

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

35th Session (Geneva, 7 - 25 November 2005)

The 35th session of the Committee on Economic, Social and Cultural Rights ("Committee"), which monitors the implementation of the International Covenant on Economic, Social and Cultural Rights ("Covenant"), examined reports submitted by Austria, Bosnia and Herzegovina ("BiH"), Libya, Slovenia and Uzbekistan.

1. Overview of the Session

The Committee's 35th session, which was opened with a statement by the Officer-in-Charge of the Office of the High Commissioner for Human Rights, was highly productive. Apart from considering the five country reports, the Committee also adopted its **General Comments number 17 and 18** on Article 15.1 (c) of the Covenant on the right to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author, and on Article 6 of the Covenant on the right to work. It furthermore met with Ms. Catarina de Albuquerque, Chairperson-Rapporteur of the open-ended working group to consider options regarding the elaboration of an **optional protocol to the Covenant**, who informed the Committee about recent progress achieved by the working group. Committee member Mr. Waleed Sadi expressed concern about how the optional protocol would fit into the trend towards a unified treaty body.

The Committee also met with the **High Commissioner for Human Rights**, Ms. Louis Arbour, to discuss **treaty body reform**, and in particular the possibility of establishing a **unified standing treaty body**. This meeting gave Committee members the opportunity to express their opinions as well as their concerns to the High Commissioner. The Committee asked the High Commissioner a total of 202 questions, and it was apparent that most members agreed a reform was necessary, while a minority was still undecided on the issue. Some Committee members made specific suggestions regarding the specifics of treaty body reform. Mr. Sadi, for example, suggested consolidating the treaties by dividing them in two major groups, with the *International Covenant on Civil and Political Rights* ("ICCPR") heading one group and the Covenant heading the other. He proposed this division because he was particularly concerned about the United States of America's (USA) role, as it would likely chose to remain outside of a unified treaty body since it has not ratified the Covenant. Mr. Giorgio Malinverni argued, on the other hand, that there should be just one permanent standing committee that works full-time and is divided into chambers. He said that one single committee avoids duplication, and thus was opposed to Mr. Sadi's proposal. The High Commissioner made an effort to address the Committee members' concerns and stated that it is important to keep an open mind in regard to the specifics of the reform. She said she was very encouraged by the Committee's level of interest, and assured the Committee that there would be many more occasions to continue this discussion.

Finally, the Committee members also had their third informal meeting with members of the **ILO Committee of Experts on the Application of Conventions and Recommendations** with a view to strengthening the cooperation between the two treaty monitoring bodies. The meeting's focus was on drafting a general comment on article 9 of the Covenant on the right to social security.

The Committee had planned to review **San Marino's** situation at this session, however, agreed to postpone this review when the Permanent Representative of San Marino addressed the Committee stating that the delay in presenting the State party's initial report was due to a shortage in human and other resources. She said the report would be presented to the Committee in 2006.

Due to Chairperson Ms. Virginia Bonoan-Dandan's **efficient time-management** as well as the Committee's **working methods**, the Committee was very efficient in its consideration of the State parties' reports. The Committee devoted three meetings (of three hours each, the final meeting however was shortened) to the examination of the reports. The following procedure was used in each country session: the head of the State party delegation was invited to introduce the report as well as the written replies to the list of issues, and the Committee then considered the report by clusters of articles (usually Articles 1-5, 6-9, 10-12, 13-15), taking particular account of the replies provided in response to the list of issues. In this session the State party delegations were given sufficient time to present their reports, as well as respond to questions posed by Committee members orally. Key issues addressed by the Committee included: the justiciability of the Covenant; the rights of minorities; gender equality; unemployment; social security and pension schemes; tolerance and respect for cultural diversity; the situation of migrants and asylum seekers; trafficking in women and children; domestic violence; and the independence of the judiciary. Several Committee members focused their questions on particular issues throughout the entire session. Ms. Arundhati Ghose, Ms. Rocío Barahona Riera, Ms. Bras Gomes and Mr. Sadi asked several questions in regard to women's rights, while Mr. Azzouz Kerdoun asked questions on the right to education and the rights of migrants. Ms. Bras Gomes

also asked several questions regarding pension rights. Mr. Philippe Texier used his expertise as a labour judge in posing numerous questions related to the right to work.

