the ages of 15 and 19, and the high number of these women contracting HIV/AIDS, with consequent risks to their life and health (art. 6).

LIFE - RIGHT TO - GENERAL

The State party should take further measures to help young women avoid unwanted pregnancies and HIV/AIDS, including strengthening its family planning and sex education programmes.

- Belgium, ICCPR, A/59/40 vol. I (2004) 56 at paras. 72(10) and 72(14).

(10) The Committee is concerned at the small number of convictions in criminal and disciplinary proceedings of military personnel suspected of human rights violations during the United Nations operation in Somalia. It does note that the State party has removed the jurisdiction of military courts over acts committed by military personnel in peacetime (art. 2).

The State party should prohibit, and punish effectively, any conduct by military personnel, whether in peacetime or wartime, that is contrary to human rights, in particular the conduct set forth in articles 6 and 7 of the Covenant.

...

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

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

- Liechtenstein, ICCPR, A/59/40 vol. I (2004) 61 at para. 73(10).

(10) The Committee notes with concern that the law on self-defence and the rules governing the use of firearms by law enforcement officials are not specific on the issue of proportionality as to their use of firearms (art. 6).

The State party should ensure that its law on self-defence and the provisions governing the use of force and firearms by law enforcement officials fully comply with the requirement of proportionality as reflected in the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

- Namibia, ICCPR, A/59/40 vol. I (2004) 64 at para. 74(12).

(12) Although the Committee notes the decrease in reported violations of human rights in the northern parts of Namibia, it regrets that no extensive fact-finding initiatives have been undertaken to determine accountability for alleged acts of torture, extrajudicial killings and disappearances.

LIFE - RIGHT TO - GENERAL

The State party should establish an effective mechanism for the investigation and punishment of such acts.

- Serbia and Montenegro, ICCPR, A/59/40 vol. I (2004) 68 at paras. 75(9), 75(10) and 75(12).

(9) The Committee is concerned at the persistence of impunity for serious human rights violations, both before and after the [regime] changes of October 2000. Although the Committee appreciates the declared policy of the State party to carry out investigations and to prosecute perpetrators of past human rights violations, it regrets the scarcity of serious investigations leading to prosecutions and sentences commensurate with the gravity of the crimes committed (arts. 2, 6, 7).

The State party is under an obligation to investigate fully all cases of alleged violations of human rights, in particular violations of articles 6 and 7 of the Covenant during the 1990s and to bring to trial those persons who are suspected of involvement in such violations. The State party should also ensure that victims and their families receive adequate compensation for violations. Persons alleged to have committed serious violations should be suspended from official duties during the investigation of allegations and, if found guilty, dismissed from public service in addition to any other punishment.

(10) While noting the effective work regarding exhumations and autopsies of some 700 bodies from mass graves in Batajnica, the Committee is concerned at the lack of progress in investigations and prosecutions of the perpetrators of those crimes (arts. 2, 6).

The State party should, along with the exhumation process, immediately commence investigations into apparent criminal acts entailing violations of the Covenant. The particular needs of the relatives of the missing and disappeared persons must equally be addressed by the State party, including the provision of adequate reparation.

...

(12) While welcoming the measures taken to establish a system for trying war crimes before domestic courts, including the creation of a special war crimes trial chamber of the Belgrade District Court, and the establishment of the Office of a Special War Crimes Prosecutor, concern remains as to the absence of provisions in domestic legislation implementing the principle of command responsibility, the absence of an adequate system for witness protection, and the absence of investigators assigned solely to the prosecutor's office (arts. 2, 6, 7).

The State party should take all necessary measures to ensure that those responsible for war crimes and crimes against humanity are brought to justice, to ensure that justice is carried out in a fair manner and to establish an adequate system for witness protection.

LIFE - RIGHT TO - GENERAL

- Albania, ICCPR, A/60/40 vol. I (2004) 25 at para. 82(12).

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

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

- Benin, ICCPR, A/60/40 vol. I (2004) 30 at para. 83(14).

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

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

- Morocco, ICCPR, A/60/40 vol. I (2004) 35 at paras. 84(12) and 84(29).

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

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

...

(29) The Committee notes with concern that abortion is still a criminal offence under Moroccan law unless it is carried out to save the mother’s life.

The State party should ensure that women are not forced to carry a pregnancy to full term where that would be incompatible with its obligations under the Covenant (arts. 6 and 7) and should relax the legislation relating to abortion.

LIFE - RIGHT TO - GENERAL

- Poland, ICCPR, A/60/40 vol. I (2004) 40 at para. 85(8).

(8) The Committee reiterates its deep concern about restrictive abortion laws in Poland, which may incite women to seek unsafe, illegal abortions, with attendant risks to their life and health. It is also concerned at the unavailability of abortion in practice even when the law permits it, for example in cases of pregnancy resulting from rape, and by the lack of information on the use of the conscientious objection clause by medical practitioners who refuse to carry out legal abortions. The Committee further regrets the lack of information on the extent of illegal abortions and their consequences for the women concerned (art. 6).

The State party should liberalize its legislation and practice on abortion. It should provide further information on the use of the conscientious objection clause by doctors, and, so far as possible, on the number of illegal abortions that take place in Poland. These recommendations should be taken into account when the draft Law on Parental Awareness is discussed in Parliament.

- Kenya, ICCPR, A/60/40 vol. I (2005) 44 at paras. 86(14) - 86(16) and 86(18).

(14) The Committee expresses concern about the high maternal mortality rate prevalent in the country, caused, *inter alia*, by a high number of unsafe or illegal abortions (article 6 of the Covenant).

The State party should adopt measures to improve access to family planning services for all women. It should review its abortion laws, with a view to bringing them into conformity with the Covenant.

(15) While it notes with appreciation the recent awareness campaigns and the activities of the National AIDS Control Council, the Committee remains concerned about the extremely high rate of deaths resulting from AIDS, and the unequal access to appropriate treatment for those infected with HIV (article 6 of the Covenant).

The State party should take measures to ensure that all those infected with HIV have equal access to treatment.

(16) The Committee is concerned about reports of extrajudicial killings perpetrated by police units (“flying squads”) or other law enforcement personnel. While noting the delegation’s intention to address this issue, it deplores the fact that few instances of unlawful killings by law enforcement officials have been investigated or prosecuted, and that *de facto* impunity for such acts continues to be widespread (articles 2, 6 and 7 of the Covenant).

The State party should promptly investigate reports of unlawful killings by police or law

LIFE - RIGHT TO - GENERAL

enforcement officers and prosecute those found responsible. The State party should actively pursue the idea of instituting an independent civilian body to investigate complaints filed against the police.

...

(18) The Committee is concerned at reports that police custody is frequently resorted to abusively, and that torture is frequently practised in such custody. It is especially concerned at the information about the extremely high number of deaths in custody provided by the delegation. While noting the delegation's explanations in this respect, it remains disturbed by reports that law enforcement officials responsible for acts of torture are seldom prosecuted, and that forms for the filing of complaints (so-called "P3 forms") can only be obtained from the police themselves. While welcoming the power given to the Kenya Human Rights Commission of unrestricted access to places of detention, it is concerned that such access is sometimes wrongfully denied by the police (articles 2, 6, 7 and 9 of the Covenant).

The State party should take more effective measures to prevent abuses of police custody, torture and ill-treatment, and should strengthen the training provided to law enforcement personnel in this area. It should ensure that allegations of torture and similar ill-treatment, as well as of deaths in custody, are promptly and thoroughly investigated by an independent body so that perpetrators are brought to justice, and that complaint forms are available from a public body other than the police. In particular, High Court judgements in such cases should be enforced without delay...The State party should enforce the law requiring that access to places of detention be given to the Kenya Human Rights Commission.

