

## BUSINESS AS USUAL IN THE SHADOW OF REFORM: THE WORK OF THE HUMAN RIGHTS TREATY-MONITORING BODIES

The work of the core human rights treaty bodies continued unabated in 2007 in the shadow of reform of the Human Rights Council (the Council) and other bodies of the UN, examining close to 70 States and over 120 separate reports. The treaty bodies were not entirely unaffected by the influence of reform, however. The completion of the modalities for the Council's universal periodic review (UPR) mechanism added a new dimension to their work, as the recommendations of the treaty bodies will now constitute a part of the information used to review States under the UPR.<sup>1</sup> The treaty body system itself also reconsidered the need to improve its performance by focusing on improving communication between the treaty bodies and improving the harmonisation of working methods across the system. And while any such far-reaching proposals as a single human rights treaty body have been shelved for now, more incremental developments such as the submission of a 'common core document' has begun. This 'common core document' is designed to cover all general information on the State, and will be submitted to each treaty body in addition to a treaty-specific State report. This aims to ease the reporting burden on States and also provides uniformity in the type of general information received by the treaty bodies. The first States to submit such a report in 2007 were Australia, Timor Leste, and Turkey. In most other regards, however, it was business as usual.

The backlog of States awaiting review still overshadowed the work of certain Committees. The Committee on the Elimination of Discrimination against Women (CEDAW) celebrated its 25<sup>th</sup> anniversary by working through 69 State party reports between 2005 (since the extension of its meeting time) and the end of 2007. While CEDAW will continue to meet in dual chambers until 2010, and will now meet five times a year,<sup>2</sup> the Committee on the Rights of the Child (CRC) was in the better position of being able to revert back to working in one chamber at its 43<sup>rd</sup> session in September 2006 and worked in one chamber throughout 2007. However, it remains to be seen whether it will need to once again revert to two chambers to overcome the backlog.

2007 also witnessed the first session of the new Subcommittee on the Prevention of Torture, established under the Optional Protocol to the *Convention against Torture* to visit places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment. And on a final historic note, CEDAW concluded its final session in New York under the responsibility of the Division for the Advancement of Women. Beginning in January 2008, CEDAW joined the other core human rights treaty bodies in being supported by OHCHR. Its 40<sup>th</sup> session took

<sup>1</sup> The modalities of the universal periodic review mechanism are contained in the annex to Council *Resolution 5/1*. Paragraph 15(b) provides that the documents on which the review would be based include: 'a compilation prepared by the Office of the High Commissioner for Human Rights of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents'.

<sup>2</sup> General Assembly *Resolution 62/218*, adopted on 22 December 2007, provided that CEDAW would meet five times a year in 2008 and 2009, three times in Geneva and twice in New York, of which three sessions will take place with dual chambers.

place in Geneva for the first time on 14 January 2008, and it will now meet three times a year in Geneva and twice in New York.

2008 will also witness an increase in the Inter-Committee Meetings of the treaty bodies to twice a year. It is uncertain whether this will accelerate a process of harmonisation, but gauging by the mobilisation of non-governmental organisations (NGOs) already in Geneva and elsewhere, it is not likely that the subject will be allowed to lie idle in 2008.

## GENERAL COMMENTS/ RECOMMENDATIONS

2007 was a busy year for the adoption of general comments/recommendations by the human rights treaty bodies.

The **Human Rights Committee (HRC)** adopted **General Comment 32 on the right to equality** before courts and tribunals and to a fair trial under Article 14 of the *Covenant on Civil and Political Rights* at its 90<sup>th</sup> session on 24 July 2007.<sup>3</sup> General Comment 32 addresses various issues relating to Article 14, including juvenile justice, compensation, *ne bis in idem*,<sup>4</sup> the right to a fair and public hearing by an independent and impartial tribunal, the presumption of innocence, reviews by higher tribunals, and the relationship of Article 14 with other provisions of the Covenant. General Comment 32 is the Committee's longest General Comment to date.

The discussion following the adoption of the General Comment also set a precedent as it was debated whether individual dissenting opinions of Committee members may be recorded in the General Comment. It was decided that this would not be necessary as the summary record of the session would adequately reflect divergences.

The **Committee against Torture (CAT)** adopted **General Comment 2** regarding implementation of the prohibition against torture and other forms of cruel, inhuman or degrading treatment or punishment under Article 2 of the *Convention against Torture* at its 39<sup>th</sup> session in November 2007. It emphasised the 'absolute and non-

derogable prohibition of torture' as provided by Article 2(2) of the Convention. It also provided that the concept of 'any territory under its jurisdiction...includes any territories or facilities and must be applied to protect any person, citizen or non-citizen without discrimination subject to the *de jure* or *de facto* control of a State Party' and that the State bears responsibility for any acts of torture or ill-treatment by any of its officers, agents, and private contractors.<sup>5</sup>

The **Committee on Economic, Social and Cultural Rights (CESCR)** adopted **General Comment 19 on the right to social security** under Article 9 of the *Covenant on Economic, Social and Cultural Rights* at its 39<sup>th</sup> session in November 2007. The final drafting meetings on the General Comment were conducted in private session and at the time of writing the text had not been published.<sup>6</sup> The **Committee on the Rights of the Child** adopted **General Comment 10 on children's rights in juvenile justice** at its 44<sup>th</sup> session from 15 January to 2 February 2007, through which the Committee sought 'to provide the States Parties with more elaborated guidance and recommendations for their efforts to establish an administration of juvenile justice in compliance with the CRC.'<sup>7</sup> CEDAW's task forces on a **General Recommendation on migrant women** and a **General Recommendation on Article 2** (policy measures to eliminate discrimination against women) continued their work throughout 2007 but have yet to finalise draft texts for consideration by the Committee.

## MEETING OF SPECIAL RAPORTEURS WITH INDIVIDUAL TREATY BODIES

The practice of special procedures of the Human Rights Council meeting with treaty monitoring bodies continued in 2007. At its 71<sup>st</sup> session in August 2007, CERD held a meeting with the Special Rapporteur on freedom of religion or belief, Ms Asma Jahangir, to discuss areas of overlap between the mandates of the Committee and the Special Rapporteur and to identify the steps that should be taken to enhance the protection of persons and groups experiencing discrimination.<sup>8</sup> Issues discussed included: the 'intersectionality' between race and religion; the

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The Committee held a first reading of the draft General Comment at its 88<sup>th</sup> session and a second reading at its 89<sup>th</sup> session. The complete summaries of the readings of draft General Comment by the Committee at its 88<sup>th</sup> and 90<sup>th</sup> sessions are available at [www.ishr.ch](http://www.ishr.ch). General Comment 32 is available at [www.ohchr.org](http://www.ohchr.org).

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The principle, as contained in Article 14(7) of the Covenant, states that no one shall be liable to be tried or punished again for an offence that they have already been finally convicted or acquitted of.

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General Comment 2 available at [www.ohchr.org](http://www.ohchr.org). For a more detailed summary, as well as a link to a useful NGO submission on the draft General Comment, see the *Human Rights Law Resource Centre Bulletin*, No. 21 January 2008, at [www.hrlrc.org.au/html/s02\\_article/default.asp?nav\\_top\\_id=59&nav\\_cat\\_id=138](http://www.hrlrc.org.au/html/s02_article/default.asp?nav_top_id=59&nav_cat_id=138).

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The draft of the General Comment which preceded the 39<sup>th</sup> session of the Committee is available at [www.ohchr.org](http://www.ohchr.org).

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For further information see the Child Rights Information Network's webpage on General Comment 10 at [www.crin.org/resources/infoDetail.asp?ID=12462&flag=report](http://www.crin.org/resources/infoDetail.asp?ID=12462&flag=report).

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For a summary of the discussion between the Committee and Ms Jahangir, see [www.ishr.ch](http://www.ishr.ch).

limitation of the Committee's mandate to matters of racial rather than religious discrimination; Islamophobia; the use of racial profiling by States as a counter-terrorism measure; and the inseparability of religion from land for many indigenous peoples.

Ms Jahangir, placing particular emphasis on equal opportunity for women, also pressed the importance of granting equal rights to all religions and to the individuals within these religions.

## ANNUAL INTER-COMMITTEE MEETING AND MEETING OF CHAIRPERSONS

The most significant procedural outcome of the 6<sup>th</sup> Inter-Committee Meeting of the human rights treaty bodies (the Inter-Committee Meeting) on 18-20 June and 19<sup>th</sup> Meeting of Chairpersons of the human rights treaty bodies (the Meeting of Chairpersons) on 21-22 June was the decision to discontinue the practice of holding one Inter-Committee Meeting and one Meeting of Chairpersons a year.<sup>9</sup> As proposed by the Human Rights Committee, it was decided instead that a single coordinating body composed of chairpersons and two additional members of each Committee would **meet twice a year** to discuss better harmonisation of the work of the treaty bodies. Other thematic issues addressed included the role of national human rights institutions (NHRIs) in the work of the treaty bodies, the implications of the UPR for the work of the treaty bodies, and an interactive dialogue with the Special Representative of the Secretary-General on the responsibilities of transnational corporations and other business enterprises, Mr John Ruggie.<sup>10</sup>

Little else was pursued at the Inter-Committee Meeting in relation to improving and harmonising the working methods of the treaty bodies. Following from the outcomes of the previous meeting,<sup>11</sup> members stressed the need to maintain the independence and integrity of the treaty bodies while emphasising the necessity for communication and cooperation. Regarding periodic reports, some members suggested that there should be no mandated **periodicity for the**

**submission of State party reports**, opting instead for flexibility. Also of note was the **Committee against Torture's new procedure** to be tested in 2009, whereby States may use their 'response to the list of issues' as the equivalent of their State report. Certain Committee members expressed concern about this approach, stating that the list of issues covered only limited topics, and that the range of information provided in current State reports was helpful. Concerning **follow-up**, the Committee on the Rights of the Child noted that it conducted some **country visits** and CERD explained that it had assigned a member to preside over follow-ups. Chairperson Mr Texier emphasised that follow-up was the 'weak link' of CESCR and would remain so until the treaty has an **optional protocol**.<sup>12</sup> Finally, there was general agreement regarding a productive method for dealing with the **late submission of State reports**, which should involve notifying countries of a Committee's intention to proceed with an examination

During the **meeting of the Inter-Committee Meeting with NGO representatives**, it was emphasised that harmonisation should not result in reduced opportunities for interaction with NGOs. Other concerns raised by NGOs included the **need for formal meetings between the Committees and NGOs**, and the need for integration of the issue of persecution on the basis of **sexual orientation and gender identity**<sup>13</sup> into the work of the treaty bodies. The German Institute for Human Rights also addressed the Inter-Committee Meeting in relation to the Berlin Roundtable held by **national human rights institutions** in November 2006 regarding the role of NHRIs before the treaty body system. It called upon the Inter-Committee Meeting to endorse its 'draft harmonized approach to national human rights institutions engagement with treaty body processes'.<sup>14</sup> The Inter-Committee Meeting did not formally adopt these conclusions but 'considered the recommendations of the round table a good basis for future discussion.'<sup>15</sup>

### Treaty bodies and the universal periodic review mechanism

The role of treaty bodies in relation to the new universal periodic review mechanism of the Human Rights Council was a pressing issue

9 For a critical summary of the 6<sup>th</sup> Inter-Committee Meeting and 19<sup>th</sup> Meeting of Chairpersons, see [www.ishr.ch](http://www.ishr.ch).

10 A background paper on the meeting of 19 June is available at [www.reports-and-materials.org/Background-paper-SRSG-treaty-bodies-19-Jun-2007.pdf](http://www.reports-and-materials.org/Background-paper-SRSG-treaty-bodies-19-Jun-2007.pdf). Mr Ruggie's address to the Inter-Committee Meeting is available at [www.reports-and-materials.org/Ruggie-address-to-treaty-bodies-19-Jun-2007.pdf](http://www.reports-and-materials.org/Ruggie-address-to-treaty-bodies-19-Jun-2007.pdf). For a summary of the interactive dialogue, see [www.ishr.ch](http://www.ishr.ch).

11 Report of the Chairpersons of the human rights treaty bodies on their 18<sup>th</sup> meeting, UN Doc A/61/385, available at [www.ohchr.org](http://www.ohchr.org).

12 Materials on the Working Group on an optional protocol to the *International Covenant on Economic, Social, and Cultural Rights* are available at [www.ohchr.org](http://www.ohchr.org). The Working Group's 4th session will take place from 16-27 July 2007.

13 For a broader discussion of discrimination on the basis of sexual orientation and gender identity, and the framework used by NGOs at the Inter-Committee Meeting, see pp. 89-91.

14 *Conclusions of the International Roundtable on the Role of National Human Rights Institutions and Treaty Bodies* (Berlin, 23 and 24 November 2006), UN Doc. HRI/MC/2007/3, available at [www.ohchr.org](http://www.ohchr.org).

15 *Report of the Annual Meeting of Chairpersons of the Human Rights Treaty Bodies and the Inter-Committee Meeting*, UN Doc. A/62/224 (2007), at [www.ohchr.org](http://www.ohchr.org).

throughout the Inter-Committee Meeting and Meeting of Chairpersons meetings. Amnesty International had noted in the dialogue with the Inter-Committee Meeting that both NGOs and treaty bodies needed to be mindful of how their concluding observations and other outcomes could be utilised in the new UPR process. Various reservations were also expressed throughout the agenda item of the Chairpersons Meeting dedicated to the UPR. Presenting his assessment of the work of the treaty bodies and their future relationship with the Council in relation to the UPR, then President of the Human Rights Council Ambassador Luis Alfonso de Alba spoke primarily about the complementarity between the two. He noted that the recommendations made during the course of the UPR would differ from those of the treaty bodies and other mechanisms, but that the scope and scale of the review would not lead to reinterpretation of recommendations made by the treaty bodies. Instead, the UPR would strengthen the recommendations made by other human rights mechanisms.

The joint meeting with special rapporteurs and the Chairpersons of the treaty bodies also focused on the UPR, where Ambassador Mohamed Loulichki, the Facilitator of the Working Group on the UPR, presented additional background information on the UPR. Among points raised by special rapporteurs was the fact that the UPR was a political response and not a substitute for other mechanisms and monitoring, and that the limits imposed on the length of information submitted to the UPR would create the need for tailoring the information provided for maximum impact, thus increasing the potential importance of treaty body recommendations.<sup>16</sup>

The manner in which treaty body recommendations will be applied as part of the UPR process will become clear during the first cycle of the UPR in April 2008. It is likely that this will then be further discussed at the pursuant Inter-Committee Meeting.

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#### Other developments related to treaty body reform

The Inter-Committee Meeting will continue to address aspects of harmonisation in the work-

ing methods of the respective treaties bodies in 2008 and beyond. Likewise, international NGOs have begun collaboration in identifying areas of convergence for future advocacy and it is expected that various positions will be developed among coalitions in relation to the preparation and consideration of reports, concluding observations, follow-up, individual communications, inquiry procedures, and membership of the Committees.

The National Institution Unit of OHCHR also held a workshop in Geneva from 26-28 November 2007 to discuss the role of NHRIs in the treaty body process.<sup>17</sup> The workshop assessed the varied working methods of the treaty bodies in relation to input from national institutions and sought to identify best practice both from Committees and NHRIs. The member of the German Institute for Human Rights re-iterated the recommendation from the Berlin Roundtable<sup>18</sup> that the issue of the role of NHRIs remain on the agenda of the Inter-Committee Meeting.

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#### THE SUBCOMMITTEE ON THE PREVENTION OF TORTURE

The Optional Protocol to the *Convention against Torture* entered into force on 22 June 2006, one month after the 20<sup>th</sup> ratification by State parties. The objective of the Protocol is 'to establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.'<sup>19</sup> In accordance with Articles 6 and 7 of the Optional Protocol, the Secretary-General invited State parties to submit their nominations for the election of ten members to the Subcommittee on the Prevention of Torture, by 18 October 2006. The mandate of the Subcommittee provides for visits to 'any place under [the State's] jurisdiction and control where persons are or may be deprived of their liberty' at any time and without prior warning, to direct, advise and assist the designated national preventive mechanisms (an equally significant additional component for enforcement of the Optional Protocol) and to make observations and recommendations to the State party. The Subcommittee is different

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Interventions by Mr Vitit Muntarbhorn, Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea (DPRK) and Mr Philip Alston, Special Rapporteur on extrajudicial, arbitrary, or summary executions.

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The workshop was attended by members of the national commissions of Germany, Ireland, Mexico, New Zealand, South Africa and the Republic of Korea, and members of CERD, HRC, CAT, and OPCAT.

