

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

### **IV. CONCLUDING OBSERVATIONS**

#### **CERD**

- Austria, CERD, A/47/18 (1992) 48 at para. 198.

Under article 5 (e) (i) of the Convention, everyone must be guaranteed the right, without distinction as to race, to equality before the law in the enjoyment of the right to work. That guarantee must cover the private and public sector. It is disturbing that in the State party, as in other parts of Europe, there are signs of an increase in racism, xenophobia and anti-Semitism, and readiness to ignore the rights of members of ethnic groups, including Jews.

- Germany, CERD, A/48/18 (1993) 81 at paras. 445 and 447.

#### *Paragraph 445*

Serious concern is expressed at the manifestations of xenophobia, anti-semitism, racial discrimination and racial violence that had recently occurred. It appears that those manifestations are increasing and that the police system have in many instances failed to provide effective protection to victims and potential victims of xenophobia and racial discrimination, as required by the Convention. All those who carried out functions in public and political life should in no way encourage sentiments of racism and xenophobia.

#### *Paragraph 447*

Taking into account that practices of racial discrimination in such areas as access to employment, housing and other rights referred to in article 5 (f) of the Convention are not always effectively dealt with, the authorities should give serious consideration to the enactment of a comprehensive anti-discrimination law. Such a law would constitute a clear reaffirmation by the authorities that racial discrimination was absolutely unacceptable, detrimental to human rights and human dignity. Other preventive measures, such as information campaigns, educational programmes and training programmes addressed particularly to law enforcement officials, in accordance with article 7 of the Convention and General Recommendation XIII, would strengthen the effectiveness of legal provisions.

- Croatia, CERD, A/48/19 (1993) 90 at paras. 498 and 505.

#### *Paragraph 498*

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

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

private groups who take non-ethnic Croatians into custody for the purpose of exchanging them for ethnic Croatians held by other forces are also of concern.

### *Paragraph 505*

The obligation of the State party to condemn racist activities, organizations and propaganda and to make such offences punishable by law under article 4 of the Convention, is emphasized. Given the sensitive situation prevailing not only in the country but also in the region, condemnation, prohibition and prosecution should also extend to ultra-nationalist and extremist activities on ethnic grounds, such as the circulation of ethnic lists and the display of Nazi emblems or the holding of non-ethnic Croatians in secret prisons. At the same time, active and visible measures should be taken by authorities at all levels to promote inter-ethnic tolerance and understanding among the general public. To that end, the Government should encourage multi-ethnic organizations and movements and foster an ongoing dialogue among leaders and representatives of the various communities to ensure respect for the observance of human rights and the rights of the minority communities and their participation in the democratic process.

- Yugoslavia (Serbia and Montenegro), CERD, A/48/19 (1993) 95 at paras. 536 and 539.

### *Paragraph 536*

Reports of serious and systematic violations of the Convention occurring in the State party are of deep concern. In that regard, by not opposing extremism and ultra-nationalism on ethnic grounds, State authorities and political leaders have incurred serious responsibility.

### *Paragraph 539*

Reports indicating that members of national minorities in Kosovo, as well as in Vojvodina and Sandzak, had been subject to a campaign of terror carried out by paramilitary organizations with the aim of intimidating or forcing them into abandoning their homes, are of deep concern. It is noted that the Government also referred to such practices directed against Serbs in Kosovo. Particular concern is expressed at the fact that the State party has not ensured that public security and law enforcement officials took effective steps to prohibit such criminal activities, punish the perpetrators and compensate the victims, as required under article 6 of the Convention.

- France, CERD, A/49/18 (1994) 20 at para. 155.

The State party should introduce legislation to provide effective protection of the exercise, without discrimination, of the rights to work and to housing, in both the public and private sectors, and to provide compensation to victims of discrimination.

## PUBLIC AND PRIVATE ACTORS - GENERAL

### *See also:*

- France, CERD, A/55/18 (2000) 26 at para. 100.
- Sweden, CERD, A/49/18 (1994) 30 at para. 197.

Concern is expressed at the manifestations of xenophobia and racism occurring in recent years. In this connection, it is underlined that persons holding or carrying out functions in the public or political spheres should not be permitted to contribute to expressions of racism and xenophobia.

- Sudan, CERD, A/49/18 (1994) 68 at para. 477.

Underlining the crucial area of the administration of justice with regard to eliminating racial discrimination, it is recommended that police power be curtailed and that judges decide on the legality of detainment within a reasonable time after arrest or taking into custody of a suspect. The State is obligated to ensure that law enforcement officials are fully responsible for adhering to the requirements of the Convention and that excesses of the security forces are punished.

- Chad, CERD, A/49/18 (1994) 85 at paras. 559 and 561.

### *Paragraph 559*

It is noted with concern that two years after the end of the change of government in Chad, tensions between ethnic groups persist, and violent acts and multiple violations of human rights are still being committed by the military forces and the security units.

### *Paragraph 561*

The paralysis in the administration which affects all sectors of the public service, including the judicial sector, is noted with concern. Concern is expressed over the attacks on the independence of the judicial authorities.

- Italy, CERD, A/50/18 (1995) 27 at para. 100.

The high proportion of young people in extremist groups involved in acts of racial violence and the support they are apparently able to secure from some political circles is of concern.

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

- Yugoslavia (Serbia and Montenegro), CERD, A/50/18 (1995) 48 at paras. 237 and 239.

### *Paragraph 237*

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

### *Paragraph 239*

Note is taken with profound concern of the large part the media continues to play in the propagation of racial and ethnic hatred. Given the very tight State control over the media, this propagation of hatred may be attributed to the State. It is further noted that the State party fails to take adequate action to either prosecute perpetrators of such acts or to attempt to redress injustices. The State party also fails to take action to counter the propagation of prejudice against non-Serbs through education of the population in tolerance.

- Romania, CERD, A/50/18 (1995) 53 at para. 270.

Concern is expressed about the continued prevalence of xenophobic attitudes and traditional prejudices in Romanian society against certain minorities, manifested in the appearance of extremist political parties and increasing acts of violence.

- Chad, CERD, A/50/18 (1995) 106 at para. 659.

The ethnic aspect of human rights violations, the predominant influence of certain ethnic minorities close to the State within the administration and the army, and the growing antagonism between the north and south of the country, are causes for concern.

- Colombia, CERD, A/51/18 (1996) 15 at para. 54.

Particular attention should be paid to the problem of unlawful orders in the military, police and law enforcement agencies. Instances of unlawful orders being issued and carried out should be investigated and those found to have committed illegal actions should be punished. Impunity should be eliminated. These matters should also be covered in the training programmes of the agencies mentioned.

## PUBLIC AND PRIVATE ACTORS - GENERAL

- Denmark, CERD, A/51/18 (1996) 17 at para. 76.

Equal attention should be paid to the economic, social and cultural rights listed in article 5, notably the rights to work, housing, health, education, training and access to services for the general public, including hotels, restaurants, cafés and places of entertainment such as discotheques.

- Hungary, CERD, A/51/18 (1996) 22 at para. 123.

The State party is urged to take more active steps to prevent and counter attitudes and acts of racial violence against individuals. Extreme vigilance towards the neo-Nazi skinheads and others and a stronger commitment to ensuring that there is no element of racism in law enforcement is recommended.

- Finland, CERD, A/51/18 (1996) 29 at paras. 175 and 194.

### *Paragraph 175*

The recent, significant increase in racially motivated acts and violence is a matter of deep concern. The persistence of publications, organizations and political parties which promote racist and xenophobic ideas is a further serious worry. It is regretted that there is no law which prohibits or punishes racist organizations for activities which promote and incite racial discrimination.

### *Paragraph 194*

Appropriate action should be taken to ensure that access to places or services intended for use by the general public is not denied on grounds of national or ethnic origin, contrary to article 5 (f) of the Convention.

### *See also:*

- Finland, CERD, A/54/18 (1999) 16 at para. 82.
- France, CERD, A/55/18 (2000) 26 at para.102.

- Spain, CERD, A/51/18 (1996) 32 at para. 205.

Concern is expressed over the increasing manifestation of racism, xenophobia and discrimination against foreigners, asylum-seekers and members of the Gypsy community. It is noted with serious concern that evidence of racist attitudes on the part of members of the police and the Civil Guard seems to be increasing, and that the number of convictions resulting from such incidents does not

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

seem to increase proportionately.

- United Kingdom of Great Britain and Northern Ireland, CERD, A/51/18 (1996) 35 at paras. 232, 237, 242 and 253.

### *Paragraph 232*

In connection with article 5 of the Convention, it is noted with serious concern that among the victims of death in custody are a disproportionate number of members of minority groups, that police brutality appears to affect members of minority groups disproportionately, that allegations of police brutality and harassment are reportedly not vigorously investigated and that perpetrators, once guilt is established, are not appropriately punished. Persons belonging to ethnic minority groups are under-represented in political and public life, as reflected in their representation among the voting public, the police and armed forces and holders of public office. Comprehensive, action-oriented studies should be undertaken to ascertain the reasons behind the low participation of persons belonging to ethnic minority groups in elections, both as voters and as candidates for public office, the reason for their low representation in the police and armed forces, and the reason for their disproportionately high level of unemployment.

### *Paragraph 237*

It is noted with concern that the adoption of the Bill of Rights Ordinance does not protect persons in Hong Kong from racial discrimination to which they may be subjected by private persons, groups or organizations, as provided for in article 2, paragraph 1 (d) of the Convention.

### *Paragraph 242*

With respect to articles 5 and 6, the adequacy of legal aid available to alleged victims of racial discrimination should be reviewed and all complaints of police brutality should be vigorously and independently investigated and the perpetrators punished. Investigations into deaths in custody should be carried out expeditiously by independent inquiry mechanisms.

### *Paragraph 253*

The Bill of Rights Ordinance should be amended to extend the prohibition of discrimination to acts committed by private persons, groups or organizations, as provided for in article 2, paragraph 1 (d), of the Convention.

- Bolivia, CERD, A/51/18 (1996) 41 at para. 277.

Attention is drawn to article 5 (c), in accordance with which all persons have the right to have equal access to the public service. In this regard, regret is expressed that the law on the public service does not expressly prohibit racial discrimination in the selection of public servants.

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

- Brazil, CERD, A/51/18 (1996) 45 at paras. 303 and 308.

### *Paragraph 303*

Special concern is expressed about the unfair treatment of the indigenous populations during land demarcation and distribution, the violent and unlawful means used to settle numerous land disputes and the violence and intimidation used against them by private militias and even occasionally by members of the military police. Concern is also expressed about their social protection and the discrimination they suffer in the spheres of health, education, culture, employment, access to public office and housing.

### *Paragraph 308*

The Government should put more vigorously into practice its determination to defend the fundamental rights of indigenous people, blacks, mestizos and members of other vulnerable groups who are regularly the victims of serious intimidation and violence, sometimes leading to their death. The authorities should systematically prosecute those guilty of such crimes, whether they are members of private militias or State officials, and should take effective preventive measures, especially through training for the members of the military police. In addition, the State Party should ensure that the victims of such acts receive compensation and are rehabilitated.

- India, CERD, A/51/18 (1996) 51 at paras. 361 and 365.

### *Paragraph 361*

Although constitutional provisions and legal texts exist to abolish untouchability and to protect the members of the scheduled castes and tribes, and although social and educational policies have been adopted to improve the situation of members of scheduled castes and tribes and to protect them from abuses, widespread discrimination against them and the relative impunity of those who abuse them point to the limited effect of these measures. Particular concern is expressed at reports that people belonging to the scheduled castes and tribes are often prevented from using public wells or from entering cafés or restaurants and that their children are sometimes separated from other children in schools, in violation of article 5 (f) of the Convention.

### *Paragraph 365*

Special measures should be taken by the authorities to prevent acts of discrimination towards persons belonging to the scheduled castes and scheduled tribes, and, in cases where such acts have been committed, to conduct thorough investigations, to punish those found responsible and to provide just and adequate reparation to the victims. The importance of the equal enjoyment by members of these groups of the rights to access to health care, education, work and public places and services, including wells, cafés or restaurants is stressed.

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

- China, CERD, A/51/18 (1996) 57 at paras. 414 and 419.

### *Paragraph 414*

Consideration should be given to the inclusion of more members of minority nationalities in positions of leadership, not only in the Government but also in the Party and other institutions at both the national and local levels.

### *Paragraph 419*

The necessary legal, administrative or other appropriate measures should be taken to ensure that there is no discrimination against members of minority nationalities, in either the public service or private employment, with respect to the right to just and favourable conditions of work and the right to just and favourable remuneration.

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

It is of serious concern that, in violation of their obligations under article 5 (b) of the Convention, the authorities scarcely intervened to ease the tribal and ethnic conflicts in Shaba and Kivu and to protect the population. Concern is particularly expressed at reports alleging that in Shaba some local officials incited the Shaba population to hatred of the Kasai population. However, it is noted that administrative and judicial measures have been taken by the authorities to punish some of the officials found responsible for such acts.

- Mauritius, CERD, A/51/18 (1996) 74 at paras. 553 and 557.

### *Paragraph 553*

Concern is expressed that section 16 of the Constitution, which prohibits laws that are discriminatory by their terms or in their effects, does not apply to laws with respect to marriage, adoption, divorce, succession or other matters regarding private law.

### *Paragraph 557*

The prohibition of discriminatory legislation, found in section 16 of the Constitution, should be extended to all matters of private law.

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

With respect to the effective enjoyment of the rights provided for in article 5 of the Convention, concern is expressed at remaining instances of racial discrimination in the field of employment, notably the opportunities for professional promotions, in the private as well as in the public sectors,

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

in the fields of housing and education, in the exercise of stop and search powers by the police, and with respect to occurrences of ill-treatment by the police.

- Guatemala, CERD, A/52/18 (1997) 14 at paras. 80 and 83.

### *Paragraph 80*

Concern is expressed that officials of the State party continue to enjoy impunity from criminal prosecution for abusing and violating the human rights of poor people, especially indigenous people and women. This has led people to take the law into their own hands and has resulted in a significant number of lynchings, a situation which reflects the despair and lack of confidence of the population in the effective exercise of justice.

### *Paragraph 83*

It is noted with concern that adequate and proportionate participation of the indigenous population in Parliament, in the public service and in public life at the national level has not been achieved; in particular, members of indigenous communities are underrepresented among judges and in the administration of justice.

- Belarus, CERD, A/52/18 (1997) 18 at para. 118.

Specific legislation should be adopted to prohibit racial discrimination by private groups or organizations, in accordance with article 2, paragraph 1 (d), of the Convention.

- Germany, CERD, A/52/18 (1997) 25 at para. 167.

It is noted with concern that private insurance carriers sometimes discriminate against ethnic groups and that the onus of complaining is placed on the victim. Federal legislation regulating the insurance industry should prohibit such abuses.

- Mexico, CERD, A/52/18 (1997) 42 at paras. 307, 319 and 321.

### *Paragraph 307*

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

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

### *Paragraph 319*

The State party should take the necessary steps to allow citizens from indigenous populations to be elected in political elections and to have access to the civil service.

### *Paragraph 321*

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

- Panama, CERD, A/52/18 (1997) 46 at paras. 342 and 352.

### *Paragraph 342*

It is noted with regret that indigenous people have a low rate of participation in elections and are underrepresented in the public service.

### *Paragraph 352*

The State party should take appropriate measures to enable indigenous persons to participate in elections and to provide them with equal access to employment in the public service.

- Poland, CERD, A/52/18 (1997) 62 at para. 476.

The State party should take all measures required under the Convention to prohibit the existence of non-political groups and associations which disseminate ideas based on racial superiority or hatred or incitement to racial discrimination, as well as acts of violence or incitement to such acts against any race or group of persons.

- The Former Yugoslav Republic of Macedonia, CERD, A/52/18 (1997) 67 at paras. 518 and 524.

### *Paragraph 518*

It is noted that the representation of various ethnic groups in the judiciary, Parliament and other public bodies and agencies of government continues to be below their respective percentages in the population.

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

### *Paragraph 524*

The State party should continue its programmes of affirmative action in order to increase the representation of the ethnic minorities in public life, including the civil service, army and police.

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

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

- Russian Federation, CERD, A/53/18 (1998) 25 at para. 39.

Appropriate measures should be taken to outlaw and combat all organizations and political groups and their activities that promote racist ideas or objectives.

- The Netherlands, CERD, A/53/18 (1998) 33 at para. 102.

Concern is expressed over the dissemination of ideas of racial superiority and of intolerance by various organizations, political parties and individuals. More attention should be given to countering such activities and to investigating and prosecuting discrimination cases more actively and effectively.

- Czech Republic, CERD, A/53/18 (1998) 35 at paras.121 and 122.

### *Paragraph 121*

It is noted with concern that a political party represented in Parliament promotes racial discrimination and disseminates a magazine which promotes racist propaganda and ideas of racial superiority aimed at the ethnic minorities resident in the country.

### *Paragraph 122*

It is of concern that the State party does not have civil or administrative law provisions expressly outlawing discrimination in employment, education, housing and health care and there is no administrative regulation explicitly prohibiting racial discrimination by public institutions and agencies. The denial of access to public places such as restaurants, pubs, discotheques and similar establishments by persons belonging to some ethnic minorities, especially Roma, is also noted with concern.

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

- Croatia, CERD, A/53/18 (1998) 59 at para. 318.

With respect to article 7 of the Convention, concern is expressed over the fact that strong control is exercised by the Government of certain mass media, particularly television, and that some graphic media are allowed to use discriminatory speech. Concern is also expressed about the lack of information and awareness among the population of international human rights standards in general and of the Convention in particular.

- Peru, CERD, A/54/18 (1999) 21 at para. 157.

Legislation prohibiting the owners of establishments open to the public from screening their clients on racial grounds is noted. It is regretted however, that this prohibition is not yet accompanied by any form of penalty.

- Costa Rica, CERD, A/54/18 (1999) 24 at para. 191.

Concern is expressed that the financial penalties for racial segregation with regard to the admission of people of different races to public or private places do not constitute a sufficiently effective measure to prevent, prohibit and eradicate all practices of racial segregation, as required by article 3 of the Convention.

- Haiti, CERD, A/54/18 (1999) 28 at para. 266.

In the light of articles 2 and 5 of the Convention, the State party should enact legislation for the prevention of racial discrimination in the private sector.

- Mauritania, CERD, A/54/18 (1999) 34 at para. 329.

With regard to article 5 of the Convention, allegations are noted to the effect that some groups of the population, especially the black communities, are still suffering from various forms of exclusion and discrimination, especially where access to public services and employment is concerned.

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

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

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

- Latvia, CERD, A/54/18 (1999) 39 at para. 409.

The State party should maintain the possibility of receiving education in languages of various ethnic groups or of studying those languages at different levels of education, without prejudice for learning the official language, as well as using the mother tongue in private and in public.

- Denmark, CERD, A/55/18 (2000) 22 at para. 70.

Further action should be taken to ensure that the provisions of the Convention are more widely disseminated, particularly among minority groups, government officials, employers and trade unions.

