

# TREATY BODY MONITOR

International Service for Human Rights



Human Rights Monitor Series

## COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN 41<sup>ST</sup> SESSION LITHUANIA, COMBINED 3<sup>RD</sup> AND 4<sup>TH</sup> REPORT 2 JULY 2008

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### Key facts<sup>1</sup>

Date of Ratification	Reservations	Party to Optional Protocol (OP)	Opted out of OP's Inquiry Procedure	Additional ratified core treaties
Accession 1994	None	Yes	No	ICERD, ICCPR, ICESCR, CAT, CRC

<sup>1</sup> The information in these two tables is sourced from the Office of the High Commissioner for Human Rights (OHCHR), and is available at <http://www.ohchr.org/EN/countries/ENACARegion/Pages/LTIndex.aspx>

Type of report	Date submitted	Report submitted on time	NGO / NHRI consultation/input	List of issues provided / Written replies received	Last appearance before Committee
3 <sup>rd</sup> & 4 <sup>th</sup>	17 June 2005 & 13 Dec 2007	No <sup>2</sup>	Yes	23 January 2008/ 15 April 2008	22 June 2000

## Information submitted to the Committee

### State party report<sup>3</sup>

Lithuania's third and fourth reports systematically dealt with each article of the Convention to illustrate compliance. Lithuania provided detailed explanatory references to relevant statutes and programs, notably the *Law on Equal Opportunities of Women and Men* and the associated national program. The role of the Equal Opportunities Ombudsman was another focus, particularly in relation to the investigation of complaints of unlawful discrimination. The reports included some statistical data to illustrate the status of women as compared to men in areas such as education, employment and health, but generally lacked gender disaggregated data. While highlighting the achievements made in increasing women's participation in the political sphere and in the labor market, the reports acknowledged the persistence of vertical and horizontal segregation and the need to ensure gender equality in relation to family responsibilities. The fourth report indicated that the government has begun to turn its attention to the alarming rates of violence against women, and has developed a more victim-oriented approach to human trafficking. The reports were self-critical about the levels of funding to women's NGOs and the persistence of gender stereotyping in Lithuania, and indicated that government collaboration with the NGO sector is being pursued to help address these shortcomings. However, the reports failed to elaborate on the deficiencies in the provision of sex education and the low use of contraceptives, particularly among young women. Further, the fourth report failed to address a controversial bill before the Parliament that seeks to restrict abortion and imprison a woman for up to 15 years if convicted of undergoing an unlawful abortion.

### List of issues<sup>4</sup>

The list of issues focused on those areas where Lithuania appeared to face particular challenges in giving domestic effect to the Covenant, such as the implementation of temporary special measures, violence against women, trafficking, participation in political life and in the labor market, and sexual and reproductive health. Several questions requested the State party to provide data disaggregated by sex to indicate the *effect* of legislative and policy measures already undertaken in areas such as sex discrimination complaints, reversing gender stereotypes, domestic violence and trafficking. Disaggregated data was also requested to indicate the effectiveness of laws and policies designed to benefit Roma women and girls, disabled and rural women.

Lithuania provided its written responses to the List of Issues in a timely manner.<sup>5</sup> The responses attempted to address each of the issues raised and provide the requested data where it was available. However, most of the Committee's requests for more detailed disaggregated data to demonstrate the impact of specific laws or policies were not met.<sup>6</sup> Further, Lithuania was not able to elaborate on temporary special measures undertaken to address the vertical segregation and gender pay gap women experienced in the civil and diplomatic services. Despite it being a repeat question from CEDAW, the State party again failed to detail what special measures it had taken to give effect to women's legal entitlement to equal pay for work of equal

<sup>2</sup> The 3<sup>rd</sup> periodic report was submitted two years late (due 17 Feb 2003 - submitted 16 May 2005).