- Mauritius, ICCPR, A/60/40 vol. I (2005) 52 at paras. 88(9) and 88(13).

(9) The Committee notes with concern that section 235 of the Penal Code penalizes abortion even when the mother's life is in danger, and thus may encourage women to resort to unreliable and illegal abortion, with inherent risks for their life and health (Covenant, art. 6).

The State party should review its legislation to ensure that women are not forced to carry pregnancies to term in violation of the rights guaranteed by the Covenant.

...

(13) The Committee notes with concern concurring reports from non-governmental organizations on numerous instances of ill-treatment and deaths of persons in custody and in prisons attributable to police officers. The Committee is concerned at the fact that few complaints are actually investigated in order to identify and punish the officers responsible. It notes with concern the limitations of the investigations carried out by the Complaints Investigation Bureau, as well as the shortcomings of the National Human Rights Commission (Covenant, arts. 6, 7 and 10). In that regard, it is concerned at the absence of an independent appeals body for complaints against the police authorities.

LIFE - RIGHT TO - GENERAL

The State party should ensure that investigations into all violations under articles 6, 7 and 10 of the Covenant are carried out. It should, depending on the findings of the investigations, prosecute the perpetrators of such violations and pay compensation to the victims. The State party should also ensure that the victims have access to genuinely independent bodies for investigating those complaints...

- Uzbekistan, ICCPR, A/60/40 vol. I (2005) 56 at para. 89(18).

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

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

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

(9) The Committee is concerned about reported cases of disproportionate use of force by the police, including fatal shootings, and ill-treatment at the time of arrest and during police custody. Police violence against migrants and Roma appears to be recurrent. The Committee is equally concerned about the reported failure of the judicial and administrative systems to deal promptly and effectively with such cases and the leniency of the courts in the few cases where law enforcement officers have been convicted (arts. 2 and 7).

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

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

- Yemen, ICCPR, A/60/40 vol. I (2005) 65 at paras. 91(12) - 91(14).

(12) The Committee notes with concern that domestic violence remains persistent in Yemen and that the law provides for lower sentences for husbands who have murdered their wives

LIFE - RIGHT TO - GENERAL

caught in the act of adultery than is generally provided for in cases of murder (arts. 3, 6 and 7).

The State party should actively combat domestic violence through awareness-raising campaigns as well as the enactment of appropriate penal legislation...The State party should abolish legislation providing for lower sentences in case of “honour killings”.

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

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

(14) The Committee is concerned about the use of force by security forces on 21 March 2003, which resulted in the killing of four people, including an 11-year-old-boy, participating in a demonstration against the war in Iraq (art. 6).

The State party should conduct a full and impartial investigation into these events and should, depending on the findings of the investigation, institute proceedings against the perpetrators of the killings. It should also provide remedies to the victims’ families.

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

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

The State party should give a particularized account of Lebanese nationals and Syrian nationals, as well as other persons, who were taken into custody or transferred into custody

LIFE - RIGHT TO - GENERAL

in Syria and who have not heretofore been accounted for. The State party should also take immediate steps to establish an independent and credible commission of inquiry into all disappearances, in line with the recommendations the Committee made in 2001.

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

(10) The Committee is concerned at the persistent allegations of serious human rights violations, including widespread instances of extrajudicial killings and ill-treatment by the police and members of armed forces, illustrated by incidents such as the Tak Bai incident in October 2004, the Krue Se mosque incident on 28 April 2004 and the extraordinarily large number of killings during the “war on drugs” which began in February 2003. Human rights defenders, community leaders, demonstrators and other members of civil society continue to be targets of such actions, and any investigations have generally failed to lead to prosecutions and sentences commensurate with the gravity of the crimes committed, creating a culture of impunity. The Committee further notes with concern that this situation reflects a lack of effective remedies available to victims of human rights violations, which is incompatible with article 2, paragraph 3, of the Covenant (arts. 2, 6, 7).

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

...

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

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

...

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

LIFE - RIGHT TO - GENERAL

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

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

ICESCR

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

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

...

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

- Brazil, ICESCR, E/2004/22 (2003) 28 at paras. 132, 142, 156 and 165.

132. The Committee notes with concern the killing of landless farmers and the members of trade unions defending them and the impunity enjoyed by those responsible for committing these crimes.

...

142. The Committee is deeply concerned that the State party does not provide sufficient

LIFE - RIGHT TO - GENERAL

protection for indigenous peoples, who continue to be forcibly evicted from their lands and face threats to their lives and even execution...

...

156. The Committee urges the State party to take legal action against those who are responsible for committing crimes against landless farmers and members of trade unions and to take effective preventive measures to ensure protection to all farmers and members of trade unions.

...

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

- Lithuania, ICESCR, E/2005/22 (2004) 18 at paras. 92 and 114.

92. The Committee is concerned about the high suicide rate in the State party, particularly among the rural population.

...

114. The Committee recommends that the State party undertake a study of the root causes of suicide in the State party and strengthen its efforts under the National Suicide Prevention Programme to reduce the suicide rate.

- Spain, ICESCR, E/2005/22 (2004) 34 at paras. 240 and 247.

240. While recognizing the measures taken to combat domestic violence in the State party, the Committee expresses its concern about the rising number of fatal cases of domestic violence and of the persistent high number of complaints lodged by women for ill-treatment at the hands of their spouses or partners.

...

257. The Committee recommends that the State party intensify its efforts to combat domestic violence...

CEDAW

- Yemen, CEDAW, A/57/38 part III (2002) 200 at paras. 390 and 391.

390. The Committee expresses concern that several provisions of the Penal Code discriminate against women. It notes in particular article 232, which provides that a husband or other male relative who kills his wife in relation to adultery is not charged with murder.

LIFE - RIGHT TO - GENERAL

391. The Committee urges the Government to eliminate any discriminatory penal provisions, and in particular article 232 as proposed by the National Women's Committee, in line with the Convention and to ensure that homicides committed against women by their husbands or male relatives are prosecuted and punished in the same way as other murders.

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

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

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

- Brazil, CEDAW, A/58/38 part II (2003) 93 at paras. 126 and 127.

126. The Committee is concerned at the high maternal mortality rate, particularly in the more remote regions where access to health facilities is very limited. The Committee is also concerned at the health condition of women from disadvantaged groups and at the high rate of clandestine abortion and its causes, linked to, among others, poverty, exclusion and a lack of access to information...

127. The Committee recommends that further measures be taken to guarantee effective access of women to health-care information and services, particularly regarding sexual and reproductive health, including young women, women from disadvantaged groups and rural women. Those measures are essential to reduce maternal mortality and to prevent recourse to abortion and protect women from its negative health effects...

- Slovenia, CEDAW, A/58/38 part II (2003) 109 at paras. 214 and 215.

214. The Committee is concerned at the high maternal mortality rate in Slovenia.

215. The Committee recommends that the State party take urgent measures to reduce the maternal mortality rate, in consultation with the World Health Organization, as necessary...

LIFE - RIGHT TO - GENERAL

- Samoa, CEDAW, A/60/38 part I (2005) 9 at paras. 56 and 57.

56. The Committee expresses concern that complications of pregnancy and childbirth remain one of the leading causes of morbidity for women...

57. The Committee urges the State party to increase its efforts to improve the provision of sexual and reproductive health services to reduce fertility rates and maternal morbidity...

- Paraguay, CEDAW, A/60/38 part I (2005) 44 at paras. 287 and 288.

287. The Committee remains concerned about the persistent high maternal mortality rates, particularly deaths due to illegal abortions, the limited access of women to health care and family planning programmes and the apparently unmet need for contraceptives.