- Estonia, CERD, A/55/18 (2000) 24 at para. 82.

The State party is urged to maintain the possibility for the various ethnic groups to receive instruction in their languages or to study those languages at different educational levels without prejudice to the learning of the official language, as well as of using their mother tongue in private and in public.

- France, CERD, A/55/18 (2000) 26 at para. 97.

Concern is expressed about possible discrimination in effect in the implementation of laws providing for the removal of foreigners from French territory, including persons in possession of valid visas, and the delegation of responsibilities which should be exercised by State officials.

- Malta, CERD, A/55/18 (2000) 29 at para. 131.

It is noted with concern that officers found to have treated persons in a discriminatory manner in the course of their duties are subjected to disciplinary action only. It is recommended that the State party take the necessary measures to ensure that criminal charges are brought against police officers for acts violating the provisions of the Convention.

- Rwanda, CERD, A/55/18 (2000) 31 at para. 144.

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

Concern remains that impunity prevails, notably in some cases involving unlawful acts committed by members of the security forces. It is recommended that the State party continue to address impunity through the judicial process. The State party is urged to make additional efforts to respond adequately to and prevent unlawful acts committed by members of the military or civilian authorities.

- Zimbabwe, CERD, A/55/18 (2000) 38 at paras. 195 and 196.

### *Paragraph 195*

The fact that the Ombudsman is restricted in her powers to investigating the actions of public officials in fields relating to racial discrimination is of concern. There is also concern that article 4 of the amendment to the Ombudsman Act limits access to the complaints process. It is recommended that the State party take appropriate measures to enable the Ombudsman to monitor public officials and their powers.

- Finland, CERD, A/55/18 (2000) 41 at para. 216.

With respect to racially motivated crimes, it is of concern that police do not always intervene, their action is not always appropriate and that prosecutors hesitate to initiate criminal proceedings. It is noted that according to a 1999 study on attitudes of public authorities towards immigrants, police and frontier guards have the most negative attitudes. The continuation and strengthening of training programmes for police and all law enforcement officials and the improvement of communication between officials and immigrants in order to enhance mutual confidence is recommended. In cases where police officers are personally involved in racially motivated acts, it is recommended that an independent body investigate. Judges and prosecutors are invited to be more active and firm in prosecuting these cases.

- Slovenia, CERD, A/55/18 (2000) 45 at para. 246.

Although the initiatives to sensitize and train civil servants and public officials on human rights and racial discrimination are welcomed, concern remains that these efforts are still insufficient. It is recommended that the State party strengthen its human rights sensitization and training programmes, especially with regard to law enforcement and military personnel.

- Czech Republic, CERD, A/55/18 (2000) 50 at paras. 274, 281 and 283.

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

### *Paragraph 274*

The establishment of new advisory bodies on matters relevant to combatting racism and intolerance, in particular the Government's Commissioner for Human Rights and the Council for Human Rights, is welcomed. In addition, the Committee takes note of the process to enact the draft bill for the creation of a Public Rights Protector (Ombudsman), which is expected to enhance the protection of citizens against any inappropriate treatment by the State administration, including acts of racial discrimination.

### *Paragraph 281*

It is of concern that some organizations, including political parties, promoting racial hatred and superiority are hidden behind legally registered civic associations whose members are promoting xenophobia and racism. Concern is also expressed at the ineffective implementation of existing legislation to prosecute those who incite racial hatred and support racist movements. In light of article 4 of the Convention, the State party should strengthen law enforcement to ensure that these organizations are dismantled and their members prosecuted.

### *Paragraph 283*

The Committee reiterates its concern at the lack of criminal, civil or administrative law provisions expressly outlawing racial discrimination in education, health care, social care, the penitentiary system, as well as in the private sphere. It is recommended that the State party undertake legislative reform to safeguard the enjoyment, without any form of discrimination, by all segments of the population, of the economic, social and cultural rights listed in article 5 of the Convention. Such reform should include the provision of adequate reparation for victims of racial discrimination.

- The Netherlands, CERD, A/55/18 (2000) 55 at paras. 318 and 319.

### *Paragraph 318*

The Committee is concerned about insufficient protection against discrimination in the labour market; it regrets the privatization and the planned dissolution of the Women and Minorities Employment Bureau and wonders what institution is going to fulfil the Bureau's task in the future.

### *Paragraph 319*

While acknowledging the efforts to recruit members of minorities into government service, including the police and armed forces, concern remains about the disproportionately high number of members of minorities leaving the police forces. The State party should strengthen its efforts to create a police force reflective of the total population.

- Sweden, CERD, A/55/18 (2000) 57 at paras. 334, 338, 342 and 344.

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

### *Paragraph 334*

The State party's efforts to disseminate the Convention, as well as the concluding observations and the summary records of its previous meetings with the Committee, among Sami and other minority groups, NGOs, trade unions and the wider public are welcomed.

### *Paragraph 338*

Concern is expressed over the issue of land rights of the Sami people, in particular hunting and fishing rights which are threatened by the privatization of traditional Sami lands. It is recommended that the Government introduce legislation recognizing traditional Sami land rights and reflecting the centrality of reindeer husbandry to the way of life of Sweden's indigenous people.

### *Paragraph 342*

Concern is expressed at the increasing incidence of racial discrimination in restaurants, other public places, and with regard to access to services. It is recommended that effective action be taken, utilizing administrative measures as well as criminal prosecutions, to ensure that access to places or services intended for use by the general public is not denied on grounds of national or ethnic origin, contrary to article 5 (f) of the Convention.

### *Paragraph 344*

The State party should undertake all appropriate measures to ensure that the report and these concluding observations are widely distributed to the public. It is also recommended that the State party continue and develop its dialogue with civil society, in particular with non-governmental organizations.

- United Kingdom of Great Britain and Northern Ireland, CERD, A/55/18 (2000) 60 at paras. 358, 365 and 366.

### *Paragraph 358*

It is of deep concern that racist attacks and harassment are continuing and that ethnic minorities are feeling increasingly vulnerable. Further concern is expressed about the findings of "institutional racism", within the police force and other public institutions, which has resulted in serious shortcomings with regard to investigations into racist incidents. Concern is also expressed about the reported negative response from certain parts of the police force to recent criticism brought forward by the Lawrence Inquiry Report. It is recommended that the State party take steps to address the backlash among police officers.

### *Paragraph 365*

It is noted with concern that positive action is only practised "by training bodies, by employers and by trade unions and employers' organizations". The State party should consider introducing affirmative measures in accordance with article 2, paragraph 2, of the Convention, when

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

circumstances so warrant, for certain racial groups or individuals belonging to ethnic minorities who are experiencing disadvantage with respect to educational achievement and other elements of their socio-economic profiles.

### *Paragraph 366*

The State party is encouraged to introduce specific legislation against racial discrimination by private persons or organizations currently taking place in several of the Overseas Territories, such as Anguilla, the British Virgin Islands, Gibraltar, Montserrat, and the Turks and Caicos Islands.

- Norway, CERD, A/55/18 (2000) 67 at para. 418.

Concern is expressed over reports of racial discrimination in access to places of service to the general public, notably restaurants and discotheques, and over reports that the criminal law does not always provide effective protection. It is recommended that licences to operate such establishments include a prohibition of racial discrimination.

- Argentina, CERD, A/56/18 (2001) 18 at para. 56.

It is noted with concern that there have been reports of police brutality committed on a variety of pretexts, on grounds of race, colour or ethnic origin. In the courses and seminars organized to provide human rights education for members of the police, armed forces, immigration and prison officials, particular attention should be given to the dissemination and implementation of the Convention.

- Germany, CERD, A/56/18 (2001) 27 at para. 113.

Concern is expressed about repeated reports of racist incidents in police stations as well as ill-treatment inflicted by law enforcement officials on foreigners, including asylum seekers, and German nationals of foreign origin. Although the number of these incidents has diminished recently, the State party is urged to strengthen existing educational measures for civil servants who deal with issues involving foreigners, including asylum seekers, and German nationals of foreign origin.

- Japan, CERD, A/56/18 (2001) 34 at para. 171.

Discriminatory statements made by high-level public officials are noted with concern. Concern is particularly expressed about the lack of administrative or legal action taken by the authorities in violation of article 4(c) of the Convention, and the interpretation that such acts can be punishable

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

only if there is an intention to incite and promote racial discrimination. The State party is urged to take appropriate measures to prevent such incidents in the future and to provide appropriate training of, in particular, public officials, law enforcement officers and administrators with a view to combatting prejudices which lead to racial discrimination, in compliance with article 7 of the Convention

- Sudan, CERD, A/56/18 (2001) 40 at para. 212.

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

- China, CERD, A/56/18 (2001) 44 at para. 247.

With reference to article 2, paragraph 1(d), of the Convention, concern remains about the continued absence in the Hong Kong Special Administrative Region of legal provisions protecting persons from racial discrimination to which they may be subjected by private persons, groups or organizations. The argument put forward for not initiating such legislation, i.e. that it would not be supported by the society as a whole, is not acceptable. The Government and the local authorities of the Hong Kong Special Administrative Region should review the existing unsatisfactory situation thoroughly and appropriate legislation should be adopted to provide appropriate legal remedies and prohibit discrimination based on race, colour, descent, or national or ethnic origin, as has been done with regard to discrimination on the grounds of gender and disability.

- Cyprus, CERD, A/56/18 (2001) 48 at paras. 261, 267 and 272.

### *Paragraph 261*

The extension of the powers of the Attorney-General to appoint criminal investigators to investigate police behaviour without the requirement of a written complaint addressed to the Attorney-General by the alleged victim of racial discrimination is welcomed.

### *Paragraph 267*

The authorities should continue to closely monitor incidents of police violence against aliens entering

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

Cyprus illegally and take appropriate steps to deal with the incidents.

### *Paragraph 272*

The State party is encouraged to take further steps to increase awareness of the Convention among the general public, in particular foreign domestic workers, members of the police and the judiciary. It is also recommended that measures taken by the State party to combat discrimination in the field of education, culture and information be intensified.

- Egypt, CERD, A/56/18 (2001) 50 at para. 290.

The State party should resolve the difficulties relating to the registration of some non-governmental organizations dealing with the promotion and protection of human rights which are working in particular to combat racial discrimination.

- Trinidad and Tobago, CERD, A/56/18 (2001) 58 at para. 352.

It is of concern that the Police Complaints Authority, which receives complaints about the conduct of police officers and monitors their investigation, has indicated that racial discrimination is not a category of complaint which is examined, owing to the small number of such complaints. The assurances of the delegation that the Police Complaints Authority will be given clear instructions to identify complaints of racial discrimination as a separate category and to report to the higher authorities the results of investigations into cases of racial discrimination is welcomed.

- United States of America, CERD, A/56/18 (2001) 64 at paras. 389, 392, 394 and 398.

### *Paragraph 389*

The continuous increase in the number of persons belonging to, in particular, the African-American and Hispanic communities in fields of employment previously predominantly occupied by Whites is a positive development. The efforts made to promote the employment of persons from minority groups within the police force are particularly welcomed.

### *Paragraph 392*

The position of the State party with regard to its obligation under article 2, paragraph 1 (c) and (d), to bring an end to all racial discrimination by any person, group or organization, is that the prohibition and punishment of purely private conduct lie beyond the scope of governmental regulation, even in situations where the personal freedom is exercised in a discriminatory manner and this is of concern. The State party should review its legislation so as to render liable to criminal sanctions the largest possible sphere of private conduct which is discriminatory on racial or ethnic grounds.

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

### *Paragraph 394*

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

### *Paragraph 398*

While noting the numerous laws, institutions and measures designed to eradicate racial discrimination affecting the equal enjoyment of economic, social and cultural rights, concern is expressed about persistent disparities in the enjoyment of, in particular, the right to adequate housing, equal opportunities for education and employment, and access to public and private health care. The State party should take all appropriate measures, including special measures according to article 2, paragraph 2, of the Convention, to ensure the right of everyone, without discrimination as to race, colour, or national or ethnic origin, to the enjoyment of the rights contained in article 5 of the Convention.

## **ICCPR**

- Bosnia and Herzegovina, ICCPR, A/48/40 vol. I (1993) 69 at para. 331.

The large number of killings, arbitrary arrests, detentions, the operation of prisons by private persons and the general mistreatment of persons, are matters of concern.

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

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

- Ireland, ICCPR, A/48/40 vol. I (1993) 119 at paras. 582 and 612.

### *Paragraph 582*

It is noted that the Irish legal system has certain particular features which has resulted in unusually

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

wide discretion being granted to the police, for example, in connection with arrest, detention and the use of firearms. At the same time, the Emergency Powers Act has authorized a number of actions which could be held to derogate from various articles of the Covenant.

### *Paragraph 612*

The wide discretionary powers afforded to the police should be reviewed in light of the Covenant. The importance of the issuance of rules and guidelines and the ensuring of strict adherence by law enforcement officials to rules and guidelines, particularly with respect to powers of search, arrest and detention and the use of firearms is emphasized. Adherence to those rules and guidelines should be closely monitored.

- El Salvador, ICCPR, A/49/40 vol. I (1994) 38 at para. 217.

It is of concern that high officials of the judiciary have been implicated by the Truth Commission in human rights violations. In that connection, it is noted with concern that until serious reform of the judiciary is undertaken, efforts to strengthen the rule of law and to promote respect for human rights will continue to be undermined. The lack of support and protection given by the civilian authorities to the judiciary in the performance of its duties is also noted with concern.

- Italy, ICCPR, A/49/40 vol. I (1994) 47 at paras. 280 and 287.

### *Paragraph 280*

The excessive concentration of control of the mass media in a small group of people is of concern. Furthermore, it is noted that such concentration may affect the enjoyment of the right to freedom of expression and information under article 19 of the Covenant.

### *Paragraph 287*

In order to avoid the inherent risks in the excessive concentration of control of the mass information media in a small group of people, the importance of implementing measures to ensure impartial allocation of resources, as well as equitable access to such media, and of adopting anti-trust legislation regulating mass media, is emphasized.

- Burundi, ICCPR, A/49/40 vol. I (1994) 58 at paras. 361 and 362.

### *Paragraph 361*

The massacres following clashes between Hutus and Tutsis that have occurred in Burundi since

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

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

### *Paragraph 362*

The lack of any inquiry into the above-mentioned violations is deplored. As a result, the perpetrators have remained unpunished and continue to perform, and sometimes to abuse, their functions in the army, police, gendarmerie or security forces. The victims or their families have received no compensation of any kind. The judiciary has shown itself incapable of carrying out its duties independently and impartially and has been unable to initiate the necessary investigations or bring those responsible to trial. Furthermore, the fact that the commissions of inquiry recently set up to identify those responsible for human rights violations consist of individuals belonging to only one of the country's population groups is a source of serious concern and has served only to shake the population's confidence in the authorities and exacerbate strife and violence between the various population groups.

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

### *Paragraph 156*

Cases of excessive use of force, torture and arbitrary or unlawful detentions committed by members of the police and the armed forces are of concern. It is of concern that there is no clear mechanism for investigating complaints of police violence to ensure there will be no reprisals against complainants, that where provincial administrations are lax in dealing with allegations of police violence the federal authorities do not ensure compliance with the Covenant, and that the perpetrators of acts of police violence generally are not punished and the victims are not compensated. The delay in resolving the situation of children of disappeared persons and the failure of the report to provide any information at all on the real situation as it relates to article 7 of the Covenant is especially disturbing.

### *Paragraph 161*

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

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

should be investigated and the victims compensated

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

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

- United Kingdom of Great Britain and Northern Ireland, ICCPR, A/50/40 vol. I (1995) 72 at paras. 420 and 423.

### *Paragraph 420*

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

### *Paragraph 423*

The practice of the State party in contracting out to the private commercial sector core State activities which involve the use of force and the detention of persons weakens the protection of rights under the Covenant and is of concern. It is stressed that the State party remains responsible in all circumstances for adherence to all articles of the Covenant.

- Sri Lanka, ICCPR, A/50/40 vol. I (1995) 75 at paras. 457 and 471.

### *Paragraph 457*

It is of concern that Article 15 (2) of the Constitution allows the right to freedom of expression to be restricted in relation to parliamentary privilege, particularly in view of the fact that the Parliament (Power and Privileges) Act as amended in 1978 gives Parliament the power to impose penalties for breaches of this Act. The proposed amendments in the Constitution which seek to restrict the right to freedom of expression, "in the interest of the authority of Parliament", would be in violation of article 19 of the Covenant. Of equal concern is that government ownership and control over much of the electronic media might undermine the right of everyone to seek, receive or impart information and ideas of all kinds.

### *Paragraph 471*

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

The present provisions by which freedom of the press can be restricted by reason of parliamentary privilege should be removed. The State party should also take the necessary steps to prevent control and manipulation of the electronic media by the Government.

- United Kingdom of Great Britain and Northern Ireland (Hong Kong), ICCPR, A/51/40 vol. I (1995) 13 at paras. 56, 57, 62 and 67.

### *Paragraph 56*

It is noted that section 7 of the Bill of Rights Ordinance provides that "the Ordinance binds only the Government and all public authorities; and any person acting on behalf of the Government or a public authority". In this regard it is emphasized that under the Covenant a State party has an obligation to protect individuals against violations not only by government officials but also by private parties. The absence of legislation providing effective protection against violations of Covenant rights by non-governmental actors is noted with deep concern.

### *Paragraph 57*

The investigative procedure in respect of alleged human rights violations by the police is of concern. It is noted that the investigation of such complaints rests within the Police Force itself rather than being carried out in a manner that ensures its independence and credibility. In light of the high proportion of complaints against police officers which are found by the investigating police to be unsubstantiated, the credibility of the investigation process is of concern and investigation into complaints of abuse of authority by members of the Police Force must be, and must appear to be, fair and independent and must therefore be entrusted to an independent mechanism.

### *Paragraph 62*

Concern is expressed over the fact that the administration of legal aid in Hong Kong is refused in a large number of Bill of Rights cases that are directed against the Government or public officers.

### *Paragraph 67*

The State party should adopt the proposal of the Independent Police Complaints Council to incorporate non-police members in the investigation of all complaints against the police.

- Zambia, ICCPR, A/51/40 vol. I (1996) 29 at paras. 196 and 207.

### *Paragraph 196*

Section 43 of the Constitution, which restricts the right of individuals to pursue civil remedies against

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

the President in the courts for anything done in his private capacity, is incompatible with the provisions of article 14 of the Covenant.

### *Paragraph 207*

Authorities need to increase their efforts to prevent and eliminate persisting discriminatory attitudes and prejudices against women. Comprehensive anti-discriminatory laws covering both the private and the public spheres should be introduced as well as, where appropriate, affirmative action measures.

- Guatemala, ICCPR, A/51/40 vol. I (1996) 33 at paras. 220, 236 and 244.

### *Paragraph 220*

Various segments of the population, particularly persons who are or were members of the armed forces or government officials, or who hold economic power, continue to take advantage of a climate of impunity resulting in the most serious human rights violations, and this has been an obstacle to the rule of law in the State party.