The Committee developed an **excellent rapport** with the State party delegations. Only in the case of Libya did the Committee members repeatedly express their dissatisfaction about the report, as well as the responses to the list of issues and the questions posed orally. **Non-Governmental Organisations (“NGOs”) actively participated** in the session and Committee members frequently referred to information provided to them by NGOs through shadow reports as well as oral briefings. The Committee also benefited from information provided by **UN and other international agencies**. Prior to the BiH session the Committee heard statements by a Representative of the Office of the High Commissioner for Human Rights (OHCHR) Field Office in BiH and a Representative of the Organization for Security and Cooperation in Europe (OSCE) Mission to BiH. It also heard a statement by a United Nations Educational, Scientific and Cultural Organisation (UNESCO) representative, who informed the Committee about the adoption of the Universal Declaration on Bioethics and Human Rights on 19 October 2005.

2. Reports of States

Austria (Third report¹)

Overview of the country session

The Committee considered Austria’s third report on 9 and 10 November 2005. The Austrian delegation was led by Mr. Harald Dossi, of the Federal Chancellery of Austria, and included representatives of: the Ministry for Foreign Affairs; the Ministry for Education, Science and Culture; the Ministry for Health and Women; the Ministry for the Interior; the Ministry for Social Security, Generations and Consumer Protection; the Ministry for Economic Affairs and Labour; and the Permanent Mission of Austria to the United Nations Office at Geneva. Austria’s delegation was large, high-level and women were well represented.

The **major issues** raised with Austria included: Austria’s contribution to international development cooperation (Article 2.1); the situation of migrants and asylum seekers; the salary gap between men and women (Article 3); social security and pension schemes (Article 9); tobacco and alcohol consumption (Article 12); and homelessness (Article 11).

Austria ratified the Covenant with a reservation on its implementation. The Covenant may therefore not be applied directly by authorities, but must be “fulfilled by the enactment of laws”.

Themes and issues discussed

In his introductory remarks, the head of the delegation said that Austria might be considered an example of the **European standard of the enjoyment of economic, social and cultural rights**. He provided the Committee with an overview of recent developments regarding the State party’s efforts to implement the provisions of the Covenant. The issues addressed by Mr. Dossi included: development assistance; gender equality; the labour market and migration; social exclusion; health policy; and asylum policy.

The Committee asked several questions regarding Austria’s **Overseas Development Assistance** (“ODA”). Mr. Kerdoun asked if there was a particular category of countries benefiting from Austria’s development assistance, while Mr. Malinverni wanted to know why the target of increasing the State party’s ODA to 0.7% of Austria’s Gross Domestic Product (“GDP”) could not be reached before 2015. Ms. Bras Gomes asked whether attention was paid to rural development, and whether the State party sufficiently mainstreamed a human rights approach to development. In response the delegation stated that Austria may reach the 0.7% mark before 2015, and emphasised how far Austria has come, since in 2002 the level of its ODA was only 0.2%. The delegation said that while 30% of Austria’s development assistance is multilateral, its bilateral aid goes to seven priority countries, five of them in southeastern Europe. It noted that rural development is a priority, with 20% of its bilateral aid going towards rural development. In regard to human rights mainstreaming in development assistance, it stated that Austria’s human rights approach is based on the concept of a roof of good governance, supported by three pillars of human rights, peace and conflict prevention, and democratisation and the rule of law.

Several Committee members (Mr. Kerdoun, for example) asked why Austria did not intend to ratify the **International Convention on the Protection of the Rights of All Migrant Workers and Members of the**

¹ E/1994/104/Add.28.

Families (MWC). The delegation answered that ratifying the MWC is unnecessary, as it would not add anything to the obligations Austria already had under its EU obligations.

Mr. Malinverni argued that the State party's **asylum procedures** were too lengthy, as persons applying for asylum had to wait five years for a decision. He also expressed concern regarding undocumented asylum seekers, wanting to know if the individual *Länder* (states) or the federal Government provide assistance to them. The delegation detailed the legal assistance available to asylum seekers, arguing that it did not see grounds for criticism because Austria supports undocumented asylum seekers as well. It stated furthermore that the federal Government is responsible for the admission procedure, but that the *Länder* have the responsibility to care for asylum seekers.

Mr. Yuri Kolosov asked how the State party's **policy on discrimination on the grounds of sexual orientation** is applied to the employment of teachers. The delegation responded that the State party's policy fully applies to teachers.

Mr. Clement Atangana asked whether all Covenant provisions had been incorporated into domestic legislation. If this was the case, he wondered whether this would constitute a withdrawal of Austria's reservation on the **implementation of Covenant provisions**. Mr. Sadi criticised that the State party had not yet clarified the **Covenant's justiciability**, and recommended that it elevate the Covenant's status. The delegation emphasised that in ratifying the Covenant, Austria opined that its existing system already guaranteed the rights that are to be protected. The delegation argued that Austrian domestic legislation is in line with the Covenant, and that giving the Covenant self-executing status would lead to duplication within the legal system.