288. The Committee reiterates the recommendation made in its previous concluding comments and urges the State party to act without delay and implement effective measures to deal with the high maternal mortality rate, to prevent women from having to resort to unsafe abortions and to protect them from the negative effects on their health, in line with the Committee's general recommendation No. 24 on women and health and the Beijing Declaration and Platform for Action. The Committee urges the Government to strengthen the implementation of programmes and policies aimed at providing effective access for women to health-care information and services, in particular regarding reproductive health and affordable contraceptive methods, with the aim of preventing clandestine abortions. It further recommends holding a national consultation with civil society groups, including women's groups, to address the issue of abortion, which is illegal under the current law and is a cause of women's high mortality rates.

- Turkey, CEDAW, A/60/38 part I (2005) 58 at paras. 367 and 368.

367. The Committee is strongly concerned about the pervasiveness of patriarchal attitudes and deep-rooted traditional and cultural stereotypes regarding the roles and responsibilities of women and men in society, which continue to cast women in a position of inferiority. It expresses its concern that these attitudes contribute to the perpetuation of violence against women, including in the form of "honour killings", and negatively affect women's enjoyment of their rights in many areas; they also impede the full implementation of the Convention, including in regard to education, employment, health and participation in decision-making...

368. The Committee calls upon the State party to accelerate its efforts to eliminate

LIFE - RIGHT TO - GENERAL

stereotypical attitudes about the roles and responsibilities of women and men, in conformity with articles 2 (f) and 5 (a) of the Convention, including through awareness-raising and educational campaigns directed at both women and men, to foster a better understanding of and support for equality between women and men at all levels of society. The Committee calls on the State party to monitor carefully the impact of such measures. It recommends that the media be further encouraged to project a positive image of women and of the equal status and responsibilities of women and men in the private and public spheres. The Committee also calls upon the State party to introduce without delay additional measures, in collaboration with civil society organizations, women's groups and community leaders, as well as teachers and the media, to eliminate traditional and cultural practices that discriminate against women in marriage and family relations, taking into account the Committee's general recommendation 21, on equality in marriage and family relations.

- Lebanon, CEDAW, A/60/38 part II (2005) 109 at paras. 103, 104, 111 and 112.

103. The Committee notes with concern that violence against women and girls persists, including domestic violence, rape and crimes committed in the name of honour. The Committee is especially concerned about article 562 of the Lebanese penal code, which allows mitigation of the penalty for crimes committed in the name of honour, and the apparent lack of sensitization efforts in the State party to reject a concept of honour that perpetuates and condones the killing of women.

104. The Committee urges the State party to accord priority attention to the adoption of a comprehensive approach to address violence against women and girls, taking into account the Committee's general recommendation 19 on violence against women. The Committee calls on the State party to amend article 562 of the Lebanese penal code, which allows mitigation of the penalty for crimes committed in the name of honour, and to adopt specific legislation on violence against women, including domestic violence, within a clear time frame so as to ensure that women and girls who are victims of violence have access to protection and effective redress, and that perpetrators of such acts are effectively prosecuted and punished. The Committee also recommends gender-sensitive training on violence against women for public officials, particularly law enforcement personnel, the judiciary and health service providers, so as to ensure that they are sensitized to all forms of violence against women and can adequately respond to it. The Committee also calls on the State party to take measures towards modifying social, cultural and traditional attitudes, including the concept of honour, that remain permissive of violence against women.

...

111. While welcoming the incorporation of reproductive health services into the primary health-care system, the Committee remains concerned that not all women have access to such services, especially in the rural areas. It is also concerned about women's deaths resulting from clandestine abortions.

LIFE - RIGHT TO - GENERAL

112. The Committee urges the Government to strengthen, especially in the rural areas, the implementation of programmes and policies aimed at providing effective access for women to health-care information and services, in particular regarding reproductive health and affordable contraceptive methods, with the aim also of preventing clandestine abortions. The Committee further urges the State party to decriminalize abortion where there are mitigating circumstances. The Committee recommends the implementation of measures to protect women from the negative effects on their health of unsafe abortions, in line with the Committee's general recommendation 24 on women and health and the Beijing Declaration and Platform for Action.

- Gambia, CEDAW, A/60/38 part II (2005) 122 at paras. 203 and 204.

203. While recognizing the progress made in lowering maternal mortality from 1,050 per 100,000 live births in 1990 to 730 per 100,000 live births in 2001, and infant mortality from 92 per 1,000 live births in 1990 to 84 live births in 2001, the Committee remains concerned that these rates continue to be very high. The Committee is particularly concerned about the lack of access of women to adequate prenatal and post-natal care.

204. The Committee recommends that the State party make every effort to decrease the high maternal and infant mortality rates, and increase women's access to health services, including health-care facilities and medical assistance by trained personnel, especially with regard to prenatal and post-natal care...

CAT

- Indonesia, CAT, A/57/44 (2002) 22 at para. 42.

42. The Committee is concerned about:

...

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

...

- Israel, CAT, A/57/44 (2001) 27 at para. 52.

52. The Committee expresses concern about the following matters:

...

(1) The Committee is...concerned at instances of "extrajudicial killings" drawn to its attention.

LIFE - RIGHT TO - GENERAL

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

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

(a) Numerous, ongoing reports of severe violations of human rights and the Convention, including arbitrary detention, torture and ill-treatment, including forced confessions, extrajudicial killings, and forced disappearances, particularly during "special operations" or "sweeps", and the creation of illegal temporary detention centres, including "filtration camps". Allegations of brutal sexual violence are unusually common. Additionally, armed units which are reported to be very brutal towards civilians have been sent again into the conflict area;

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

...

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

(a) Clarify the jurisdiction over the events in Chechnya, which currently have an uncertain status, as there is no state of exception and there is also a non-international armed conflict in progress. Such clarification could provide individuals with an effective means of seeking redress for any violations committed, so they will not be caught in a vicious circle of various military and civilian departments and agencies with differing degrees of responsibility;

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

...

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

LIFE - RIGHT TO - GENERAL

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

...

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

...

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

...

(b) Immediately launch an independent investigation into the deaths at Douala central prison since the beginning of the year and bring those responsible to justice;

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

...

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

56. The Committee expresses concern about the following:

...

(j) Reports that life-saving medical care for women suffering complications after illegal abortions is administered only on condition that they provide information on those performing such abortions. Such confessions are reportedly used subsequently in legal proceedings against the women and against third parties, in contravention of the provisions of the Convention;

...

57. The Committee recommends that the State party should:

...

(m) Eliminate the practice of extracting confessions for prosecution purposes from women

LIFE - RIGHT TO - GENERAL

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

...

(p) Provide updated information to the Committee on the status of investigations into past crimes involving torture, including the cases known as the “Caravan of Death”, “Operación Cóndor” and “Colonia Dignidad”;

...

- Colombia, CAT, A/59/44 (2003) 33 at paras. 62, 66, 68 and 69.

62. The Committee notes with satisfaction the State party's adoption of a number of domestic laws of relevance to the prevention and suppression of torture and ill-treatment, in particular:

(a) The new Penal Code (Act No. 599/2000), which defines the offences of torture, genocide, forced disappearance and forced displacement and states that due obedience will not be considered as justifying those offences;

(b) The new Military Penal Code (Act No. 522/1999), which excludes the offences of torture, genocide and forced disappearance from the jurisdiction of the military criminal courts and regulates the principle of due obedience;

...

66. The Committee reiterates its concern at the numerous acts of torture and ill-treatment reported widely and systematically committed by the State security forces and organs in the State party both during and outside armed operations. It also expresses its concern at the high number of forced disappearances and arbitrary executions.

...

68. The Committee also expresses its concern at:

...