### *Paragraph 236*

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

### *Paragraph 244*

All necessary measures should be taken to ensure that human rights are respected by members of the army, the security forces and the police. Continuing vigorous action is urged to ensure that persons responsible for human rights abuses do not re-enter the police, army or security forces. Immediate steps should be taken to disband paramilitary and other groups, particularly the civil self-defence patrols.

- Switzerland, ICCPR, A/52/40 vol. I (1997) 19 at para. 97.

It is of concern that in many areas, such as access to higher education and to posts of responsibility, equal remuneration for work of equal value, and participation in household tasks and in the upbringing of children, equality between men and women has not yet been achieved in practice, particularly in the private sector.

- Bolivia, ICCPR, A/52/40 vol. I (1997) 35 at para. 205.

## PUBLIC AND PRIVATE ACTORS - GENERAL

The current legislation for combatting impunity has proven to be ineffective in the identification, trial and punishment of those responsible for human rights violations, and in the payment of compensation to the victims. Members of the armed forces and other government officials who were involved in the most serious human rights violations have not always been dismissed, and continue to take advantage of their positions, thus reinforcing impunity within the State party. Delays and failures of the process of law and the non-compliance by the police with United Nations minimum standards are also of concern.

- Portugal (Macau), ICCPR, A/52/40 vol. I (1997) 50 at para. 317.

The Committee notes with appreciation that under article 22 of the Portuguese Constitution, read in conjunction with article 2 of the Organic Statute of Macau, State agencies and public bodies are held liable for actions or omissions resulting in violations of human rights.

- Lebanon, ICCPR, A/52/40 vol. I (1997) 53 at paras. 354 and 355.

### *Paragraph 354*

A number of provisions of the Media Law No. 382 of November 1994 and Decree No. 7997 of February 1996, on the basis of which the licensing of television and radio stations has been restricted to 3 and 11 stations, respectively, do not appear to be consistent with the guarantees enshrined in article 19 of the Covenant, as there are no reasonable and objective criteria for the award of licences. The licensing process has had the effect of restricting media pluralism and freedom of expression. In this context, the limitations placed on two different categories of radio and television stations - those that can broadcast news and political programmes and those that cannot - is unjustifiable under article 19.

### *Paragraph 355*

The Media Law of November 1994, as well as its implementing decree, should be reviewed and amended with a view to bringing it into conformity with article 19 of the Covenant. An independent broadcasting licensing authority, with the power to examine broadcasting applications and to grant licences in accordance with reasonable and objective criteria, should be established.

- France, ICCPR, A/52/40 vol. I (1997) 62 at paras. 402 and 408.

### *Paragraph 402*

The existing procedures of investigating human rights abuses committed by the police are of concern. The failure or reluctance of prosecutors to apply the law on investigating human rights violations

## PUBLIC AND PRIVATE ACTORS - GENERAL

where law enforcement officers are concerned, and the delays and unreasonably lengthy proceedings in investigating and prosecuting alleged human rights violations involving law enforcement officers are also of concern. Therefore, the appropriate measures should be taken to fully guarantee that all investigations and prosecutions are undertaken in full compliance with the provisions of articles 2, paragraph 3, 9 and 14 of the Covenant.

### *Paragraph 408*

The restrictive definition of the concept of "persecution" of refugees used by the French authorities is of concern as it does not take into account possible persecution by non-State actors. Therefore, a wider interpretation of "persecution" should be adopted to include non-State actors.

- India, ICCPR, A/52/40 vol. I (1997) 67 at para. 438.

Concern is expressed at allegations that police and other security forces do not always respect the rule of law and that, in particular, court orders for *habeas corpus* are not always complied with, particularly in disturbed areas. Concern is also expressed over the incidence of custodial deaths, rape and torture, and at the failure of the Government of India to receive the United Nations Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment.

- Iraq, ICCPR, A/53/40 vol. I (1998) 18 at paras. 96, 108 and 110.

### *Paragraph 96*

It is of deep concern that all government power in Iraq is concentrated in the hands of an executive which is not subject to scrutiny or accountability, either politically or otherwise. It operates without any safeguards or checks and balances designed to ensure the proper protection of human rights and fundamental freedoms in accordance with the Covenant. This appears to be the most significant factor underlying many violations of Covenant rights in Iraq, both in law and in practice.

### *Paragraph 108*

Concern is expressed over article 42 of the Constitution which gives power to the Revolutionary Command Council to issue laws, decrees and decisions without being subject to independent scrutiny or review to ensure their compliance with the provisions of the Covenant. Provision should be made to ensure that individuals whose rights may be violated by such laws, decrees or decisions have an effective remedy as required by article 2, paragraph 3, of the Covenant.

### *Paragraph 110*

Steps should be taken without delay to facilitate the establishment and free operation of independent non-governmental organizations, with particular reference to those working in the field of human

## PUBLIC AND PRIVATE ACTORS - GENERAL

rights.

- Sudan, ICCPR, A/53/40 vol. I (1998) 22 at paras. 123 and 128.

### *Paragraph 123*

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

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

### *Paragraph 128*

The explanation that prosecution of security personnel under the National Security Act 1994, as amended, is restricted when such persons act in the course of their duties is noted. It is of concern that permission must be obtained for any such prosecution. Members of the police and security forces should be subject to prosecution and civil suits for abuse of power without any legal restriction. The provisions of the National Security Act 1994, as amended, are inconsistent with that concept and should be repealed.

- Belarus, ICCPR, A/53/40 vol. I (1998) 26 at para. 153.

The numerous and serious infringements of the right to freedom of expression is of deep concern. In particular, the fact that most publishing, distribution and broadcasting facilities are State-owned, and that editors-in-chief of State-supported newspapers are State employees, effectively exposes the media to strong political pressure and undermines its independence. The many restrictions imposed on the media, in particular the vaguely defined offences, are incompatible with article 19, paragraph 3, of the Covenant. It is also noted that as a result of the provisions of Presidential Decree No. 218 of 18 March 1997, the freedom to import and export information, either through the print or audio-

## PUBLIC AND PRIVATE ACTORS - GENERAL

visual media, is severely restricted. Furthermore, the reports of harassment and intimidation of local and foreign journalists by the authorities and the denial of access to public broadcasting facilities by political opponents to the Government is of concern. Therefore, all necessary measures, legislative as well as administrative, should be taken in order to remove these restrictions on freedom of expression, which are incompatible with its obligations under article 19 of the Covenant, as a matter of priority.

- Zimbabwe, ICCPR, A/53/40 vol. I (1998) 35 at para. 212.

It is regrettable that the Ombudsman has no power to initiate investigations *suo motu* but only where a complaint has been lodged. It is also regrettable that the President, the President's Office, the Attorney-General and Secretary for Justice, Legal and Parliamentary Affairs and any member of their staff are specifically excluded from investigation by the Ombudsman. The importance and necessity of setting up an effective independent institutional mechanism for monitoring the implementation of the Covenant is emphasized.

- Israel, ICCPR, A/53/40 vol. I (1998) 45 at paras. 306 and 308.

### *Paragraph 306*

The applicability of rules of humanitarian law does not by itself impede the application of the Covenant or the accountability of the State under article 2, paragraph 1, for the actions of its authorities. The Covenant must be held applicable to the occupied territories and those areas of southern Lebanon and West Bekaa where Israel exercises effective control. In this regard, the Committee points to the long-standing presence of Israel in these territories, Israel's ambiguous attitude towards their future status, as well as the exercise of effective jurisdiction by Israeli security forces therein.

### *Paragraph 308*

Deeply imbedded discriminatory social attitudes, practices and laws against Arab Israelis that have resulted in a lower standard of living compared with Jewish Israelis, as is evident in their significantly lower levels of education, access to health care, access to housing, land and employment, are of serious concern. Most Arab Israelis, because they do not join the army, do not enjoy the financial benefits available to Israelis who have served in the army, including scholarships and housing loans. That the Arabic language, though official, has not been accorded equal status in practice, and that discrimination against members of the Arab minority appears to be extensive in the private sector is also of concern. The State party is urged to take steps without delay to ensure equality to Arabs and to proceed as soon as possible with the planned formulation of a draft law on discrimination in the private sector and to adopt it at an early date.

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

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

### *Paragraph 354*

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

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

### *Paragraph 356*

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

- Japan, ICCPR, A/54/40 vol. I (1999) 36 at para. 149.

Protection of human rights and human rights standards are not determined by popularity polls. The repeated use of popularity statistics to justify attitudes of the State party that may violate its obligations under the Covenant is of concern.

- Austria, ICCPR, A/54/40 vol. I (1999) 42 at para. 183.

The end to the monopoly on radio broadcasting and the establishment of private radio stations in

## PUBLIC AND PRIVATE ACTORS - GENERAL

Austria is welcomed.

- Lesotho, ICCPR, A/54/40 vol. I (1999) 51 at para. 268.

The participation of women in the public and private sectors is still inadequate. Necessary measures, including if necessary affirmative action, should be taken to improve the participation of women in political life as well as public life, including public and judicial services.

- Cambodia, ICCPR, A/54/40 vol. I (1999) 57 at para. 302.

A permanent and independent human rights monitoring body should be established by legislation, with adequate powers and resources to receive and investigate allegations of torture or other abuses of power by public officials.

- Mexico, ICCPR, A/54/40 vol. I (1999) 61 at paras. 320 and 321.

### *Paragraph 320*

The increase of action by the armed forces within society, particularly in the States of Chiapas, Guerrero and Oaxaca, where they conduct activities pertaining to the police forces is of concern. Order should be maintained within the country through the civil security forces.

### *Paragraph 321*

Appropriate procedures should be established to ensure that independent investigations are conducted into allegations of violations of human rights involving members of the armed forces and the security forces and that the persons accused of such violations are brought to trial. The State should also establish effective remedies for the victims.

- Portugal (Macau), ICCPR, A/55/40 vol. I (2000) 33 at para. 181.

The paucity of non-governmental human-rights organizations and the fact that their establishment is not being encouraged is of concern.

- Cameroon, ICCPR, A/55/40 vol. I (2000) 36 at paras. 205 and 206.

### *Paragraph 205*

The existence of private militia, in particular those that act as "*coupeurs de routes*", is of concern.

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

### *Paragraph 206*

The State party should combat the phenomenon of private militia in order to eradicate it.

- Kyrgyzstan, ICCPR, A/55/40 vol. I (2000) 57 at paras. 387, 401, 414 and 415.

### *Paragraph 387*

It is noted that the general public in Kyrgyzstan as well as public officials remain insufficiently aware of the Covenant and its Optional Protocol and the accompanying mechanisms.

### *Paragraph 401*

Although article 15 of the Constitution provides for the equality of men and women, the condition of women continues to decline in the private and public sectors. The number of women in Parliament, in public service and in management posts remains very low, a situation which constitutes a serious contravention of the fundamental principle of equality and which has a negative impact on the enjoyment of all other rights and on the harmonious development of society.

### *Paragraph 414*

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

### *Paragraph 415*

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

- Ireland, ICCPR, A/55/40 vol. I (2000) 61 at para. 429.

The abolition of corporal punishment in public and private schools is noted with satisfaction.

- Kuwait, ICCPR, A/55/40 vol. I (2000) 65 at paras. 489, 490 and 497.

## PUBLIC AND PRIVATE ACTORS - GENERAL

### *Paragraph 489*

Kuwait's legislation on associations, in particular Law No. 24 of 1962 on the Organization of Clubs and Community Service Societies, and the difficulties encountered by Kuwaitis in exercising their rights under article 22 of the Covenant, are of concern. In particular, the Kuwaiti Society for Human Rights has not been able to register as an association since 1992.

### *Paragraph 490*

Law No. 24 should be amended, the formation of human rights non-governmental organizations in Kuwait should be encouraged and their activities furthered so as to enable a culture of human rights to flourish and expand.

### *Paragraph 497*

The State party is urged to make available to the public the text of the State party's initial report together with the present concluding observations. The second periodic report should be widely disseminated among the public, including civil society and non-governmental organizations operating in Kuwait.

### *See also:*

- Kyrgyzstan, ICCPR, A/55/40 vol. I (2000) 57 at para. 421
- Denmark, ICCPR, A/56/40 vol. I (2001) 34 at para. 73(15).

Issues of equality and non-discrimination (arts. 3 and 26):

(a) Despite continuing efforts by the State party, there remain areas of discrimination against women, notably in respect of employment in the public and private sectors and in applications for asylum.

(b) The Government should ensure equality of treatment for ethnic minorities. In particular, in view of information that there continue to be occurrences of racial discrimination, for instance in restaurants and nightclubs, measures should be taken to prevent such discrimination.

- Argentina, ICCPR, A/56/40 vol. I (2001) 38 at paras. 74(15) and 74(17).

### *Paragraph 74(15)*

With regard to article 3 of the Covenant, despite significant advances, traditional attitudes towards women continue to exercise a negative influence on their enjoyment of Covenant rights. Sexual harassment and other manifestations of discrimination in both the public and private sectors are also

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

matters of concern. It is noted that information on these matters is not systematically maintained, that women have a low awareness of their rights and the remedies available to them, and that complaints are not being adequately dealt with. A large-scale information campaign should be undertaken to promote awareness among women of their rights and the remedies available to them. Reliable data should be systematically collected and maintained on the incidence of violence and discrimination against women in all their forms.

### *Paragraph 74(17)*

The present concluding observations and the next periodic report should be widely disseminated among the public, including civil society and non-governmental organizations operating in the State party.

- Venezuela, ICCPR, A/56/40 vol. I (2001) 49 at para. 77(27).

### *Paragraph 77(27)*

Interference by the authorities in trade-union activities including the free election of union leaders is of great concern. The State party should, pursuant to article 22 of the Covenant, guarantee that unions are free to conduct their business and choose their business without official interference.

- Dominican Republic, ICCPR, A/56/40 vol. I (2001) 54 at para. 78(15).

It is of concern that prisons are guarded by the police and the army because there is no prison guard service, although training courses to that end have started. To comply with article 10 of the Covenant, the State party needs to establish as soon as possible a specialized prison guard service independent of the police investigation services and the armed forces that meets the United Nations standard minimum rules on the treatment of prisoners and is given instruction in human rights.

- Uzbekistan, ICCPR, A/56/40 vol. I (2001) 59 at paras. 79(4) and 79(22).

### *Paragraph 79(4)*

Satisfaction is expressed at the fact that an agreement has been reached between the State party and the International Committee of the Red Cross, by which the Red Cross is authorised to visit Uzbek prisons and to examine conditions existing in detention facilities.

### *Paragraph 79(22)*

The State party should take the necessary steps to enable the national non-governmental human rights organisations to function effectively. The State party should engage in intensive dialogue with these organisations on the situation in the country to improve the setting in which the respect for human

## PUBLIC AND PRIVATE ACTORS - GENERAL

rights can be ensured (article 2 of the Covenant).

- Croatia, ICCPR, A/56/40 vol. I (2001) 65 at paras. 80(19) and 80(22).

### *Paragraph 80(19)*

The lack of a comprehensive law prohibiting discrimination in private-sector areas such as employment and housing is of concern. Pursuant to article 2, paragraph 3, and article 26 of the Covenant, the State party has a duty to protect persons against such discrimination. The State party should promulgate a law prohibiting all discrimination and providing effective recourse for all persons against violations of their right to non-discrimination.

### *Paragraph 80(22)*

The rights of members of ethnic, religious and linguistic minorities in national, regional and local representative and executive bodies, as well as their rights in social, cultural and economic fields of public and private life, should be more fully secured and articulated in the State party's legal framework, as the starting point to enhance the practical enjoyment by members of minorities of their rights under the Covenant.

### *See also:*

- Venezuela, ICCPR, A/56/40 vol. I (2001) 49 at para. 77(23).
  
- Syrian Arab Republic, ICCPR, A/56/40 vol. I (2001) 70 at paras. 81(11), 81(12) and 81(26).

### *Paragraph 81(11)*

The absence of any independent oversight body and of non-governmental organizations in a position to consider the implementation of the human rights guaranteed by the Constitution and governed by law is of concern. The State party should take the necessary measures to arrange for the monitoring of respect for human rights in its territory by an independent agency.

### *Paragraph 81(12)*

Deep concern is expressed about constant and duly substantiated allegations of violations of article 7 of the Covenant, to which the delegation did not respond, which are attributed to law enforcement personnel. The many allegations that torture is practised in Syrian prisons, particularly Tadmur military prison are noted with concern. The State party should ensure that complaints of torture and other abuses committed by agents of the State are considered by an independent body. The State party should institute a system of independent oversight of all detention facilities with a view to preventing all acts of torture and other abuses of power by law enforcement personnel.

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

### *Paragraph 81(26)*

With respect to the right to freedom of association, concern remains at the absence of specific legislation on political parties and at the fact that only political parties wishing to participate in the political activities of the National Progressive Front, led by the Baath party, are allowed. The restrictions that can be placed on the establishment of private associations and institutions, including independent non-governmental organizations and human rights organizations are also of concern. The State party should ensure that the proposed law on political parties is compatible with the provisions of the Covenant. It should also ensure that the implementation of the Private Associations and Institutions Act No. 93 of 1958 is in full conformity with articles 22 and 25 of the Covenant.

- The Netherlands, ICCPR, A/56/40 vol. I (2001) 76 at para. 82(14).

The State party's recent attempts through legislation and policy to enhance the participation of ethnic minorities in the labour market, including incentives to the private sector to expand the proportion of the workforce made up of ethnic minorities are welcomed. It is noted, however, that these efforts to secure the rights guaranteed under article 27 of the Covenant have yet to show significant results.

- The Netherlands (Antilles), ICCPR, A/56/40 vol. I (2001) 76 at para. 82(18).

While welcoming the establishment of a Police Conduct Complaints Committee to receive complaints from members of the public and the establishment of a committee to control the integrity of the police, it is of concern that the said authorities do not have the capacity to issue binding determinations. To act effectively and independently of the Executive, of which the police is a part, the authorities should have the competence to issue binding conclusions as to appropriate remedies or disciplinary measures as the case may be. The State party should review the limitations on the Authority's powers in the light of the Committee's observations.

- The Netherlands (Aruba), ICCPR, A/56/40 vol. I (2001) 76 at para. 82(24).

It is disturbing that an appropriate police complaints authority in Aruba is still not in place, after the State party had admitted that the system established under the Police Complaints Decree did "not function properly in practice" (articles 7 and 26 of the Covenant). The revised Decree should be amended and brought into force.

- Czech Republic, ICCPR, A/56/40 vol. I (2001) 83 at paras. 83(12) and 83(16).

### *Paragraph 83(12)*

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

Concern is expressed at the low participation of women in political life, as well as their inadequate representation in higher levels of administration. Measures should be adopted to increase the participation of women in the public and private sectors, if necessary through appropriate positive measures, in order to give effect to the obligations under articles 3 and 26.