<sup>3</sup> The State party report (CEDAW/C/LTU/4) is available at <http://www2.ohchr.org/english/bodies/cedaw/cedaws41.htm>

<sup>4</sup> The list of issues (CEDAW/C/LTU/Q/4) is available at <http://www2.ohchr.org/english/bodies/cedaw/cedaws41.htm>

<sup>5</sup> Lithuania's responses to the Committee's list of issues (CEDAW/C/LTU/Q/4/Add.1) is available at <http://daccessdds.un.org/doc/UNDOC/GEN/N08/305/53/PDF/N0830553.pdf?OpenElement>

<sup>6</sup> See Lithuania's response to questions 22, 23, 28, 29 in the list of issues.

value, referring only to regular gender awareness raising seminars and an annual analysis of wage differentials.

### NGO parallel reports<sup>7</sup>

Four parallel reports were submitted to the Committee. One report was from an international children's rights organisation which reminded Lithuania of its commitment to make corporal punishment in the home unlawful. The other three reports were joint submissions prepared by Lithuanian women's NGOs in partnership with similar organisations from the US and/or Europe. One of these reports recommended questions that the Committee could pose to the government delegation during the constructive dialogue, and another recommended actions for consideration by the Lithuanian Government. The list of issues and the questions developed by the Committee reflected many of the concerns raised by the women's NGOs in their parallel reports, indicating their important contribution to the Committee's work.<sup>8</sup>

Although the reports from the women's NGOs acknowledged the commitment of the Lithuanian Government to the goal of gender equality and the significant achievements in recent years, they drew attention to several areas where they were deeply concerned about women's ability to exercise fundamental rights protected under the Convention. Key among their concerns were:

1. Draft *Framework for National Family Policy*, which would limit the concept of 'family' to a 'voluntary commitment between a man and a woman', raising the potential for discrimination against single mothers, same-sex parents and others living in non-traditional family arrangements;
2. Lack of a comprehensive and evidence-based sex education program in schools;
3. High rates of abortion, particularly among young women, and the controversial pending legislation which seeks to restrict access to, and punish women who undergo an unlawful abortion;
4. High rates of violence against women: lack of government statistics to quantify the problem, and lack of domestic violence legislation or specialised courts to ensure perpetrators are brought to justice;
5. Ingrained gender stereotyping and sex roles, which are reinforced through the media and contribute to low rates of participation by women in political and public life; and
6. The plight of rural women and other vulnerable groups such as elderly, ethnic and migrant women.

Only one Lithuanian NGO was present to address the Committee on the opening day of the 41<sup>st</sup> session. The representative from the Social Innovation Fund and European Innovation Center reiterated the need to address violence against women; increase their participation in politics and the labor market; address the gender pay gap; make greater use of temporary special measures; and increase funding to women's NGOs. In addition, the Center for Reproductive Rights (based in New York) spoke about Lithuania's lack of access to affordable health and reproductive services; the proposed restrictions on access to abortion; inadequate provision of sex education in schools; and persistent gender stereotyping in national policies. Equality Now (an international women's NGO) also spoke on the discriminatory measures still found in Lithuania's labour and family laws. Outside the CEDAW session, the Center for Reproductive Rights invited Committee members and others to attend an informal discussion on the reproductive rights of women in several countries under examination, including Lithuania.

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<sup>7</sup> The parallel reports are available at <http://www2.ohchr.org/english/bodies/cedaw/cedaws41.htm>

<sup>8</sup> For example, Committee members raised specific allegations contained in the reports from the Center for Equality Advancement on the pending legislation in Parliament that would restrict abortion. Committee members also referred to NGO reports on erroneous sex education textbooks and manuals handed out by the Lithuanian Government.

## Themes and issues

### **Lithuania's delegation<sup>9</sup>**

Lithuania's delegation consisted of ten members and was headed by the Hon. Ms. Violeta Murauskait, Under-Secretary of the Ministry of Social Security and Labour. The Deputy Head of Delegation was the Head of the Division of Gender Equality, Ministry of Social Security and Labour. Other Ministries represented in the delegation by senior staff included: Health, Justice, Education and Science, Foreign Affairs and the Government Statistics Department. Additional members included: Head of the Trafficking Unit, Criminal Police Bureau; and an Advisor to the Prime Minister of Lithuania.