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See fn. 14 above.

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Optional Protocol to the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, A/RES/57/199, Article 1.

from other treaty bodies in one other critical respect – its recommendations and observations are transmitted confidentially to the State party, and remain confidential unless the State decides to publicise a part of the recommendations or if a State party refuses to cooperate with the Subcommittee.<sup>20</sup>

Following the election of its first ten members in December 2006, the Subcommittee met for the first time on 19-23 February 2007 to begin drafting its working methods. It met again in June 2007 and agreed that the first State parties to receive visits by the Subcommittee were Mauritius, Sweden, the Maldives, and Paraguay. The Subcommittee then met for a third time in November 2007 and it is understood that discussions are underway to elaborate more specific details on how it intends to approach issues relating to national preventive mechanisms.

## CONSIDERATION OF COUNTRY REPORTS

The section below provides a brief summary of the examination of individual countries<sup>21</sup> by the treaty bodies in 2007, principally focussing on the issues that were discussed by the Committees in their dialogue with the State parties. There are limited references to the concluding observations of the treaty bodies, and the summaries are selective rather than exhaustive. The International Service for Human Rights (ISHR) has produced reports on all countries before the treaty bodies in 2007 (with the exception of the Committee on the Rights of the Child, which is monitored by the NGO Group for the Convention on the Rights of the Child)<sup>22</sup> which contain detailed information on the examination of each country before the respective treaty bodies. The reports can be accessed under the relevant Committee and session at [www.ishr.ch](http://www.ishr.ch) under the heading ‘Treaty Body Monitor’.

All of the relevant State reports, list of issues, and concluding observations of the treaty bodies can be accessed by visiting [www.ohchr.org](http://www.ohchr.org) and following these links: ‘Human rights bodies’, [choose the relevant treaty body], ‘Sessions’. The number of the session can be cross-referenced from this chapter.

### Algeria

Algeria appeared before the HRC during its 91<sup>st</sup> session in October 2007. An additional third meeting needed to be scheduled to address all issues as the Ambassador of Algeria to the UN was determined to enter into protracted dialogue with the Committee throughout. Issues discussed included: the continued state of emergency and attempts at derogation from certain rights; the impact of certain domestic legislation in restricting the possibility of individuals submitting communications under the first Optional Protocol of the *Covenant on Civil and Political Rights*; the definition of terrorism and counter-terrorism measures; disappearances and the work of the National Commission on Disappearances; freedom of expression, opinion and assembly and restrictions on journalists and human rights defenders in the country; the equal rights of men and women; and preventive and pre-trial detention and the right to a fair trial.

### Antigua and Barbuda

Antigua and Barbuda submitted its initial to 9<sup>th</sup> periodic reports to CERD<sup>23</sup> in March 2006. The Committee did note that Antigua was willing to enter into open discussion, despite the fact that nine reports were overdue (dating back to 1989). The examination proceeded to address: the status of the Convention in domestic law; measures of implementation; Antigua and Barbuda’s declaration on Article 4 and reservation against Article 14 of the Convention; and the application of the Convention to education, employment, freedom of movement and freedom of information, and to vulnerable groups, including women, migrants and non-citizens, indigenous peoples, and minorities.

### Australia

Australia was to be examined by CAT<sup>24</sup> but postponed its examination due to an upcoming Federal election. The examination was delayed at such short notice that NGOs had arrived already in Geneva for the briefing with Committee members, and certain members had not

20 In such cases, according to Article 16(4) of OPCAT, ‘the Committee against Torture may, at the request of the Subcommittee on Prevention, decide, by a majority of its members, after the State Party has had an opportunity to make its views known, to make a public statement on the matter or to publish the report of the Subcommittee on Prevention.’

21 The summaries do not cover countries that were considered under early warning and urgent action procedures and in closed sessions under review procedures for long overdue reports.

22 The NGO Group for the Convention on the Rights of the Child - [www.crin.org/NGOGGroupforCRC/](http://www.crin.org/NGOGGroupforCRC/).

23 Antigua and Barbuda’s 3<sup>rd</sup> periodic report. 70<sup>th</sup> session of CERD.

24 Australia’s 5<sup>th</sup> periodic report. 39<sup>th</sup> session of CAT.

been informed that Australia had requested a postponement.

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### Austria

Austria was examined by **CEDAW** and the **HRC**.<sup>25</sup> At the **CEDAW** examination, the Committee inquired about the steps taken to address concerns expressed by other treaty bodies, referring for example to the Committee against Torture's charge that data on sexual violence against women is inadequate and the Committee on Economic, Social and Cultural Rights' concerns with the gender pay gap, poverty rates, job availability, and under-representation of women in decision-making positions. Other issues addressed included: Austria's reservations against the Convention; migrant women; prostitution; domestic violence; and human trafficking.

Much of the examination before the **HRC** at its 91<sup>st</sup> session in November 2007 revolved around the treatment of Roma people, asylum seekers and linguistic minorities, and public awareness in relation to laws and bodies in place to protect the rights of minority or vulnerable groups. Other issues addressed included: the principle of non-discrimination and the equal status of men and women; the treatment of detainees and allegations of mistreatment by the police; trafficking in women and children; expulsion of aliens; the right to a fair trial; freedom of religion; incitement to racial hatred; and the rights of minorities, including linguistic rights.

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### Azerbaijan

Azerbaijan was examined by **CEDAW**.<sup>26</sup> The examination addressed: awareness-raising on women's rights, particularly among the judiciary, as the delegation admitted that they have no means of tracking reference to the Convention in case law; the definition of equality, and the fact that the national law on gender equality appeared more a definition of formal than substantive equality and was therefore not in line with Article 4 of the Convention; trafficking and violence against women, and the worrying practice by the State of addressing this issue broadly under the language of 'women's issues', rather

than as a separate and serious issue of which the root causes need to be systemically addressed; and the legal age for marriage.

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### Bangladesh

Bangladesh submitted its initial report to **CRC** under the **Optional Protocol on the Sale of Children** in December 2005.<sup>27</sup> During the examination the delegation recognised that child prostitution was a problem in the country, and that the problem was likely to intensify with increased use of the Internet. Nonetheless it claimed that progress was being made. The examination proceeded to address: the definition of the child in national law, and the fact that children ages 16-18 were not protected under penal legislation; the fact that at 10%, the birth registration rate was still very low in the country, and the reasons behind this; the lack of available data on child prostitution and sexual exploitation; coordinated measures relating to children, particularly within the Ministry for Women and Children Affairs; child support services for child victims; the education of girls; and Bangladesh's reservations against Articles 14 and 21 of the Convention.

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### Barbados

Barbados was examined by **HRC** during its 89<sup>th</sup> session in New York in March 2007.<sup>28</sup> Issues addressed during the examination included: application of the death penalty and the right to life; the prohibition of torture and inhuman, degrading treatment; the right to a fair trial especially when it involves extended incarceration; and freedom of movement and the arbitrary expulsion of non-citizen's from the State. The Committee especially expressed its concern about Barbados' discriminatory legal provisions with regards to gender and disability; the acceptance of flogging of children in the home, schools, and the general culture; the lack of provisions and policies against trafficking; and its lack of a national human rights intuition. The delegation noted that a revision in Barbados' Constitution is due to take place soon, in which it will try to incorporate the Committee's suggestions.

<sup>25</sup> CEDAW: Austria's 6<sup>th</sup> periodic report. 37<sup>th</sup> session of CEDAW. Concluding observations are available at [www.un.org/womenwatch/daw/CEDAW/37sess.htm](http://www.un.org/womenwatch/daw/CEDAW/37sess.htm). The Women's NGO Platform submitted a parallel report to CEDAW, available at [www.iwraw-ap.org/resources/pdf/Austria%20Shadow%20Report.pdf](http://www.iwraw-ap.org/resources/pdf/Austria%20Shadow%20Report.pdf). HRC: Austria's 4<sup>th</sup> periodic report. 90<sup>th</sup> session of HRC.

<sup>26</sup> Azerbaijan's combined 2<sup>nd</sup> and 3<sup>rd</sup> periodic reports. 37<sup>th</sup> session of CEDAW. Concluding observations are available at [www.un.org/womenwatch/daw/CEDAW/37sess.htm](http://www.un.org/womenwatch/daw/CEDAW/37sess.htm). The Azerbaijan Gender Association 'Symmetry' submitted a parallel report to CEDAW, available at [www.iwraw-ap.org/resources/pdf/Azerbaijan%20Shadow%20Report.pdf](http://www.iwraw-ap.org/resources/pdf/Azerbaijan%20Shadow%20Report.pdf).

<sup>27</sup> 45<sup>th</sup> session of CRC. Bangladesh National Woman Lawyers Association submitted a parallel report to CRC, available at [www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp](http://www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp).

<sup>28</sup> Barbados' 3<sup>rd</sup> to 6<sup>th</sup> periodic reports. 89<sup>th</sup> session of HRC.

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## Belgium

Belgium appeared before CDESCR with a large and competent delegation during its 39th session in November 2007 for the examination of the State's 3<sup>rd</sup> periodic report.<sup>29</sup> Among the issues examined were: the status of the Covenant in domestic law; development aid and the attainment of Belgium's commitment to allocating 0.7% of its gross domestic product to development, and whether Belgium did 'all it can' in ensuring that World Bank and International Monetary Fund policy is in accordance with the Covenant; discrimination/integration and relations between the Flemish and Walloon communities and the issue of jurisdiction in the context of legal protection against discrimination; the introduction of a gender dimension into all federal policies through a new gender equality law; labour rights, and the situation of unusually high youth unemployment rates, the status of legislation to protect the right of workers to strike, and how the labour market integrates migrant workers; education and the question of equal access in relation to the wide variation in quality of schools in the country; public health; and poverty.

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## Belize

Belize was examined by CEDAW.<sup>30</sup> The examination addressed: the need for temporary special measures to accelerate the advancement of women's equality and political participation; employment of women in government; measures to improve women's participation in the labour force such as increased minimal wage and lengthened maternity leave; stereotypes that come from a patriarchal culture; education, with discussion of the role of the Catholic Church; violence against women, including domestic violence for which the Committee pointed out the lack of police response; trafficking of women; and health, with discussion of HIV/AIDS and women in rural areas. The Belize delegation backed their report with concrete facts, and showed enthusiasm for new projects and policies launched for the pursuit of gender equality. The Committee commended this fact. It further recommended the establishment of a national human rights institution and the adoption of specific legislation criminalising acts

of domestic violence and prohibiting corporal punishment.

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## Benin

Benin appeared before CAT for the examination of its 2<sup>nd</sup> periodic report in November 2007.<sup>31</sup> Committee members stated concern regarding the treatment of detainees, including the use of straightjackets and the collection of tolls before allowing visits, in response to which the delegation only promised to 'explore and remedy' such situations. The processes for the investigation and prosecution of perpetrators of torture were stated as well, especially regarding the gaps in judicial protection that allow for the use of evidence received through torture, and the fact that the entity responsible for investigating torture is linked to the executive branch. Committee members also inquired about allegations of immediate expulsion of all illegal immigrants, and Benin's treatment of the principle of *non-refoulement*.<sup>32</sup> Another concern was the protection of vulnerable groups, for which the delegation stated that further revisions are needed in the penal code and legislation.

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## Brazil

Brazil was examined by CEDAW.<sup>33</sup> The examination addressed: Brazil's equality laws; the necessity to publicise and make maximal use of the *Maria da Penha Law*, which deals with domestic violence; the social disadvantage and vulnerability of marginalised populations including women in rural areas; women's political participation, which is dismally low; women in higher education, which still requires the provision of additional assistance to low income and ethnic minority populations; gender discrimination in the workplace, especially gender stereotypes and wage discrimination; and women's health, especially for Afro-descendent, indigenous, and rural women. In its concluding statements the Committee encouraged Brazil, *inter alia*, to close the gap between *de jure* and *de facto* gender equality via full implementation of its laws and policies such as the *Maria da Penha law* and the national policy for fighting trafficking in persons; and to increase the quota of women in political spheres.

<sup>29</sup> Belgium's 3<sup>rd</sup> periodic report. 39<sup>th</sup> session of CDESCR.

<sup>30</sup> Belize's combined 2<sup>nd</sup> and 3<sup>rd</sup> periodic reports. 39<sup>th</sup> session of CEDAW. Concluding observations are available at [www.un.org/womenwatch/daw/CEDAW/39sess.htm](http://www.un.org/womenwatch/daw/CEDAW/39sess.htm). The Women's Issues Network of Belize submitted a parallel report to CEDAW, available at [www.iwraw-ap.org/resources/pdf/Belize%20SR%20final.pdf](http://www.iwraw-ap.org/resources/pdf/Belize%20SR%20final.pdf).

<sup>31</sup> Benin's 2<sup>nd</sup> periodic report. 39<sup>th</sup> session of CAT.

<sup>32</sup> A principle of international law that forbids the extradition of a person into an area where he or she might be subjected to persecution.

<sup>33</sup> Brazil's 6<sup>th</sup> periodic report. 39<sup>th</sup> session of CEDAW. Concluding observations are available at [www.un.org/womenwatch/daw/CEDAW/39sess.htm](http://www.un.org/womenwatch/daw/CEDAW/39sess.htm). NGO parallel reports were submitted to CEDAW by Conectas, available at [www.iwraw-ap.org/resources/pdf/39\\_shadow\\_reports/Brazil\\_SR\\_Conectas.pdf](http://www.iwraw-ap.org/resources/pdf/39_shadow_reports/Brazil_SR_Conectas.pdf), and an NGO coalition, available at [www.iwraw-ap.org/resources/pdf/BRAZIL\\_SHADOWREPORT\\_CEDAW\\_June,18%5B1%5D.pdf](http://www.iwraw-ap.org/resources/pdf/BRAZIL_SHADOWREPORT_CEDAW_June,18%5B1%5D.pdf).

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## Bulgaria

Bulgaria was examined by **CRC** under the **Optional Protocol on the Sale of Children (OPSC)** and the **Optional Protocol on Children in Armed Conflict (OPAC)**.<sup>34</sup> Bulgaria submitted both initial reports to **CRC** under the **Optional Protocols** in December 2006. The examination under **OPSC** addressed: the status of the **Optional Protocol** in national law; the application of criminal procedures to child victims; the protection of children that are highly vulnerable to sexual exploitation, including children living in poverty; awareness-raising of the sexual exploitation of children; and the prevention of child trafficking. The examination under **OPAC** addressed: the recruitment age for military service; military schools; the training of peacekeepers on children's rights; and the prevention of small arms export to countries that recruit child soldiers.

<sup>34</sup> CRC: 46<sup>th</sup> session of CRC. The ECPAT International Secretariat submitted a parallel report to CRC under the OPSC, available at [www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp](http://www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp). HRC: Chile's 6<sup>th</sup> periodic report. 89<sup>th</sup> session of the HRC.

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## Canada

Canada was examined by **CERD**.<sup>35</sup> The examination addressed: the status of the **Convention** in domestic law and the question of whether Canada intended to recognise the competency of the **Committee** to receive individual communications under Article 14 of the **Convention**; Canada's multiculturalism policy and the origin of the term 'visible minorities'; details on the **Government's National Action Plan** against Racism; the satisfactory effectiveness of Canada's **National Human Rights Institution** with regards to its complaint mechanism and concerns regarding legislative amendments to the structure of the **Ontario Human Rights Commission**; concern over the land rights of **Aboriginal Canadians** with regard to the process of claims to obtain the **Aboriginal title**; the impact of counter-terrorism policies on members of Canada's **Arab and Muslim communities**; Canada's position on the (then draft) **UN Declaration on the Rights of Indigenous Peoples**; the over-representation of **Aboriginal people** and 'visible' minorities in the criminal justice system; the impact of racial discrimination upon the rights to education and employment, and upon stateless persons and migrant workers; hate motivated crime and measures to eliminate them; representation

<sup>35</sup> Canada's 17<sup>th</sup> and 18<sup>th</sup> periodic reports. 70<sup>th</sup> session of CERD. Parallel reports were submitted to CERD by NGOs including the African Canadian Legal Clinic, Amnesty International, Canadian Feminist Alliance for International Action, Global African Congress, KAIROS: Canadian Ecumenical Justice Initiatives, Lubicon Lake Indian Nation, Ligue des droits et libertés du Québec, National Anti-Racism Council of Canada, Centre for Research on Race Relations, Canadian Council on Muslim Women, Indian International Treaty Council, and the British Columbia First Nations Leadership Council, available at [www.ohchr.org](http://www.ohchr.org).