(d) The allegations and information indicating:

...

(iii) The fact that the military courts are allegedly still, despite the promulgation of the new Military Penal Code and the Constitutional Court's decision of 1997 that crimes against humanity did not fall within the jurisdiction of the military courts, investigating offences that are totally excluded from their competence, such as torture, genocide and forced disappearance in which members of the police or armed forces are suspected of having been involved;

LIFE - RIGHT TO - GENERAL

...

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

...

(f) That in cases of violation of the right to life any signs of torture, especially sexual violence, that the victim may show be documented. That evidence should be included in forensic reports so that the investigation may cover not only the homicide but also the torture. The Committee also recommends that the State party provide medical staff with the training necessary to determine when torture or ill-treatment of any kind has occurred;

(g) Respect the provisions of the Military Penal Code that exclude cases of torture from the jurisdiction of the military courts and ensure that those provisions are respected in practice;

...

- Germany, CAT, A/59/44 (2004) 45 at paras. 91 and 92.

91. The Committee expresses its concern at:

...

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

...

92. The Committee recommends that:

(a) The State party take all appropriate measures to ensure that criminal complaints lodged against its law enforcement authorities are resolved expeditiously, in order to resolve such allegations promptly and avoid any possible inference of impunity, including in cases where counter-charges are alleged;

...

- Morocco, CAT, A/59/44 (2003) 58 at paras. 125-127.

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

...

(f) The payment of compensation, following the recommendations made by the Independent Arbitration Commission set up within CCDH on compensation for material damage and moral injury suffered by victims of disappearance or arbitrary detention and their next of kin;

...

126. The Committee expresses concern about:

LIFE - RIGHT TO - GENERAL

...

(e) The lack of information about measures taken by the judicial, administrative and other authorities to act on complaints and undertake inquiries, indictments, proceedings and trials in respect of perpetrators of acts of torture, notably in the case of acts of torture verified by the Independent Arbitration Commission for compensation for material damage and moral injury suffered by the victims of disappearance or arbitrary detention and their next of kin;

...

(h) The number of fatalities in prisons;

...

127. The Committee recommends that the State party:

...

(f) Ensure that all allegations of torture or cruel, inhuman or degrading treatment are immediately investigated impartially and thoroughly, especially allegations relating to cases and situations verified by the aforementioned Independent Arbitration Commission and allegations implicating the National Surveillance Directorate in acts of torture, and ensure that appropriate penalties are imposed on those responsible and that equitable compensation is granted to the victims;

(g) Inform the Committee of the outcome of impartial inquiries into all deaths in police custody, detention or prison, in particular deaths alleged to be the result of torture;

...

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

39. The Committee expresses its concern at:

...

(f) The investigations carried out by the State party into a number of deaths by lethal force arising between the entry into force of the Convention in 1988 and the Human Rights Act in 2000 which have failed to fully meet its international obligations;

(g) Reports of unsatisfactory conditions in the State party's detention facilities including substantial numbers of deaths in custody, inter-prisoner violence, overcrowding and continued use of "slopping out" sanitation facilities...

...

40. The Committee recommends that:

...

(k) The State party should take all practicable steps to review investigations of deaths by lethal force in Northern Ireland that have remained unsolved, in a manner, as expressed by representatives of the State party, "commanding the confidence of the wider community";

LIFE - RIGHT TO - GENERAL

(l) The State party should develop an urgent action plan, including appropriate resort to criminal sanctions, to address the subjects of concern raised by the Committee in paragraph 40, subparagraph (g) as well as take appropriate gender-sensitive measures;

...

- Greece, CAT, A/60/44 (2004) 20 at paras. 47 and 48.

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

...

(h) Continuing allegations of excessive use of force and firearms, including cases of killings and reports of sexual abuse, by the police and, in particular, border guards. Many of the victims are reportedly Albanian citizens or members of other socially disadvantaged groups, and the Committee regrets the fact that disaggregated statistical data in this respect are not available from the State party;

...

48. The Committee recommends that the State party:

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

...

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

...

CRC

- Mauritania, CRC, CRC/C/111 (2001) 8 at paras. 50 and 51.

50. The Committee is concerned that the principles of non-discrimination (art. 2 of the Convention), best interests of the child (art. 3), right to life and maximum possible survival and development of the child (art. 6) and respect for the views of the child (art. 12) are not fully reflected in the State party's legislation and administrative and judicial decisions, as well as in policies and practices relevant to children at both national and local levels.

LIFE - RIGHT TO - GENERAL

51. The Committee recommends that the general principles of the Convention, in particular the provisions of articles 2, 3, 6 and 12:

- (a) Be appropriately integrated in all relevant legislation concerning children;
- (b) Be applied in all political, judicial and administrative decisions, as well as in projects, programmes and services which have an impact on all children; and
- (c) Guide planning and policy-making at every level, as well as actions taken by social and health welfare institutions, courts of law and administrative authorities.

- Cameroon, CRC, CRC/C/111 (2001) 71 at paras. 353, 354, 359, 360, 394 and 395.

353. The Committee is deeply concerned at the living conditions of children detained in jails and prisons, which are so deplorable that they endanger their life.

354. The Committee recommends that the State party take all necessary measures to ensure that detained children are provided access to health and education services and with food, and that the conditions meet the needs of the children and are compatible with the rights under the Convention.

...

359. ...The Committee is...very concerned at some instances of forced disappearance and extrajudicial execution of children.

...

360. In the light of the recommendations of the Committee against Torture and of the Human Rights Committee, the Committee recommends that the State party:

...

(b) Establish an independent mechanism to investigate reports of torture, forced disappearance and extrajudicial execution of children and to bring to justice the persons responsible;

...

394. The Committee is deeply concerned about the poor situation of Pygmy children and children of similar marginalized groups, and at the lack of respect for almost all of their rights, including the rights to health care, to education, to survival and development, to enjoy their own culture and to be protected from discrimination...

395. The Committee urges the State party urgently to gather additional information on the Pygmies and other marginalized groups of the population, and to elaborate a plan of action to protect their rights.

See also:

LIFE - RIGHT TO - GENERAL

- Gabon, CRC, CRC/C/114 (2002) 47 at paras. 245 and 246.

- Lebanon, CRC, CRC/C/114 (2002) 11 at paras. 57 and 58.

57. Noting the statement by the delegation that the problem of crimes committed in the name of honour do not exist in the State party, the Committee is nevertheless concerned that the provisions relating to “honour crimes” remain in the Penal Code. It is deeply concerned at the statement by the delegation that in some cases such crimes are not punished at all.

58. The Committee recommends that the State party:

(a) Rapidly review its legislation with a view to eliminating all provisions allowing sentences to be reduced if the crime in question is committed in the name of honour;

(b) Amend the law in accordance with international standards and ensure prompt and thorough investigations and prosecutions; and

(c) Undertake awareness-raising activities to make such practices socially and morally unacceptable.

- Greece, CRC, CRC/C/114 (2002) 25 at paras. 128 and 129.

128. The Committee is concerned:

(a) At the very high rate of accidents, especially road accidents and domestic accidents of poisoning, of which children are victims in the State party;

(b) At the very poor educational and health statistics relating to children from Roma communities.

129. The Committee recommends that the State party take steps:

(a) To prevent road accidents and domestic accidents of poisoning involving children;

(b) To improve respect for the rights to life, survival and development of Roma children, including through proactive efforts on the part of relevant authorities.

- Mozambique, CRC, CRC/C/114 (2002) 65 at paras. 279 and 280.

LIFE - RIGHT TO - GENERAL

279. The Committee is concerned that:

- (a) Ninety per cent of cases of people being run down by cars involve children, as indicated in the State party's report;
- (b) Landmines continue to pose a serious threat to children's survival and development.