### *Paragraph 83(16)*

It is of concern that complaints against police are handled by an internal police inspectorate, while criminal investigations are handled by the Interior Ministry which has overall responsibility for police. This system lacks objectivity and credibility and would seem to facilitate impunity for police involved in human rights violations (arts. 2, 7, 9). The State party should establish an independent body with authority to receive and investigate all complaints of excessive use of force and other abuses of power by the police.

- Guatemala, ICCPR, A/56/40 vol. I (2001) 93 at paras. 85(13), 85(16) and 85(21).

### *Paragraph 85(13)*

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

### *Paragraph 85(16)*

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

### *Paragraph 85(21)*

It is of concern that members of various sectors of society, particularly members of the judiciary, lawyers, human rights activists and trade unionists, are being intimidated, threatened with death and even killed; the lawful exercise of their functions is thus being seriously hampered (articles 6, 7 and 9). It is regretted that effective measures to prevent the repetition of such acts have still not been taken. All necessary preventive and protective measures should be taken to ensure that the members

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

of various sectors of society, particularly members of the judiciary, lawyers, human rights activists and trade unionists, can carry out their functions without intimidation of any kind.

- Democratic People's Republic of Korea, ICCPR, A/56/40 vol. I (2001) 98 at paras. 86(11) and 86(15).

### *Paragraph 86(11)*

Concern is expressed at the limited number of human rights organizations in the DPRK, and the limited access to the State party's territory that is accorded to human rights organizations, as reflected in the small number of international human rights non-governmental organizations that have been granted permission to visit the DPRK over the last decade. The State party should grant access to its territory to international human rights organizations and other international bodies on a regular basis at their request and ensure accessibility to indispensable information about the promotion and protection of human rights.

### *Paragraph 86(15)*

Deep concern is expressed about consistent and substantial allegations of violations of article 7 of the Covenant by law enforcement personnel. The information given by the delegation about the small number of complaints of ill-treatment in custody or detention (6 complaints between 1998 and 2000) is difficult to accept as a reflection of the actual situation, in the light of the material available to the Committee, which suggests that the number of instances of ill-treatment and torture is significantly higher. The State party should ensure that all instances of ill-treatment and of torture and other abuses by agents of the State are promptly considered and investigated by an independent body. A system of independent oversight of all places of detention and custody should be instituted with a view to preventing any act of abuse of power by law enforcement personnel.

## **ICESCR**

- Philippines, ICESCR, E/1996/22 (1995) 30 at paras. 118 and 120.

### *Paragraph 118*

While it is not for the Government itself to build or finance the housing units required to satisfy all of the demand in the country, it should make every effort to ensure that a fair share of the resources available is utilized for making low-cost housing available to the most disadvantaged and vulnerable sectors of society, and to enable the private sector to contribute to that endeavour.

### *Paragraph 120*

With regard to health services, the Government's plans to privatize and decentralize much of its programme is noted. While there is no reason why the private sector should not be fully involved in

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

the provision of health services, it is emphasized that such an approach does not in any way relieve the Government of its Covenant-based obligation to use all available means to promote adequate access to health-care services, particularly for the poorer segments of the population.

- Russian Federation, ICESCR, E/1998/22 (1997) 27 at paras. 106 and 121.

### *Paragraph 106*

The non-payment of wages, which has led to a large number of strikes, particularly in the state sector, as well as the payment of wages in kind by some employers, is of concern. Late payment of wages is similarly unacceptable because it impedes the workers from meeting their needs and, in an inflationary environment, robs them of the value of the money that has been earned.

### *Paragraph 121*

Immediate steps should be taken to ensure the payment of wages by both the State and private enterprises and to punish those who have illegally diverted the funds in question for other purposes.

- Dominican Republic, ICESCR, E/1998/22 (1997) 43 at para. 230.

Concrete and appropriate measures should be taken, such as information and education campaigns and the reform of the criminal law, in order to penalize acts of racial discrimination by public officials and private persons, and to prevent and combat such acts.

- Georgia, ICESCR, E/2001/22 (2000) 30 at paras. 87 and 100.

### *Paragraph 87*

It is noted with concern that women suffer more than men from unemployment and that they are under-represented in the labour force, especially in public service, including Parliament.

### *Paragraph 100*

Recognizing that the resources available to the State party are limited, it is suggested that measures be taken to concentrate their use on major priorities, such as measures to address the existing inequality between men and women in public service and the formulation of a National Plan of Action on Human Rights.

- Italy, ICESCR, E/2001/22 (2000) 34 at paras. 125 and 141.

### *Paragraph 125*

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

Concern is expressed about the controversial proposal in the State party's school education reform programme to give private schools some public funding.

### *Paragraph 141*

With regard to the public funding of private schools, the State party is reminded that any such funding must be without discrimination on any of the prohibited grounds.

- Egypt, ICESCR, E/2001/22 (2000) 38 at paras. 161 and 176.

### *Paragraph 161*

Deep concern is expressed about law 153 of 1999 (Law on Civil Associations and Institutions, popularly called the "NGO Law") which does not conform to article 8 of the Covenant and contradicts article 55 of the 1971 Egyptian Constitution affirming the right of citizens to form associations, and gives the Government control over the right of NGOs to manage their own activities, including seeking external funding.

### *Paragraph 176*

The State party is called upon, in accordance with its obligations under article 8 of the Covenant and the Constitution of Egypt, which affirms the right of citizens to form their own organizations, to amend or repeal law 153.

- Congo, ICESCR, E/2001/22 (2000) 43 at para. 207.

In addition, the Committee is concerned that as a result of the violence and the ensuing massive displacements, epidemics of diseases such as cholera and diarrhoea have occurred. Furthermore, owing to the disruption to the infrastructure of the country, including transportation and communications, humanitarian aid organizations have limited access to displaced groups outside Brazzaville.

- Jordan, ICESCR, E/2001/22 (2000) 49 at paras. 251 and 257.

### *Paragraph 251*

The Committee recommends the training of law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of cases of abuse. The State party should continue to support and cooperate with civil society initiatives, including hotlines,

## PUBLIC AND PRIVATE ACTORS - GENERAL

shelters and counselling services.

### *Paragraph 257*

An ongoing programme should be developed for the dissemination of information regarding the implementation of the Covenant among the public, civil society and all sectors and levels of administration. Moreover, the State party should strengthen its efforts and develop systematic and ongoing training programmes on the provisions of the Covenant for professional groups, including parliamentarians, judges, lawyers and local government officials.

- Sudan, ICESCR, E/2001/22 (2000) 57 at para. 324.

The State party is urged to address the root causes of the problem of internally displaced persons and in the short and medium term, to cooperate fully with international and non-governmental organizations in the field, in order to provide for adequate (interim) measures ensuring the basic needs of this group, such as adequate basic shelter, employment, food and health care, and the continuation of education for the children.

- Kyrgyzstan, ICESCR, E/2001/22 (2000) 62 at para. 340.

The independence of the judiciary may be impaired in cases where the designation of high court judges is effected without full participation of the legislature. The Committee is particularly concerned to learn about cases of criminal prosecution of human rights activists, and the dissolution of the Kyrgyz Committee for Human Rights, which now operates in exile.

- Australia, ICESCR, E/2001/22 (2000) 66 at paras. 394 and 395.

### *Paragraph 394*

Prohibitions on the right to strike should be limited to essential services, in accordance with ILO Convention No. 87, and, in the context of the civil service, to civil servants who exercise functions of State authority.

### *Paragraph 395*

The State party should ensure that labour in private prisons is voluntarily undertaken and is properly remunerated.

- Finland, ICESCR, E/2001/22 (2000) 73 at para. 457.

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

It should be ensured that adequate resources are afforded to public health services and that the cost of private health care remains affordable to all sectors of society.

- Morocco, ICESCR, E/2001/22 (2000) 82 at paras. 541 and 565.

### *Paragraph 541*

Concern is expressed that the State party does not exercise sufficient control, by means of legislative and administrative measures, over factories manufacturing foodstuffs which do not conform to international standards and cause death or constitute a health hazard to the population.

### *Paragraph 565*

The State party is urged to take the appropriate legislative and administrative measures to ensure that sufficient control is exercised on factories manufacturing foodstuffs so that the products manufactured conform to international standards and do not constitute any health hazard.

- Honduras, ICESCR, E/2002/22 (2001) 33 at paras. 131, 143, 145, 153 and 161.

### *Paragraph 131*

Particular concern is expressed about the extremely negative effects of the use of pollutants and toxic substances in specific agricultural and industrial sectors, such as banana growing and gold-mining, on the environment, thereby putting at risk the health and lives of workers and those living in the vicinity of the affected areas. In this regard, the Committee is also concerned that Environmental Impact Studies are conducted by or on behalf of those sectors without effective review by independent bodies.

### *Paragraph 143*

It is strongly recommended that the State party implement existing legislative and administrative measures to avoid violations of environmental and labour laws by transnational companies.

### *Paragraph 145*

The State party is strongly urged to adopt and implement legislative and other measures to protect workers from the occupational health hazards resulting from the use of toxic substances; such as pesticides and cyanide - in the banana growing and the gold-mining industries.

### *Paragraph 153*

The State party is urged to adopt immediate measures to counter the negative environmental and health impacts of the use of pollutants and toxic substances in specific agricultural and industrial sectors, such as banana growing and gold mining. In this regard, it is recommended that the State

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

party establish a mechanism by which it can review effectively the Environmental Impact Studies conducted by or on behalf of these sectors.

### *Paragraph 161*

The State party is requested to disseminate its concluding observations widely among all levels of society. The State party is encouraged to consult with non-governmental organizations and other members of civil society in the preparation of their second periodic report.

- Hong Kong Special Administrative Region (China), ICESCR, E/2002/22 (2001) 39 at paras. 177 and 192.

### *Paragraph 177*

The failure of the Hong Kong Special Administrative Region to extend the prohibition of race discrimination to the private sector is of concern.

### *Paragraph 192*

The failure to prohibit race discrimination in the private sector constitutes a breach of the obligations under article 2 of the Covenant. The authorities are called upon to extend the prohibition of race discrimination to the private sector.

- Republic of Korea, ICESCR, E/2002/22 (2001) 45 at paras. 234-238, 251 and 252.

### *Paragraph 234*

Despite the State party's attempts to promote employment of the disabled, the previous 2% quota for workers with disabilities, in relation to all workers in enterprises employing over 300 employees, has not been met, even within Government agencies. Concern is expressed that enforcement mechanisms for this purpose do not seem to have been established.

### *Paragraph 235*

Concern is expressed that victims of private construction projects are not provided with compensation or temporary lodging, unlike private homeowners who are evicted as a result of public projects.

### *Paragraph 236*

It is disturbing to note that the portion of the Government budget allocated to health, which is under 1%, is low and declining. Concern is expressed at the predominance of privately operated health care facilities - estimated to exceed 90% of all health care facilities, a trend that accelerated in the wake of the financial crisis; and the consequent negative implications for access to health care by the most marginalized sectors of society.

## PUBLIC AND PRIVATE ACTORS - GENERAL

### *Paragraph 237*

It is noted with concern that the low quality of education in public schools is compelling families to supplement the education of their children with private instruction, thereby placing undue financial burden especially on lower-income groups.

### *Paragraph 238*

The predominance of private institutions in higher education is noted with concern. This is a fact detrimental to the lower income groups. Furthermore, over two-thirds of the students in higher education are males, which is contrary to the principle of gender equality.

### *Paragraph 251*

It is recommended that the State party establish a focal point within the Government for dealing with complaints or appeals for assistance on housing matters. Protection should be provided, such as compensation and temporary housing, to victims of forced evictions resulting from private development projects.

### *Paragraph 252*

It is recommended that the State party establish a plan to strengthen the public education system in conformity with article 13 of the Covenant and General Comment Number 13 and in accordance with the State party's high level of economic development. The plan should include the following elements: a reasonable timetable for specific actions for the introduction of free and compulsory secondary education; a re-examination of the functions and quality of the public education system relative to private education, with a view to strengthening the former and easing the burden on low-income groups imposed by the latter; a study of accessibility of schools at all levels, including tertiary education, and specific actions to be taken to ensure equal access by all sectors of society; and a reassessment of the curricula at all levels of instruction directed at promoting respect for human rights and fundamental freedoms.

- Togo, ICESCR, E/2002/22 (2001) 57 at para. 316.

The occurrence of societal discrimination on the basis of ethnicity by all ethnic groups is a matter of grave concern, particularly the discrimination between southerners and northerners, which is evident in private sector hiring, buying patterns, and the *de facto* ethnic segregation in urban neighborhoods. These north-south tensions have regularly been the cause of eruptions of violence of a clearly interethnic character.

- Senegal, ICESCR, E/2002/22 (2001) 61 at para. 366.

Immediate measures should be taken to address the problem of discrimination against women in

## PUBLIC AND PRIVATE ACTORS - GENERAL

access to employment and to monitor closely, both in the private and public sectors, the implementation of the law on maternity leave.

- Ukraine, ICESCR, E/2002/22 (2001) 78 at para. 515.

The State party should develop an ongoing programme for the dissemination of information regarding the content of the Covenant and its implementation among the public, civil society, and all sectors and levels of administration. Moreover, the State party should be developing systematic and ongoing training programmes on the provisions of the Covenant for professional groups, including parliamentarians, judges, lawyers and local government officials.

- Japan, ICESCR, E/2002/22 (2001) 90 at paras. 594, 598, 600, 621, 625 and 627.

### *Paragraph 594*

Concern is expressed about widespread discrimination against women and the *de facto* inequality that still exists between men and women in Japanese society in professional and decision-making positions, in political representative bodies, public services and administration, and in the private sector.

### *Paragraph 598*

It is of grave concern that excessive working hours are permitted, in both the public and private sectors.

### *Paragraph 600*

There is concern about the general prohibition of strikes for all public employees and civil servants, even those not working in essential governmental services, including teachers. This contravenes article 8 (2) of the Covenant (to which the State party has made a reservation), and the ILO Convention No. 87 (1948) concerning freedom of association and protection of the right to organize, despite the existence of alternative systems of personnel committees.

### *Paragraph 621*

The State party is urged to implement more vigorously existing legislation and to adopt new legislation with an appropriate gender perspective, with a view to ensuring greater equality of men and women, especially in the fields of employment, labour conditions, wages and representation in higher positions in political representative bodies, public services and administration.

### *Paragraph 625*

The necessary legislative and administrative measures should be adopted to reduce working hours in both public and private sectors.

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

### *Paragraph 627*

In line with the ILO, it is recommended that the State party ensure the right of civil servants and public employees not working in essential services to organize strikes.

- Germany, ICESCR, E/2002/22 (2001) 97 at paras. 661, 663, 664, 679, 681, 682 and 690.

### *Paragraph 661*

Concern is shared with the ILO about the persisting impediments to women in German society, in terms of promotion in employment and equal wages for work of equal value, both in the private and public sectors, and especially in federal bodies and academic institutions, despite the efforts to give a new impetus to the equal participation of women in the labour market.

### *Paragraph 663*

There is concern that prisoners who undertake labour for private companies may be doing so without having expressed their prior consent.

### *Paragraph 664*

Concern is reiterated, in line with the Human Rights Committee and ILO Committee of Experts, that the prohibition of strikes by public servants, other than public officials who do not provide essential services, such as judges, civil servants (*Beamte*) and teachers, constitutes a restriction of the activities of trade unions that is beyond the scope of article 8, paragraph 2, of the Covenant. The Committee disagrees with the State party's statement that "a strike would be incompatible with this duty of loyalty and would run counter to the purpose of a professional civil service", as this interpretation of "the administration of the State", mentioned in article 8, paragraph 2, of the Covenant, exceeds the more restrictive interpretations by the Committee, the ILO Convention No. 98 (1949) concerning the application of the right to organize and bargain collectively, and the Court of Justice of the European Communities.

### *Paragraph 679*

The necessary measures should continue to be undertaken, including legislative and administrative ones, to ensure that women enjoy full and equal participation in the labour market, particularly in terms of promotion and equal wages for work of equal value.

### *Paragraph 681*

Measures should be undertaken to ensure that prisoners working for private companies do so after having expressed their prior consent.

### *Paragraph 682*

The State party should ensure that civil servants who do not provide essential services have the right to strike, in accordance with article 8 of the Covenant.

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

### *Paragraph 690*

The concluding observations should be disseminated widely among all levels of society. The continued involvement of non-governmental organizations and other members of civil society in the preparation of the next periodic report is encouraged.

### *See also:*

- Japan, ICESCR, E/2002/22 (2001) 90 at para. 641.

### **CEDAW**

- Zambia, CEDAW, A/49/38 (1994) 63 at para. 363.

Acts of violence against women in the private sphere are of concern.

- Ecuador, CEDAW, A/49/38 (1994) 94 at para. 539.

Deep concern is expressed at the serious discriminatory conditions affecting Ecuadorian women and at the steady reduction in the capacities of the agency concerned, the National Directorate for Women of the Ministry of Social Welfare, as demonstrated by the fact that, over the past three years, officials have held only provisional appointments and lack any support. The Directorate was short of economic resources, enjoys little political support and has only very limited capacity in terms of coordinating programmes with other bodies. The fact that the few programmes it operated are dependent on international cooperation resources is a cause for concern.

- Uganda, CEDAW, A/50/38 (1995) 61 at para. 334.

The privatization of pre-school education, which is an impediment to early education for children, particularly for those in the rural areas, is of concern.

- Finland, CEDAW, A/50/38 (1995) 71 at paras. 391 and 393.

### *Paragraph 391*

Concern is expressed over patterns of violence against women, including incest, that have only recently become apparent and are presently a subject of governmental consideration, though noting the recent criminalization of marital rape is noted as a positive step towards removing the public-private distinction that has hitherto hindered governmental intervention.

## PUBLIC AND PRIVATE ACTORS - GENERAL

### *Paragraph 393*

The relative absence of women from high decision-making professional and administrative positions in both the public and private sectors (the glass-ceiling phenomenon) is of concern, although the recent legislation mandating 40 per cent representation of both sexes in governmental appointed bodies at national and local levels, is noted.

- Japan, CEDAW, A/50/38 (1995) 120 at para. 636.

The Government of Japan should ensure that the private sector complies with the provisions of the Equal Employment Opportunity Act and report on the measures taken to address the indirect discrimination faced by women, in terms of both promotion and wages in the private sector.

- Hungary, CEDAW, A/51/38 (1996) 29 at para. 263.

Women's non-governmental organizations should be supported. The establishment of a network of non-governmental organizations should be facilitated by the State party, with a view to strengthening their actions.

- Ukraine, CEDAW, A/51/38 (1996) 32 at para. 288.

It is of concern that the rate of women's economic activity has declined significantly in recent years. Women constitute 80 to 90 per cent of the unemployed. This is due to the reduction of the public sector as the main employer of women and the non-recruitment of women by the emerging private sector.

- Morocco, CEDAW, A/52/38/Rev.1 part I (1997) 11 at para. 65.