<sup>36</sup> Chile's 3<sup>rd</sup> periodic report. 44<sup>th</sup> session of CRC. NGO parallel reports were submitted to CRC by Child Helpline International, Global Initiative to End All Corporal Punishment of Children, Organisation Mondiale Contre la Torture, and Red de ONGs Infancia-Chile, available at [www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp](http://www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp). Chile's 5<sup>th</sup> periodic report. 89<sup>th</sup> session of HRC.

<sup>37</sup> Colombia's combined 5<sup>th</sup> and 6<sup>th</sup> periodic reports. 37<sup>th</sup> session of CEDAW. Concluding observations are available at [www.un.org/womenwatch/daw/CEDAW/37sess.htm](http://www.un.org/womenwatch/daw/CEDAW/37sess.htm). A joint NGO shadow report was submitted to CEDAW by Confluencia Nacional de Redes de Mujeres, Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer (CLADEM) and Corporación Colombia Diversa y Profamilia, available at [www.iwraw-ap.org/resources/pdf/Colombia%20Informe%20Informe%20sombra.pdf](http://www.iwraw-ap.org/resources/pdf/Colombia%20Informe%20Informe%20sombra.pdf).

of all languages in the education system; and Canada's policy towards stateless persons and migrant workers.

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## Chile

Chile was examined by **CRC** and **HRC**.<sup>36</sup> The examination by **CRC** addressed: the status of the **Convention** in national law; the definition of the child; non-discrimination; health, with discussion of indigenous and migrant children and teenage pregnancy; education; juvenile justice; sexual exploitation; adoption; the payment of compensation to children tortured during the dictatorship; and the application of the **Convention** to indigenous populations.

The examination before **HRC** addressed: alleged counter-terrorism measures against the **Mapuche community**; gender discrimination in terms of marital law; abortion and the right to life; the prohibition of torture; the right to humane treatment of persons in detention; the right to a fair trial; the right to vote; and the rights of lesbian, gay, bisexual and transgender (LGBT) persons. The **Committee** also commented strongly that the current regimes for indigenous peoples are outdated and inadequate, and that Chile needs to recognise the land rights of the **Mapuche people**.

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## Colombia

Colombia was examined by **CEDAW**.<sup>37</sup> The examination addressed: the potential danger of distinguishing between equality and equity; education for internally displaced persons and stereotypes in the textbooks; the situation of human trafficking, for which **Committee** members showed particular interest; employment, including women's under-representation in the public sector; health, with discussion of abortion; and violence against women and the effectiveness of protective measures and plans for institutional change. In the concluding comments the **Committee** highlighted the continued lack of access to education, health, social services and employment for internally displaced women and children, and the insufficient resources for gender mainstreaming in the

Government. The Committee recommended the systematic compilation of data on trafficking and prostitution, and the impact of gender and other stereotyping in all sectors.

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### Croatia

Croatia submitted its initial report to **CRC** under the **Optional Protocol on Children in Armed Conflict** in November 2006.<sup>38</sup> The examination addressed: the status of the Optional Protocol in national law; internal systems for monitoring the implementation of the Optional Protocol and the education of its provisions; the recruitment age for military service; the provision of rehabilitation services to asylum-seeker children and children affected by war; and the prevention of small arms export to countries that recruit child soldiers.

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### Democratic Republic of the Congo

The Democratic Republic of the Congo (DRC) was examined by **CERD**.<sup>39</sup> The examination addressed: the status of the Convention in domestic law, including the role of the Ministry of Human Rights and the re-establishment of a national human rights institution; the DRC's legislative efforts to eliminate racial discrimination; the interethnic conflict situation in the DRC; issues surrounding the right to land of the Pygmies; concern towards a primary education that is not free and the protection of various languages; the fight against poverty; trafficking in persons; the lack of recognition of minorities and indigenous persons (including Pygmies); and the constitutional block on DRC nationals from holding other nationalities.

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### Costa Rica

Costa Rica was the busiest State before the treaty bodies in 2007, examined by **CERD**, **HRC**, **CESCR**, and by **CRC** under the **Optional Protocol on the Sale of Children** and the **Optional Protocol on Children in Armed Conflict**.<sup>40</sup> The examination by **CERD** addressed: the status of the Convention in domestic law; indigenous access

to education and health care and indigenous land ownership; Afro-Costa Rican employment levels; trafficking in persons; and the situations of refugees and migrants.

Costa Rica appeared before **HRC** at its 91st session in October 2007. Among the issues raised during the plenary meetings were: pre-trial and *incommunicado* detention; women's rights; freedom of association and the right to form trade unions; the prohibition of torture and corporal punishment; and abortion and the right to life. Costa Rica then appeared a mere two weeks later before **CESCR** for the examination of its 5th report. The issues raised by the Committee included: the Dominican Republic-Central America Free Trade Agreement (CAFTA) and its impact on the provisions of the Covenant; the rights of indigenous peoples, including allegations that the national commission was neglecting its role in meeting their needs; the right to work, in relation also to migrant workers and asylum seekers; questions relating to social security, in particular the 'widening of the gap between the highest and lowest per capita incomes'; and the right to housing and forced evictions.

Costa Rica submitted its initial reports under both Optional Protocols of the *Convention on the Rights of the Child* in December 2005. The examination under the **OPSC** addressed: existing measures to prosecute companies or other businesses involved in the production of pornographic materials featuring minors; changes to the definition of rape and sexual exploitation crimes; access to pornography; the treatment of victims; and trafficking of children and child organs. The **OPAC** examination addressed: the use of children in the transport of small arms and light weapons; the treatment of refugee children; the creation of a culture of peace; the prevention of armed violence; and measures to prevent the recruitment of minors into the police service.

<sup>38</sup> 46<sup>th</sup> session of CRC.

<sup>39</sup> The DRC's 11<sup>th</sup> to 15<sup>th</sup> periodic reports. 71<sup>st</sup> session of CERD. The Forest People's Programme submitted a parallel report to CERD, available at [www.ohchr.org](http://www.ohchr.org).

<sup>40</sup> CERD: Costa Rica's 17<sup>th</sup> and 18<sup>th</sup> periodic reports. 71<sup>st</sup> session of CERD. Mesa Nacional Indigena submitted two parallel reports to CERD, available at [www.ohchr.org](http://www.ohchr.org). HRC 5<sup>th</sup> periodic report. 91<sup>st</sup> session of HRC. CESCR: 2nd to 4th periodic reports. 39th session of CESCR. CRC: 44<sup>th</sup> session of CRC. Child Helpline International submitted a parallel report to CRC, available at [www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp](http://www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp).

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## Czech Republic

The Czech Republic was examined by **CERD** and **HRC**.<sup>41</sup> The examination under **CERD** addressed: police discrimination against the Roma; the effect of general racial prejudice on the Roma population's rights to education, employment, and housing; the incorporation of the Convention into national law; the Czech Republic's reservation against Article 14 of the Convention, concerning the competency of the Committee to receive individual communications; the treatment of non-citizens; right-wing extremism, including the existence of neo-Nazi groups; and the unavailability of information on the alleged forced sterilisation of Roma women.

The **HRC** examination addressed: the status of the Covenant in domestic law; reform of the judiciary in order to reduce the lack of inconsistency in court proceedings in the State; police misconduct and freedom from torture; rights and treatment of detainees including foreign detainees and persons in psychiatric hospitals; legal developments, including the criminalisation of domestic violence; non-discrimination in the contexts of the Roma and gender equality; prostitution, trafficking in persons and the sexual abuse of children; and the counter-terrorism measures enacted by the Czech Republic. Attention was brought to the attitude of doctors towards their patients as shown in the use of cage-beds and net-beds and the coercive sterilisation without women's consent.

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## Denmark

Denmark was examined by **CAT**.<sup>42</sup> The examination addressed: the lack of a definition of torture in Danish law; Denmark's military criminal code and its application to cases of alleged torture by military personnel; the statute of limitations for torture in Denmark's general criminal code; the use of solitary confinement or 'exclusion' in prisons, including juvenile solitary confinement and pre-trial solitary confinement; the conditions of detention for non-citizens, refugees and asylum-seekers; the legal status of non-citizens and the disappearance of unaccompanied children from asylum centres; and the 15 December 2004 riot in Denmark's Nyborg prison. **CAT** also

addressed conditions of detention and the use of solitary confinement in **Greenland**.

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## Ecuador

Ecuador presented itself for the examination of its initial report before the Committee on Migrant Workers (CMW) in November 2007.<sup>43</sup> Issues addressed included: the creation of a National Council for Labour Migration; the status of the *Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* within Ecuador's legal system; efforts taken to combat discriminatory attitudes towards migrant workers and members of their families; statistics on migrants currently held in administrative or judicial custody for violations of provisions relating to migration, and the standard of their treatment; allegations of exposure of migrant workers to toxic pesticides and fungicides; and steps taken to remedy the situation of migrant children being involved in prostitution.

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## Egypt

Egypt was examined by **CMW**,<sup>44</sup> having submitted its initial periodic report to the Committee in April 2006. The examination addressed: the status of the Convention in national law; promotion of the Convention; the situation of Sudanese citizens in Egypt, although the issue of the death of 27 Sudanese demonstrators in December 2005 was not insisted upon; families of migrant workers; domestic and seasonal workers; the lack of assistance offered to Egyptians abroad and the use of the 'sponsorship' system; human trafficking and Egypt's lack of legislation against it; the lack of reliable and detailed statistics on migrant workers; and the lack of NGO participation in the preparation of Egypt's periodic report to the Committee.

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## Estonia

Estonia was examined by **CAT** and **CEDAW**.<sup>45</sup> The examination before **CEDAW** addressed: Estonia's anti-discrimination legislation and degree of independence given to the Office of the Commissioner of Gender Equality; the lack

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CERD: The Czech Republic's 6<sup>th</sup> and 7<sup>th</sup> periodic reports. 70<sup>th</sup> session of CERD. NGO parallel reports were submitted to CERD by the European Roma Rights Centre, the Dzeno Association, and the League of Human Rights of the Czech Republic, available at [www.ohchr.org](http://www.ohchr.org). HRC: The Czech Republic's 2<sup>nd</sup> periodic report. 90<sup>th</sup> session of HRC. NGO parallel reports were submitted to HRC by Amnesty International, the Centre of Housing Rights and Evictions, Conscience and Peace Tax International, the Czech Coordinating Office, Global Rights and the International Gay and Lesbian Human Rights Commission, and the League of Human Rights, available at [www.ohchr.org](http://www.ohchr.org).

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Denmark's 5<sup>th</sup> periodic report. 38<sup>th</sup> session of CAT. NGO parallel reports were submitted to CAT by Amnesty International and Rehabilitation and Research Centre for Torture Victims, available at [www.ohchr.org](http://www.ohchr.org).

43

Ecuador's initial report. 7<sup>th</sup> session of CMW.

44

6<sup>th</sup> session of CMW. NGO parallel reports were submitted by Hotline for Migrant Workers and the National Council of Human Rights, available at [www.ohchr.org](http://www.ohchr.org).

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CEDAW: Estonia's 4<sup>th</sup> periodic report. 39<sup>th</sup> session of CEDAW. Concluding observations are available at [www.un.org/womenwatch/daw/CEDAW/39sess.htm](http://www.un.org/womenwatch/daw/CEDAW/39sess.htm). The Estonian Women's Associations Roundtable submitted a parallel report to CEDAW, available at [www.iwraw-ap.org/resources/pdf/Estonia%20SR%20\(EWAR\).pdf](http://www.iwraw-ap.org/resources/pdf/Estonia%20SR%20(EWAR).pdf). CAT: 4<sup>th</sup> periodic report. 39<sup>th</sup> session of CAT.

of a national strategy for improving the status of women and gender mainstreaming; violence against women, including domestic violence; trafficking of women; the wage differential between men and women; and women's participation in the political and labour market.

The examination before **CAT** included: the definition of torture; prison conditions; the excessive use of force and allegations of police brutality during riots that took place in Tallinn from 26-29 April 2007; violence against women and children, in particular in relation to trafficking and corporal punishment; the treatment of asylum seekers, extradition and expulsion; and conditions in psychiatric institutions.

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### Finland

Finland was examined by the **Committee on Economic, Social and Cultural Rights (CESCR)**.<sup>46</sup> The examination addressed: the status of the Covenant in national law, and the powers of Finland's Ombudsman; Finland's health and education systems; employment with particular regard to the absence of a national minimum wage; the universality of Finland's social security system and its sustainability into the future; the right to food and housing; the gender pay gap and the lack of specified penal code addressing violence against women; the availability of adequate health services in remote areas; the measures taken by the State to combat trafficking and violence against women; the equality of women in public life and the workplace; child poverty; and immigration and asylum policies. Particular focus was given to the rights of the indigenous Sámi and minority Roma populations, namely their right to land, access to labour markets and education, and preservation of language.

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### France

France was examined by **CRC** under the **Optional Protocol on the Sale of Children** and the **Optional Protocol on Children in Armed Conflict**.<sup>47</sup> France submitted both its initial reports to **CRC** under the Optional Protocols in September 2006. The examination under **OPSC** addressed: the protection of child victims involved in the criminal

justice system, including the perception and treatment of victims; the status of specialised hospital units for the victims; the adoption and sale of children, with discussion of the *Hague Convention on Intercountry Adoption*; and the domestic and international implementation of the Optional Protocol.

The examination under **OPAC** addressed: the use of discipline in military schools; the protection and provision of healthcare and other rehabilitation services to asylum-seeker and refugee children; and the implementation of the Optional Protocol in French foreign territories.

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### Georgia

Georgia appeared before **HRC** during its 91<sup>st</sup> session in October 2007 for the examination of its 2<sup>nd</sup> periodic report, submitted in November 2006.<sup>48</sup> Issues discussed between the Committee and delegation included: rehabilitation and restitution of the property of conflict victims; implementation of the Covenant in Abkhazia and the Ossetia region, and the follow-up to recommendations of HRC in the case of *Ratiani vs. Georgia*,<sup>49</sup> the prohibition of torture and responses to the deaths of detainees on accounts of disturbances in a Tbilisi prison in November 2006, as well allegations of police brutality during pre-trial detention in the country; the principle of non-discrimination in the law, gender equality and the protection of the family; freedom of movement; the rights of refugees and the principle of *non-refoulement*;<sup>50</sup> the rights of people belonging to minorities; freedom of religion; and the independence of the judiciary.

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### Greece

Greece was examined by **CEDAW**.<sup>51</sup> The examination addressed: the misuse of the practice of mediation in domestic violence, over which the Committee expressed strong concern but the delegation claimed that such new measures take time to evaluate and it was too early to dismiss this practice; measures to remedy the stereotyping of women; the status of Muslim minorities in family law; health, with discussion of childbirth; trafficking and prostitution; the representation

46 Finland's 5<sup>th</sup> periodic report. 38<sup>th</sup> session of CESCR. The Global Initiative to End All Corporal Punishment of Children submitted a parallel report to CESCR, available at [www.ohchr.org](http://www.ohchr.org).

47 46<sup>th</sup> session of CRC. ECPAT France submitted a parallel report to CRC under the OPSC, available at [www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp](http://www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp).

48 2<sup>nd</sup> periodic report. 91<sup>st</sup> session of HRC.

49 *Communication No. 975/2001 (Ratiani vs. Georgia)*. The communications referred to the execution of the recommendation of the Committee on granting the author appropriate compensation. More information available at <http://www1.umn.edu/humanrts/undocs/975-2001.html>.

50 See fn. 32 above.

51 Greece's 6<sup>th</sup> periodic report. 37<sup>th</sup> session of CEDAW. Concluding observations are available at [www.un.org/womenwatch/daw/CEDAW/37sess.htm](http://www.un.org/womenwatch/daw/CEDAW/37sess.htm). NGO parallel reports were submitted to CEDAW by Greek Helsinki Monitor (GHM) and Minority Rights Group, available at [www.iwraw-ap.org/resources/pdf/Greece\(1\).pdf](http://www.iwraw-ap.org/resources/pdf/Greece(1).pdf), and the European Network of Women – Greece, available at [www.iwraw-ap.org/resources/pdf/Greece\(2\).pdf](http://www.iwraw-ap.org/resources/pdf/Greece(2).pdf).

of women in tertiary education; and the degree of independence of the General Secretariat for Gender Equality.