280. The Committee recommends that the State party:

- (a) Develop and implement a policy for the prevention of accidents involving children, including through information campaigns targeting children, drivers, traffic police, teachers and parents;
- (b) Continue efforts to clear landmines and ensure the provision of physical rehabilitation and other relevant support to victims.

- Malawi, CRC, CRC/C/114 (2002) 104 at paras. 406 and 407.

406. While welcoming the adoption of the National Programme of Action for the Survival and Development of Children, and noting that the right to life is included in the Constitution, the Committee remains concerned that the programme has not been sufficiently implemented and that the impact of HIV/AIDS, mounting economic challenges and other socio-economic difficulties, as well as traditional practices and witchcraft, continue to threaten the right to life, survival and development of children within the State party.

407. The Committee encourages the State party to reinforce its efforts to provide greater protection and support to children whose right to life, survival and development are unduly threatened by the difficult socio-economic realities of the State. In this connection, the Committee recommends that the State party take the necessary measures to set clear priorities for a new programme of action and take all effective measures to strengthen its technical cooperation with, among others, UNICEF, UNAIDS, UNDP and WHO.

- Guinea-Bissau, CRC, CRC/C/118 (2002) 12 at paras. 66 and 67.

66. While noting that a major effort has been made to address the situation of children with disabilities since 1986 (see report, para. 189), the Committee remains concerned that:

- (a) The rights of children with disabilities are very poorly respected (see report, para. 187), societal discrimination is prevalent against children with disabilities, including children with Down's syndrome, and that there are cases of the killing of newborn children who have

LIFE - RIGHT TO - GENERAL

physical disabilities;

...

67. The Committee recommends that the State party, in the spirit of the United Nations Guidelines on Disabilities and the results of the Committee's day of general discussion on the rights of children with disabilities:

...

(b) Ensure the implementation of all legislative measures of protection for children with disabilities, in particular with regard to non-discrimination, giving attention to practices such as the killing of newborn children with disabilities;

...

- Niger, CRC, CRC/C/118 (2002) 37 at paras. 155 and 156.

155. The Committee is concerned at the incidence of infanticide committed by mothers in the State party and at the impact of mounting economic challenges and other socio-economic difficulties, as well as traditional practices which continue to threaten the right to life, survival and development of children in the State party.

156. The Committee encourages the State party to pursue its efforts to provide greater protection and support to children whose right to life, survival and development are unduly threatened by traditional practices and the difficult socio-economic realities of the State party. In this connection, the Committee recommends that the State party strengthen its technical cooperation with, *inter alia*, UNICEF, UNAIDS, UNDP and WHO.

- The Netherlands (Antilles), CRC, CRC/C/118 (2002) 129 at paras. 553 and 554.

553. The Committee expresses its concern that one of the leading causes of death among older children is homicide.

554. The Committee recommends that the Netherlands Antilles study the problem of homicide amongst youth and take effective measures to address the root causes based on the results of the study.

- Argentina, CRC, CRC/C/121 (2002) 8 at paras. 59-62.

59. The Committee recognizes the work done by the National Commission for the Right to

LIFE - RIGHT TO - GENERAL

an Identity to recover children missing during the military regime in power from 1976 to 1983, and notes that out of an estimated 500 cases of disappearances of children, 73 have been found.

60. In light of article 8 of the Convention, the Committee encourages the State party to continue and strengthen its efforts to recover the children who disappeared during the military regime.

61. The Committee expresses its deep concern about institutional violence and specific reports of torture and ill-treatment of children held at police stations (*commissarias*) which, in some cases, have resulted in death. It is also extremely concerned at additional reports of police brutality, specifically the phenomenon of *gatillo fácil* (easy trigger syndrome), especially in the Province of Buenos Aires, which has led to the death of many children. It notes that, according to the Supreme Court of Justice of the Province of Buenos Aires, several of the children who died had previously reported pressures and torture by the provincial police and that the majority of the cases are not adequately investigated and the perpetrators not brought to justice.

62. In light of article 37 (a) of the Convention, the Committee urges the State party:

- (a) To undertake a study on the above-mentioned issues in order to assess their extent, scope and nature;
- (b) To enforce the recently signed National Plan of Action for the Prevention and Elimination of Institutional Violence;
- (c) To investigate, in an effective way and within a reasonable time, reported cases of killings, torture and ill-treatment of children;
- (d) Urgently to take measures to transfer from active duty or suspend, as appropriate, alleged perpetrators while they are under investigation, and release them from service if convicted;
- (e) To provide systematic training of law enforcement personnel in human and children's rights and ways to avoid the use of force;
- (f) To establish a complaint mechanism, which should be easily accessible and child-sensitive and inform children about their rights, including the right to complain;
- (g) To ensure that independent and qualified medical personnel are required to carry out regular examinations of child detainees;

...

LIFE - RIGHT TO - GENERAL

- United Kingdom of Great Britain and Northern Ireland, CRC, CRC/C/121 (2002) 23 at paras. 119, 120, 131 and 132.

119. The Committee is concerned at the continued use of plastic baton rounds as a means of riot control in Northern Ireland as it causes injuries to children and may jeopardize their lives.

120. Following the recommendations of the Committee against Torture (A/54/44, para. 77 (d)), the Committee urges the State party to abolish the use of plastic baton rounds as a means of riot control.

...

131. The Committee notes the initiatives taken in the area of child abuse, such as the Family, Homes and Domestic Violence (NI) Order 1998; the Circular 10/95 Protecting children from abuse: the role of the education service; the Scotland's School, etc. Act 2000; and the establishment of a Child Protection in Sport Unit in 2001. Nevertheless, the Committee is deeply concerned that one or two children die every week as a result of violence and neglect in the home...It particularly notes the absence of adequate, systematic follow-up of child deaths and that crimes committed against children below the age of 16 are not recorded. In the care system, the Committee notes a lack of consistent safeguards for children who are privately fostered...

132. In line with its previous recommendations ([CRC/C/15/add.34], para. 31) and in light of articles 3, 6, 12, 19 and 37 of the Convention, the Committee recommends that the State party:

- (a) Introduce a system of statutory child death inquiries;
- (b) Develop a coordinated strategy for the reduction of child deaths as a result of violence and the reduction of all forms of violence against children;
- (c) Ensure consistent legislative safeguards for all children in alternative care, including those who are privately fostered;
- (d) Carry out large-scale public education campaigns and programmes, including through the schools, aimed at reducing child deaths and child abuse with information on the role of statutory and other services in protecting children;

...

- Burkina Faso, CRC, CRC/C/121 (2002) 103 at paras. 457 and 458.

LIFE - RIGHT TO - GENERAL

457. ...[T]he Committee is concerned at methods used by law enforcement officials which may jeopardize the life of children.

458. The Committee urges the State party to...ensure that each case of violence and abuse is duly investigated, that perpetrators are brought to justice without undue delay and that victims receive compensation.

- Israel, CRC, CRC/C/121 (2002) 131 at paras. 554, 555, 581 and 582.

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

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

...

581. The Committee deeply regrets the killing and injuring of all children in the State party committed by all actors prior to and during the present armed conflict. It is extremely concerned about the consequences of the climate of terror which seriously harms the development of children.

582. The Committee strongly urges the State party and all relevant non-State actors:

(a) To take immediate and all necessary measures to end the violence;

...

(c) To investigate immediately and effectively all killings of children and bring the perpetrators to justice;

...

- Haiti, CRC, CRC/124 (2003) 95 at paras. 450 and 451.