Discrimination is not limited to the private sphere but also affects the public realm. Blatant inequalities can be observed in women's recruitment, wages and leave entitlements, as well as in legal restrictions on women's, but not men's, employment, which reflects stereotypical attitudes regarding appropriate work for women.

- Saint Vincent and the Grenadines, CEDAW, A/52/38/Rev.1 part I (1997) 21 at para. 147.

The Government, in collaboration with non-governmental organizations, churches and all individuals and competent authorities, should introduce gender-sensitive reproductive and sexual health

## PUBLIC AND PRIVATE ACTORS - GENERAL

education, information and counselling in order to curb the very high rate of pre-teen and teenage pregnancy and should integrate reproductive and sexual health services, including family planning, into primary health care.

- Armenia, CEDAW, A/52/38/Rev.1 part II (1997) 78 at paras. 60 and 67.

### *Paragraph 60*

As to the subject of women's health, deep concern is expressed regarding the Government's plan to consider proposals for privatization of the health system. The adverse effects for women and other vulnerable groups of privatization in the health area, even in highly developed countries, is emphasized.

### *Paragraph 67*

In the planning and implementation of privatization policies and programmes, the State party should ensure that it fulfills its social responsibilities and obligations under international human rights law so that its policies and programmes do not deprive women and other vulnerable groups of enjoyment of their human rights, especially in the area of health.

- Azerbaijan, CEDAW, A/53/38/Rev.1 part I (1998) 7 at para. 71.

The elaboration of a national plan of action for the implementation of the Platform for Action adopted in Beijing is encouraged, and close cooperation with non-governmental organizations working in the field of human rights and other representatives of civil society is suggested in order to enhance gender awareness and to promote the campaign to combat traditional stereotypes regarding the roles of women and men.

- Zimbabwe, CEDAW, A/53/38/Rev.1 part I (1998) 13 at para. 156.

The function of the Office of the Ombudsperson should be extended to allow it to address complaints about gender discrimination in the private sphere and the private sector.

- Czech Republic, CEDAW, A/53/38/Rev.1 part I (1998) 16 at para. 206.

The image of women as individuals and independent actors in the public sphere should be promoted. It is recommended that comprehensive, systematic, goal-oriented efforts be launched to balance the existing positive emphasis placed on women's role in the private sphere in laws, policy measures and governmental attitudes, with an equal emphasis on their public sphere functions. In this regard, men

## PUBLIC AND PRIVATE ACTORS - GENERAL

should be encouraged, through public media campaigns, school curricula and special temporary measures, such as effective use of paternity leave, to share family responsibilities equally with women.

- Bulgaria, CEDAW, A/53/38/Rev.1 part I (1998) 19 at para. 255.

Legislative measures protecting women against all forms of violence, both public and private, should be strengthened. In particular, provision should be made for the prosecution of offenders even in the absence of a complaint by the victim. An array of medical, psychological and other measures should be developed to assist women victims of violence and to change prevailing attitudes to domestic violence, which view it as a private problem, and to encourage women to seek redress. A range of strategies are available, including the utilization of popular music, theatre and so on, with the cooperation of civil society, including women's organizations.

- Dominican Republic, CEDAW, A/53/38/Rev.1 part I (1998) 28 at para. 351.

Steps should be taken to ensure the *de facto* separation of the secular and religious spheres, with a view to ensuring the full implementation of the Convention.

- South Africa, CEDAW, A/53/38/Rev.1 part II (1998) 58 at para. 123.

The Government should reinforce its existing strong collaboration with civil society and non-governmental organizations on violence against women with budgetary allocations commensurate with the priority attached to combatting such violence.

- United Republic of Tanzania, CEDAW, A/53/38/Rev.1 part II (1998) 66 at para. 229.

It is of concern that prevailing customary laws and religious laws which sometimes supersede the constitution are discriminatory towards women. In particular, it is noted that several groups in the United Republic of Tanzania are entitled to practise polygamy. Customary laws and religious laws continue to govern private life. The critical importance of eliminating discrimination against women in the private sphere is noted.

- New Zealand, CEDAW, A/53/38/Rev.1 part II (1998) 68 at para. 270.

Temporary special measures should be used proactively in the public and private sectors to accelerate

## PUBLIC AND PRIVATE ACTORS - GENERAL

women's *de facto* equality in employment.

- Algeria, CEDAW, A/54/38/Rev.1 part I (1999) 12 at paras. 74 and 88.

### *Paragraph 74*

The Government, non-governmental organizations, intellectuals and the mass media are urged to encourage enlightened attitudes and accelerate women's emancipation through publicity and public awareness campaigns.

### *Paragraph 88*

Temporary incentives with quantitative targets aimed at increasing women's employment in both the public and private sectors should be implemented along with the creation of childcare centres and kindergartens in sufficient numbers to allow women to reconcile their family and professional responsibilities. Unemployed women should also be required to participate in traineeships and retraining programmes, including in non-traditional areas, and benefit from job-creation measures to a degree proportional to the unemployment rate for women.

- Liechtenstein, CEDAW, A/54/38/Rev.1 part I (1999) 18 at para. 160.

The State party should ensure that the proposed equality rights act not only covers working life, but extends to all spheres of life, in order to accelerate equality in both public and private life.

- Greece, CEDAW, A/54/38/Rev.1 part I (1999) 20 at para. 196.

Programmes should be developed to raise awareness of the constitutional remedy among women and women's groups so that individual acts of discrimination will be consistently challenged and so that the Constitution will have an impact on government action and policy and on the private sector.

- Colombia, CEDAW, A/54/38/Rev.1 part I (1999) 33 at para. 372.

The State party is urged to establish an effective national mechanism, including complaints procedures, that will ensure that those guilty of criminal conduct, both State officials and private individuals, stand trial. The Government should step up security measures for all those who promote and defend human rights, especially in view of kidnappings and other acts that constitute an assault on physical integrity.

## PUBLIC AND PRIVATE ACTORS - GENERAL

- Belize, CEDAW, A/54/38/Rev.1 part II (1999) 49 at para. 51.

The Convention's definition of discrimination should be fully incorporated in Belize's legislation, and in particular it should be ensured that women have effective remedies against indirect discrimination and discrimination by non-State actors.

- Ireland, CEDAW, A/54/38/Rev.1 part II (1999) 60 at para. 180.

It is noted that women's right to health, including reproductive health, is compromised by the influence of the Church not only in attitudes and stereotypes but also in official State policy.

- Spain, CEDAW, A/54/38/Rev.1 part II (1999) 67 at para. 258.

High priority should be placed on efforts to eradicate traditional stereotypes that perpetuate direct and indirect discrimination against women. The State party is encouraged to strengthen educational measures, beginning at a very early age, and to increase its collaboration with civil society organizations, the media and the private sector so as to achieve greater balance in the roles and responsibilities of women and men, particularly in the sharing of family responsibilities. In promoting this policy, it is also necessary simultaneously to encourage greater participation of women in decision-making in public life.

- India, CEDAW, A/55/38 part I (2000) 7 at paras. 66, 67, 86 and 87.

### *Paragraph 66*

That the fundamental rights recognized in the Constitution can be enforced only against state actors and in the event of inaction on the part of the state, is of concern. The private sector, where a great number of women are employed, which is expanding in a period of transition to market economic policies, is not covered by Constitutional standards.

### *Paragraph 67*

The introduction of a sex discrimination act to make the standards of the Convention and the Constitution applicable to non-state action and inaction is recommended.

### *Paragraph 86*

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

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

### *Paragraph 87*

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

- Jordan, CEDAW, A/55/38 part I (2000) 16 at paras. 161, 164, 184 and 185.

### *Paragraph 161*

The active role that women's NGOs play in public life, in particular, their efforts to support women's political, economic and social mobilization and empowerment, is commended.

### *Paragraph 164*

The Government is commended on the preparation of a national strategy for women and of a national programme of action for the implementation of the Beijing Declaration and the Platform for Action. The fact that these were prepared in a collaborative effort, involving various government bodies, the national machinery and NGOs, is noted with satisfaction.

### *Paragraph 184*

The difference in entitlement to maternity leave in the public and private sectors is a matter of concern.

### *Paragraph 185*

The Government is called upon to review ILO recommendations concerning maternity leave, to adapt its national situation to these recommendations and to consider coverage of such leave through social insurance schemes in order to prevent private employers from discriminating against women in recruitment.

- Democratic Republic of the Congo, CEDAW, A/55/38 part I (2000) 21 at paras. 208, 216, 221 and 222.

### *Paragraph 208*

The Government's cooperation with NGOs is appreciated. In this regard, it is hoped that the relations they have established will help to speed up the peace process in the country.

### *Paragraph 216*

The Government is urged to enact legislation to prohibit traditional practices. The Government

## PUBLIC AND PRIVATE ACTORS - GENERAL

should work with NGOs and the media to change attitudes through information and awareness-raising campaigns, the teaching of the Convention in schools and the translation of the Convention into local languages so as to accelerate women's enjoyment of their human rights.

### *Paragraph 221*

The under-representation of women in political life and in the governing bodies of the State party, including those of the judicial system, is of concern. The importance of a social and political environment conducive to improving the situation of women in all sectors of public life and in private life is stressed.

### *Paragraph 222*

The adoption of temporary special measures with specific objectives, in accordance with article 4, paragraph 1 of the Convention, is recommended.

- Burkina Faso, CEDAW, A/55/38 part I (2000) 25 at paras. 266, 280 and 282.

### *Paragraph 266*

Appropriate measures and policies should be adopted to develop the sociocultural climate to the benefit of women. The Ministry for the Advancement of Women is called upon, with the cooperation of NGOs, intellectuals, religious leaders and the media, to encourage a change in people's way of thinking and accelerate the process of the emancipation of women through law reform, information, education and communications activities, particularly in rural areas, so that a change takes place in women's view of themselves and society as a whole recognizes that the participation of women is necessary for the development of Burkina Faso.

### *Paragraph 280*

The State party should ensure strict respect for labour laws and take measures to eliminate discrimination in employment, in both the public and private sectors.

### *Paragraph 282*

The Government should embark on a comprehensive public effort, in cooperation with NGOs, directed at both women and men, to change existing attitudes regarding polygamy and particularly to educate women on their rights and how to avail themselves of these rights.

- Germany, CEDAW, A/55/38 part I (2000) 29 at paras. 310, 313, 315 and 316.

### *Paragraph 310*

The Government is urged to take measures to ensure that public officials, including law enforcement officials, contribute to the realization of the principle of *defacto* equality for women in the entire

## PUBLIC AND PRIVATE ACTORS - GENERAL

territory of the country. The Government should ensure that tertiary and continuing legal education of lawyers and the judiciary adequately covers the evolving understanding of equality and non-discrimination and international norms and standards in that regard.

### *Paragraph 313*

Concern is expressed at the persistence of stereotypical and traditional attitudes about the roles and responsibilities of women and men in private and in public life. That persistence is reflected in women's predominance in part-time work, their main responsibility for family and caring work, occupational segregation, men's extremely low participation in parental leave, at 1.5 per cent of those taking parental leave in 1997, and the taxation of married couples.

### *Paragraph 315*

Concern is expressed over the limited efforts and measures in place to extend women's equal rights and equal opportunities into the private sector.

### *Paragraph 316*

The Government is called upon to increase its legislative and regulatory efforts to ensure that women are protected against all forms of discrimination in the private sector and to increase measures aimed at achieving *de facto* equality. The Government is also encouraged to intensify its interaction with the private sector, including through incentives and other non-legislative measures, as well as with unions and with women's organizations to achieve that goal.

- Belarus, CEDAW, A/55/38 part I (2000) 34 at para. 378.

Wide dissemination in Belarus of the present concluding comments is requested, in order to make the people of Belarus, particularly Government administrators and politicians, aware of the steps that have been taken to ensure *de jure* and *de facto* equality for women and the future steps required in that regard. The Government should also continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and the Platform for Action.

### *See also:*

- Jordan, CEDAW, A/55/38 part I (2000) 16 at para.193.
  - Democratic Republic of the Congo, CEDAW, A/55/38 part I (2000) 21 at para. 238.
  - Germany, CEDAW, A/55/38 part I (2000) 29 at para. 333.
  - Luxembourg, CEDAW, A/55/38 part I (2000) 38 at para. 416.
- 
- Luxembourg, CEDAW, A/55/38 part I (2000) 38 at paras. 396, 397, 404 and 405.

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

### *Paragraph 396*

The legislation of July 1998 requiring the appointment of equality officers in enterprises with at least 15 employees is welcomed. The law on implementation of the national action plan on employment, which introduced the right to non-transferable parental leave of six months for every parent, covered by State benefits, is also welcomed.

### *Paragraph 397*

The fact that the law of July 1998 now provides the legal basis for instituting affirmative action for women in the private sector is welcomed.

### *Paragraph 404*

Concern is expressed at the persistence of traditional and stereotypical attitudes about the roles and responsibilities of women and men in public and in private life. These attitudes are reflected in people's behaviour and in legislation and policy, and limit women's full enjoyment of all their rights guaranteed under the Convention.

### *Paragraph 405*

The Government is urged to intensify its awareness-raising efforts, supported by legislation, policy and specific projects, to overcome traditional and stereotypical attitudes, so as to emphasize women's and men's shared family responsibilities and the importance of women's full participation in public and economic life.

- Cameroon, CEDAW, A/55/38 part II (2000) 53 at paras. 44 and 66.

### *Paragraph 44*

It is recognized that implementation of the structural adjustment programme, coupled with privatization, especially in the health and education sectors, poses serious challenges to the full implementation of the Convention.

### *Paragraph 66*

The text of the present conclusions should be widely disseminated in Cameroon so as to inform the public, in particular administrators, officials and politicians, of the measures taken to guarantee equality *de jure* and *de facto* between men and women, and of the supplementary measures to be adopted in this area. The Government is also urged to continue to give broad publicity, particularly among women's associations and human rights organizations, to the Convention, its Optional Protocol, the general recommendations of the Committee, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century", held in June 2000.

## PUBLIC AND PRIVATE ACTORS - GENERAL

### *See also:*

- Republic of Moldova, CEDAW, A/55/38 part II (2000) 56 at para. 117.
  - Austria, CEDAW, A/55/38 part II (2000) at para. 243.
  - Cuba, CEDAW, A/55/38 part II (2000) at para. 277.
  - Romania, CEDAW, A/55/38 part II (2000) at para. 322.
  - Burundi, CEDAW, A/56/38 part I (2001) 7 at para. 67.
  - Kazakhstan, CEDAW, A/56/38 part I (2001) 10 at para. 113.
  - Maldives, CEDAW, A/56/38 part I (2001) 15 at para. 146.
  - Jamaica, CEDAW, A/56/38 part I (2001) at para. 233.
  - Finland, CEDAW, A/56/38 part I (2001) 29 at para. 311.
- 
- Republic of Moldova, CEDAW, A/55/38 part II (2000) 56 at paras. 89 and 96.

### *Paragraph 89*

The Government's recognition of the important role of the increasing number of non-governmental organizations and other actors of civil society that are active in women's issues is welcomed.

### *Paragraph 96*

Urgent action should be taken to put in place an integrated gender equality policy to promote equality between women and men in all areas, and in particular in the economy, in political and public life, and in the family.

- Lithuania, CEDAW, A/55/38 part II (2000) 61 at paras. 131-135, 153-155 and 165.

### *Paragraph 131*

The revision of various legal provisions, the adoption of the Law on Equal Opportunities and the establishment of the Office of the Equal Opportunities Ombudsman are welcomed. The broad mandate of the Ombudsman to monitor the implementation of the Law is further welcomed. It is commended that the Law's definition of discrimination fully corresponds to the definition articulated in article 1 of the Convention, that it allows for positive discrimination according to article 4, paragraph 1, of the Convention, prohibits sexual harassment, and allows for administrative sanctions to be imposed on both private and public persons and institutions. It is noted with satisfaction that the Office of the Equal Opportunities Ombudsman has close connections with the Lithuanian Parliament, with State institutions and with non-governmental organizations, and that its budget significantly increased in less than a year.

### *Paragraph 132*

The incremental development of several components of a national machinery is appreciated. The creation of a group of women parliamentarians from all political parties, as well as a parliamentary

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

commission on the family and the child, is commended. The establishment of a permanent Inter-Ministerial Commission on Equal Opportunities for Women and Men and the fact that the meetings of the Commission can be attended by the Ombudsman as well as by representatives of non-governmental organizations, are also welcomed.

### *Paragraph 133*

The efforts by the Government to combat violence against women, especially domestic violence, are appreciated. The creation, with the collaboration of non-governmental organizations, of telephone hot lines and crisis centres to provide information and assistance to women victims of violence, and the training of police officials in this regard, are commended.

### *Paragraph 134*

The National Programme on Control and Prevention of Prostitution and Trafficking, to be launched soon and to be implemented by ministries and governmental and non-governmental institutions, is commended.

### *Paragraph 135*

The fact that both the Government and Parliament recognize the important role of the increasing number of non-governmental organizations working on women's issues, is noted with satisfaction.

### *Paragraph 153*

The Government should increase its collaboration with other countries of origin, both transit and destination of trafficked women and girls. Reintegration programmes should be created for victims of prostitution and trafficking in cooperation with non-governmental organizations.

### *Paragraph 154*

The insufficient funding of non-governmental organizations, including women's non-governmental organizations, which makes it difficult for them to build their capacities to fulfil their various roles and functions in supporting human rights of women, is noted with concern.

### *Paragraph 155*

Clear criteria should be developed for rendering and ensuring governmental financial support on the national and local level for the work of women's non-governmental organizations. The Government should also increase awareness among individuals and corporations regarding possible donations to women's organizations.

### *Paragraph 165*

The Government is requested to disseminate widely the present concluding comments in Lithuania and to support their public discussion, in order to make politicians and government administrators, women's non-governmental organizations and the public at large aware of the steps required to ensure *de jure* and *de facto* equality for women. The Government should also continue to disseminate

## PUBLIC AND PRIVATE ACTORS - GENERAL

widely, and in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action, and the results of the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century".

- Iraq, CEDAW, A/55/38 part II (2000) 66 at para. 199.

Concern is expressed about women's low participation in the labour market, and the absence of a law establishing minimum wages, which makes it extremely difficult to determine whether women are being paid equal pay for work of equal value. It is of concern that the flexibility granted to employers in labour relations has a negative impact on women's employability and security of employment. Differences in maternity benefits granted to women in the public and the private sector are also a cause of concern.

- Austria, CEDAW, A/55/38 part II (2000) 70 at paras. 226 and 234.

### *Paragraph 226*

The national machinery for women is urged to increase its cooperation with non-governmental organizations.

### *Paragraph 234*

Action should be taken to decrease the wage discrepancy between female-dominated jobs and male-dominated jobs, especially in the private sector.

- Cuba, CEDAW, A/55/38 part II (2000) 73 at paras. 255, 261 and 262.

### *Paragraph 255*

The State Party is commended for the adoption, at the level of a law, of a National Plan of Action to follow up the Fourth World Conference on Women, prepared in a consultative process among governmental bodies and entities of civil society, and containing a large number of actions in various fields to be implemented by various government bodies.