Ms. Bras Gomes noted that **women** are underrepresented in the State party's civil service, and criticised the fact that health and women's issues are the responsibility of the same government ministry. She also asked what structure was in place for gender mainstreaming. Ms. Ghose (as well as Mr. Malinverni) expressed concern about the pay gap between men and women and asked why part-time work is increasing among women. Mr. Malinverni also asked if the new pension system that bases payment on the entire career was unfair to women. The delegation said that women's issues are part of the health ministry as part of the Government's effort to reduce the number of ministries. It assured the Committee, however, that the competence of the women's ministry has remained the same. The delegation also stated that the women's ministry is in charge of gender mainstreaming. It noted furthermore that women can work longer than the pensionable age if they so desire, and that they need less time to receive the same pension entitlements as men. Furthermore, the new pension harmonisation law takes child-rearing periods into account, as well as periods of caring for heavily ill family members. The delegation acknowledged that part-time work is increasing among women but also noted that a five-point plan existed to combat the women's situation in the labour market. It also acknowledged the pay gap between men and women as a problem, but stated that a new law on equal treatment had been passed and argued that Austria's pay gap is in the mid-range compared to other European States.

Mr. Jaime Marchan Romero expressed his concern in regard to the treatment of **minorities**, stating that while the Roma are a recognised national minority group in Austria, he wondered what legal status other ethnic minorities had and whether they are treated equally before the law. The delegation argued that all minority groups are treated equally, and that there furthermore exists a well-established policy of helping autochthonous minorities uphold their traditions.

Ms. Ghose asked why the State party is opposed to establishing a **national human rights institution** ("NHRI"). Mr. Malinverni also expressed concern in this regard, arguing that other European States had established NHRIs, and that Austria should not rest on its laurels. The delegation responded that a NHRI is unnecessary since Austria has an elaborate system of human rights protection and human rights can be invoked before the courts.

Mr. Texier noted that **unemployment** is on the rise and asked for more specific figures on this issue. Among other things he expressed concern about the lack of legislation on **minimum wage levels**. He also asked whether **foreign workers** are able to vote on union related issues, and noted the lack of legislation on the right to strike. Mr. Andrzej Rzeplinski asked to what extent Austrian law protects workers against exploitation, while Mr. Yongxiang Shen requested clarification on the qualification for retirement benefits, especially in regard to foreign migrant workers from outside of the EU. The delegation acknowledged that no legal minimum wage level exists, but noted that the State party has a system in place that provides this through collective agreements, which are monitored by the State party, since they must be submitted to the Government. According to the delegation foreign workers can vote on union related issues, however, they

cannot be elected for union posts since this right is granted to members of the European Economic Area only. The delegation mentioned that there is a proposal in Parliament to change this regulation, but it did not know when a decision in this regard would be taken. In response to Mr. Shen the delegation said that foreigners are equally entitled to being covered by retirement benefits, and that this is a way of integrating foreigners.

Mr. Alvaro Tirado Mejia asked questions regarding **tobacco and alcohol consumption by adolescents**. He mentioned that the CRC noted the severity of this phenomenon, and asked what measures the State party is taking to combat it. The delegation acknowledged this problem and stated that there is a ban on smoking in public buildings, which the State party is working on enforcing properly. It also elaborated on Government programs related to alcohol and drug abuse by young people.

Mr. Malinverni expressed his concern in regard to **homelessness**. He, along with Mr. Eibe Riedel, asked for information on the situation of homeless people outside of Vienna, and asked what happened to persons who's two years of provisional housing (provided by the Government) ran out. He also wanted to know in which circumstances evictions were permitted. The delegation said that if after two years people could not find housing, the municipalities would try to provide public housing, and noted that there is assistance for the elderly, in particular. It underlined that people are not left homeless.

Mr. Riedel asked a few questions in regard to **university fees** and wanted to know what was being done to ensure that people from the lower income sector have **equal access to education** (Mr. Rzeplinski expressed a similar concern). The delegation responded that university fees force students to study more rapidly and finish their studies. It said that the main goal of instituting the fees was to improve the effectiveness of Austrian universities, and argued that they are not too high because grants and subsidies counter-balanced them.

Mr. Marchan Romero mentioned that many NGOs expressed concern about the **negative effects of Genetically Modified Organisms** ("GMOs") on food safety, and wanted to know the State party's position on this. The delegation responded that it was ironic for Austria to be targeted on this issue, since it is one of the strictest countries in Europe in this regard. It mentioned that the European Court of Justice has sentenced Austria for being too strict on this issue.

In its **Concluding Observations**² the Committee pointed out several positive developments, such as the adoption of a comprehensive program to combat domestic violence, human trafficking, and sexual exploitation of, women and children. It, however, also expressed concern over: the lack of justiciability of the Covenant; the persistence of racist and xenophobic attitudes; and the lack of a national human rights institution. The Committee furthermore encouraged the State party to ratify the MWC.