LIFE - RIGHT TO - GENERAL

450. The Committee expresses its concern at the increasing number of street children and at the lack of a systematic and comprehensive strategy to address this situation and to provide these children with adequate protection and assistance. In addition, the Committee is concerned that these children are used for the perpetration of offences and that some of them have disappeared.

451. The Committee recommends that the State party:

...

(c) Investigate the disappearances of street children;

...

- Pakistan, CRC, CRC/C/133 (2003) 37 at paras. 200 and 201.

200. The Committee takes note of the recognition given to the problem of honour killings by the State party, but is nonetheless very concerned at the widespread and increasing problem of so-called honour killings, affecting children both directly and, through their mothers, indirectly. The Committee is seriously concerned that, despite the efforts of the State party, the police are often reluctant to arrest the perpetrators and that the latter receive lenient or token punishment.

201. The Committee recommends that the State party take all necessary measures to ensure that there is no discriminatory treatment for crimes of honour and that they are promptly, fairly and thoroughly investigated and prosecuted. In addition, the Committee recommends that the State party undertake a thorough review of the existing legislation and strengthen awareness-raising campaigns in this regard.

- Madagascar, CRC, CRC/C/133 (2003) 56 at paras. 281 and 282.

281. The Committee notes that the murder or rejection of children thought to be “born on an unlucky day” is beginning to disappear, but remains deeply concerned that such murders still occur and at the rejection or abandonment of twins in the Mananjary region.

282. In light of article 6 of the Convention, the Committee recommends that the State party take all necessary measures to stop these practices, including through awareness-raising in the society at large, which should involve traditional leaders. In addition, The Committee recommends that the State party take all necessary measures to ensure that the institutionalization of twins is a measure of last resort.

- Bangladesh, CRC, CRC/C/133 (2003) 93 at paras. 511 and 512.

LIFE - RIGHT TO - GENERAL

511. The Committee is deeply concerned about the poor situation of children of the Chittagong Hill Tracts, and other religious, national and ethnic minorities, tribal groups or similar marginalized groups and the lack of respect for their rights, including the rights to food, to health care, to education and to survival and development, to enjoy their own culture and to be protected from discrimination.

512. The Committee urges the State party to gather additional information on all minorities or similar marginalized groups of the population, and to elaborate policies and programmes to ensure the implementation of their rights without discrimination, taking into account the Committee's recommendations adopted at its day of general discussion on the theme "The rights of indigenous children".

- Indonesia, CRC, CRC/C/137 (2004) 8 at paras. 87 and 91.

87. The Committee is alarmed at the high level of fatalities in Aceh, West Kalimantan, Central Sulawesi, Maluku and Ambon, as well as those which resulted from the conflict in East Timor in 1999. The Committee is further concerned that children affected by armed conflict remain a particularly vulnerable group and that the perpetrators of violations of their human rights, especially during conflicts, are rarely prosecuted.

...

91. The Committee urges the State party:

- (a) To take measures to prevent and end the violence affecting children's lives and rights, especially in areas such as Aceh, Maluku and West Papua;
- (b) To ensure that the application of martial law in Aceh under no circumstances contradicts the rights guaranteed in the Convention on the Rights of the Child;
- (c) To take immediate measures to facilitate access to children and their families by national and international aid and humanitarian agencies, particularly in Aceh;
- (d) To prevent the use of children in armed conflict by regular army, paramilitary and rebel groups;
- (e) To abide faithfully by the principles of human rights law and international humanitarian law and the conventions to which Indonesia is party;
- (f) To ensure that all persons, including senior officials, who have sponsored, planned, incited, financed or participated in military or paramilitary operations using child soldiers or children as sexual slaves, or violating any rights of the children, will be prosecuted,

LIFE - RIGHT TO - GENERAL

including those who committed abuses in East Timor in 1999.

- The Netherlands (Netherlands and Aruba), CRC, CRC/C/137 (2004) 63 at paras. 348 and 349.

348. The Committee notes the information that euthanasia remains a crime under article 293 of the Penal Code, but which is not prosecuted if committed by a medical doctor who meets the criteria explicitly set out in article 293 (2) of the Penal Code and follows the procedures required by law and regulations. As this legislation is also applicable to children aged 12 years or older, requiring explicit and repeated requests from the child, and parental consent if the child is younger than 16 years, the Committee is concerned about the monitoring of such requests because controls are exercised after the request has been fulfilled and because some cases are not reported by doctors. The Committee is concerned about information that medical personnel have terminated the life of newborn infants with severe abnormalities.

349. With respect to the Human Rights Committee's recommendations in this regard (CCPR/CO/72/NET, para. 5), the Committee recommends that the State party:

(a) Frequently evaluate, and if necessary revise, the regulations and procedures in the Netherlands with respect to the termination of life on request in order to ensure that children, including newborn infants with severe abnormalities, enjoy special protection and that the regulations and procedures are in conformity with article 6 of the Convention;

(b) Take all necessary measures to strengthen control of the practice of euthanasia and prevent non-reporting, and to ensure that the mental and psychological status of the child and parents or guardians requesting termination of life are taken into consideration when determining whether to grant the request;

...

- India, CRC, CRC/C/137 (2004) 75 at paras. 411, 412, 420, 421, 446, 447, 459 and 460.

411. The Committee notes the 2003 amendment to the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, but remains deeply concerned that the sex ratio in the age group 0-6 years has worsened over the past decade.

412. In addition to its recommendations regarding gender discrimination, the Committee strongly recommends that the State party:

(a) Take all necessary steps to ensure the implementation of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994;

LIFE - RIGHT TO - GENERAL

(b) Further develop massive awareness campaigns, involving parents, communities, law enforcement officers, etc., and take the necessary measures, including imposing sanctions to end the practice of selective abortions and female infanticide; and

(c) Undertake gender impact studies when planning programmes relating to economic and social policies.

...

420. The Committee is concerned at numerous reports of ill-treatment, torture and sexual abuse of children in detention facilities, and alleged instances of killings of children by law enforcement officials.

421. In line with its previous recommendations (CRC/C/15/Add.115, paras. 39-41), the Committee recommends that the State party:

(a) Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(b) Set up child-sensitive mechanisms to receive complaints against law enforcement officials regarding ill-treatment during arrest, questioning and police custody and in detention centres;

(c) Investigate and prosecute complaints in a child-sensitive manner;

(d) Strengthen its efforts to train the law enforcement personnel on the human rights of children; and

(e) In light of article 39, take all appropriate measures to ensure the physical and psychological recovery and social integration of child victims of torture and/or ill-treatment.

...

446. The Committee is concerned that the situation in areas of conflict, particularly Jammu and Kashmir and the north-eastern states, has seriously affected children, especially their right to life, survival and development (article 6 of the Convention). The Committee expresses its very serious concern at reports of children who are involved in and are victims of these conflicts.

447. In light of articles 38 and 39 of the Convention, the Committee recommends that the State party ensure respect for human rights and humanitarian law aimed at the protection, care and physical and psychosocial rehabilitation of children affected by armed conflict, notably regarding any participation in hostilities by children. The Committee calls upon the State party to ensure impartial and thorough investigations in cases of rights violations committed against children and the prompt prosecution of those responsible, and that it provide just and adequate reparation to the victims.

LIFE - RIGHT TO - GENERAL

...

459. The Committee is concerned at the situation of children belonging to minorities, including to the Primitive Tribal Groups, and at their limited access to social services, including health care, immunization and education, and the violation of their rights to survival and development, to enjoy their own culture and to be protected from discrimination.

460. ...[I]n line with the recommendations made at its day of general discussion on the rights of indigenous children (CRC/C/133, para. 624), the Committee recommends that the State party implement and/or give the necessary follow-up to the recommendation made by the Standing Committee on Labour and Welfare on the Development of Primitive Tribal Groups (2002).