### *Paragraph 261*

Concern is expressed over the persistence of stereotypes concerning the role of women in the family and society and of attitudes and behaviours of *machismo* in many areas of public and private life.

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

### *Paragraph 262*

The State Party should continue to undertake measures to address stereotypical attitudes in Cuban society. In particular, the Government is called upon to continue efforts aimed at increasing women's participation in all areas and at all levels of decision-making, as well as to encourage men to share family responsibilities.

- Romania, CEDAW, A/55/38 part II (2000) 77 at paras. 297, 300, 313 and 315.

### *Paragraph 297*

The Government's open and cooperative attitudes towards the ever-increasing number of non-governmental organizations and the joint efforts undertaken between the Government and actors of civil society to promote implementation of the Convention are welcomed.

### *Paragraph 300*

The Government should consider the adequacy and funding of the national machinery for the advancement of women in leading this effort, including coordination within the Government and with organizations of civil society, awareness-raising and mobilization of public opinion in favour of equality measures and elimination of stereotypes.

### *Paragraph 313*

The Government's labour market and employment policies should explicitly address the situation of women workers in order to ensure that women do not carry a disproportionate share of the burden of the transition to a market-based economy. Urgent targeted measures should be put in place to facilitate women's entry into new growth sectors of the economy, including women's entrepreneurship, and to ensure that women's health and retirement benefits are protected. The Government is encouraged to ensure that women can take full advantage of jobs created by foreign investment, ensuring non-discriminatory protection of their rights. The Government should adopt, as a matter of priority, a forward-looking equal opportunities law that extends to the private sector and includes the creation of a specific office of ombudsman for equal opportunities for women, with powers to receive complaints of violations of the laws on equal opportunities and to investigate discriminatory situations experienced by women.

### *Paragraph 315*

While commending the State party for maintaining a system of universal free health care, it is recommended that increased efforts be placed on improving women's reproductive health. In particular, the availability, acceptability and use of modern means of birth control to avoid the use of abortion as a method of family planning should be improved. The Government is encouraged to increase its cooperation with non-governmental organizations and international organizations in order to improve the general health situation of Romanian women and girls.

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

- Kazakhstan, CEDAW, A/56/38 part I (2001) 10 at paras. 83, 102, 107 and 108.

### *Paragraph 83*

The increasing cooperation between governmental bodies and non-governmental organizations working on women's issues is welcomed.

### *Paragraph 102*

The State party is urged to enforce appropriate legislation and to ensure equal opportunities for women and men in the public and private sectors of the labour market. The structuring of the social benefits system and of protective legislation should be reviewed with a view to reducing the barriers against the participation of women in the labour market.

### *Paragraph 107*

The insufficient capacity and resources of women's non-governmental organizations are noted, making it difficult for them to implement various projects and programmes in support of human rights of women.

### *Paragraph 108*

The work of women's non-governmental organizations should be supported by encouraging greater cooperation between them and the specialized agencies of the United Nations system and by increasing the awareness of the private sector and individuals regarding possible donations to women's organizations.

- Maldives, CEDAW, A/56/38 part I (2001) 15 at paras. 137 and 138.

### *Paragraph 137*

The under-reporting of violence against women, including domestic violence, and the absence of effective laws and law enforcement and a support system for women who are victims of violence are noted with concern. It is of particular concern that violence against women is understood in the community and in the legal system to be a private matter rather than an infringement of human rights and a violation of the Convention.

### *Paragraph 138*

The State party is urged to improve law enforcement measures, enact laws on domestic violence, including domestic violence and marital rape, according to general recommendation 19 on violence against women, and work with women's groups to obtain reliable data and provide relief to victims of violence. The Government should respond to this issue in national plans, based on the Beijing Platform for Action and the Commonwealth Plan of Action. The Government is further called upon to create public awareness on violence against women as an infringement of human rights that has grave social costs for the whole community.

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

- Uzbekistan, CEDAW, A/56/38 part I (2001) 18 at para. 164.

The partnership of governmental agencies with women's non-governmental organizations in the promotion of women's human rights and the emergence of women's non-governmental organizations are welcomed.

- Jamaica, CEDAW, A/56/38 part I (2001) 22 at para. 220.

A full range of temporary special measures should be implemented to increase the number of women in decision-making at all levels, as well as in the public and private sectors. The social partners should be sensitized about the importance of these measures.

- Mongolia, CEDAW, A/56/38 part I (2001) 26 at paras. 249-251, 267 and 268.

### *Paragraph 249*

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

### *Paragraph 250*

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

### *Paragraph 251*

Concern is expressed over the fact that poverty is widespread among women as a consequence of privatization and other factors linked to the transition to a market economy.

### *Paragraph 267*

Concern is expressed over the negative impact of privatization on women's access to adequate health care and education.

### *Paragraph 268*

The State party is called upon to ensure that health care and education services are not reduced, and that, in particular, the areas of health and education do not suffer as a result of privatization.

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

- Finland, CEDAW, A/56/38 part I (2001) 29 at paras. 301 and 302.

### *Paragraph 301*

The high incidence of violence against women in Finland is of concern. A recent survey revealed that 40 per cent of women had experienced physical or sexual violence or the threat thereof. The high level of sexual harassment in the workplace is also of concern.

### *Paragraph 302*

Efforts should be increased to effectively implement current policies aimed at combatting violence, to pay more attention to prevention efforts and to take steps to turn the “zero-tolerance” campaign into a legally binding State policy. All necessary measures should be implemented in order to empower individuals and non-governmental organizations to take action with regard to sexual harassment.

- Egypt, CEDAW, A/56/38 part I (2001) 33 at para. 322.

The establishment of the National Council for Women is welcomed. Created by Presidential decree, the Council reports directly to the President and is mandated to monitor laws and policies affecting women’s lives, raise awareness and monitor the implementation of the Convention. The establishment of the Council reflects strong political will and the Government’s commitment to enhancing the status of women in compliance with the Convention. The fact that non-governmental organizations are represented in the Council and that they participated in the preparation of the reports is commended.

- Andorra, CEDAW, A/56/38 part II (2001) 49 at para. 39.

High priority should be given to efforts to eradicate traditional stereotypes that perpetuate direct and indirect discrimination against women. The State party is encouraged to strengthen educational measures, beginning at a very early age, and to increase collaboration with civil society organizations, the media and the private sector in order to achieve a greater balance in the roles and responsibilities of women and men, in particular in the sharing of family duties.

- Singapore, CEDAW, A/56/38 part II (2001) 51 at para. 86.

The issue of wage differentials between women and men should be reviewed, including through consideration of existing research on the concept of equal pay for work of equal value, both in the public and private employment sectors. The Government is also urged to remedy the situation in the

## PUBLIC AND PRIVATE ACTORS - GENERAL

public employment sector where applicable and to initiate sensitization campaigns to encourage social partners to address this issue.

- Guinea, CEDAW, A/56/38 part II (2001) 55 at para. 123.

An action plan should be developed, including a public-awareness campaign targeted at both women and men, with the support of civil society and social partners, to eliminate the gap between statutory law and social customs and practices, especially with regard to family law. The State party should work with relevant ministries and non-governmental organizations, including lawyers' associations and women's groups, to create an enabling environment for legal reform and effective law enforcement. The Government is called upon to ensure women's awareness of their rights and to explore and apply innovative methods to reach illiterate women.

- Guyana, CEDAW, A/56/38 part II (2001) 60 at paras. 159, 168 and 169.

### *Paragraph 159*

The Government is commended for the mandatory representation of 33 1/3 per cent women on the lists of all political parties contesting the general elections and regional elections and a representation of a critical mass of women in a range of professions in the public sector.

### *Paragraph 168*

While there seems to be a policy on maternity leave, there is concern that women continue to be discriminated against on the grounds of pregnancy and maternity, particularly in the private sector, where contractual arrangements are made to circumvent the existing laws. Law enforcement is dependent upon prosecution by the Chief Labour Officer. This does not appear to provide effective remedies.

### *Paragraph 169*

Laws and policies on maternity should be brought in conformity with the Convention. A national policy for the private and public sectors should be developed that includes minimum mandatory and paid maternity and parental leave, and effective sanctions and remedies should be provided for violation of laws on maternity leave. Training programmes for the staff of the Labour Office should be established to facilitate prosecution and ensure the effective enforcement of existing laws for both the public and private sectors.

- Viet Nam, CEDAW, A/56/38 part II (2001) 68 at para. 273.

Efforts to collect statistics and information on the position of women and men in the labour market

## PUBLIC AND PRIVATE ACTORS - GENERAL

should be increased, especially in the private sector.

- Nicaragua, CEDAW, A/56/38 part II (2001) 72 at paras. 289, 294, 308 and 309.

### *Paragraph 289*

The Government's collaboration with civil society and other actors in reaching a common agenda on women's priorities is welcomed.

### *Paragraph 294*

Concern is expressed about the persistence of stereotypes concerning the role of women in the family and society, including the expectations of women's subordination to men expressed by some religious communities, and attitudes and behaviour driven by *machismo* in public and private life. There is concern that, notwithstanding the Government's recognition of the problem and its efforts to address the problem, including legislative change, such stereotypes continue to constitute an obstacle to the achievement of equality for women.

### *Paragraph 308*

While the efforts to combat domestic violence are welcomed, concern is expressed at the continuing extent of domestic violence against women. It is stressed that, since violence against women is an infringement of human rights, it is the Government's responsibility to prevent such violence and to take measures to protect its victims.

### *Paragraph 309*

Practical measures should be taken to follow up and monitor legislation, and to strengthen policies and programmes addressing violence against women, including by assessing their effectiveness and adjusting them accordingly.

- Sweden, CEDAW, A/56/38 part II (2001) 76 at paras. 340, 344 and 345.

### *Paragraph 340*

While the Government has taken significant steps to address discrimination against women in the workplace through the passage of the Gender Equality Act and the establishment of the Equal Opportunities Ombudsman, concern is expressed that the wage gap between women and men, in both the public and private sectors, has not narrowed during the past 10 years. This disparity is linked to the persistence of gender segregation in the labour market.

### *Paragraph 344*

While the Government is commended for the impressive advances made by women in terms of representation in decision-making in politics, women's representation in executive and decision-

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

making positions in the private economic sector, as well as on central governmental boards and boards of government-controlled companies, continues to be low. Concern is also expressed about the low representation of women as chairs of local and municipal boards.

### *Paragraph 345*

Steps should be taken to facilitate options insofar as employment of women in the private sector are concerned, through the implementation of temporary special measures in accordance with article 4, paragraph 1, wherever possible. Measures should be taken to increase the representation of women in decision-making positions in all sectors, including central governmental boards, county and municipal boards, particularly as chairs of those boards, and in government-controlled companies.

### **CAT**

- Italy, CAT, A/47/44 (1992) 57 at para. 337.

In accordance with the Convention, the State should be held civilly responsible for the acts of its servants. Special chapters on the Convention should be included in the handbooks issued to police personnel and made available to the medical profession.

- Colombia, CAT, A/51/44 (1996) 15 at para. 79.

The practice of torture should be ended forthwith and to this end it is suggested that the State party act with great firmness to restore the State's monopoly over the use of force, disbanding all armed civilian or paramilitary groups, and ensure that swift and impartial investigations into allegations of torture are conducted immediately and that informers and witnesses are protected.

- Finland, CAT, A/51/44 (1996) 21 at paras. 132 and 134.

### *Paragraph 132*

The State party should incorporate into its legislation the definition of torture as a specific crime committed by a public official or other person in an official capacity in accordance with article 1 of the Convention.

### *Paragraph 134*

An independent agency should be established to investigate offences allegedly committed by the police.

## PUBLIC AND PRIVATE ACTORS - GENERAL

- Paraguay, CAT, A/52/44 (1997) 30 at paras. 201 and 203.

### *Paragraph 201*

Reports that paramilitary groups in the service of major landholders have been evicting people from land they have occupied for many years and that this activity appears to be tolerated by the State are matters of concern.

### *Paragraph 203*

The fact that the report submitted by the State party makes no mention of the existence of programmes for the compensation and physical and mental rehabilitation of victims, leads to the belief that there are no such programmes, and this is of concern. As to the right to fair and adequate compensation, concern arises because the State party has only subsidiary responsibility for the actions of its officials, which makes victims responsible for laying claim to the assets of their torturers in order to exercise that right; the State may be required to assume responsibility only if such assets are non-existent, insufficient or cannot be found.

- Namibia, CAT, A/52/44 (1997) 35 at para. 241.

The State party should enact a law defining the crime of torture in terms of article 1 of the Convention and should legally integrate this definition into the substantive and procedural criminal law system, taking especially into account: (a) the need to define torture as a specific offence committed by or at the instigation of or with the consent of a public official with the special intent to extract a confession or other information, to arbitrarily punish, to intimidate, to coerce or to discriminate; (b) the need to legislate for complicity in torture and attempts to commit torture as equally punishable; (c) the need to exclude the legal applicability of all justification in cases of torture; (d) the need to exclude procedurally all evidence obtained by torture in criminal and all other proceedings except in proceedings against the perpetrator of torture himself; and (e) the need to legislate for and enforce prompt and impartial investigation into any substantiated allegations of torture.

- Spain, CAT, A/53/44 (1998) 14 at para. 128.

The sentences imposed on public officials accused of acts of torture, which frequently involve token penalties not even entailing a term of imprisonment, seem to indicate a degree of indulgence which deprives the criminal penalty of the deterrent and exemplary effect that it should have and is also an obstacle to the genuine elimination of the practice of torture. The increased severity of the penalties will help to remedy this shortcoming.

## PUBLIC AND PRIVATE ACTORS - GENERAL

- Germany, CAT, A/53/44 (1998) 19 at para. 185.

The precise definition of torture, as contained in article 1 of the Convention, has not been integrated into the State party's legal order. Aggravated forms of torture with specific intent (*dolus specialis*) and incidents causing severe mental pain or suffering are not covered by current legislative provisions, as required by the Convention. Likewise, it is not absolutely clear that all exculpation by justification and superior order is categorically excluded as required by the Convention.

- Tunisia, CAT, A/54/44 (1999) 11 at para. 96.

Concern is expressed over the wide gap that exists between law and practice with regard to the protection of human rights. The reported widespread practice of torture and other cruel and degrading treatment perpetrated by security forces and the police, which, in certain cases, resulted in death in custody, is disturbing. Furthermore, concern is expressed over the pressure and intimidation used by officials to prevent the victims from lodging complaints.

- The Former Yugoslav Republic of Macedonia, CAT, A/54/44 (1999) 14 at para. 115.

The State party is urged to investigate complaints of maltreatment by government officials, particularly those that relate to ethnic minorities. The investigations should be prompt and impartial and those officials that may be responsible for such maltreatment should be prosecuted.

- Mauritius, CAT, A/54/44 (1999) 15 at para. 123.

The following measures are recommended:

Clarify through appropriate legislation that superior orders can never be invoked as a justification of an act of torture;

Ensure that all instances of torture and especially those resulting in death are promptly and effectively investigated by an independent body and that the perpetrators be brought immediately to justice.

- Portugal, CAT, A/55/44 (2000) 22 at para. 104.

The State party should particularly ensure that criminal investigation and prosecution of public officers are undertaken *as a matter of course* where the evidence reveals that they have committed acts of torture, or cruel or inhuman or degrading treatment and punishment.

## PUBLIC AND PRIVATE ACTORS - GENERAL

- China, CAT, A/55/44 (2000) 24 at para. 138.

The reference to "lawful authority, justification or excuse" as a defence for a person charged with torture, as well as the definition of a public official are not in full conformity with article 1 of the Convention.

- Belarus, CAT, A/56/44 (2001) 19 at paras. 45 and 46.

### *Paragraph 45*

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

### *Paragraph 46*

It is recommended that:

The State party consider establishing an independent and impartial governmental and non-governmental national human rights commission with effective powers to, *inter alia*, promote human rights and investigate all complaints of human rights violations, in particular those pertaining to the implementation of the Convention.

The Committee's conclusions and recommendations, and the summary records of the review of the State party's third periodic report, should be widely distributed in the country, including by publication in both the government-controlled and independent media.

- Slovakia, CAT, A/56/44 (2001) 43 at paras.104 and 105.

### *Paragraph 104*

Concern is expressed about the following:

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

Failure on the part of the authorities to carry out prompt, impartial and thorough investigations into allegations of such actions or to prosecute and punish those responsible.

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

### *Paragraph 105*

It is recommended that the State party:

Measures should be taken to initiate an effective, reliable and independent complaint system to undertake prompt, impartial, and effective investigations into allegations of ill-treatment or torture by police and other public officials, and where the findings are warranted, to prosecute and punish alleged perpetrators.

The State party should also continue to provide human rights training for law enforcement, military and other officials, including those operating in local communities, as well as for those at border areas, and those serving at officially administered institutions, and provide clear guidelines on the prohibition against torture and ill-treatment and the prohibition on returning persons facing a probable risk of torture.

The Committee's conclusions and recommendations, and the summary records of the review of the State party's initial report, should be widely distributed in the country, and encourage non-governmental organizations, to participate in this effort.

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

### *Paragraph 113*

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

### *Paragraph 114*

It is recommended that:

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

The State party should take appropriate measures to ensure the independence of investigations of offences committed by law enforcement officials by introducing a mechanism of external control.

- Brazil, CAT, A/56/44 (2001) 49 at para. 119.

## PUBLIC AND PRIVATE ACTORS - GENERAL

The persistence of a culture that accepts abuses by public officials, the numerous allegations of acts of torture and cruel, inhuman or degrading treatment - in police stations, prisons and facilities belonging to the armed forces - and the *de facto* impunity enjoyed by the perpetrators of those acts are matters of concern.

- Kazakhstan, CAT, A/56/44 (2001) 52 at para. 129.

It is recommended that the State party:

Expand the powers of the Presidential Human Rights Commission into an independent and impartial governmental and non-governmental national human rights commission in conformity with the Paris Principles, with effective powers, *inter alia*, to investigate all complaints of human rights violations, in particular those pertaining to the implementation of the Convention.

Widely distribute the Committee's conclusions and recommendations, and the summary records of the review of the State Party's initial report and the State party's report in the country, including to law enforcement officials and by means of publication in the media and through distribution and popularization efforts by non-governmental organizations.

### CRC

- Sudan, CRC, CRC/C/20 (1993) 22 at para. 116.

Further efforts should be undertaken to raise awareness in order to eradicate traditional practices harmful to the health of women and children. Government, religious and community leaders should take an active role in supporting efforts to eliminate the practice of female genital mutilation.

- Mexico, CRC, CRC/C/24 (1994) 12 at paras. 35 and 42.

#### *Paragraph 35*

The great number of complaints of ill-treatment of children attributed to the police and security or military personnel is of concern. The failure to take effective steps to punish those found guilty of such violations or to make public eventual punishments is also of concern; this may lead to a feeling on the part of the population that impunity prevails and that it is therefore useless or dangerous to bring complaints before the competent authorities.