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## Guatemala

Guatemala was examined by **CRC** under the **Optional Protocol on the Sale of Children** and the **Optional Protocol on Children in Armed Conflict**.<sup>52</sup> Guatemala submitted both its initial reports to **CRC** under the Optional Protocols in May 2006. The examination under **OPSC** addressed: the protection and rehabilitation of child victims of commercial sexual exploitation; the treatment of child victims in the juvenile justice system; child sex tourism; and plans for the establishment of a central authority dealing with sale and adoption of children. The examination under **OPAC** addressed: the compensation and rehabilitation of child soldiers involved in armed conflict during the civil war, which the delegation did not respond to; the training of military personnel on children's rights and humanitarian issues; the minimum age of recruitment; and existence of complain mechanisms to report corporal punishment.

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## Guinea

Guinea was examined by **CEDAW**.<sup>53</sup> The examination addressed: the continuing widespread practice of female genital mutilation in Guinea despite enacted legislation against it; the lack of political will to pass the draft civil code which will eliminate much of the discrimination against women in Guinea; health, with discussion of infant and maternal mortality and HIV/AIDS and the need for creative advocacy methods for reproductive health; violence against women and children, including early forced marriage, physical and psychological violence, and female genital mutilation; women's education and political participation, the latter of which is declining; and the livelihood of rural women.

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## Honduras

Honduras was examined by **CEDAW** and **CRC**.<sup>54</sup>

The examination by **CEDAW** addressed: the status of the Convention in national law; national institutions for the advancement of women, including the National Women's Institute; the introduction of temporary special measures to accelerate the advancement of women's participation in political life, specifically a 30% minimum quota for participation of women in elections; violence against women, including discussion of domestic violence and arbitrary violence against lesbians; trafficking of women and prostitution; employment and education; the situation of rural women, 130,000 of whom Honduras assisted through training and loans; and health, including discussion of sex education and HIV/AIDS, as well as limited access to abortion.

The **CRC** examination addressed: the status of the Convention under national law; the definition of the child; birth registration; anti-gang legislation and the extra-judicial killing of minors; adoption and foster care, including the expected introduction of the *Hague Convention on Inter-country Adoption* to the Honduran parliament; poverty reduction, including Honduras' poverty reduction strategy, which has a broader focus than just children; basic health and welfare, including child mortality rates and HIV/AIDS; measures to prevent the illegal migration of children; child exploitation; and juvenile justice and detention centres. The Committee was especially concerned by the insufficient budget of IHNFA, the organisation responsible for children in Honduras. IHNFA was also discussed regarding forced disappearances of children.

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## Hungary

Hungary was examined by **CEDAW** and **CESCR**.<sup>55</sup> The examination by **CEDAW** addressed: national institutions for the advancement of women, including the Department of Equal Opportunities and the Council for the Social Equality of Women and Men; women's political participation and representation in the labour market; female stereotypes; healthcare, including abortion and the availability and affordability of contraceptives; violence against women, particularly the legal status of rape; the age of sexual consent; the unique status of Roma women given their generally low level of education; and legislation regarding the age of consent and child pornogra-

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45<sup>th</sup> session of CRC. Casa Alianza - Covenant House Latin America and Movimiento Social por los Derechos de la Niñez, Adolescencia y Juventud en Guatemala submitted parallel reports to CRC, available at [www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp](http://www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp).

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Guinea's combined 4<sup>th</sup> to 6<sup>th</sup> periodic reports. 39<sup>th</sup> session of CEDAW. Concluding observations are available at [www.un.org/womenwatch/daw/CEDAW/39sess.htm](http://www.un.org/womenwatch/daw/CEDAW/39sess.htm). An NGO coalition submitted a parallel report to CEDAW, available at [www.iwraw-ap.org/resources/pdf/Guinea%20SR%20final%20\(French\).pdf](http://www.iwraw-ap.org/resources/pdf/Guinea%20SR%20final%20(French).pdf).

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CEDAW: Honduras's combined 4<sup>th</sup> - 6<sup>th</sup> periodic reports. 39<sup>th</sup> session of CEDAW. Concluding observations are available at [www.un.org/womenwatch/daw/CEDAW/39sess.htm](http://www.un.org/womenwatch/daw/CEDAW/39sess.htm). The Center for Women's Rights submitted a parallel report to CEDAW (not available).  
CRC: Honduras's 3<sup>rd</sup> periodic report. 44<sup>th</sup> session of CRC, available at [www.crin.org/resources/infoDetail.asp?ID=12452](http://www.crin.org/resources/infoDetail.asp?ID=12452). NGO parallel reports were submitted to CRC by Child Helpline International, Coordinadora de Instituciones por los Derechos de Niñez - COIPRODEN and Global Initiative to End All Corporal Punishment of Children, available at [www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp](http://www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp).

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CEDAW: Hungary's 6<sup>th</sup> periodic report. 39<sup>th</sup> session of CEDAW. Concluding observations are available at [www.un.org/womenwatch/daw/CEDAW/39sess.htm](http://www.un.org/womenwatch/daw/CEDAW/39sess.htm). Parallel reports were submitted to CEDAW by Amnesty International, available at <http://web.amnesty.org/library/Index/ENGEUR270022007?open&of=ENG-HUN>, the European Roma Rights Centre, available at [www.iwraw-ap.org/resources/pdf/Hungary%20SR%20\(Roma\).pdf](http://www.iwraw-ap.org/resources/pdf/Hungary%20SR%20(Roma).pdf) and the Hungarian Women's Lobby, available at [www.iwraw-ap.org/resources/pdf/Hungary%20SR%20final.pdf](http://www.iwraw-ap.org/resources/pdf/Hungary%20SR%20final.pdf).  
CESCR: Hungary's 3<sup>rd</sup> periodic report. 38<sup>th</sup> session of CESCR. The European Roma Rights Centre and the Global Initiative to End All Corporal Punishment of Children submitted parallel reports to CESCR, available at [www.ohchr.org](http://www.ohchr.org).

phy. The delegation noted the adoption of gender equality legislation (the *Equality Treatment Act*) and an implementing body, the Equal Treatment Authority. The Committee also discussed the supranational status of CEDAW in domestic law.

The **CESCR** examination addressed: the status of the Covenant in national law; the equality of women in public life and the workplace; the rights of the Roma population, with particular regard to health, housing, employment and education; trafficking in women and girls; and the availability of mental health care programmes and services.

## India

India was examined by **CEDAW** and **CERD**.<sup>56</sup> The examination by **CEDAW** addressed: the status of the Convention in domestic law and the gaps in implementing the Convention; India's national plan of action and the role of the National Women's Commission; vulnerable groups, including tribal, minority, and Dalit women; violence against women, including marital rape; employment, education and health; and the national common minimum programme for the protection and empowerment of women.

India's examination before **CERD** addressed the issue of caste in some detail. This was overshadowed by India's continued refusal to accept CERD's General Recommendation 29 on descent, where it has upheld that the meaning of descent as provided in Article 1(1) of the Convention includes the practice of caste-based discrimination. The dialogue was also made notable by the decision of India to include in its delegation a sociology Professor from Nehru University who was given free reign to make his case against the mythology surrounding the system of caste, apparently on behalf of the Government of India. Other issues raised during the examination included: counter-terrorism legislation that provides effective immunity to India's armed forces in North-East India and its discriminatory application against minority groups; the legal protection of refugees, indigenous and tribal persons – during which India insisted that all of its inhabitants are indigenous and therefore

to refer to any particular 'scheduled tribes'<sup>57</sup> as indigenous peoples is incorrect; and the rights of persons from low and scheduled castes, including Dalit women.

## Indonesia

Indonesia was examined by **CEDAW** and **CERD**.<sup>58</sup> Indonesia submitted its combined initial to third periodic reports to **CERD** in April 2006. The examination by **CEDAW** addressed: the status of the Convention in national law; trafficking of women, including anti-trafficking legislation that penalises both perpetrators and government officials for failing to enforce the law; the treatment of Indonesian migrant workers abroad; domestic workers' rights; discriminatory elements of Indonesia's marriage law, including the high frequency of child marriage and polygamy; family planning and health, particularly efforts to eliminate female genital mutilation; education; and women's participation in political and public life. The Committee also discussed CEDAW's implementation nationally, given discriminatory laws at the local level despite legislation in 1999, which equated women's rights with human rights.

The **CERD** examination addressed: the incorporation of the Convention into national law; the strict laws governing the granting of Indonesian citizenship, including discussion of Indonesia's treatment of its ethnic Chinese minority; the treatment of refugees and asylum-seekers, especially in relation to the State's non-ratification of the *1951 Convention Relating to the Status of Refugees* and the *Convention on the Status of Stateless Persons and the Convention on the Reduction of Statelessness* and the limited application of the *Human Rights Act* of 1999; indigenous rights; the ethnic conflict in Central Kalimantan; the aftermath of the riots in May 1998, including legislation that established a human rights court; religion; multiculturalism; and the impact on the resident indigenous peoples of the construction of a 1.8 million hectare palm oil 'mega-project' in the Kalimantan province. The Indonesian delegation claimed that anti-discrimination legislation was sufficient to show the State party's compliance with the Convention.

56 CEDAW: India's combined 2<sup>nd</sup> and 3<sup>rd</sup> periodic reports. 37<sup>th</sup> session of CEDAW. Concluding observations are available at [www.un.org/womenwatch/daw/CEDAW/37sess.htm](http://www.un.org/womenwatch/daw/CEDAW/37sess.htm). The National Alliance of Women submitted a parallel report to CEDAW, available at [www.iwraw-ap.org/resources/pdf/India%20Shadow%20report.pdf](http://www.iwraw-ap.org/resources/pdf/India%20Shadow%20report.pdf). CERD: India's 15<sup>th</sup> to 17<sup>th</sup> periodic reports. 70<sup>th</sup> session of CERD. NGO parallel reports were submitted to CERD by the Asian Legal Resource Centre, National Campaign on Dalit Human Rights, Centre for Human Rights and Global Justice with Human Rights Watch, Tamil Nadu Women's Forum, Matoshri Ramabai Centre for Dignity and Rights of Dalit Women, and the Dalit Network Netherlands, available at [www.ohchr.org](http://www.ohchr.org).

57 The term 'scheduled tribes' in India refers to those tribes that are explicitly listed in the Constitution of India as requiring special support on account of historical discrimination in India. See also the *Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989*.

58 CEDAW: Indonesia's 4<sup>th</sup> and 5<sup>th</sup> periodic reports. 39<sup>th</sup> session of CEDAW. Concluding observations are available at [www.un.org/womenwatch/daw/CEDAW/39sess.htm](http://www.un.org/womenwatch/daw/CEDAW/39sess.htm). A coalition of Indonesia NGOs submitted a parallel report to CEDAW, available at [www.iwraw-ap.org/resources/pdf/Indonesian%20SR%20Final.pdf](http://www.iwraw-ap.org/resources/pdf/Indonesian%20SR%20Final.pdf). CERD: 71<sup>st</sup> session of CERD. NGO parallel reports were submitted to CERD by the Asian Indigenous and Tribal People's Network, Human Rights Watch and a coalition of 13 NGOs that addressed the Kalimantan palm oil project, available at [www.ohchr.org](http://www.ohchr.org).

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**Israel**

Israel was examined by CERD.<sup>59</sup> The examination addressed: the status of the Convention in national law; the distinction between Israeli nationality and citizenship and related citizenship laws; Arab Israeli access to education, housing, and health; the continued establishment of Israeli settlements in the West Bank and East Jerusalem; the representation of Arab citizens in the Israeli civil service and government corporations; the treatment of migrant workers; the multiyear development plan for the Arab sector, through which Israel intends to implement the Convention; the Convention's status under domestic law; the occupied Palestinian territories, particularly given the International Court of Justice's advisory opinion; and the rights and status of Bedouin Arabs, particularly those in the Negev Desert. The delegation claimed that any party could seek relief through the Israeli High Court of Justice.

<sup>59</sup> Israel's 10<sup>th</sup> to 13<sup>th</sup> periodic reports. 70<sup>th</sup> session of CERD. NGO parallel reports were submitted to CERD by Amnesty International, B'tselem, Association for Civil Rights in Israel, Adalah, Al-Marsad, Israel Religious Action Centre, Laborer's Voice, Negev Coexistence Forum for Civil Equality, and the Organisation Mondiale Contre la Torture, available at [www.ohchr.org](http://www.ohchr.org).

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**Italy**

Italy was examined by CAT.<sup>60</sup> The examination addressed: the absence of the crime of torture in national legislation; pre-trial detention and the right to a fair trial, including legislative provisions on the duration of detention; prison conditions and the treatment of prisoners; the right to asylum and the principle of *non-refoulement*;<sup>61</sup> access to fair and prompt asylum procedures; a law on the expulsion of irregular immigrants; allegations surrounding Italy's involvement in the extraordinary rendition of persons; conditions of juvenile detention; the sanctions attached to gender-based crimes; reported acts of violence against Roma, foreigners, and Italians of foreign origin; human rights violations committed by members of the Italian armed forces in Somalia in 1993 and 1994; accusations of police brutality during public demonstrations in Naples and Genoa in 2001; and human rights training of law enforcement officers, though the Committee sought more information on whether training has reduced ill-treatment or torture; and the payment of compensation to victims of torture.

<sup>60</sup> Italy's 4<sup>th</sup> periodic report. 38<sup>th</sup> session of CAT. NGO parallel reports were submitted to CAT by Amnesty International, the International Federation for Human Rights (FIDH), and Unione Forense per la Tutela dei Diritti dell'Uomo, available at [www.ohchr.org](http://www.ohchr.org).

<sup>61</sup> See fn. 32 above.

<sup>62</sup> 38<sup>th</sup> session of CAT. NGO parallel reports were submitted to CAT by CAT Network Japan, FIDH, Japan Federation of Bar Associations, Japanese Workers' Committee for Human Rights, World Organisation against Torture and Asia Japan Women's Resource Centre, available at [www.ohchr.org](http://www.ohchr.org).

<sup>63</sup> CEDAW: Kazakhstan's 2<sup>nd</sup> periodic report. 37<sup>th</sup> session of CEDAW. Concluding observations are available at [www.un.org/womenwatch/daw/CEDAW/37sess.htm](http://www.un.org/womenwatch/daw/CEDAW/37sess.htm). The Working group of the Nongovernmental Female Organizations of Kazakhstan submitted a parallel report to CEDAW, available at [www.iwraw-ap.org/resources/pdf/Kazakhstan%20Shadow%20Report.pdf](http://www.iwraw-ap.org/resources/pdf/Kazakhstan%20Shadow%20Report.pdf). CRC: Kazakhstan's 2<sup>nd</sup> and 3<sup>rd</sup> periodic reports. 45<sup>th</sup> session of CRC. NGO parallel reports were submitted to CRC by Global Initiative to End All Corporal Punishment of Children and Kazakhstan NGOs' Working Group on Protection of Children Rights, available at [www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp](http://www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp).

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**Japan**

Japan submitted its initial periodic report to CAT in December 2005.<sup>62</sup> The examination addressed: the status of the Convention in national law; enforcement mechanisms, including the role of the independent judiciary and the complaints review panel; the treatment of detainees, especially pre-trial detention, interrogation practices, and the weight given in court to confessions extracted under interrogation; conditions in penal institutions, including the use of solitary confinement, strip searches, and the mechanisms in place to prevent acts of sexual violence; human rights training; the treatment of prisoners on death row and the use of the death penalty, namely hanging; violence against women and the payment of reparations to 'comfort women'; the treatment of asylum-seekers and non-citizens; and conditions in mental health institutions. The delegation also noted legislation that opened prisons to the public to encourage society-wide monitoring, as well as amendments to the *Immigration Control Act*, which clarified refugee status and rights in Japan.

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**Kazakhstan**

Kazakhstan was examined by CEDAW and CRC.<sup>63</sup> The examination by CEDAW addressed: draft laws on equal rights and domestic violence; the strategy plan for gender equality and the National Commission on Family Affairs and Gender Policy, including laws proposed to Parliament on both equal rights and equal opportunities and domestic violence; women's political participation; trafficking in women; the stereotyping of women in the context of employment and career choice; education; and women's reproductive health, including a law by which the State party ensures the reproductive rights of all citizens.

The CRC examination addressed: the status of the Convention in domestic law; the definition of the child; potential ratification of the *Convention on Migrant Workers*; non-discrimination, with discussion of children with HIV/AIDS and children with disabilities; the family environment and alternative care, especially the high number of institutionalised children; health and welfare,

including teenage pregnancy, limited disability care, and mental health; violence against children; trafficking and sexual exploitation; child labour; and juvenile justice.

The Committee also noted the rising number of institutionalised children, and new regulations for these institutions, which are monitored by area advisory councils.