### **The delegation's interaction with the Committee**

In her opening remarks to the Committee, the Head of delegation highlighted a series of amendments to strengthen the effectiveness of the *Law on Equal Opportunities for Women*, and to incorporate gender equality and non-discrimination principles into several other laws. She referred to Lithuania's achievements since 2003 as a result of its National Equal Opportunities Program, including the creation of the Office of Minister for Gender Equality and a separate Division of Women's Affairs within the Ministry of Social Security and Labour. The Head of delegation also drew attention to Lithuania's marked improvement in decreasing the gender pay gap, its recent introduction of one month's full-pay paternity leave, and its position as second among EU countries in relation to employment for mothers. While acknowledging the challenges ahead, she reported on the steady increase in women's participation in politics and public life, as well as Lithuania's progress combating violence against women, trafficking, and gender-stereotypes.

The Head of delegation encouraged other members to interact with the Committee, particularly where they had relevant expertise to provide more detailed answers. All Committee members congratulated Lithuania on its exhaustive and informative report, as well as the concrete efforts and significant achievements since the last report. Answers to the Committee's questions were generally on point and sufficiently detailed. The delegation was appreciative of the Committee members' suggestions and recommendations and assured them that these would be taken into consideration by the Lithuanian Government. However, when pressed for timeframes on specific amendments to legislation, delegates were unable to provide concrete answers.

### **Legal framework and national machinery – temporary special measures (Articles 2-4)**

Lithuania's fourth report raised concerns amongst Committee members that there may be constitutional barriers to the domestic implementation of temporary special measures. This prompted Ms Schöpp-Schilling (Germany) to inquire whether there were any plans to amend Lithuania's Constitution to ensure compliance with the Convention. Further, Ms Simonovic (Croatia), the Committee Chairperson, impressed upon the delegation the importance of temporary special measures to give meaning to all other rights enshrined in the Convention. Members of the delegation assured the Committee that the *Law on Equal Opportunities for Women and Men* explicitly stated that temporary special measures do not violate the constitutional principle of equality and that the Lithuanian Constitution recognised the right to both formal and substantive equality. The delegation added that temporary special measures were being applied not only through legislation but also policy, such as national gender awareness-raising programs.

In response to a question from Ms Patten (Mauritius) as to whether Lithuanian women were invoking their rights under the Convention by bringing test cases, the delegation admitted it could not point to any such cases. Nor was it able to provide data to demonstrate the frequency with which judges referred to CEDAW in

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<sup>9</sup> The list of members of Lithuania's delegation is available at <http://www2.ohchr.org/english/bodies/cedaw/docs/list/DelegationLithuania41.pdf>

their decisions. However, the delegation assured the Committee that there were corresponding domestic laws that give effect to Lithuania's commitments under the Convention. Moreover, all judges and law students received training in international law, particularly human rights law and CEDAW. The delegation also clarified that the lack of court cases related to discrimination on the basis of sex was due in part to the ease with which complaints could be lodged with the Office of the Equal Opportunities Ombudsman.

### **Institutional framework – lack of funding for women's NGOs (Articles 2 and 7)**

Ms Schöpp-Schilling and Ms Chutikul (Thailand) asked about the provision of funding to women's NGOs, expressing concern that their operation and the delivery of important services to women were heavily reliant on EU funds. The delegation acknowledged that funding for these organisations remained insufficient, and up to half of the government's budget for gender-related projects was drawn from EU structural funds. Ms Schöpp-Schilling reminded the delegation that it is not sufficient for legislation to be in place to give effect to the Convention, but that significant resources must be allocated to address women's needs and concerns.

The delegation explained that Lithuania prioritised gender equality programs and only used the EU funds to supplement its own resources. Further, in order to continue to be eligible to receive EU funds for these programs, the government would need to commit to prioritising the implementation and funding for gender equality programs in its budget and other official documents. The delegation assured Committee members that even if EU funding were discontinued, the Lithuanian Government was committed to continue funding these programs. In addition, it had undertaken an impact assessment of EU structural funds on women and men, and planned to establish a Commission on NGO Sector Promotion.