#### *Paragraph 42*

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

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

- Pakistan, CRC, CRC/C/29 (1994) 10 at para. 52.

Measures must be taken to make the provisions and principles of the Convention widely known among adults and children alike. To assist in these efforts, it is suggested that political, religious and community leaders be encouraged to take an active role in supporting efforts to eradicate traditional practices or customs which discriminate against children, particularly the girl child, or are harmful to the health and welfare of children. In addition, training about child rights should be given to relevant professional groups. Law enforcement personnel, including police officials and judges, should be aware of the provisions of the Convention, especially those relating to the system of the administration of juvenile justice.

- Philippines, CRC, CRC/C/38 (1995) 12 at para. 62.

The level of violence and the high incidence of ill-treatment and abuse of children, including cases attributed to the police or military personnel, is of concern. The efforts of the Government to combat child abuse and neglect are insufficient, both from the prevention and the sanction point of view. The lack of rehabilitation measures for such children is also a matter of concern. The failure to take effective steps to prosecute and punish those responsible for such violations or to make public decisions taken in this regard, including towards paedophiles, may lead to a feeling in the population that impunity prevails and that it is therefore useless to bring complaints before the competent authorities.

- Colombia, CRC, CRC/C/38 (1995) 16 at paras. 97 and 99.

### *Paragraph 97*

The Government should more actively enlist the support of NGOs and other private organizations in raising public awareness of the rights of the child and in monitoring enforcement of the law.

### *Paragraph 99*

Further measures should be envisaged to strengthen cooperation with NGOs aiming at greater social mobilization on behalf of the rights of the child.

## PUBLIC AND PRIVATE ACTORS - GENERAL

- Yemen, CRC, CRC/C/50 (1996) 9 at para. 43.

The State party should establish a permanent and multidisciplinary mechanism for the coordination and monitoring of the implementation of the Convention, both at the national and local levels, in urban as well as rural areas, and to allow for the definition of a comprehensive policy on children. Closer cooperation with non-governmental organizations should also be promoted.

- Mongolia, CRC, CRC/C/50 (1996) 13 at paras. 66 and 79.

### *Paragraph 66*

Further steps should be taken to strengthen coordination between the different governmental mechanisms involved in human rights and children's rights, at both central and local levels, and should closer cooperation with non-governmental organizations should be ensured.

### *Paragraph 79*

The State party is encouraged to disseminate widely the State party's report, the summary records of the discussion of the report in the Committee and the concluding observations adopted by the Committee following its consideration of the report. It is suggested that these documents be brought to the attention of Parliament and that the suggestions and recommendations for action contained therein be followed up. Cooperation with non-governmental organizations should be reinforced.

### *See also:*

- Finland, CRC, CRC/C/50 (1996) 35 at para. 240.

- Yugoslavia (Serbia and Montenegro), CRC, CRC/C/50 (1996) 17 at paras. 117 and 121.

### *Paragraph 117*

In the case of alleged violations of human rights committed by groups of individuals, the responsibility of the authorities to undertake measures to protect children from such acts is emphasized. Those accused of abuses should be tried and, if found guilty, punished. In addition, the outcome of investigations and cases of convictions should be widely publicized in order to combat any perception of impunity.

### *Paragraph 121*

The media's pledge to give full coverage to the discussion of the State party's report by the Committee is encouraging.

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

- Croatia, CRC, CRC/C/50 (1996) 31 at paras. 188, 195 and 209.

### *Paragraph 188*

The efforts pursued by the Government, in cooperation with non-governmental organizations, with a view to raising public awareness on the rights of the child are welcomed. In this connection, the Committee welcomes the European Youth Campaign being undertaken under the auspices of the Council of Europe to combat racism, xenophobia, anti-Semitism and intolerance.

### *Paragraph 195*

Concern is expressed about the impact on children of economic difficulties resulting from the transition to a market economy. Worry is expressed about the privatization of some social services which might affect the most vulnerable groups of children.

### *Paragraph 209*

It is recommended that the report of the State party, the records of the dialogue held between itself and the State delegation and the concluding observations adopted by the Committee be widely disseminated throughout the nation in all minority languages as well as in Croatian. A national debate should be encouraged about the State party's compliance with the Convention within and among the Government, international organizations and national non-governmental organizations and also among the public.

- Finland, CRC, CRC/C/50 (1996) 35 at paras. 218 and 219.

### *Paragraph 218*

The difficulties facing Finland in the present period of structural change and economic recession are noted. Decentralization and privatization policies, severe unemployment and State budgetary cuts have undoubtedly affected Finnish children, particularly the most vulnerable groups.

### *Paragraph 219*

The Committee is worried about the impact on children of the difficult economic situation prevailing in the country, which has resulted in budgetary cuts, and the existing trends towards decentralization and privatization. In this connection, it is particularly concerned as to whether appropriate measures have been undertaken to protect children, particularly those belonging to the most vulnerable groups, in the light of articles 3 and 4 of the Convention.

- Nepal, CRC, CRC/C/54 (1996) 25 at para. 177.

All necessary steps should be taken to strengthen coordination between the different governmental

## PUBLIC AND PRIVATE ACTORS - GENERAL

mechanisms involved in children's rights, at both central and local levels, and ensure close cooperation with non-governmental organizations.

- Cyprus, CRC, CRC/C/54 (1996) 38 at para. 241.

The readiness of the State party to collaborate with the non-governmental organization community is welcomed.

### *See also:*

- Nepal, CRC, CRC/C/54 (1996) 25 at para. 156.

- Bangladesh, CRC, CRC/C/66 (1997) 22 at para. 135.

It is of concern that many laws are inadequately enforced and that most children's lives are governed by family customs and religious law rather than by State law.

- Lao People's Democratic Republic, CRC, CRC/C/69 (1997) 8 at paras. 40 and 62.

### *Paragraph 40*

The lack of a legislative framework for the creation of national independent non-governmental organizations is of concern.

### *Paragraph 62*

The capacity of the National Commission for Mothers and Children in its role of coordinator, in particular between the central, provincial and local levels, should be strengthened. The Committee encourages the State party to seek assistance from, among others, the United Nations Children's Fund (UNICEF) in this regard.

- Czech Republic, CRC, CRC/C/69 (1997) 28 at paras. 169 and 185.

### *Paragraph 169*

The inadequate coordination and communication mechanisms between the Government and the non-governmental organizations dealing with children's issues are of concern.

### *Paragraph 185*

The establishment of an independent mechanism to monitor the observance of children's rights, such

## PUBLIC AND PRIVATE ACTORS - GENERAL

as an Ombudsperson or a National Commission for Children's Rights should be considered.

- Ireland, CRC, CRC/C/73 (1998) 14 at para. 94.

Efforts to develop a closer relationship with non-governmental organizations (NGOs) should be continued and strengthened.

- Guinea, CRC, CRC/C/84 (1999) 21 at para. 111.

The insufficient number of alternative care centres and the lack of support to the existing ones supported by non-governmental organizations are matters of concern. The low quality of living conditions in the existing care centres for children, the lack of adequate monitoring of placement conditions, and the conditions of children living in an informal type of placement, whose situation is not periodically reviewed, are also of concern. All appropriate measures should be taken to establish alternative care centres for children deprived of a family environment and/or to provide support to the private ones. Independent monitoring should be set up for public and private care institutions. The conditions of children living in an informal type of placement should be systematically reviewed.

- India, CRC, CRC/C/94 (2000) 10 at paras. 51, 63, 65, 99 and 105.

### *Paragraph 51*

The State party is encouraged to establish a statutory, independent national commission for children with the mandate of, *inter alia*, regularly monitoring and evaluating progress in the implementation of the Convention at the federal, state and local levels. Further, such a commission should be empowered to receive and address complaints of violations of child rights, including with respect to the security forces.

### *Paragraph 63*

In accordance with article 17 of the Constitution and article 2 of the Convention, it is recommended that the State party take steps to ensure States abolish the discriminatory practice of “untouchability”, prevent caste- and tribe-motivated abuse, and prosecute State and private actors who are responsible for such practices or abuses. Moreover, in compliance with article 46 of the Constitution, the State party is encouraged to implement, *inter alia*, affirmative measures to advance and protect these groups.

### *Paragraph 65*

In accordance with article 2 of the Convention, the State party is encouraged to ensure the

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

enforcement of protective laws. The State party should continue its efforts to carry out comprehensive public education campaigns to prevent and combat gender discrimination, particularly within the family. To assist in these efforts, political, religious and community leaders should be mobilized to support efforts to eradicate traditional practices and attitudes which discriminate against girls.

### *Paragraph 99*

The 1986 Child Labour Act should be amended so that household enterprises and government schools and training centres are no longer exempt from prohibitions on employing children; and coverage is expanded to include agriculture and other informal sectors. The Factories Act should be amended to cover all factories or workshops employing child labour. The Beedi Act should be amended so that exemptions for household-based production are eliminated. Employers should be required to have and produce on demand proof of age of all children working on their premises.

### *Paragraph 105*

A national drug control plan, or a Master Plan, should be developed with the guidance of the United Nations Drug Control Programme (UNDCP). The State party is encouraged to provide children with accurate and objective information about substance use including tobacco use, and to protect children from harmful misinformation through comprehensive restrictions on tobacco advertising.

- Sierra Leone, CRC, CRC/C/94 (2000) 24 at paras. 120, 133, 134 and 162.

### *Paragraph 120*

The severe social and economic difficulties imposed upon the State party and upon the general population by the many years of armed conflict are recognized. The repeated changes of government within the State party, including through military action, have made it difficult to develop and implement a concerted policy of implementation of the Convention.

### *Paragraph 133*

The very significant cooperation developed between the State party and national NGOs in favour of children is recognized. Concern is expressed that a disproportionate level of resources are used through international NGOs, to the detriment of national organizations and structures.

### *Paragraph 134*

The State party is strongly urged to maintain the important progress made so far and to continue to work closely with national NGOs. The State party is urged to strengthen national NGOs by encouraging international partners to favour these national structures in their funding and implementation programmes.

### *Paragraph 162*

## PUBLIC AND PRIVATE ACTORS - GENERAL

In the light of articles 19, 28 (2) and 37 (a) of the Convention, the State party is urged to take legislative and educative measures to prohibit the use of corporal punishment by the courts, all public officials and in schools, and to consider the prohibition of its use in the family.

- Costa Rica, CRC, CRC/C/94 (2000) 37 at para. 238.

In the light of article 44, paragraph 6, of the Convention, the second periodic report and the written replies submitted by the State party should be made widely available to the public at large and the publication of the report should be considered, along with the relevant summary records and concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.

### *See also:*

- India, CRC, CRC/C/94 (2000) 10 at para. 115.
  - Sierra Leone, CRC, CRC/C/94 (2000) 24 at para. 209.
  - The Former Yugoslav Republic of Macedonia, CRC, CRC/C/94 (2000) 45 at para. 294.
- 
- The Former Yugoslav Republic of Macedonia, CRC, CRC/C/94 (2000) 45 at para. 272.

The State party should make further efforts to integrate children with disabilities into educational and recreational programmes currently used by children without disabilities. With particular reference to article 23 of the Convention, it is further recommended that the State party continue with its programmes to improve the physical access of children with disabilities to public service buildings, including schools, review the facilities and assistance available to children with disabilities and in need of special services, and improve these services in accordance with the provisions and spirit of the Convention.

- Armenia, CRC, CRC/C/94 (2000) 53 at paras. 312 and 313.

### *Paragraph 312*

Cooperation with non-governmental organizations in the implementation of the Convention remains limited. The difficulties involved in the system of official registration of NGOs is a concern.

### *Paragraph 313*

The State party is encouraged to consider a systematic approach, involving NGOs and civil society

## PUBLIC AND PRIVATE ACTORS - GENERAL

in general throughout all stages of the implementation of the Convention, including policy-making. The State party should provide the necessary support to NGOs to facilitate and accelerate the registration process.

- Peru, CRC, CRC/C/94 (2000) 64 at para. 376.

The State party should develop early identification programmes to prevent disabilities, implement alternative measures to the institutionalization of children with disabilities, envisage awareness-raising campaigns aiming at the elimination of discrimination against them, establish special education programmes and centres and encourage their inclusion in the educational system and in society, and establish adequate monitoring of private institutions for children with disabilities.

### *See also:*

- Costa Rica, CRC, CRC/C/94 (2000) 37 at para. 232.
- Malta, CRC, CRC/C/97 (2000) 75 at para. 435.
- Colombia, CRC, CRC/C/100 (2000) 64 at paras. 372 and 373.

- Islamic Republic of Iran, CRC, CRC/C/97 (2000) 8 at paras. 36, 37, 43 and 69.

### *Paragraph 36*

Cooperation with non-governmental organizations in the implementation of the Convention, including preparation of the report, remains limited.

### *Paragraph 37*

The State party is encouraged to consider a systematic approach to involving NGOs, and civil society in general, in all stages of the implementation of the Convention, including policy-making.

### *Paragraph 43*

Concurring with the findings of the Human Rights Committee (CCPR/C/79/Add.25) and the Committee on Economic, Cultural and Social Rights (E/C.12/1993/7), and in accordance with article 2 of the Convention, it is recommended that the State party take effective measures to prevent and eliminate discrimination on the grounds of sex and birth in all fields of civil, economic, political, social and cultural life. The State party should make every effort to enact or rescind, where necessary, civil and criminal legislation to prohibit any such discrimination. In this regard, the State party is encouraged to consider the practices of other States that have been successful in reconciling fundamental rights with Islamic texts. The State party should take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat negative societal attitudes in this regard, particularly within the family. Religious leaders should be mobilized to support such efforts.

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

### *Paragraph 69*

The State party should take due regard of the aims of education laid down in article 29 and consider introducing human rights, including the Convention on the Rights of the Child, into the school curricula, including at the primary school level. The State party is encouraged to seek assistance from UNICEF, UNESCO and relevant NGOs, among others.

### *See also:*

- India, CRC, CRC/C/94 (2000) 10 at paras. 54 and 55.
- United Kingdom of Great Britain and Northern Ireland (Overseas Territories), CRC, CRC/C/100 (2000) 40 at paras. 219 and 220.
- Liechtenstein, CRC, CRC/C/103 (2001) 19 at paras. 98 and 99.
  
- Jordan, CRC, CRC/C/97 (2000) 31 at para. 171.

The State party should develop an ongoing programme for the dissemination of information regarding the implementation of the Convention among children and parents, civil society and all sectors and levels of government. Pursuing efforts to promote children's rights education in the country, including initiatives to reach the most vulnerable groups is encouraged. Moreover, the State party should strengthen its efforts to develop systematic and ongoing training programmes on the provisions of the Convention for all professional groups working with children (e.g. judges, lawyers, law enforcement officials, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers).

### *See also:*

- Armenia, CRC, CRC/C/94 (2000) 53 at para. 315.
- Egypt, CRC, CRC/C/103 (2001) 36 at paras. 216 and 217.
- Saudi Arabia, CRC, CRC/C/103 (2001) 71 at para. 394.
  
- Norway, CRC, CRC/C/97 (2000) 43 at paras. 228 and 266.

### *Paragraph 228*

Guidelines should be developed for child rights training with regard to the appropriate roles of different professional groups, including teachers, lawyers and police officers, and placing emphasis, where relevant, on the concerns raised by the Committee. In particular, attention should be given to

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

providing municipal board members and authorities with training in the implementation of the Convention on the Rights of the Child as a whole.

### *Paragraph 266*

The State party is commended for its wide and early dissemination of its 1993 initial report. However, the 1998 report did not receive the same wide distribution and, in particular, it was not printed in Norwegian early enough to facilitate comments by Norwegian NGOs.

- Cambodia, CRC, CRC/C/97 (2000) 64 at paras. 337, 378 and 379.

### *Paragraph 337*

The participation of non-governmental organizations in the preparation of the State party's initial report as well as in the implementation of the Convention is welcomed.

### *Paragraph 378*

Deep concern is expressed that as a result of the prolonged armed conflict, the State party has one of the highest levels of disability in the world. In this regard, it is noted that most services for children with disabilities are provided by NGOs, which need substantial resources to maintain the current high standards of care and rehabilitation services.

### *Paragraph 379*

The State party should work in close collaboration with and support the activities of NGOs working in this field in order to develop early identification programmes to prevent disabilities; implement alternative measures to the institutionalization of children with disabilities; plan and carry out awareness-raising campaigns to reduce discrimination; establish special education programmes and centres and encourage the inclusion of disabled children in the educational system and in society; and establish adequate monitoring of private institutions for children with disabilities. The State party should seek technical cooperation for the training of professional staff working with and for children with disabilities.

- Suriname, CRC, CRC/C/97 (2000) 84 at para. 498.

The State party should establish mechanisms to ensure that children living and/or working on the streets are provided with identity documents, food, clothing and housing. Moreover, the State party should ensure that these children are provided adequate access to health care; rehabilitation services for physical, sexual and substance abuse; services for reconciliation with families; and education, including vocational and life-skills training. It is recommended that the State party cooperate and coordinate its efforts with civil society in this regard.

## PUBLIC AND PRIVATE ACTORS - GENERAL

### *See also:*

- Georgia, CRC, CRC/C/97 (2000) 18 at para. 139.
- Jordan, CRC, CRC/C/97 (2000) 31 at para. 198.
  
- Djibouti, CRC, CRC/C/97 (2000) 96 at para. 551.

The State party is encouraged to increase its efforts in the health sector, including through the strengthening of data collection and disease surveillance mechanisms, the allocation of adequate resources and the reinforcement of training and support for health sector staff. The State party should ensure equitable access to existing health-care services, make every effort to increase vaccination coverage, including by ensuring the maintenance of a cold chain, and undertake effective collection and recording of data in this respect. Effective measures should be taken to provide information and support to HIV-infected mothers to prevent HIV transmission, in particular by providing safe alternatives to breastfeeding. It is recommended that the State party address the social factors preventing vulnerable groups (including women and children) from seeking health care, and that particular efforts be made to reach refugee and displaced children and those living on the streets. The State party is urged to develop effective partnerships with NGOs and civil society groups, and to seek the technical assistance of United Nations agencies such as WHO and UNICEF in this respect.

- Finland, CRC, CRC/C/100 (2000) 8 at paras. 34, 37 and 38.

### *Paragraph 34*

The delegation of responsibilities to local and regional authorities may enhance the involvement of local communities but, at the same time, it seems to hamper the full and equal implementation of the principles and provisions of the Convention, owing to local and regional differences in its interpretation, its application and budgetary allocations.

### *Paragraph 37*

It is noted that owing to the extensive decentralization of decision-making, administration and delivery of services in the State party, there is a significant delegation of powers from the central level to the municipalities. However, not all the municipalities provide the same level of social policies and services for the most vulnerable groups in society, in particular poor families, single-parent families, and disabled, refugee and minority children.