## Kenya

Kenya was examined by CEDAW and CRC.<sup>64</sup> The examination by CEDAW addressed: the government-initiated review of national legislation regarding gender equality through the Kenya Law Reform Commission, which has produced four bills to reduce inequality (the *Domestic Violence Bill*, *Matrimonial Property Bill*, *Equality Bill*, and *Affirmative Action Bill*); national institutions for the advancement of women, including the Ministry of Gender, Sports, Cultural and Social Services; women's participation in political and public life, including a 30% quota for female representation in government ministries with a possibility to increase to 50% in the future; education, highlighting the introduction of free primary education in 2003; employment, namely a proposed employment bill requiring equal pay for equal work; women's access to the courts; trafficking of women and prostitution, stressing the need to review the State party's penal code; violence against women, including domestic violence and female genital mutilation; matrimonial laws, notably a *Matrimonial Property Bill* that would establish a uniform system to divide assets if a marriage ends; and health and access to healthcare, with discussion of abortion, infant mortality and HIV/AIDS.

The CRC examination addressed: the status of the Convention in national law, including the contributions of the National Council for Children's Services; the competing use of the Convention and the State party's national children's rights legislation; the definition of the child; the status of children born out of wedlock; children's right to be heard, including within the State party's children's courts; discrimination against children affected by HIV/AIDS; the introduction of free and compulsory education in 2003; the family environment and alternative care; children's health and welfare, including female genital mutilation, mortality, and malnutrition; corporal punishment; exploitation and child labour; pending ratification of the *Hague Convention on Intercountry Adoption*; and juvenile justice.

## Kyrgyzstan

Kyrgyzstan was examined by CERD and by CRC under the OPSC and OPAC.<sup>65</sup> Kyrgyzstan submitted both its initial reports to CRC under the Optional Protocols in May 2006. The CERD examination addressed: the creation of a human rights commission in 2007; mandatory training courses on international conventions for the State party's prosecutors; the clashes between Kyrgyz and Dungan people in Iskra in Kyrgyzstan's south in February 2006; the treatment of refugees and asylum seekers, including the Uighur minority from China and the denial of refugee status or asylum to certain ethnic minorities; the implementation of the Convention in Kyrgyz law; the establishment of the Kyrgyz Human Rights Commission and Ombudsman; the equal treatment of citizens and non-citizens, except regarding employment in the public sector; access to education; and the state of the Kyrgyz economy.

The examination under the **Optional Protocol on the Sale of Children** addressed: measures to prevent child trafficking and related criminal punishment; the status of the Optional Protocol under national law; national and international adoption; victim's rights and rehabilitation; international cooperation and the extraterritorial application of laws; education, including free secondary education; and forced marriages ('bride stealing'). The Kyrgyz delegation also noted that it had legalised 10,000 migrants to help combat trafficking. The examination under the **Optional Protocol on Children in Armed Conflict** addressed: the recruitment of children of Kyrgyz nationality into foreign armed conflicts; military schools and child enrolment; and the availability of psychological care and treatment to children that have fled armed conflicts, including free healthcare from the World Health Organization and access to schooling.

64 CEDAW: Kenya's 5<sup>th</sup> and 6<sup>th</sup> periodic reports. 39<sup>th</sup> session of CEDAW. Concluding observations are available at [www.un.org/womenwatch/daw/CEDAW/39sess.htm](http://www.un.org/womenwatch/daw/CEDAW/39sess.htm). The Federation of Women Lawyers – Kenya submitted a parallel report to CEDAW, available at [www.iwraw-ap.org/resources/pdf/Kenya%20SR%20final.pdf](http://www.iwraw-ap.org/resources/pdf/Kenya%20SR%20final.pdf). CRC: Kenya's 2<sup>nd</sup> periodic report. 44<sup>th</sup> session of CRC. NGO parallel reports were submitted to CRC by Child Helpline International, Global Initiative to End All Corporal Punishment of Children, Kenya Alliance for Advancement of Children, and Organisation Mondiale Contre la Torture, available at [www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp](http://www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp).

65 CERD: Kyrgyzstan's 2<sup>nd</sup> to 4<sup>th</sup> periodic reports. 71<sup>st</sup> session of CERD. CRC: 44<sup>th</sup> session of CRC.

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## Latvia

Latvia was examined by CAT and CESCR.<sup>66</sup> Latvia submitted its initial periodic report to CESCR in September 2005. The CESCR examination addressed: the status of the Covenant in national law; the rights of non-citizens, asylum seekers, and refugees, including the role of the Latvian human rights office in 1995; the principle of non-discrimination in national law, including pay, gender, and race inequity; trafficking in women and children; anti-corruption measures, such as those pursued through the corruption prevention and combating bureau; physical and mental health, particularly for children with guardians working abroad, as well as prisoners; education, especially its accessibility to Roma children; employment and unemployment benefits, including for non-citizens who return to Latvia after working abroad; standard of living, including homelessness, quality of housing, and forced evictions; and language and culture with specific regard to Latvian minorities. While the Latvian delegation did not believe that non-citizens were relevant under the Covenant, the Committee disagreed and asked extensively about inequities between citizens and non-citizens. Much of the discussion related to access to citizenship and the specific rights that such status triggers. Among the core issues addressed during the plenary discussion at CAT were: the definition of torture in domestic law; investigation, punishment and remedies; ill-treatment by the police; prison conditions; trafficking; violence against women; and the treatment of minorities.

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## Libya

Libya was examined by the HRC during its 91<sup>st</sup> session in October 2007.<sup>67</sup> Libya submitted a 4<sup>th</sup> periodic report to the Committee, which was almost unanimously criticised as unsatisfactory in its lack of detail (it was eight pages long) and for its refutation of the previous concluding observations of the Committee. The Libyan delegation cited the adoption of the *Great Green Document for Human Rights* by the State as proof of its compliance with the Covenant. The pursuant dialogue was also marked by a higher level of disagreement and antagonism than usually apparent at treaty body sessions. Among the

issues raised included: the claim that *Sharia*, which forms the basis of all domestic legislation, was compatible with the Covenant despite reports of gender discrimination, amputation, flogging, *qisas* (legalised retribution where a relative of a murdered party may take the life of the killer) and *diyyah* (blood tax, in which the family may accept payment in lieu of retribution); equal rights of men and women; regulations on the private sphere, including criminalisation of extramarital sexual relations, 'social rehabilitation centres,' and the right to a divorce; the application of the death penalty; disappeared persons and extra-judicial execution; arbitrary and pre-trial detention and monitoring treatment in detention facilities, including a complaints procedure through the Committee for Rehab and Reform and the prohibition of *incommunicado* detention; prosecutions, including the right to a fair trial, the abolition of the People's Court, the monitoring function of the Judicial Inspectorate, and the use of 'special' and 'specialised' courts; counter-terrorism measures that criminalise collective violence and weapon stockpiling; the validity of the *Charter of Honour*, a law which provides for collective punishment; freedom of thought, expression and association; and protection of children, including those born out of wedlock.

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## Liechtenstein

Liechtenstein was examined by CEDAW and CERD.<sup>68</sup> The examination by CEDAW addressed: national institutions, including the office for gender equality and the office of equal opportunity; amendments to the *Gender Equality Act*, which narrowed the gender gap in employment, parental leave, and part-time workers' pensions; amendments to the *Marriage Act* as well as defined 'harassment' and 'discrimination'; the limited success the State party has had in improving women's political participation, owing to negative stereotypes about female candidates; equality in employment and education; violence against women, including domestic violence; assistance provided by the office of equal opportunity to get legal relief from gender inequality; the cultural identities of men and women; migrant women; and the role of NGOs in politics because of their absence from the 39<sup>th</sup> session.

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CAT: 2<sup>nd</sup> periodic report. 39<sup>th</sup> session of CAT. CESCR: 38<sup>th</sup> session of CESCR. The Global Initiative to End All Corporal Punishment of Children submitted a parallel report to CESCR; available at [www.ohchr.org](http://www.ohchr.org).

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4<sup>th</sup> periodic report. 91<sup>st</sup> session of HRC.

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CEDAW: Liechtenstein's 2<sup>nd</sup> and 3<sup>rd</sup> periodic reports. 39<sup>th</sup> session of CEDAW. Concluding observations are available at [www.un.org/womenwatch/daw/CEDAW/39sess.htm](http://www.un.org/womenwatch/daw/CEDAW/39sess.htm). CERD: Liechtenstein's 2<sup>nd</sup> and 3<sup>rd</sup> periodic reports. 70<sup>th</sup> session of CERD.

The **CERD** examination addressed: Liechtenstein's national laws against racism, including the *Constitutional Court Act* and the State party's ratification of Protocol 12 of the *European Convention on Human Rights*, which bans discrimination generally; the office of equal opportunity, which administers policies concerning the integration of foreigners, including Muslims through the government-initiated Working Group on the Integration of Muslims; the limited means of acquiring citizenship and discrimination against non-citizens; the status of cross-border commuters; problems of double discrimination, with particular reference to the reintegration of elderly construction workers in the labour market; and the Violence Protection Commission, created by the State party in response to growing right-wing extremism.

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### Lithuania

Lithuania submitted its initial report to **CRC** under the **Optional Protocol on Children in Armed Conflict** in June 2006.<sup>69</sup> The examination addressed: the superior status of the Optional Protocol over national law; the eligibility of children for the Rifleman's Union and its relationship to the military; the dissemination of information on the Optional Protocol; the prevention of small arms export to countries that recruit child soldiers; the recruitment of children into the State party's military; international humanitarian training for civil servants, police, ministry of defence lawyers, judges, and some migration officers; universal jurisdiction over the recruitment of children; children's access to sporting guns; and the protection and provision of rehabilitation services to asylum-seeker children and children affected by war through training on children's rights.

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### Luxembourg

Luxembourg was examined by **CAT** and by **CRC** under the **Optional Protocol on Children in Armed Conflict**.<sup>70</sup> Luxembourg submitted its initial report to **CRC** under the **OPAC** in September 2006. The Committee considered this report in the absence of a delegation from the State party. The Child Rights Information Net-

work (CRIN) website doesn't have a report for Luxembourg yet.

The **CAT** examination addressed: the State party's narrow definition of torture; the direct applicability of the Convention in domestic courts; the incompatibility between the public prosecutor's discretion to pursue or dismiss a complaint and mandatory prosecution under the Convention (Article 23 of the *Code of Criminal Procedure*, Articles 6,7, 12 of the Convention) and suggestions for amendment; the detention of asylum seekers in prisons and the possibility for them to designate a 'safe country of origin' where they can receive an expedited review of their application; the detention of juvenile offenders with adult offenders; prison conditions and allegations that detainees were discriminated against by authorities, mainly regarding the use of solitary confinement; and domestic violence and corporal punishment.

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### Macedonia

Macedonia was examined by **CERD**.<sup>71</sup> The examination addressed: Macedonia's policies relating to its Roma population, and its treatment of ethnic Albanians, immigrants, and asylum seekers; the complete incorporation of the Convention into domestic law; the 17 constitutional amendments arising from the *Ohrid Framework Agreement*, which was signed in 2001 and included comprehensive reforms in the protection and promotion of the rights of the Republic of Macedonia's 'communities', including the use of minority languages, equal representation of all communities in the public sector, religious equality, and freedom of expression; the Roma Decade, an international initiative to improve their access to, among other things, housing and education; legislation combating hate speech distributed electronically; and Macedonia's classification of Muslims as an ethnic group.

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### Madagascar

Madagascar appeared before the **HRC** at its 89<sup>th</sup> session in New York in March 2007 following the submission of its 3<sup>rd</sup> periodic report to the Committee.<sup>72</sup> Issues discussed included:

69  
46<sup>th</sup> session of CRC.

70  
CAT: Luxembourg's 5<sup>th</sup> periodic report. 38<sup>th</sup> session of CAT. NGO parallel reports were submitted to CAT by ACAT and Info-Prison and Global Initiative to End All Corporal Punishment of Children, available at [www.ohchr.org](http://www.ohchr.org). CRC: 46<sup>th</sup> session of CRC.

71  
Macedonia's 4<sup>th</sup> to 7<sup>th</sup> periodic reports. 70<sup>th</sup> session of CERD.

72  
3<sup>rd</sup> periodic report. 89<sup>th</sup> session of HRC.

concern about the vague definition of a state of emergency in the Constitution; the use of capital punishment for a wide range of crimes, in distinction to Article 6 of the Covenant, which limits the application of the death penalty to only the 'most serious' crimes; the right to life and the practice of *Dina* at the local level and recent domestic legislation that may overturn *Dina* decisions;<sup>73</sup> the practice of twin murder or abandonment; the trafficking of women and children for forced labour, and the prohibition of slavery; arbitrary detention, which is not limited in length; the right to a fair trial, threatened by the State party's lack of judges and legal aid resources; ethnic minorities, including the Malagasy, French, and Greek; and freedom of thought, conscience and religion. The Committee also discussed prisoners and noted that the State party had eliminated unpaid labour in prisons, but sought more information about paid work by inmates outside of the prison system. Given political turmoil in 2002, the Committee was sensitive to discriminatory treatment based on political allegiance. In its concluding observations, the Committee noted an ongoing concern with the status of women, particularly regarding domestic violence, economic inequality, abortion, and *Dina* courts.

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### Malaysia

Malaysia submitted its initial periodic report to CRC in December 2006.<sup>74</sup> The examination addressed: national institutions for the promotion of children, including the Advisory and Consultative Council and the Coordinating Council for the Protection of Children; public awareness of the Covenant; foreign funding for NGOs in Malaysia; Malaysia's low rate of birth registration, especially among asylum seekers, refugees, and the informal labour sector access to citizenship, which is under review but currently available only through the father's citizenship; health and welfare, with discussion of HIV/AIDS, malaria, and tuberculosis; improvement in education, which includes increased enrolment of 100,000 students, but remains a problem for poor families; family and institutions, including parental workshops, custody disputes, and registration of children's homes; juvenile justice, including training for magistrates, free legal aide to children, and pre-trial detention, which must

be under 24 hours; child abuse and the child protection teams tasked with handling such incidents; child trafficking and the use of special, non-immigrant visas to combat the problem; child refugees and their eligibility for temporary residence permits; and child labour, though the Malaysian delegation noted that it would protect a child's right to do 'light work.' The Malaysian delegation outlined a plan to combat HIV/AIDS by 2010, which includes education, treatment, and support for victims and the public.

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### The Maldives

The Maldives was examined by CEDAW and CRC.<sup>75</sup> The examination by CEDAW addressed: the Maldives' reservation against Articles 7(a) and 16 of the Convention, relating to political and public life, and marriage and family life respectively; women's participation in political life and decision-making, including the prohibition on women becoming judges; trafficking in women and sex tourism and suggestions to conduct studies and develop legislation to combat these problems; discrimination against women in employment and protection against sexual harassment in the workplace; maternity leave and mortality rate, as well as the pending *Labour Bill*, under which women would be entitled to 45 days of maternity leave; and health, with discussion of the availability of health care services to rural women. The delegation admitted that there is a gender gap in education, but the State party will conduct a gender review of all education-related issues in 2007.

The CRC examination addressed: the impact of poverty reduction strategies on children's rights, particularly given regional disparities on some islands; the harmonisation of domestic law with the provisions of the Convention; the State party's reservation to Articles 14 and 21, concerning freedom of thought, conscience and religion, and the system of adoption respectively; access to education, including unpublicised costs to 'free' education; health and welfare, with discussion of infanticide, teenage pregnancy, sex education and the accessibility of health services; alternative care facilities; children's opportunities for leisure; the family and alternative care; juvenile justice, including Covenant-specific training for judges; the use of girls for domestic labour and the solvency of the *Employment Bill*, which

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*Dina* is a traditional court which reflects the wishes of the population of rural village communities for the purpose of establishing community rules of governance.

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44<sup>th</sup> session of CRC. NGO parallel reports were submitted to CRC by Child Helpline International and Global Initiative to End All Corporal Punishment of Children, available at [www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp](http://www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp).

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CEDAW: Maldives's combined 2<sup>nd</sup> and 3<sup>rd</sup> periodic reports. 37<sup>th</sup> session of CEDAW. Concluding observations are available at [www.un.org/womenwatch/daw/CEDAW/37sess.htm](http://www.un.org/womenwatch/daw/CEDAW/37sess.htm). A parallel report was submitted to CEDAW by a collection of Maldivian NGOs, available at [www.iwraw-ap.org/resources/pdf/Maldives%20Shadow%20Report%20-%20final.pdf](http://www.iwraw-ap.org/resources/pdf/Maldives%20Shadow%20Report%20-%20final.pdf). CRC: Maldives's combined 2<sup>nd</sup> and 3<sup>rd</sup> periodic reports. 45<sup>th</sup> session of CRC. NGO parallel reports were submitted to CRC by Child Helpline International and Hama Jamiyya and Care Society, available at [www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp](http://www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp).

would raise the minimum working age to 16; and sexual and physical abuse.