### **Poverty and employment – the gender pay gap and labour market segregation (Article 11)**

Ms Dairiam (Malaysia) expressed concern that, despite women's high educational attainments, vertical and horizontal segregation still existed in the labor market and were contributing to a significant gender pay gap. As legislation may not be sufficient to address structural discrimination, Committee members inquired about measures that the government had and would undertake to eliminate the gender pay gap, and how it would monitor the effectiveness of these measures. Ms Patten (Mauritius) also reminded the delegation that despite prior recommendations from the Committee, the State party report lacked specific statistics on labour disaggregated by sector. The delegation was also alerted to the absence of data on part-time work, a sector usually dominated by women and therefore one that tended to exacerbate the gender pay gap.

The delegation assured the Committee that discrimination in the private and public sectors was illegal because the Constitution and other laws required equal pay for equal work. However, the delegation acknowledged that the persistence of stereotypical sex roles was the main reason for entrenched occupational segregation and women's low representation in most leadership positions. It provided a wide-ranging list of measures taken to address structural discrimination. To eliminate the gender pay gap, the government had increased salaries in traditionally female dominated fields such as social work and medicine. Increased access to childcare, leave for family care responsibilities, and paid paternity leave were also intended to encourage women to join the labor market. To address the significant horizontal and vertical segregation in academia, the delegation advised the Committee of a government study that was underway on youth tertiary study and career choices, as well as its intention to provide assistance to women who had to make breaks in their academic career due to caring and parenting responsibilities.

### **Violence against women (Articles 2, 5, 11, 12, 16)**

Some Committee members congratulated Lithuania for its recent amendment to the Civil Code that allowed courts to order the perpetrator of domestic violence to leave the family home, rather than the victim(s).

However, most then went on to ask critical and probing questions in an effort to establish the impact of State activity to address violence against women, and to suggest more effective responses.

Ms Shin (Republic of Korea) expressed concern that Lithuania was yet to enact a comprehensive law on domestic violence that would prioritise prevention and the protection of victims, and make all forms of violence against women a criminal offence. She urged the delegation to consult the Secretary-General's 2006 study on violence against women for best practice examples of programs for the rehabilitation of male perpetrators of violence. She further encouraged Lithuania to reconsider the misleading title of 'men's crisis centres' if they were in fact providing treatment and counseling services to male offenders – not shelter from violence. The Chairperson reminded the delegation of the Committee's General Recommendation No. 19, which explicitly provided that violence against women is a human rights violation. She alerted the delegation to the examples of the UN and EU Secretaries-General who had launched public awareness campaigns to end violence against women, and asked whether Lithuania had conducted a similar campaign. If this was the case, the Chairperson was interested to know what statistical data had been collected to ensure the most effective preventative measures would be adopted in any consequent law.

The delegation explained that legislation to end violence against women was still being drafted, and assured the Committee that General Recommendation No. 19 and the Secretary-General's study would be taken into consideration. However, given that the delegation went on to explain that the law is essentially drafted and it was only the definition of domestic violence that was being considered by a parliamentary committee, it was not apparent how the government would ensure the incorporation of these documents at this late stage. In terms of measures underway to address violence against women, the delegation pointed to the 2006 National Strategy for Combating Violence Against Women, which required three-year plans to be implemented through to 2015, as well as its participation in the Council of Europe's campaign against violence. It outlined other State responses which were implemented in collaboration with women's NGOs, such as awareness raising campaigns, victims' crisis centres, men's shelters and victim support phone lines. Moreover, the delegation agreed to consider the suggestion to more appropriately name the centres designed to provide rehabilitation services to male perpetrators. Otherwise, the delegation assured the Committee that many of the responses it had suggested in its questions were already being implemented, or were planned for the immediate future.