- Slovenia, CRC, CRC/C/137 (2004) 104 at paras. 577 and 578.

577. The Committee notes with concern the increase in the number of suicides among young people aged between 7 and 19 in the reporting period.

578. The Committee recommends that the State party strengthen its efforts and programmes to prevent suicide among young people. The Committee also recommends that the State party ensure psychosocial counselling for children with mental health problems and for those subjected to various forms of abuse to improve the early detection and prevention of suicide.

- Japan, CRC, CRC/C/137 (2004) 116 at paras. 649 and 650.

649. The Committee is highly concerned about:

(a) The increasingly high rate of youth suicide;

(b) The lack of qualitative and quantitative data on suicide and attempted suicide and its causes;

(c) The fact that the police have been designated as one of the primary organizations to deal with the issue of youth suicide.

650. The Committee recommends that the State party undertake an in-depth study of youth suicide and its causes and use this information to develop and implement a national plan of action on youth suicide, in cooperation with Child Guidance Centres, social workers, teachers, health workers and other relevant professionals.

LIFE - RIGHT TO - GENERAL

- El Salvador, CRC, CRC/C/140 (2004) 8 at paras. 51-54.

51. The Committee is deeply concerned about the disproportionately high number of children who are victims of crimes, violence and homicides in the State party.

52. The Committee urges the State party to take effective measures to address the high level of crime, violence and homicides against children within the framework of strategies based on constitutional norms and the rights of the child enshrined in the Covenant. It also recommends that the State party adopt policies which aim at addressing the causes which give rise to the victimization of children.

53. The Committee is concerned that the State party has not taken a more active role in efforts to investigate the disappearance of more than 700 children during the armed conflict between 1980 and 1992. It notes, in this regard, that the efforts which to date have led to the tracing of some 250 children have been undertaken mainly by the NGO *Pro-Búsqueda*.

54. In the light of article 8 of the Convention, the Committee recommends that the State party assume an active role in efforts to trace the children who disappeared during the armed conflict, and, in line with the Human Rights Committee, encourages the State party to proceed with plans to establish a national commission with adequate resources and capacity to trace the disappeared children. It also encourages the State party to ratify the Inter-American Convention on the Forced Disappearance of Persons.

- Rwanda, CRC, CRC/C/140 (2004) 36 at paras. 234 and 235.

234. The Committee is concerned at the situation of children belonging to minorities, including Batwa children, in particular their limited access to basic social services, including health care, immunization and education, and the violation of their rights to survival and development, to enjoy their own culture and to be protected from discrimination.

235. In line with its recommendations adopted at its day of general discussion on the rights of indigenous children (CRC/C/133, para. 624), the Committee recommends that the State party:

- (a) Undertake a study to assess the situation and the needs of Batwa children and to elaborate a plan of action involving leaders of the Batwa community to protect the rights of those children and ensure their social services; and
- (b) Seek adequate means and measures to ensure birth registration, health care, etc.

LIFE - RIGHT TO - GENERAL

- Liberia, CRC, CRC/C/140 (2004) 67 at paras. 307 and 308.

307. The armed conflict in the State party caused, *inter alia*, very severe and large-scale violations of the human rights of the children. The State party faces almost overwhelming challenges to rebuild the infrastructures and basic social services necessary for the implementation of the rights of the child. About 20,000 children have been involved in the recent armed conflict and are in urgent need of rehabilitation and social reintegration... Life expectancy at birth is 53 years, and out of 1,000 children, 157 die before the age of one and 235 before the age of 5. The vast majority of doctors, nurses and physician assistants have left the country (before 2000, there were around 260 doctors, currently there are 30). Only 20 per cent of children are fully immunized and 35 per cent are undernourished. These and other severe challenges for the child's right to life, survival and development should be addressed and require major efforts from the State party for which international assistance is of crucial importance.

308. The Accra Peace Agreement (August 2003), the Disarmament, Demobilization, Rehabilitation and Reintegration programme (DDRR) and the Result-focused Transition Framework (RFTF), elaborated under the auspices of the United Nations and other international organizations, form a good basis and instrument for addressing at least the most urgent matters.

- France, CRC, CRC/C/140 (2004) 124 at paras. 615 and 616.

615. The Committee welcomes the information provided in the State party's report on the Plan of Action to combat child abuse announced in September 2000. It is also encouraged by Law No. 2004 on child protection of 2 January 2004 allowing medical personnel to report cases of abuse and ill-treatment without being subject to disciplinary sanctions. However, information on the number of children under the age of 15 who die each week under troubling circumstances is a cause of great concern to the Committee...

616. The Committee recommends that the State party pursue its efforts to prevent and combat child abuse and neglect, to sensitize the population, including professionals working with and for children, on the magnitude of the problem with a view to preventing further occurrences and providing adequate treatment programmes for victims of abuse and neglect...

- Brazil, CRC, CRC/C/143 (2004) 10 at paras. 59, 60, 89 and 90.

59. While the Committee notes that the right to life, survival and development is integrated into domestic legislation, it remains extremely concerned at the number of children murdered, as reported by the Special Rapporteur on extrajudicial, summary or arbitrary

LIFE - RIGHT TO - GENERAL

executions in Brazil in her 2004 report, which stated that the perpetrators of those crimes are mainly military policemen or former policemen (E/CN.4/2004/7/Add.3).

60. The Committee urges the State party to take, as a matter of the highest priority, all necessary measures to prevent the killing of children, to fully investigate each of those serious violations of children's rights, to bring the perpetrators to justice and to provide the family of the victims with adequate support and compensation.

...

89. The Committee expresses its grave concern at the significant number of street children and the vulnerability of these children to extrajudicial killings, various forms of violence, including torture, sexual abuse and exploitation, and at the lack of a systematic and comprehensive strategy to address the situation and protect these children, and the very poor registration of missing children by the police.

90. The Committee recommends that the State party:

(a) Develop a comprehensive strategy to address the high number of street children, with the aim of reducing and preventing this phenomenon;

(b) Ensure that street children are provided with adequate nutrition and shelter as well as with health care and educational opportunities in order to support their full development, and provide them with adequate protection and assistance.

- Angola, CRC, CRC/C/143 (2004) 78 at paras. 407, 408, 419 and 420.

407. The Committee expresses its deep concern at the re-emergence of the persecution of children accused of witchcraft and the very negative consequences of such accusations, including cruel, inhuman and degrading treatment, and even murder.

408. The Committee urges the State party to take immediate action to eliminate the mistreatment of children accused of witchcraft, including by prosecuting the perpetrators of this mistreatment and intensive education campaigns that involve local leaders.

...

419. The Committee expresses its deep concern at the alarming levels of mortality among children, with 25 per cent of children dying before they reach the age of 5. It notes that the main causes of child mortality are related to malaria, diarrhoeal diseases, acute respiratory diseases and vaccine-preventable diseases...

420. The Committee urges the State party to strengthen its efforts to improve the health situation of children in the State party, including through:

...

LIFE - RIGHT TO - GENERAL

(b) Strengthening vaccination programmes;

...

- Albania, CRC, CRC/C/146 (2005) 19 at paras. 103 and 104.

103. The Committee welcomes the information provided in the State party's report relating to legislation that protect the right to life of all persons. However, the Committee is deeply concerned at the practice of vendetta and revenge, which has re-emerged during the 1990s, as well as at the reported occurrence of honour killings (blood feuds). The Committee is concerned that efforts undertaken to counter such occurrences in practice have not helped to eradicate these phenomena.

104. The Committee urges the State party to strengthen measures to counter the practices of revenge killings as well as others having a destructive impact on the development of the child.

- Luxembourg, CRC, CRC/C/146 (2005) 36 at paras. 198 and 199.