## Mali

Mali was examined by **CRC**.<sup>76</sup> The examination addressed: the status of the Convention in national law, with discussion of the *Child Protection Code 2002*, the draft family code, and a recommendation to withdraw the reservation on Article 16, concerning interference with privacy, family or correspondence; the definition of the child; Mali's low rate of birth registration, which the State party noted could be resolved by a new law that provided registration for free; education, with discussion of Koranic schools; health and welfare, including teenage pregnancies, sexually transmitted diseases, and youth suicide; international adoption and AIDS orphans; juvenile justice, including setting the age of criminal responsibility at 13; child exploitation and labour, especially rural children; children with disabilities; street children; and violence against children, specifically girls, including female genital mutilation. The Committee praised the State party for its creation of the Youth Parliament, which created a forum for children to be heard, as well as its ratification of the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. The Committee also recommended that the State party ratify the *Convention on Intercountry Adoptions*.

## Marshall Islands

The Marshall Islands was examined by **CRC**.<sup>77</sup> The examination addressed: the status of the Convention under national law; national institutions for the promotion of children, including the child rights office within the Ministry of Internal Affairs; non-discrimination; birth registration; the family environment; corporal punishment; child abuse and neglect, especially in urban areas; children with disabilities; violence against children; health, including infant and child mortality and HIV/AIDS; child economic and sexual exploitation; and juvenile justice.

## Mauritania

Mauritania submitted its initial report to **CEDAW** in May 2007.<sup>78</sup> The examination addressed: national institutions for the advancement of women, including the Ministry for the Promotion of Women, Children and Family and the Commission on Human Rights, Poverty Reduction and Integration; discrimination against women; education; the introduction of temporary special measures to accelerate the advancement of women in economic, cultural, social and political life; violence against women, with discussion of female genital mutilation (criminalised in 2005), force-feeding, and domestic violence, and related efforts to assist victims; reservation on the Convention because of the rule of *Sharia* law; exploitation of women and girls, with discussion of trafficking; and female adult and adolescent health, including high maternal mortality rates, HIV/AIDS, the cost of healthcare, and the Mauritania's national reproductive health programme.

## Monaco

Monaco was examined by **CRC** under the **Optional Protocol on Children in Armed Conflict**.<sup>79</sup> Monaco submitted its initial report to **CRC** under the **OPAC** in December 2005. The Committee considered the report in the absence of a delegation from the State party.

## Mozambique

Mozambique was examined by **CEDAW** and **CERD**.<sup>80</sup> It submitted its combined initial and second periodic reports to **CEDAW** in May 2007. The examination by **CEDAW** addressed: national institutions for the advancement of women, including the National Council for the Advancement of Women; gender stereotypes and discriminatory cultural practices, including the branding of older women as witches and the violence that they subsequently suffer; trafficking of women, and the fact that the Government, according to the delegation, intends to incorporate the crime of trafficking into the *Penal Code* and undertake various awareness-raising measures through schools and the training of law

<sup>76</sup> Mali's 2<sup>nd</sup> periodic report. 44<sup>th</sup> session of CRC. NGO parallel reports were submitted to CRC by Child Helpline International, Coalition malienne des droits de l'enfant and Global Initiative to End All Corporal Punishment of Children, available at [www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp](http://www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp).

<sup>77</sup> The Marshall Islands's 2<sup>nd</sup> periodic report. 44<sup>th</sup> session of CRC. The Global Initiative to End All Corporal Punishment of Children submitted a parallel report to CRC, available at [www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp](http://www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp).

<sup>78</sup> 38<sup>th</sup> session of CEDAW. Concluding observations are available at [www.un.org/womenwatch/daw/CEDAW/38sess.htm](http://www.un.org/womenwatch/daw/CEDAW/38sess.htm). Parallel reports were submitted to CEDAW by a coalition of NGOs supported by the United Nations Development Fund for Women and Women in Law and Development in Africa, available at [www.iwraw-ap.org/resources/pdf/Mauritania%20SR%20\(FNPDFE\).pdf](http://www.iwraw-ap.org/resources/pdf/Mauritania%20SR%20(FNPDFE).pdf), and Partners Network for Promotion and Protection of Human Rights in Mauritania representing several Mauritanian NGOs, available at [www.iwraw-ap.org/resources/pdf/38\\_shadow\\_reports/Mauritania\\_Alternative\\_Report\\_English.pdf](http://www.iwraw-ap.org/resources/pdf/38_shadow_reports/Mauritania_Alternative_Report_English.pdf).

<sup>79</sup> 45<sup>th</sup> session of CRC.

<sup>80</sup> CEDAW: 38<sup>th</sup> session of CEDAW. Concluding observations are available at [www.un.org/womenwatch/daw/CEDAW/38sess.htm](http://www.un.org/womenwatch/daw/CEDAW/38sess.htm). Parallel reports were submitted to CEDAW by a coalition of Mozambican NGOs, available at [www.iwraw-ap.org/resources/pdf/Mozambique.pdf](http://www.iwraw-ap.org/resources/pdf/Mozambique.pdf), and HelpAge International Mozambique, available at [www.globalaging.org/elderrights/world/2007/CEDAW.pdf](http://www.globalaging.org/elderrights/world/2007/CEDAW.pdf). CERD: Mozambique's 2<sup>nd</sup> to 12<sup>th</sup> periodic reports. 71<sup>st</sup> session of CERD.

enforcement personnel; prostitution, including child prostitution; women's participation in government; education; and health, including the fact that the Government has declared HIV/AIDS to be a national emergency, and that a national council has been established among all stakeholders to fight the increasing spread of HIV.

The issue of HIV/AIDS also arose in the examination of Mozambique before **CERD** in relation to the universality of access to health care, when the Committee requested more details on the allegations by Amnesty International that there was discrimination in the area of healthcare in the country. The delegation did not respond to this question. Other issues addressed included: the rights of non-citizens; the treatment of refugees, minorities, and foreigners in Mozambique; the fact that Mozambique was in the process of establishing a national human rights institution and the necessity that it comply with the UN *Paris Principles*,<sup>81</sup> the implementation of the Convention in national law; gender equality; access to justice and education; and reports of the trafficking in human organs, particularly children's organs, in the Manica and Goba provinces of Mozambique.

81

The *Paris Principles* require that an institution be appointed through an independent process and that its mandate allows it to independently monitor the protection of human rights in accordance with international obligations.

82

Namibia's combined 2<sup>nd</sup> and 3<sup>rd</sup> periodic reports. 37<sup>th</sup> session of CEDAW. Concluding observations are available at [www.un.org/womenwatch/daw/CEDAW/37sess.htm](http://www.un.org/womenwatch/daw/CEDAW/37sess.htm). The National Society for Human Rights submitted a parallel report to CEDAW, available at [www.iwraw-ap.org/resources/pdf/Namibia%20Shadow%20Report.pdf](http://www.iwraw-ap.org/resources/pdf/Namibia%20Shadow%20Report.pdf).

83

Nicaragua's 6<sup>th</sup> periodic report. 37<sup>th</sup> session of CEDAW. Concluding observations are available at [www.un.org/womenwatch/daw/CEDAW/37sess.htm](http://www.un.org/womenwatch/daw/CEDAW/37sess.htm).

84

Nepal's 2<sup>nd</sup> periodic report. 38<sup>th</sup> session of CESCR. NGO parallel reports were submitted to CESCR by the Centre for Reproductive Rights, the Global Initiative to End All Corporal Punishment of Children, Human Rights Treaty Monitoring Coordination Committee, Internal Displacement Monitoring Centre, the International Campaign for Tibet, the Lutheran World Federation, the Norwegian Refugee Council, and Rights and Democracy and FIAN International, available at [www.ohchr.org](http://www.ohchr.org).

85

CAT: The Netherlands's 4<sup>th</sup> periodic report. 38<sup>th</sup> session of CAT. NGO parallel reports were submitted to CAT by the Johannes Wier Foundation and the Dutch section of the International Commission of Jurists, available at [www.ohchr.org](http://www.ohchr.org). CEDAW: The Netherlands's 4<sup>th</sup> periodic report. 37<sup>th</sup> session of CEDAW. Concluding observations are available at [www.un.org/womenwatch/daw/CEDAW/37sess.htm](http://www.un.org/womenwatch/daw/CEDAW/37sess.htm). The Dutch Section of the International Commission of Jurists and Netwerk WNVrouwenverdrag (CEDAW-Network) submitted a parallel report to CEDAW on behalf of a number of NGOs, available at [www.iwraw-ap.org/resources/pdf/Netherlands%20Shadow%20Report.pdf](http://www.iwraw-ap.org/resources/pdf/Netherlands%20Shadow%20Report.pdf).

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See fn. 32 above.

2007.<sup>83</sup> The examination addressed: the need for the Nicaraguan Institute for Women to be allocated greater resources; the lack of political will to pass the *Law on Equal Rights and Opportunities* and the revised *Family Code*; women's political participation; and women's reproductive rights.

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## Nepal

Nepal was examined by **CESCR**.<sup>84</sup> The session was notable by the fact that the Government of Nepal sent a small and noticeably inexperienced delegation who struggled to address the questions put to them. The examination addressed: the challenges linked to Nepal's political instability and civil war, and the reforms introduced following the *Nepal Peace Accord*; the status of the Covenant in national law; the independence of the judiciary and the fact that the Committee against Torture had previously suggested that the executive do not execute or respect the decisions of the judiciary, to which the delegation responded that the judiciary are fully independent and have performed in an exemplary manner in the last years; the role of Nepal's National Human Rights Commission and the potential 'protection gap' caused by not immediately appointing commissioners; caste-based discrimination, and the challenges between criminalisation and implementation at the grass roots level; the payment of compensation to victims of the conflict; physical and mental health, education, employment, and the right to food and water; trafficking of women and girls; bonded labour; and the rights of minorities, migrant workers, refugees, and Nepal's rural population.

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## Netherlands and Netherlands Antilles

The Netherlands was examined by **CAT** and **CEDAW**.<sup>85</sup> The examination by **CAT** addressed: the rights of detained persons and the right to a fair trial; the rights of asylum seekers, including unaccompanied children and young asylum seekers; the principle of *non-refoulement*;<sup>86</sup> the treatment of detained and imprisoned persons, particularly juveniles in the **Netherlands Antilles**; and investigations into allegations of assaults committed by prison staff in the Aruban

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## Namibia

Namibia was examined by **CEDAW**.<sup>82</sup> The Committee welcomed Namibia's ratification of the Optional Protocol to the Convention. The examination addressed: the implementation of the Convention in Namibia, with discussion of secular and customary law and the impact and effect of localised courts; women's participation in decision-making processes; discrimination and stereotyping of women – a recurrent theme throughout the discussion – where the Committee observed that the only notable area of improvement in this regard was in relation to education; employment inequities; violence against women; and health, with discussion of teen pregnancy, education, and HIV/AIDS awareness.

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## Nicaragua

Nicaragua was examined by **CEDAW** in January

prison. The **CEDAW** examination addressed: the lack of available information on the **Netherlands Antilles**; efforts to remove obstacles to women's employment, with discussion of ethnic women and the Participation of Ethnic Minorities Committee; threats to women's safety and the protection of women; women's political participation; and the status of the Convention in national law.

The **Netherlands Antilles** was examined by **CESCR**.<sup>87</sup> The examination addressed: the status of the Covenant in the Netherlands Antilles; the legislative, institutional, and practical measures in place to combat discrimination (particularly against persons with disabilities and migrant children); inequality in the provision of social services; gender equality; employment with particular regard to minimum wage; child welfare with regard to the high incidence of abortion among teenagers and the sexual exploitation of children; the rights to education, housing, cultural life, and an adequate standard of living; drug abuse; trafficking in persons, and the legal protection of sex workers; national debt; and the access of refugees to basic resources. The Netherlands Antilles is an autonomous part of the **Kingdom of the Netherlands**.

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## New Zealand

New Zealand was examined by **CEDAW** and **CERD**.<sup>88</sup> Having withdrawn its final reservation to the Convention, the examination before **CEDAW** addressed: the implementation of the Convention through various statutory measures, and the role of national institutions for the advancement of women, including the Ministry of Women's Affairs; women's political participation and sense of backlash from the public that nothing more needed to be done as women held three of the top four political positions in the State; education and employment, with discussion of Maori women; violence against women, including domestic and sexual violence; trafficking of women and prostitution; and health.

The **CERD** examination addressed: the implementation of the Convention in national law; immigration and the rights of migrants, refugees, and asylum seekers with regard to the *Immigration Act* of 1987; the broad economic

inequalities faced by Pacific peoples; Maori peoples, particularly their access to healthcare and education and the impact of the *Foreshore and Seabed Act 2004* on Maori customary title to land; the status of the *Treaty of Waitangi* in national law; and the obstacles confronting women from ethnic minorities in New Zealand, including lack of social participation and higher than average levels of unemployment and domestic violence.

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## Niger

Niger submitted its combined initial and second periodic reports to **CEDAW** in May 2007.<sup>89</sup> The examination addressed Niger's complex legal system, based on the *French Napoleonic Code*, Islamic law, and customary law, and the absence of a legal definition of discrimination. The delegation explained the work of national institutions for the advancement of women, including the Ministry for the Advancement of Women and Protection of the Child. A great deal of the discussion revolved around Niger's 1996 *National Policy for the Protection of Women and Children*, the successes and failures in meeting five basic principles and 13 defined targets, and the relationship between the 1996 policy and the more recent *National Gender Policy* of 2007. Other issues addressed included: the introduction of temporary special measures to accelerate the advancement of women's participation in political life; violence against women, with discussion of female genital mutilation; trafficking of women and prostitution; citizenship; education; personal and family status; and health.

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## Norway

Norway was examined by **CEDAW**, **CAT**, and by **CRC** under the **Optional Protocol on Children in Armed Conflict**.<sup>90</sup> Norway submitted its initial report under **OPAC** to **CRC** in January 2006. The Committee considered the report in the absence of a delegation from the State party.

The **CEDAW** examination addressed: the incorporation of the Convention into Norway's *Human Rights Act*; the phenomenon of forced marriage within Norway's immigrant popula-

87

The Netherlands's 4<sup>th</sup> periodic report on the Netherlands Antilles. 38<sup>th</sup> session of CESCR. The Global Initiative to End All Corporal Punishment of Children submitted a parallel report to CESCR, available at [www.ohchr.org](http://www.ohchr.org).

88

CEDAW: New Zealand's 6<sup>th</sup> periodic report. 39<sup>th</sup> session of CEDAW. Concluding observations are available at [www.un.org/womenwatch/daw/CEDAW/39sess.htm](http://www.un.org/womenwatch/daw/CEDAW/39sess.htm). Two parallel reports were submitted to CEDAW by a coalition of Aotearoa New Zealand NGOs, available at [www.iwraw-ap.org/resources/pdf/New%20Zealand%20\(NCWNZ\).pdf](http://www.iwraw-ap.org/resources/pdf/New%20Zealand%20(NCWNZ).pdf) and [www.iwraw-ap.org/resources/pdf/39\\_shadow\\_reports/New\\_Zealand\\_Maori\\_SR.pdf](http://www.iwraw-ap.org/resources/pdf/39_shadow_reports/New_Zealand_Maori_SR.pdf), and a separate report was submitted by Pacific Women's Watch (New Zealand), available at [www.iwraw-ap.org/resources/pdf/New%20Zealand%20SR%20final%20\(PVWNZ\).pdf](http://www.iwraw-ap.org/resources/pdf/New%20Zealand%20SR%20final%20(PVWNZ).pdf). CERD: New Zealand's 15<sup>th</sup> to 17<sup>th</sup> periodic reports. 71<sup>st</sup> session of CERD. Parallel reports were submitted to CERD by NGOs that included Action for Children and Youth Aotearoa, AIR Trust, the Human Rights Foundation, the Maori Party, Peace Movement Aotearoa, Treaty Tribes Coalition, and submissions from a collective of indigenous peoples' authorities in Tai Tokerau, available at [www.ohchr.org](http://www.ohchr.org).

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38<sup>th</sup> session of CEDAW. Concluding observations are available at [www.un.org/womenwatch/daw/CEDAW/38sess.htm](http://www.un.org/womenwatch/daw/CEDAW/38sess.htm). A parallel report was submitted to CEDAW by a coalition of ten Niger NGOs, available at [www.wildaf-ao.org/fr/article.php3?id\\_article=1175](http://www.wildaf-ao.org/fr/article.php3?id_article=1175).