### *Paragraph 38*

It is recommended that the State party undertake an evaluation of the implementation of all aspects of the Convention by municipal authorities and that every effort be made to ensure that the

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

Convention is effectively implemented at the municipal level. The Committee reiterates its recommendation to establish an integrated monitoring system or mechanism to ensure that children in all municipalities benefit to the same extent from basic social services.

- United Kingdom of Great Britain and Northern Ireland (Isle of Man), CRC, CRC/C/100 (2000) 31 at paras. 178, 179 and 181.

### *Paragraph 178*

While the Police Act provides for the creation of a police complaints commission to address human rights violations by the police, insufficient efforts have been made to establish a child rights focal point within the Commission to address complaints of violations of the rights of children by the police. It is noted with concern that children are not allowed to submit complaints to the Police Complaints Commission unless a relevant adult is present while the statement of complaint is being taken. Concern is also expressed at the insufficient efforts made to establish an independent, child-friendly, human rights monitoring mechanism to review administrative decisions affecting children and to address complaints from children concerning violations of their rights by government agents other than the police.

### *Paragraph 179*

The establishment of a child rights focal point within the Police Complaints Commission is recommended. The Isle of Man should consider introducing measures to facilitate children who wish to make complaints to the Commission in the absence of an adult. It is recommended that the Isle of Man reconsider establishing an independent, child-friendly, accessible mechanism, separate from the Police Complaints Commission, to address complaints from children concerning violations of their rights and to provide remedies for such violations, in keeping with the Paris Principles (United Nations General Assembly resolution 48/134). In this context, the introduction of awareness-raising campaigns is encouraged in order to facilitate the effective use of these mechanisms by children.

### *Paragraph 181*

It is recommended that greater effort be made to ensure that the provisions of the Convention are widely known and understood by adults and children alike. The Isle of Man is encouraged to reinforce its efforts to introduce training on and/or sensitization about the Convention for professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators, health personnel, including psychologists and social workers, and personnel of child-care institutions. Efforts should also be made to raise awareness among the media about the rights of children.

- Tajikistan, CRC, CRC/C/100 (2000) 53 at paras. 277-280.

## PUBLIC AND PRIVATE ACTORS - GENERAL

### *Paragraph 277*

Concern is expressed that insufficient attention has been paid to article 4 of the Convention regarding the implementation to the “maximum extent of ... available resources” of the economic, social and cultural rights of children. While appreciating that the decentralization of services allows the local authorities to respond better to local needs, it is emphasized that the State party is responsible for ensuring that resources reach the most vulnerable groups.

### *Paragraph 278*

The State party should develop ways to assess systematically the impact of budgetary allocations on the implementation of child rights. An adequate distribution of resources should be ensured at the national and local levels - where needed, within the framework of international cooperation. The State party's obligations under the Convention should be taken into account in all aspects of its negotiations with international financial institutions and other donors, to ensure that the economic, social and cultural rights of children, particularly children belonging to the most vulnerable groups, are not undermined.

### *Paragraph 279*

Insufficient efforts have been made to involve civil society in the implementation of the Convention.

### *Paragraph 280*

Recognizing that the process of transition has led to the dismantling of many public social regulators, the Committee emphasizes the important role civil society plays as a partner in implementing the provisions of the Convention, including with respect to civil rights and freedoms, ill-treatment and juvenile justice. The State party should consider systematically involving civil society, especially children's associations and advocacy groups, throughout all stages of the implementation of the Convention, including policy-making. In this regard, a reduction of the registration fees for NGOs could be a first step in facilitating their participation. Greater efforts should be made to involve relevant State actors, such as local government officials, and the police in the dialogue with civil society. The State party is encouraged to support initiatives aimed at strengthening the role of civil society and to equip it with the knowledge and skills essential for working in partnership with local communities and local government.

### *See also:*

- Kyrgyzstan, CRC, CRC/C/97 (2000) 51 at paras. 278 and 279.
- Marshall Islands, CRC, CRC/C/100 (2000) 89 at paras. 505 and 506.
  
- Central African Republic, CRC, CRC/C/100 (2000) 77 at paras. 409, 410, 419 and 420

## PUBLIC AND PRIVATE ACTORS - GENERAL

### *Paragraph 409*

Concern is expressed about the lack of an appropriate legal framework, with the judicial system still reliant upon colonial-era legislation which is not always appropriate to the current situation. Customary practices are sometimes applied instead of domestic law. Some of these practices violate children's rights.

### *Paragraph 410*

Every effort should be made to review domestic legislation and ensure its conformity with the provisions of the Convention on the Rights of the Child. The State party is urged to strengthen implementation of legislation and, in particular, to end those customary practices which violate children's rights.

### *Paragraph 419*

Civil society is under-resourced, insufficiently well organized and consequently unable to contribute fully to the implementation of children's rights in the State party. The absence of a single coalition of NGOs focusing on child rights in the State party is a concern.

### *Paragraph 420*

The State party should review the capacity and contribution of civil society in the implementation of the Convention. It is recommended that the State party make every effort to strengthen the role played by civil society, *inter alia*, through improvements in the registration of NGOs, the provision of support to civil society in accessing resources and through facilitating the functioning of civil society programmes. The establishment of a coalition of NGOs focusing on children's rights, with a view to improving coordination and the use of resources, is recommended.

- Marshall Islands, CRC, CRC/C/100 (2000) 89 at paras. 504 and 514.

### *Paragraph 504*

The State party should develop more creative methods to promote the Convention, including through visual aids such as picture books and posters, along with traditional methods of communication. The Committee also recommends adequate and systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators and health personnel. Efforts should be made to sensitize civil society, including community leaders, NGOs and the media, about children's rights with a view to changing negative traditional public attitudes and to facilitate broad participation in the dissemination and promotion of the Convention.

### *Paragraph 514*

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

The State party should seek to develop a systematic approach, with the involvement of professionals working with children, in particular teachers, and civil society, including community leaders and NGOs, to increase public awareness of the participatory rights of children and encourage respect for the views of the child within the family, schools, and generally in society. The State party is encouraged to recognize the right of children to have their views heard and taken into account in the determination of policy-making at every level and in particular actions taken by social welfare institutions, courts of law and administrative authorities.

- Slovakia, CRC, CRC/C/100 (2000) 100 at paras. 586 and 587.

### *Paragraph 586*

It is noted that government social policies, in spite of their comprehensiveness, have resulted in the socio-economic exclusion of certain groups of children such as the Roma and children living in the streets and in institutions.

### *Paragraph 587*

The State party should include NGOs, especially family and children's NGOs, and civil society in general, through dialogue, in the development of social policies in order to better understand the reasons for exclusion and to stimulate new ideas to raise the standard of living of vulnerable groups of children.

- Comoros, CRC, CRC/C/100 (2000) 110 at para. 643.

The State party is urged to take every feasible measure, including through international mediation, to have all child abductees and combatants released and demobilized and to rehabilitate and reintegrate them in society. The State party is urged to take all necessary measures in cooperation with national and international NGOs and United Nations bodies, such as UNICEF, to address the physical needs of child victims of the armed conflict, in particular child amputees, and the psychological needs of all children affected directly or indirectly by the traumatic experiences of the war.

### *See also:*

- Sierra Leone, CRC, CRC/C/94 (2000) 24 at para. 189.
- Ethiopia, CRC, CRC/C/103 (2001) 24 at paras. 142, 143 and 167.

### *Paragraph 142*

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

The legislation providing a framework for the activities of NGOs is outdated and cooperation with NGOs is insufficient.

### *Paragraph 143*

The State party should update the legislative framework within which NGOs are registered and function. The State party should make greater efforts to strengthen its cooperation with NGOs.

### *Paragraph 167*

While urging the State party to avoid recourse to the institutionalization of children as a form of alternative care, the State party should ensure that children cared for by State or private institutions are given all the assistance they need, including an education and suitable vocational training, to enable them to establish a life for themselves after leaving the institution.

- Egypt, CRC, CRC/C/103 (2001) 36 at paras. 206, 209, 244 and 245.

### *Paragraph 206*

Note is taken of efforts to increase collaboration with non-governmental organizations, including efforts to establish an NGO liaison office in the secretariat of the National Council of Childhood and Motherhood (NCCM), as well as the recent draft legislation on NGOs. However, insufficient efforts have been made to involve civil society in the implementation of the Convention.

### *Paragraph 209*

The important role civil society plays as a partner in implementing the provisions of the Convention is emphasized, including with respect to civil rights and freedoms. The State party should consider a systematic approach to involving civil society, especially children's associations and advocacy groups, throughout all stages of the implementation of the Convention, including policy-making. In this regard, the State party should ensure that legislation regulating NGOs conforms to international standards on freedom of association, as a step in facilitating and strengthening their participation. Greater efforts should be made to involve relevant State actors, such as local government officials and the police, in the dialogue with civil society. The State party is encouraged to support initiatives aimed at strengthening the role of civil society.

### *Paragraph 244*

Child labour is a matter of concern. Main concerns include: regulations governing working hours and exposure to hazardous conditions for children are not respected nor effectively enforced. In particular, there is no effective inspection and supervision in the private sector, family enterprises, agricultural activities and domestic labour, precisely where child labour in Egypt is concentrated, in many cases involving hazardous conditions. Also of concern is that eighty per cent of child labour is reportedly concentrated in the agricultural sector. Many of these children work long hours in dusty environments, without masks or respirators, receiving little or no training on safety precautions for

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

work with toxic pesticides and herbicides. Moreover, seasonal work in agriculture is reportedly performed by children under 12 in State-run cooperatives (i.e. cotton pest management) despite this being contrary to the law.

### *Paragraph 245*

The labour inspectorate should be strengthened to ensure effective monitoring and implementation of child labour standards in the private sector, family enterprises, agricultural activities and domestic labour, and it should be empowered to receive and address complaints of violations. The State party should continue its efforts to carry out campaigns to inform and sensitize the general public, especially parents and children, of work hazards and to involve and train employers, workers, members of civic organizations, government officials such as labour inspectors and law enforcement officials, and other relevant professionals.

- Lesotho, CRC, CRC/C/103 (2001) 57 at paras. 329, 330, 341 and 342.

### *Paragraph 329*

The Committee joins with the State party in expressing concern at the need for additional technical assistance and international cooperation. Civil society, including NGOs, have insufficient opportunities to influence children's rights policy making and implementation. Further, concern is expressed that children do not have sufficient opportunities to participate in this process.

### *Paragraph 330*

The State party should continue and strengthen its efforts to seek technical assistance and other forms of international cooperation, including from international NGOs, towards implementation of the Convention. The State party should continue and strengthen its support to national NGOs. Children should be provided with more opportunities to participate in the work of NGOs.

### *Paragraph 341*

While noting that corporal punishment is prohibited by law in schools, concerns remain that the practice continues to be widespread in schools and in the family, in the care and juvenile justice systems and generally in society. It is noted with concern that corporal punishment of children is accepted among the public at large.

### *Paragraph 342*

The State party should take measures to implement legislation prohibiting corporal punishment in schools and in care and juvenile justice institutions. Prohibiting corporal punishment in the family should also be considered. In addition, the State party should raise awareness of the negative effects of such punishment and ensure that discipline in families, schools and all institutions is administered in a manner consistent with the child's dignity and in conformity with the Convention. The use of

## PUBLIC AND PRIVATE ACTORS - GENERAL

alternative disciplinary measures should be promoted, in accordance with the principles and provisions of the Convention.

### *See also:*

- Burundi, CRC, CRC/C/100 (2000) 17 at paras. 105 and 106.
  
- Saudi Arabia, CRC, CRC/C/103 (2001) 71 at paras. 387 and 388.

### *Paragraph 387*

Insufficient efforts have been made to involve civil society in the implementation of the Convention.

### *Paragraph 388*

The State party should consider a systematic approach to involving civil society, especially children's associations and advocacy groups, throughout all stages of the implementation of the Convention, including policy-making. Greater efforts should be made to involve relevant State actors in dialogue with civil society, such as local government officials and the police. The State party should support initiatives aimed at strengthening the role of civil society.

- Palau, CRC, CRC/C/103 (2001) 79 at para. 445.

The State party should ensure that the provisions of the Convention are widely known and understood by adults and children alike, particularly at the community level. In this regard, the following is recommended: the reinforcement of adequate and systematic training and/or sensitization of State officials; parliamentarians; and professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators and health personnel, including psychologists and social workers, as well as traditional community leaders and helpers. The State party should seek to ensure that the Convention is fully integrated into the curricula at all levels of the educational system. Also, the Convention should be promoted through the use of local languages and traditional methods of communication.

- Turkey, CRC, CRC/C/108 (2001) 18 at paras. 104, 111-114, 117, 118, 143 and 144.

### *Paragraph 104*

The State party should promote knowledge of the Convention at all levels, including the administrative authorities and civil society, especially non-governmental organizations and the private sector, and should develop more creative methods to disseminate the Convention, in particular through audiovisual aids such as picture books and posters. It is also recommended that adequate and

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

systematic training and/or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators and health personnel.

### *Paragraph 111*

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

### *Paragraph 112*

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

### *Paragraph 114*

In light of article 12 of the Convention, a systematic approach and policy should be developed, with the involvement of professionals working with children, in particular teachers and social services and civil society, including community leaders and NGOs, to increase public awareness of the participatory rights of children and to encourage respect for the views of the child within the family, school, and generally in society. The State party should recognize the right of children to have their views heard and taken into account in actions taken by social welfare institutions, courts of law and administrative authorities, including at the local level.

### *Paragraph 117*

Concern is expressed that persons under 18 cannot join associations, including trade unions and non-governmental organizations.

### *Paragraph 118*

## PUBLIC AND PRIVATE ACTORS - GENERAL

In light of articles 13 and 15 of the Convention, the State party should ensure that children can form, join and leave associations freely and, in particular, that young persons who have reached the legal age for being employed can form, join and leave trade unions freely.

### *Paragraph 143*

Although a number of centres have been established, with the collaboration of non-governmental organizations, to provide counselling, training and rehabilitation services for children living in the streets, concern is nevertheless expressed about the significant number of such children and that assistance is generally only provided to them by non-governmental organizations.

### *Paragraph 144*

Existing mechanisms should be supported in order to provide children living in the streets with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, in order to ensure their full development.

### *See also:*

- Guatemala, CRC, CRC/C/108 (2001) 47 at para. 281.
  
- Democratic Republic of the Congo, CRC, CRC/C/108 (2001) 31 at paras. 155, 165, 166, 181, 182 and 200.

### *Paragraph 155*

The Committee notes the negative impact on children of the armed conflict within the State party's territory and the role of numerous actors in this conflict, including the armed forces of several States all party to the Convention, armed groups and numerous private companies, as cited in a United Nations report on the illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo. Particularly noted are grave violations of the Convention within territory outside of the control of the Government of the State party and where armed elements, including armed forces under the jurisdiction of other States parties to the Convention, have been active. It is also noted that article 38 of the Convention requires States parties to respect provisions of international humanitarian law applicable to them and that, as indicated by United Nations sources (see, *inter alia*, Security Council resolution 1341 (2001) of 22 February 2001), this law has been violated, particularly with regard to children. In this context, in addition to the responsibility of the State party, the Committee also emphasizes the responsibilities of several other States and certain other actors for the negative impact of the armed conflict upon children and for violations of some provisions of the Convention and international humanitarian law within areas of the State party.

### *Paragraph 165*

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

The collaboration between the State party and some NGOs is noted but concern remains that cooperation with other NGOs working for children's rights is insufficient. Deep concern is expressed about the reported high numbers of arrests and detentions of some NGO staff and the restrictions placed on NGO registration and activities.

### *Paragraph 166*

The State party is urged to prevent all harassment (including arbitrary arrest and detention) of representatives and/or employees of NGOs. It is strongly recommended that the State party support and collaborate with NGOs in their activities to improve implementation of the Convention and to facilitate efforts to establish a nationwide coalition of NGOs focusing on the protection and promotion of children's rights. It is further recommended that NGOs be involved in the development of policies and programmes implementing the Convention.

### *Paragraph 181*

It is of deep concern that children are regularly the victims of cruel, inhuman or degrading treatment, sometimes constituting torture, committed by, among others, the police, the military, teachers and in the family. It is affirmed that these acts are violations of children's rights.

### *Paragraph 182*

The State party is strongly urged to strengthen its efforts to address the causes and incidence of torture and cruel, inhuman or degrading treatment of children by, among others, the police, the military, teachers and in the family, to end and prevent these violations of children's rights and to ensure that the persons responsible for these acts are brought to justice. The possibility of compensation for the victims of torture and other acts should be considered.

### *Paragraph 200*

The State party should make every effort to ensure that children with disabilities are not discriminated against, including through the provision of appropriate education for parents, teachers, children and members of the population in general. The State party should provide assistance to NGOs working on behalf of children with disabilities and promote coordination of their activities. The State party should seek technical assistance from, among others, WHO and UNICEF.

- Guatemala, CRC, CRC/C/108 (2001) 47 at paras. 247 and 248.

### *Paragraph 247*

Cooperation with non-governmental organizations should be further promoted and reinforced. It is of concern that some non-governmental organizations working with children have been subjected to threats and assaults.

### *Paragraph 248*

## **PUBLIC AND PRIVATE ACTORS - GENERAL**

The State party should encourage the promotion of closer cooperation with non-governmental organizations for the coordination and implementation of the Convention at the national and local levels and in urban and rural areas. It is strongly recommended that cases of threats and assaults against non-governmental organizations working with and for children be effectively investigated and prosecuted and that all the necessary measures be taken to prevent further such actions.

- Bhutan, CRC, CRC/C/108 (2001) 85 at paras. 438, 439 and 445.

### *Paragraph 438*

Noting good governmental cooperation in the development and welfare sectors with national associations, bilateral aid agencies, international organizations and NGOs, concern is nevertheless expressed that insufficient efforts have been made to involve civil society, particularly in the area of civil rights and freedoms, in the implementation of the Convention.

### *Paragraph 439*

the State party should consider a systematic approach to involving civil society, especially children's associations, throughout all stages of the implementation of the Convention, including with respect to civil rights and freedoms. Legislation regulating NGOs should conform to international standards on freedom of association, as a step in facilitating and strengthening their participation.

### *Paragraph 445*

The State party should consider its obligations under the Convention in all aspects of its negotiations with international financial institutions and other donors, to ensure that the economic, social and cultural rights of children, particularly children belonging to the most vulnerable groups, are well observed.

### *See also:*

- Oman, CRC, CRC/C/111 (2001) 36 at paras. 162 and 163.
  - Qatar, CRC, CRC/C/111 (2001) 59 at paras. 279 and 280.
  - Bahrain, CRC, CRC/C/114 (2002) 122 at paras. 466 and 467.
- 
- Monaco, CRC, CRC/C/108 (2001) 97 at para. 500.

The State party should consider defining a child rights policy, based upon a rights-based approach to implementation of the Convention, and a single State mechanism should be provided with responsibility for the coordination of the Convention's implementation. In addition, the State party should encourage NGOs to adopt a rights-based approach to their work on behalf of children.

## **PUBLIC AND PRIVATE ACTORS - GENERAL**