### **Health, including sexual and reproductive health (Article 12)**

The Committee expressed concern about the lack of a comprehensive program of sexual education and poor information about, and access to, contraceptives. The Committee was further alarmed by reports of the abortion bill currently before the Parliament that would significantly restrict access to abortion. If passed, Ms Hayashi (Japan) foresaw 'disastrous' consequences for women, given that half of Lithuanian women do not use contraception and abortion rates, particularly among young women, are high. The Committee reminded the delegation that the 2006 Recommendations of the Committee on the Rights of the Child (CRC) had already expressed concern over the high teenage pregnancy rates in Lithuania. Ms Pimentel (Brazil) urged the delegation to be guided by CEDAW's General Recommendation No. 24, which affirmed that access to health care, including reproductive health and access to information on all methods of family planning, was a basic right under the Convention.

The delegation acknowledged that there was a problem of low usage of contraceptives due to practices and beliefs. It was one of the key problems to be addressed by the National Programme on Equal Opportunities through awareness raising and information on issues of reproductive health, particularly in rural areas. While there was recommended methodological material for teachers for sexual education, the delegation admitted that its use was not compulsory in primary or secondary schools. The delegation also commented that the *Draft Law on Life Protection in Pre-Natal Phase* (the abortion bill) was controversial, as demonstrated by the fact the Minister of Health did not support it, but several members of parliament did. Although the delegation

could not give a categorical answer with respect to the position of the Lithuanian Government on the matter, it noted that the bill was heavily influenced by the Church.

### **Women in vulnerable situations – Roma and rural women (Article 14)**

The Committee<sup>10</sup> expressed concern about the effect of compound or double discrimination against women who belong to vulnerable groups, particularly ethnic and rural women, migrants, the elderly and disabled women. Ms Schöpp-Schilling commented that Lithuania's report and responses failed to provide substantive answers on the situation of women belonging to ethnic minorities, especially Roma women. She sought more information about what measures that the government had undertaken to promote Roma culture and identity, and to combat racial discrimination and intolerance. The delegation reported that the government had implemented the Roma Integration Program, which included general as well as women-specific integration initiatives. These covered educational programs for Roma women, delivered by NGOs, which were designed to raise the women's awareness about their rights, provide labor skills, deliver cultural programs, encourage their attendance at public events and promote participation in public life, including politics.

Several Committee members<sup>11</sup> expressed concern about the access of rural women to healthcare, clean water, transportation, economic opportunities and other services. Ms Tan and Ms Begum were also interested to hear about the 'success stories' of where government programs had directly benefitted rural women and whether statistical information was available to demonstrate the impact. The delegation referred Committee members to its report for statistical details, but advised that the National Program for Equal Opportunities for Women and Men provided a special section on rural women given their special needs. Tailored programs sought to promote and support rural women's entrepreneurship in traditional and non-traditional industries through financial assistance and technical training. Other programs sought to encourage rural women's participation in local government. The delegation admitted that the Equal Opportunities Ombudsman did not have branches all over Lithuania, but pointed out that complaints could be made by phone, email and mail. Similarly, crisis centres were easily accessible and phone lines for victims of abuse were toll free for all women.

### **Other issues**

The Committee also engaged the delegation in discussion on the following themes: participation in politics and decision-making (Article 7); education and training (Article 10); gender-stereotypes (Article 5); trafficking in women and exploitation of prostitution (Article 6); marriage and family relations (Article 16), particularly in light of the draft *Framework for National Family Policy*.

### **Conclusions and next steps**

At the conclusion of the interactive dialogue, the Head of delegation reaffirmed Lithuania's commitment to gender equality. She thanked the Committee for its expertise, adding that its comments and recommendations would help Lithuania in addressing women's rights, which are important for the advancement of Lithuanian society. Lithuania looked forward to the opportunity to report back on its progress.