90

CEDAW: Norway's 7<sup>th</sup> periodic report. 39<sup>th</sup> session of CEDAW. Concluding observations are available at [www.un.org/womenwatch/daw/CEDAW/39sess.htm](http://www.un.org/womenwatch/daw/CEDAW/39sess.htm). Parallel reports were submitted to CEDAW by a coalition of Norwegian women's organisations, available at [www.iwraw-ap.org/resources/pdf/Norway%20SR%20final.pdf](http://www.iwraw-ap.org/resources/pdf/Norway%20SR%20final.pdf), and the Norwegian Centre for Human Rights of the University of Oslo, [www.humanrights.uio.no/english/](http://www.humanrights.uio.no/english/). CAT: 5<sup>th</sup> periodic report, 39<sup>th</sup> session of CAT. CRC: 45<sup>th</sup> session of CRC. The Ombudsman for Children's Supplementary Report to the Optional Protocol to the CRC on the Involvement of Children in Armed Conflict submitted a parallel report to CRC, available at [www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp](http://www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp).

tion; women's political representation; education and employment; and health, with discussion of HIV/AIDS in relation to migrants, asylum seekers, and sex workers. The CAT examination, which took place during the 39<sup>th</sup> session in November 2007, included: the definition of torture and its compliance with the CAT definition; clarification of the practice of *refoulement*, the assignment of countries as 'safe' under asylum procedure, and the use of diplomatic assurances;<sup>91</sup> the treatment of detainees and prison conditions, including solitary confinement and inter-prisoner violence; and education on the prohibition of torture.

view that formal equality was effectively guaranteed under existing legislation, although the Committee felt that specific legislation would be preferable; the rights of children, including the serious problem of the lack of registration and the subsequent difficulty of claiming rights; and the right to work and receipt by the Committee of many allegations that 40% or less of workers received minimum wage and that the private sector did not respect the legal requirement to pay the minimum wage.

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## Peru

Peru was examined by CEDAW.<sup>95</sup> The examination addressed the widespread problem of violence against women in the country and the various efforts that the Government has undertaken to address the issue, including the *National Plan against Violence towards Women*. The Committee found, however, that these efforts have proven to be inadequate and that there was a need, among other initiatives, to expand the country's definition of gender violence to include sexual slavery, forced prostitution, forced pregnancy, forced union, and forced domestic labour. Other issues addressed during the plenary discussion included: the fact that one million Peruvians lack documentation of their identity or nationality and its root impact on access to education, healthcare and political participation; and the risks created by illegal abortions in Peru and access to contraception.

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## Poland

Poland was examined by CAT and CEDAW.<sup>96</sup> The examination by CAT addressed: the independence of the judiciary and the level of remuneration for members of the judiciary being much lower than in the rest of Europe; the rights and treatment of persons held in police custody, including access to legal representation; measures being taken to reduce overcrowding in prisons, following a report of the European Committee against Torture on the small size of prison cells; the treatment of juveniles in detention; excessive use of force by police, to which the chief of police informed the Committee that a preventive programme was underway; the extraordi-

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## Pakistan

Pakistan was examined by CEDAW<sup>92</sup> in May 2007 following the submission of its combined initial to 3<sup>rd</sup> periodic reports. The examination followed closely the list of issues that the Committee had forwarded to the State. This included Pakistan's reservation against Article 29(1) of the Convention on inter-State disputes.<sup>93</sup> The delegation simply responded that this is constantly under review. The disparity between the constitutional guarantee of women's political participation and representation in the judiciary and the reality, was also raised. Other issues raised during the dialogue included: the recognition, at varying levels, of the problem of violence against women in Pakistan, and efforts that have been made through the State's 2002 national policy for development and empowerment of women; trafficking of women; obstacles in access to education; and health, with discussion of abortion and maternal mortality and access to health in rural areas.

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## Paraguay

Paraguay submitted its 2<sup>nd</sup> and 3<sup>rd</sup> periodic reports to CESCR in February 2007, covering the period 1994-2006, and appeared before the Committee in November 2007.<sup>94</sup> Among the issues raised were: the right to land and efforts undertaken to resolve the plight of landless peasants; the rights of indigenous peoples and the non-recognition of the Guani people as such; gender equality, where the delegation was of the

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Normal 'diplomatic assurances' involve the receiving State promising not to treat an individual contrary to human rights norms when that person is extradited/returned by a sending State.

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38<sup>th</sup> session of CEDAW. Concluding observations are available at [www.un.org/womenwatch/daw/CEDAW/38sess.htm](http://www.un.org/womenwatch/daw/CEDAW/38sess.htm). Parallel reports were submitted to CEDAW by the National Commission for Justice and Peace and the Democratic Commission for Human Development, available at [www.iwraw-ap.org/resources/pdf/Pakistan%20SR%20\(NCJP\).pdf](http://www.iwraw-ap.org/resources/pdf/Pakistan%20SR%20(NCJP).pdf) and the Shirkat Gah-Women's Resource Centre, available at [www.iwraw-ap.org/resources/pdf/Pakistan%20SR%20\(SG,%20AF,%20FdA\).pdf](http://www.iwraw-ap.org/resources/pdf/Pakistan%20SR%20(SG,%20AF,%20FdA).pdf).

93

Pakistan's reservation reads: 'The Government of the Islamic Republic of Pakistan declares that it does not consider itself bound by paragraph 1 of article 29 of the Convention.'

94

2<sup>nd</sup> and 3<sup>rd</sup> periodic reports. 39<sup>th</sup> session of CESCR.

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Peru's 6<sup>th</sup> periodic report. 37<sup>th</sup> session of CEDAW. Concluding observations are available at [www.un.org/womenwatch/daw/CEDAW/37sess.htm](http://www.un.org/womenwatch/daw/CEDAW/37sess.htm). The International Women's Rights Action Watch (IWRAP) Asia Pacific submitted a parallel report to CEDAW; available at [www.iwraw-ap.org/resources/shadow\\_reports.htm](http://www.iwraw-ap.org/resources/shadow_reports.htm)

96

CAT: Poland's 4<sup>th</sup> periodic report. 38<sup>th</sup> session of CAT. NGO parallel reports were submitted to CAT by the Helsinki Foundation for Human Rights and the International Commission of Jurists, available at [www.ohchr.org](http://www.ohchr.org). CEDAW: Poland's combined 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> periodic reports. 37<sup>th</sup> session of CEDAW. Concluding observations are available at [www.un.org/womenwatch/daw/CEDAW/37sess.htm](http://www.un.org/womenwatch/daw/CEDAW/37sess.htm). The Federation for Women and Family Planning submitted a parallel report to CEDAW, available at [www.iwraw-ap.org/resources/pdf/Poland%20final%20SR.pdf](http://www.iwraw-ap.org/resources/pdf/Poland%20final%20SR.pdf)

nary rendition and secret transfer of prisoners and the possible existence of secret prisons in Poland, which, unsurprisingly, the delegation vehemently denied; Poland's failure to include a definition of torture in its *Penal Code*; the rights of non-citizens, refugees, and asylum-seekers and the principle of *non-refoulement*;<sup>97</sup> gender-based breaches of the Convention; and the abuse of young soldiers in military units.

During the CEDAW examination, the Committee appeared to be unhappy with what they considered an overemphasis by the State on labour issues, illustrated by the inclusion of the Department of Women, Family and Discrimination within the Labour Ministry, and stressed that women's rights and gender mainstreaming are not always related to labour issues. The delegation contended that this was nonetheless a critically important issue in the country, where typically women earned 20% less than their male counterparts. The question of abortion and family planning was also addressed, including the influence of the Polish Catholic Church and the League of Polish Families political party, of which the Minister for Health was a member. Other issues examined included trafficking, domestic violence, and women's participation in government and politics.

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## Portugal

Portugal was examined by CAT during its 39<sup>th</sup> session in November 2007. Portugal submitted its 4<sup>th</sup> periodic report on 21 March 2005.<sup>98</sup> The examination addressed the definition and criminalisation of torture in domestic law, about which there were diverging opinions between the delegation and the Committee regarding the closeness of Portugal's domestic definition to that of the Convention, and the application of universal jurisdiction; the various forms of detention in the country and problems that may arise under the practice of detaining persons for identification purposes; the treatment of detainees and prison conditions, including cases of overcrowding and inter-prisoner violence; asylum procedure and the extradition process; counter-terrorism measures and Portugal's knowledge of the practice of extraordinary renditions; and trafficking of women and children.

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## Qatar

Qatar submitted its initial report to CRC under the OPAC in July 2006.<sup>99</sup> The examination addressed: the status of the Optional Protocol in national law, and the fact that while the *Penal Code* did not address the recruitment of child soldiers, the *Military Code* provided that no person under the age of 18 could join the armed forces; the provision of rehabilitation services to asylum-seeker children and children affected by war, to which the delegation responded that it was presently considering ratification of the 1951 *Convention on Refugees*, and would subsequently implement relevant provisions; and the nature of military academies in Qatar.

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## Republic of Korea

The Republic of Korea was examined by CEDAW and CERD.<sup>100</sup> The examination by CEDAW addressed: national institutions for the advancement of women, including the Ministry for Gender Equality and Family; the apparently slow progress of women's political participation and the unambitious targets set; sizeable discrimination in women's employment, notable by the fact that 42% of salaried female workers were irregular employees. The Committee also questioned whether their previous recommendations on equal pay had been implemented in any manner. Other issues raised included: poverty experienced by female-headed households; trafficking of women and prostitution, with discussion of the practice of *Wonjokyoje* (teenage prostitution) and arranged marriages; violence against women, including domestic violence and martial rape; and issues relating to health.

The CERD examination addressed the unique notion in the Republic of Korea between 'pure blood' and 'mixed blood' Koreans, and the symbolic impact of this distinction. The delegation claimed that the Government is making different efforts through education and awareness-building to mitigate such a discriminatory perception on ethnic diversity. Other issues examined included: the treatment of migrant workers and non-citizens, with particular regard to employment, equal working conditions, and the right of migrant workers to form trade unions; the integration and naturalisation of foreigners,

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See fn. 32 above.

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Portugal's 4<sup>th</sup> periodic report. 39<sup>th</sup> session of CAT.

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46<sup>th</sup> session of CRC.

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CEDAW: The Republic of Korea's 5<sup>th</sup> and 6<sup>th</sup> periodic reports. 39<sup>th</sup> session of CEDAW. Concluding observations are available at [www.un.org/womenwatch/daw/CEDAW/39sess.htm](http://www.un.org/womenwatch/daw/CEDAW/39sess.htm). A coalition of NGOs submitted a parallel report to CEDAW, available at [www.iwraw-ap.org/resources/pdf/Korea%20SR%20final.pdf](http://www.iwraw-ap.org/resources/pdf/Korea%20SR%20final.pdf). CERD: The Republic of Korea's 13<sup>th</sup> and 14<sup>th</sup> periodic reports. 71<sup>st</sup> session of CERD. MINBYUN-Lawyers for a Democratic Society and the National Human Rights Commission of Korea submitted parallel reports to CERD, available at [www.ohchr.org](http://www.ohchr.org).

including the timeframe for the implementation of the *Basic Act on the Treatment of Foreigners in Korea*; and the implementation of the Republic of Korea's national action plan for the promotion and protection of human rights.

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### San Marino

San Marino appeared before **CESCR** in November 2007 for the examination of its relatively short (49 pages) initial to 4<sup>th</sup> reports covering the period dating back to 1990.<sup>101</sup> As this was San Marino's first examination before the Committee, there was very little critical interaction. Instead a polite process of query and response ensued. Issues addressed included: the fact that racial discrimination had not been criminalised; the monitoring of immigration; issues surrounding the use of contract workers in the country; family law; and education and culture.

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### Serbia

Serbia submitted its initial periodic report to **CEDAW** in May 2007.<sup>102</sup> The examination addressed a wide range of issues. Discussions on Serbia's new Constitution, national action plan, and Gender Equality Council shed light upon the numerous steps that the State is taking towards achieving gender equality. Some Committee members, however, expressed their concern that the State seems more concerned with European standards and the Beijing Platform standards than those required by the Convention. Other issues included minority women's rights, with discussion of the Roma; violence against women, including domestic violence and protection of victims; temporary special measures to accelerate the advancement of women's participation in political life; trafficking of women; and women's health, with discussion of HIV/AIDS and abortion.

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### Sierra Leone

Sierra Leone submitted its combined initial to 5<sup>th</sup> periodic reports to **CEDAW** in May 2007.<sup>103</sup> The examination addressed: discriminatory provisions in the national Constitution; draft

'gender bills' on customary marriage, divorce, and domestic violence respectively; the role of the Ministry of Social Welfare, Gender and Children's Affairs in promoting women's rights and advancement, and in particular the grave situation of the lack of funding; the continuing widespread practice of female genital mutilation, which the Government is working to erode but does not entirely prohibit; measures to increase women's political participation; and health, with discussion of maternal mortality and the accessibility of healthcare in rural areas.

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### Slovak Republic

The Slovak Republic was examined by **CRC**.<sup>104</sup> The Committee was seriously concerned by the absence of NGO parallel reports. It asserted that it is the Government's responsibility to assist the capacity-building of civil society, especially given its crucial role in the implementation of the CRC. The rest of the examination centred on: the lack of available data on vulnerable groups, particularly Roma children and children with disabilities; the family environment and substitute care, with discussion of inter-country adoption and foster care; healthcare care and social security, including discussion of abortion and the provision of health services to refugee children; education, including vocational schools; juvenile justice; and trafficking of children, child labour, and sexual exploitation.

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### Spain

Spain was examined by **CRC** under the **Optional Protocol on the Sale of Children** and the **Optional Protocol on Children in Armed Conflict**.<sup>105</sup> Spain submitted both its initial reports to **CRC** under the Optional Protocols in October 2006. The examination under the **OPSC** addressed: the conformity of existing national law with the Optional Protocol; the practical implementation of legislation on the protection of witnesses and victims; adoption; and the protection and provision of healthcare and other rehabilitation services to asylum-seeker and refugee children. The examination under the **OPAC** addressed: the recruitment age for military service, both volunteers and professional soldiers; the criminalisation

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Initial to 4<sup>th</sup> periodic reports. 39<sup>th</sup> session of CESCR.

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38<sup>th</sup> session of CEDAW. Concluding observations are available at [www.un.org/womenwatch/daw/CEDAW/38sess.htm](http://www.un.org/womenwatch/daw/CEDAW/38sess.htm). Parallels reports were submitted to CEDAW by an NGO coalition, available at [www.iwraw-ap.org/resources/pdf/Serbia%20SR%20\(general%20-%20updated\).pdf](http://www.iwraw-ap.org/resources/pdf/Serbia%20SR%20(general%20-%20updated).pdf), and the European Roma Rights Centre, Bibija, Eureka and Women's Space, available at [www.iwraw-ap.org/resources/pdf/Serbia%20\(Roma\).pdf](http://www.iwraw-ap.org/resources/pdf/Serbia%20(Roma).pdf).

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38<sup>th</sup> session of CEDAW. Concluding observations are available at [www.un.org/womenwatch/daw/CEDAW/38sess.htm](http://www.un.org/womenwatch/daw/CEDAW/38sess.htm). A coalition of NGOs submitted a parallel report to CEDAW, available at [www.iwraw-ap.org/resources/pdf/Sierra%20Leone.pdf](http://www.iwraw-ap.org/resources/pdf/Sierra%20Leone.pdf).

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The Slovak Republic's 2<sup>nd</sup> periodic report. 45<sup>th</sup> session of CRC. The Global Initiative to End All Corporal Punishment of Children submitted a parallel report to CRC, available at [www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp](http://www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp).

105

46<sup>th</sup> session of CRC. The Catalonian Association for the Mistreated Childhood submitted a parallel report to CRC under the OPSC, available at [www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp](http://www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp).

of child recruitment and universal jurisdiction over this crime; the provision of healthcare and other rehabilitation services to asylum-seeker and refugee children; peace education; and the dissemination of the Optional Protocol.

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## The Sudan

The Sudan was examined by **CRC** under the **OPSC** and by **HRC**.<sup>106</sup> The Sudan submitted its initial report to **CRC** under the **OPSC** in March 2006. The examination by **CRC** began by addressing the status of the Optional Protocol in national law, the former of which takes precedence over the latter. The abduction, trafficking, and sale of children for the purposes of camel jockeying and labour, as well as the measures in place to combat these, were a central part of the discussion. Other topics which were addressed included: the involvement of NGOs in the preparation of the report and in data collection; the allocation of resources to the implementation of the Optional Protocol; forced early marriages; the rehabilitation of child victims; and the differences in legislation between Southern and Northern Sudan.