198. The Committee is deeply concerned about the very high number of deaths among children resulting from traffic accidents despite the measures taken by the State party.

199. The Committee recommends that the State party strengthen as much as possible its efforts to reduce the number of casualties among children caused by traffic accidents, *inter alia*, by raising awareness through educational campaigns.

- Belize, CRC, CRC/C/146 (2005) 59 at paras. 340 and 341.

340. While noting the State party's efforts to combat violence against children and child abuse, including through the Families and Children (Child Abuse) (Reporting) Regulations, the Committee remains gravely concerned at the generally violent environment in which Belizean children are living and at the growing number of cases of murders, abductions, violence in the streets, domestic violence and sexual abuse of minors, especially girls.

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

(a) To effectively implement the Families and Children (Child Abuse) (Reporting) Regulations and conduct timely and adequate investigations of cases of child abuse and

LIFE - RIGHT TO - GENERAL

violence in order to bring perpetrators to justice;

(b) To introduce awareness-raising campaigns, with the involvement of children themselves, in order to prevent all forms of violence against children and to combat child abuse, including sexual child abuse, and to change public attitudes and prevailing cultural practices in this respect;

(c) To ensure due adherence to all relevant protocols, policies and procedures regarding the management of child abuse cases;

...

- Islamic Republic of Iran, CRC, CRC/C/146 (2005) 88 at paras. 466 and 467.

466. The Committee reiterates its serious concern at article 220 of the Penal Code, which provides that fathers who kill their child, or their son's child, are only required to pay one third of the blood money to the mother, and are subjected to a discretionary punishment, in the event that the mother makes a formal complaint.

467. The Committee recommends that the State party take the necessary measures, including the amendment of the offending article of the Penal Code, to ensure that there is no discriminatory treatment for such crimes and that prompt and thorough investigations and prosecutions are carried out.

- Togo, CRC, CRC/C/146 (2005) 104 at paras. 543 and 544.

543. The Committee is deeply concerned about reports of killing, in certain areas, of children born with disabilities, malformations, skin discoloration, as well as of children born with teeth, or from mothers who died during delivery.

544. While taking note of the discussions that took place with the authors of these killings, the Committee urges the State party urgently to take all necessary measures to prevent their occurrence, to prosecute those responsible for such crimes and to raise awareness among the population at large of the need to eradicate such practices.

- Nigeria, CRC, CRC/C/146 (2005) 135 at paras. 708, 709, 712, 713, 720-722, 729 and 730.

708. The Committee is deeply concerned about:

(a) Traditional and discriminatory attitudes and behaviour towards women and children,

LIFE - RIGHT TO - GENERAL

contributing to violence, abuse, including sexual abuse, neglect, killing, torture and extortion;

...

709. The Committee urges the State party to strengthen considerably its efforts to prevent and combat violence in society, including violence against women and children, in the context of the family, as well as in schools and other environments. In this regard, the Committee recommends the State party to take the following specific actions:

(a) Carry out public education campaigns about the negative consequences of violence and ill-treatment of children and promote positive, non-violent forms of conflict resolution and discipline, especially within the family and in the educational system and in institutions;

(b) Take all legislative measures to prohibit all forms of physical and mental violence, including sexual abuse, against children in all contexts in society, as well as take effective measures for the prevention of violent acts committed within the family, in schools and by the police and other State agents, making sure that perpetrators of these violent acts are brought to justice, putting an end to the practice of impunity;

...

712. The Committee takes note of efforts made by the State party to improve its health system, including the Baby Friendly Hospital Initiative and the Integrated Management for Childhood Illness, as well as the establishment of the National Programme on Immunization Agency. Nevertheless, the Committee remains gravely concerned at the alarmingly high rate of infant, child and maternal mortality, and the high incidence of major illnesses affecting children, including polio, malaria and diarrhoea as well as the low rate of immunization coverage in the country, particularly in the northern regions...

713. The Committee recommends that the State party:

(a) Address, as a matter of urgency, the very high mortality rates among infants, children and mothers, by, *inter alia*, stepping up the immunization programmes and improving antenatal and post-natal care;

...

(c) Take measures to introduce awareness-raising programmes for women, on the importance of, *inter alia*, prenatal and post-natal health care, preventive measures and treatment for common illnesses; immunization and balanced diet for the healthy development of children;

...

720. The Committee welcomes the introduction of a bill on violence against women in Parliament in May 2003, aimed to prohibit forms of violence such as harmful traditional practices and domestic violence, including marital rape. However, it reiterates its concern at the widespread and continuing existence of harmful traditional practices in the State party, most notably the practice of female genital mutilation, as well as scarification and

LIFE - RIGHT TO - GENERAL

ritual killing of children which pose very serious threats to children, in particular girl children.

721. The Committee is concerned at the lack of legal prohibition and sufficient interventions on the part of the State party to address harmful traditional practices. The Committee is also concerned at the lack of support services available to protect girls who refuse to undergo female genital mutilation and of services to rehabilitate girl victims of that practice.

722. The Committee recommends that the State party, as a matter of urgency, take all necessary measures to eradicate all traditional practices harmful to the physical and psychological well-being of children, by strengthening awareness-raising programmes. The Committee further recommends the State party to adopt federal legislation prohibiting such practices and encourage further legal changes at the State level, in particular, female genital mutilation, as well as measures to provide support for girls at risk and girls who refuse to undergo female genital mutilation, and provide recovery services for victims of this harmful traditional practice.

...

729. The Committee is deeply concerned by the impact of communal conflicts on children in Nigeria. The Committee is alarmed by the reports of indiscriminate extrajudicial killings in these conflicts, where children as well as adults are routinely killed, shot to death and burnt...

730. The Committee recommends the State party to take all possible measures to prevent the occurrence of communal conflicts, and to develop a comprehensive policy and programme for implementing the rights of children who have been affected by conflict, and allocate human, technical and financial resources accordingly...

- Philippines, CRC, CRC/C/150 (2005) 24 at paras. 126 and 129.

126. The Committee expresses its serious concern about violations of the right to life of children, *inter alia*, due to the internal armed conflict. The alleged cases of extrajudicial killings of children by military soldiers in Bulan, Sorsogon, in 2004 and by so-called death squads in Davao and Digos cities during recent years give cause for very serious concern.

...

129. Referring to article 6 and other relevant articles of the Convention, the Committee urges the State party to make every effort to reinforce protection of the right to life, survival and development of all children, *inter alia*, by taking effective measures to prevent extrajudicial killings of children and to investigate thoroughly all alleged cases of killing and bring perpetrators to justice.

LIFE - RIGHT TO - GENERAL

- Nepal, CRC, CRC/C/150 (2005) 66 at paras. 362 and 363.

362. The Committee is highly alarmed by the number of children who were killed in armed conflicts in the State party. The Committee notes with grave concern the reports of abduction and forcible conscription of children by the armed groups for political indoctrination and for use as combatants, informants, cooks or porters and as human shields. The Committee is equally concerned that Government forces target under 18s suspected of being members of the armed groups and about the highly alarming reports of disappearances and arbitrary detention and of Government forces allegedly using children as spies and messengers. The Committee is also deeply concerned that there are reports of detention of children under the 2004 amendment to the Terrorist and Disruptive Activities (Control and Punishment) Ordinance...

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

- (a) Criminalize abduction, recruitment and use of children for military purposes by any armed forces or armed group;
- (b) Establish a separate Rule of Engagement for its security forces with regard to children;
- (c) Amend or repeal the Terrorist and Disruptive Activities (Control and Punishment) Ordinance in the light of the international juvenile justice standards and norms;
- ...
- (g) Ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict as a matter of priority;
- ...