In her concluding remarks, the Committee Chair thanked the delegation from Lithuania and congratulated it on the concrete efforts and its progress on implementation of the Convention, as well as ratification of the Optional Protocol. However, the Chair drew attention to the following issues that remain of concern to the Committee: implementation of temporary special measures, abortion and reproductive health, and the status

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<sup>10</sup> Ms Patten (Mauritius), Ms Hayashi (Japan), Ms Tavares da Silva (Portugal), Ms Tan (Singapore), Ms Begum (Bangladesh), Ms Dairiam (Malaysia), Ms Neubauer (Slovenia).

<sup>11</sup> Ms Patten, Ms Neubauer, Ms Tan, Ms Begum and Ms Dairiam.

of Roma women. She encouraged Lithuania to make the Convention ‘more visible’ and to use it as a tool to assist in difficult decision-making processes, such as the debate surrounding the abortion bill.

In its Concluding Observations,<sup>12</sup> the Committee encouraged the Lithuanian Parliament to adopt temporary special measures to accelerate the realisation de facto gender equality in the areas of political and public life, education and public and private employment. To address persistent gender stereotypes and promote cultural change, the Committee recommended it ‘strengthen its efforts’ and undertake awareness-raising and educational campaigns directed at both women and men. Lithuania was encouraged to strengthen both the human and financial resources provided to the national gender equality machinery. The Committee remained concerned at the high rate of abortion and urged Lithuania to make a comprehensive range of contraceptives available and affordable and to provide mandatory sexual education in schools. Further, the Committee called on Lithuania to consider the impact of the draft abortion bill and ‘ensure’ that it does not lead women to seek unsafe medical procedures that endanger their lives. In relation to combating violence against women, the Committee recommended Lithuania set a timeframe for the adoption of a specific law that would provide redress and protection ‘without delay’, and urged it to improve its research and data collection in this area. The Committee expressed concern that the new national family policy may negatively impact on women’s rights and called upon Lithuania to ‘effectively monitor’ its impact. Finally, the Committee recommended the intensification of efforts to eliminate discrimination against women belonging to vulnerable groups including rural, disabled, migrant, elderly and Roma women.

Two other UN treaty bodies have delivered concluding observations in relation to Lithuania, and both addressed similar concerns to those of the CEDAW Committee. In 2006, the CRC expressed concern about the frequency of unplanned pregnancies and abortions among adolescents and noted the inadequacy of sex education programs in schools.<sup>13</sup> The CRC recommended Lithuania strengthen its reproductive health education program, including access to health services and contraception, in order to prevent adolescent pregnancy and the spread of STDs. In 2006 the Committee on the Elimination of Racial Discrimination (CERD) expressed concern that Lithuania had not provided adequate information about the gender-related dimensions of racial discrimination, pointing to the persistence of discriminatory attitudes and State practices towards members of the Roma community. It urged the State party to formulate a range of measures to improve the status of Roma women and children.<sup>14</sup>

Lithuania was requested to submit its next (fifth) periodic report by February 2011.

*Last revised and updated: 11 August 2008.*

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<sup>12</sup>CEDAW, *Consideration of reports submitted by State Parties under article 18 of the Convention. Concluding Observations: Lithuania*, 41<sup>st</sup> session, 18 July 2008, paras. 12, 13, 24, 25, 29, CEDAW/C/LTU/CO/4 available at <http://www2.ohchr.org/english/bodies/cedaw/cedaws41.htm>

<sup>13</sup>CRC, *Consideration of reports submitted by State Parties under article 44 of the Convention. Concluding Observation: Lithuania*, 41<sup>st</sup> session, 17 March 2006, para.50, CRC/C/LTU/CO/2, available at [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.LTU.CO.2.En?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CRC.C.LTU.CO.2.En?Opendocument)

<sup>14</sup>CERD, *Consideration of reports submitted by State Parties under article 9 of the Convention. Concluding Observation: Lithuania*, 68<sup>th</sup> session, 11 April 2006, paras.16-22, CERD/C/LTU/CO/3, available at [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CERD.C.LTU.CO.3.En?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CERD.C.LTU.CO.3.En?Opendocument)

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