The **HRC** examination centred on allegations of human rights violations in Darfur and Southern Sudan and addressed: violence and discrimination against women, children, and minorities in the contexts of conflict, internal displacement, abduction, *Sharia* law, and female genital mutilation; the freedoms of assembly, association, movement, and freedom from torture; the actions and accountability of State actors; impunity and immunity; judicial oversight of trials, detention, the prosecution and punishment of murder, and the application of the death penalty; interventions undertaken by the International Criminal Court and the United Nations Security Council, and the lack of cooperation by the Government; the *Abuja Peace Accords*; the joint UN-African Union peacekeeping presence; and the role of the international community.

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## Suriname

Suriname was examined by **CEDAW** and **CRC**.<sup>107</sup> The examination by **CEDAW** addressed: the

domestic legal system, which still contains many discriminatory provisions; women's political participation, including the hindering effect of stereotyping; trafficking of women and prostitution, in particular the exploitation of Maroon women and the lack of statistics provided by the Government on this issue; societal stereotypes of women; cultural traditions and education, including teenage pregnancy; violence against women and the draft laws on this issue; and health, with discussion of the spread of HIV/AIDS and abortion. Overall, the Government appears to recognise the need to promote gender equality, but has yet to take any significant steps in this regard.

The **CRC** examination addressed: the status of the Convention under national law; corporal punishment, which is widespread both at home and at school; birth registration, including the registration of migrant and indigenous populations, as well as the situation of children born out of wedlock; juvenile justice and detention; health, including infant and child mortality and HIV/AIDS; education, in particular measures to reduce regional discrepancies in the number of enrolled students and to improve the quality of education; institutionalisation and alternative care; and the revised age of sexual consent and the introduction of a basic life skills programme.

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## Sweden

Sweden submitted its initial report to **CRC** under the **Optional Protocol on Children in Armed Conflict** in February 2006.<sup>108</sup> The Committee considered the report in the absence of a delegation from the State party. In its concluding observations of the Committee addressed the State's contribution to the rehabilitation and reintegration of child soldiers, as well as its active role in drafting and promoting the OPAC; the criminalisation of trafficking in human beings; the minimum age of volunteers participating in firearms training; arms exports control, with the Committee recommending that the State explicitly prohibit the export of arms to countries that recruit child soldiers; unaccompanied asylum children; and the dissemination of the OPAC.

<sup>106</sup> CRC: 45<sup>th</sup> session of CRC. The Friends of Children Society submitted a parallel report to CRC, available at [www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp](http://www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp). HRC: The Sudan's 3<sup>rd</sup> periodic report, 90<sup>th</sup> session of HRC. NGO parallel reports were submitted to HRC by Amnesty International, Conscience and Peace Tax International, the Global Initiative to End All Corporal Punishment of Children, Track Impunity Always, and a group of eight Sudanese NGOs, available at [www.ohchr.org](http://www.ohchr.org).

<sup>107</sup> CEDAW: Suriname's 3<sup>rd</sup> periodic report, 37<sup>th</sup> session of CEDAW. Concluding observations are available at [www.un.org/womenwatch/daw/CEDAW/37sess.htm](http://www.un.org/womenwatch/daw/CEDAW/37sess.htm). The Women's Rights Centre and Ultimate Purpose submitted a parallel report to CEDAW, available at [www.iwraw-ap.org/resources/pdf/Suriname%20Critical%20Issues.pdf](http://www.iwraw-ap.org/resources/pdf/Suriname%20Critical%20Issues.pdf). CRC: Suriname's 2<sup>nd</sup> periodic report, 44<sup>th</sup> session of CRC. Child Helpline International and the Global Initiative to End All Corporal Punishment of Children submitted parallel reports to CRC, available at [www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp](http://www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp).

<sup>108</sup> 45<sup>th</sup> session of CRC. Save the Children Sweden submitted a parallel report to CRC, available at [www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp](http://www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp).

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## Syria

Syria was examined by **CEDAW** and by **CRC** under the **Optional Protocol on the Sale of Children** and the **Optional Protocol on Children in Armed Conflict**.<sup>109</sup> Syria submitted its initial periodic report to **CEDAW** in May 2007, its initial report to **CRC** under the **OPSC** in September 2006, and its initial report to **CRC** under the **OPAC** in October 2006. The examination by **CEDAW** began with a long discussion on the legal framework, which the State argued guarantees equality between men and women in line with the Convention. However, the Committee was unconvinced by their assertions, especially as the delegation appeared to backtrack from its initial position that the Convention took precedence over national law. The ambiguous role of the Commission on Family Affairs was also pointed out by the Committee. The Committee was also critical of the temporary special measures to accelerate the advancement of women's participation in political life. These currently rely on informal understandings rather than on firm legal bases as recommended by the Committee. The examination also addressed the following issues: violence against women, including domestic violence, sexual violence, and honour killings; trafficking of women and prostitution; citizenship and personal and family status; and health, with discussion of refugee women, maternal mortality, and the availability of contraceptives.

The **CRC** examination under the **OPSC** began with a discussion on the absence of specific provisions harmonising the content of the Optional Protocol with national law, including the unsatisfactory penalties for crimes. The role of the newly established Syrian Commission for Family Affairs was also deliberated in some detail. Other issues which were addressed include: the status of a child in legal proceedings and the services available to child victims; sale and exploitation of children, including prostitution and measures to combat trafficking; media campaigns and reform of the school curricula to disseminate the **CRC** and **OPSC** among children and parents; street children; adoption, including the adopted child's right to inheritance; and honour killings, including a national campaign against this practice.

The examination under the **OPAC** addressed: the status of the Optional Protocol in national law;

the recruitment of child soldiers, including the national law prohibiting it and extraterritorial jurisdiction for the crime; peace education; the prevention of small arms export to countries that recruit child soldiers; and the protection and provision of rehabilitation services to asylum-seeker children and children affected by war. There were a number of issues which were raised by the Committee but were not satisfactorily addressed by the delegation. These included: the implementation of the *Rome Statute of the International Criminal Court*; restrictions on males wishing to leave the country; the status of schools set up for the orphans of martyrs; and human rights education for the army.

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## Tajikistan

Tajikistan submitted its combined initial to third periodic reports to **CEDAW** in January 2007.<sup>110</sup> The Committee was interested in learning about measures taken by the State to stem trafficking and assist victims upon their return. The prevalence of polygamy was another major focus of the dialogue, with discussions on the rights that subsequent wives can claim, the prosecution of cases, and the Government's efforts to stop trans-border polygamous marriages. Other issues addressed included: prostitution; the stereotyping of women as linked to patriarchal values; family voting; women's employment; and violence against women, an area in which the State admitted that further efforts need to be made. The delegation seemed agitated at questions regarding domestic violence in polygamous marriages.

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## Ukraine

Ukraine was examined by **CAT**, **HRC** and by **CRC** under the **Optional Protocol on the Sale of Children**.<sup>111</sup> Ukraine submitted its 5<sup>th</sup> periodic report to **CAT** in October 2006, its 6<sup>th</sup> periodic report to **HRC** in November 1999, and its initial report to **CRC** under the **OPSC** in April 2006. **CAT** welcomed Ukraine's ratification of the Optional Protocol to the Convention (**OPCAT**). The delegation pointed out that as a result of the amendment of the *Penal Code*, the domestic definition of torture is now in

<sup>109</sup>

CEDAW: 38<sup>th</sup> session of CEDAW. Concluding observations are available at [www.un.org/womenwatch/daw/CEDAW/38sess.htm](http://www.un.org/womenwatch/daw/CEDAW/38sess.htm). The Syrian Women's League submitted a parallel report to CEDAW. CRC: 46<sup>th</sup> session of CRC.

<sup>110</sup>

37<sup>th</sup> session of CEDAW. Concluding observations are available at [www.un.org/womenwatch/daw/CEDAW/37sess.htm](http://www.un.org/womenwatch/daw/CEDAW/37sess.htm). A parallel report contributed to by over 180 Tajik NGOs was submitted to CEDAW, available at [www.iwraw-ap.org/resources/pdf/Tajikistan%20final%20report%20English.pdf](http://www.iwraw-ap.org/resources/pdf/Tajikistan%20final%20report%20English.pdf)

<sup>111</sup>

CAT: Ukraine's 5<sup>th</sup> periodic report. 38<sup>th</sup> session of CAT. NGO parallel reports were submitted to CAT by Amnesty International, Human Rights Watch and Kharkiv Human Rights Protection Group, available at [www.ohchr.org](http://www.ohchr.org). CRC: 45<sup>th</sup> session of CRC. The NGO Coalition 'Unite for Children' submitted a parallel report to CRC, available at [www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp](http://www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp).

line with the definition in the Convention. The Committee nevertheless inquired about compliance, applicability, and also regretted that discrimination is not yet part of the definition. A number of issues relating to detention, such as conditions of detention and monitoring of detention facilities were also addressed. Furthermore, the examination also touched upon: investigations and prosecutions of alleged cases of torture; measures taken to prevent hazing in the military; migration, including the specific case of Uzbek asylum seekers; and domestic violence and its relation to trafficking.

Given that the examination by HRC took place nearly seven years after the submission of the State report, most of the discussion was based on new and recent information provided orally by the State delegation. The issues addressed included: the status of the Convention in national law; the work of the Ombudsman; gender equality, including the gender gap, representation of women in the civil service, and violence against women; derogation of rights in times of emergency, including the validity of Ukraine's declaration of a state of emergency at the end of 2006; torture, including deportations, police mistreatment, and the complaints procedure; trafficking of women and children; right to a fair trial; freedom of speech and laws governing the media; racial, religious, and ethnic crimes; and discrimination against minorities, in particular the Crimean Tatars.

The CRC examination under the OPSC addressed: the status of the Optional Protocol in national law; the allocation of resources to the implementation of the Optional Protocol; the protection of child victims; existing laws prohibiting and criminalising the sale of children, child pornography and child prostitution; and the absence of an Ombudsman for children in the Ukraine.

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### Uruguay

Uruguay was examined by CRC.<sup>112</sup> The Committee expressed its concern about the high level of poverty and its effect on children, and asked about measures to address this situation. The Committee also asked about the role of different national bodies in promoting

and protecting children's rights. Other issues discussed included: the low age of marriage; education, including measures to address the high drop-out rate, improve the quality of education, and provide support to vulnerable groups; adolescent health, including teenage pregnancy and HIV/AIDS; the family environment and substitute and alternative care; detention centres and alternative measures; economic and sexual exploitation; and corporal punishment.

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### Uzbekistan

Uzbekistan submitted its 3<sup>rd</sup> periodic report to CAT on 1 July 2007 and appeared before CAT during its 39<sup>th</sup> session in November 2007.<sup>113</sup> Among the issues discussed during the plenary discussion were: the national action plan undertaken to comply with the previous recommendations of the UN Special Rapporteur on torture; the use of confessions obtained under torture; conditions of detention, including the access to lawyers and the inspections of prisons; the treatment of human rights defenders in the country, such as the alleged measures employed by the State to silence them; the 'Andijan events' of May 2005, where a group attacked military units and forcibly released prisoners from these units, after which 200 national and international non-governmental and intergovernmental organisations were expelled, including UNHCR, OSCE and the ICRC; the treatment of alleged terrorist suspects; the absence of legislation on the treatment of refugees and the question of *refoulement*; and the need for protection of victims of trafficking in Uzbekistan.

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### Vanuatu

Vanuatu was examined by CEDAW.<sup>114</sup> It submitted its combined initial to third periodic reports to the Committee in May 2007. The Committee pointed to the discriminatory traditional customs and practices prevalent in the State, including the fact that women cannot own land and the use of a 'bride price', and enquired about their standing vis-à-vis the Vanuatu Constitution and the Convention

112  
Uruguay's 2<sup>nd</sup> periodic report. 45<sup>th</sup> session of CRC. NGO parallel reports were submitted to CRC by Comité de los Derechos del Niño y Adolescente – Uruguay and the Global Initiative to End All Corporal Punishment of Children, available at [www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp](http://www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp).

113  
3<sup>rd</sup> periodic report. 39<sup>th</sup> session of CAT.

114  
38<sup>th</sup> session of CEDAW. Concluding observations are available at [www.un.org/womenwatch/daw/CEDAW/38sess.htm](http://www.un.org/womenwatch/daw/CEDAW/38sess.htm). The Vanuatu Rural Development and Training Centres' Association submitted a parallel report to CEDAW, available at [www.iwraw-ap.org/resources/pdf/Vanuatu.pdf](http://www.iwraw-ap.org/resources/pdf/Vanuatu.pdf).

respectively. The Committee further stressed the need to differentiate between the concepts of equity and equality, which the State failed to do in its documents. The Committee expressed its concern over the low representation of women in the areas of education and politics, and encouraged the State to implement temporary special measures. The discriminatory property land ownership laws were raised several times during the examination. However, the dialogue was largely unfruitful, as the delegation merely repeated that there were groups studying potential amendments to the Constitution on this matter. The examination also addressed: education, including accessibility of education to girls; employment, specifically women's awareness of their rights in the workplace and protective measures in place; the discriminatory law regarding the transfer of nationality to children; violence against women, including domestic violence; and health, including discussion of HIV/AIDS and the accessibility of healthcare in rural areas.

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### Venezuela

Venezuela was examined by **CRC**.<sup>115</sup> The examination addressed: the status of the Convention in national law; the role of and support for civil society; the definition of the child, namely in relation to the low age of marriage; fundamental freedoms, touching on issues such as religious education and the encouragement of student associations; efforts to undermine the culture of corporal punishment; the abuse of children in detention as an issue raised by the Inter-American Court; birth registration; the family environment and alternative care, including adoption; children's health and welfare, with discussion of children with disabilities, HIV/AIDS, and adolescent pregnancy; juvenile justice; child labour; and measures safeguarding refugee children.

115

Venezuela's 2<sup>nd</sup> periodic report. 46<sup>th</sup> session of CRC. Cecodap submitted a parallel report to CRC, available at [www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp](http://www.crin.org/docs/resources/treaties/CRC.25/annex-vi-crin.asp).

116

Vietnam's combined 4<sup>th</sup> - 6<sup>th</sup> periodic reports. 37<sup>th</sup> session of CEDAW. Concluding observations are available at [www.un.org/womenwatch/daw/CEDAW/37sess.htm](http://www.un.org/womenwatch/daw/CEDAW/37sess.htm). The Vietnam Committee on Human Rights submitted a parallel report to CEDAW, available at [www.queme.net/](http://www.queme.net/).

117

Zambia's 3<sup>rd</sup> periodic report. 90<sup>th</sup> session of HRC. NGO parallel reports were submitted to HRC by Conscience and Peace Tax International, Global Initiative, Global Rights LGBTI (Lesbian Gay Bisexual, Transgender Initiative), and the Organisation Mondiale Contre la Torture, available at [www.ohchr.org](http://www.ohchr.org)

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### Vietnam

Vietnam was examined by **CEDAW**.<sup>116</sup> The examination addressed: national laws on gender equality; Vietnam's decision not to ratify the Optional Protocol to the Convention; trafficking of women, prostitution, and the alleged involvement of government officials in illegal sex activities; women's entitlement to own land, including the updated laws allowing the name of spouses to appear on land certificates, thus giving them claim to the land; reproductive rights, including educational aspects, availability of medical assistance, and the increasing abortion rate among adolescents. Reasons behind domestic violence and the protection of vulnerable groups, including rural, ethnic, and poor women, were also part of the discussion.

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### Zambia

Zambia was examined by **HRC**.<sup>117</sup> The status of the Covenant under domestic law received significant attention in the Committee's discussions. Despite the State's affirmation to the contrary, the Committee was of the view that the rights enshrined in the Convention are only partially incorporated into Zambian law. The Committee also expressed its concern that in the Zambian Constitution there is no limitation on suspending certain rights, which are non-derogable in the Covenant. The compatibility between domestic customary law and the rights protected in the Covenant, particularly on the rights of women, was also discussed at length. Other issues which were addressed included: the independence of the Zambian judiciary, including the tenure and personal security of justices; the use of force by police and the lack of adequate domestic legislation to deal with these issues; prison conditions, including the treatment of women who are incarcerated and the level of privacy accorded to prisoners; the role of the Zambian Human Rights Commission; counter-terrorism measures enacted by the Government; the legality and application of the death penalty; freedom of expression; non-discrimination on the basis of sexual orientation; and the treatment and protection of women, children, refugees, and non-nationals.