Comparison with previous reports and recent appearance before other treaty-monitoring bodies

The Committee's concerns were similar to those it expressed when Austria last appeared before the Committee in 1994, where it presented its second periodic report³. In its **Concluding Observations**⁴ from 1994 the Committee also criticised that the Covenant could not be directly invoked before the Austrian courts and expressed concern about the pay gap between men and women.

Austria appeared before **CRC** in January 2005, where it presented its second periodic report⁵. In its **Concluding Observations**⁶ CRC welcomed, among other things, that various concerns and recommendations from the previous concluding observations had been addressed. CRC also expressed concerns very similar to those of the Committee. It expressed concern about racist and xenophobic attitudes (particularly in regard to how these affect the children of groups who are being discriminated against), as well as drug and tobacco use and alcohol abuse among adolescents. It recommended that the State party increase its ODA to 0.7% of its GDP, and furthermore expressed concern about existing reception facilities for unaccompanied and separated asylum-seeking children being insufficient.

NGO Concerns

²E/C.12/AUT/CO/3.

³E/1990/6/Add.5.

⁴E/C.12/1994/16.

⁵CRC/C/83/Add.8 and Corr.1.

⁶CRC/C/15/Add.251.

Austrian NGOs were **well represented** at the Committee's NGO session. The NGO ProLife, as well as two Austrian farmers, expressed their concern about the harmful consequences of **GMOs**. A representative of Arbeitslose Initiative (Unemployed Initiative) among other things expressed concern about **long-term unemployed** persons being coerced to work for salaries well below the poverty threshold. Furthermore, a representative of Food First Information Action Network (FIAN) Austria argued that **women** are among the most vulnerable members of Austrian society, and are at particular risk of being poor, specifically noting the **unequal payments of salaries** between men and women. A representative of Asylkoordination Österreich (Asylum Coordination Austria) argued that **asylum seekers** were not being provided sufficient assistance by the State party. A representative of Evangelische Entwicklungszusammenarbeit (Evangelical Development Cooperation) said that Austria should significantly improve its contribution to the fight against **HIV/AIDS in ODA**.

Overall, Committee members infrequently noted if they were basing their questions on information provided to them by NGOs, although Mr. Marchan Romero did mention that many NGOs had expressed concern regarding GMOs. The Committee addressed most of the NGOs' concerns during the Austria session, however, the Committee did not address the State party's HIV/AIDS contribution in its ODA.

Bosnia and Herzegovina (Initial report⁷)

Overview of the country session

The Committee considered BiH's initial report on 14 and 15 November 2005. The delegation was headed by Mr. Dragutin Cegar, Expert Advisor at the Ministry for Human Rights and Refugees of BiH, and included representatives of: the Ministry of Civil Affairs of BiH; the Government of Republika Srpska; the Ministry of Health of the Federation of BiH; and the Permanent Mission of BiH to the United Nations Office at Geneva. BiH's delegation was medium-sized, high-level and women were well represented. Due to unforeseen circumstances the head of the delegation joined the session late (about half-way through BiH's first meeting).

Prior to the BiH session the Committee heard statements by a Representative of the OHCHR Field Office in BiH and a Representative of the OSCE Mission to BiH. The OHCHR BiH Field Office Representative stated that many of the problems in BiH relating to economic, social and cultural rights are a direct consequence of the political and administrative structure and the general context for human rights protection in BiH. She argued that Constitutional reform would be necessary to effectively implement the provisions of the Covenant. The OSCE Representative expressed concern about domestic violence not being sufficiently addressed in the State party's report.

The **issues addressed** by the Committee included: gender equality (Article 3); domestic violence (Article 10); the rights of internally displaced persons, minorities and other vulnerable groups (Articles 11, 13 and 14); labour issues ranging from trade unions, to the right to strike, to unemployment rates (Article 6, 7 and 8); measures to reduce poverty (Article 11); and health services (Article 12).

BiH has not made reservations to the Covenant.

Themes and issues discussed

The delegation said that the State party's report had no ambition to embellish the current situation, and underlined that BiH is a very complex State which, despite its tremendous difficulties, made a tremendous effort to give concrete and sound answers on complying with the commitments that the country is bound to fulfil under the Covenant.

Mr. Atangana asked questions in regard to the **justiciability** of the Covenant as well as problems in the **judiciary**. He asked whether all the provisions of the Covenant are contained in the Constitution, and if this is not the case, whether domestic laws have been adopted in this regard. He also wanted to know whether Covenant provisions could be invoked before the courts. Mr. Ariranga Pillay argued that an independent judiciary is necessary, and wanted to know what measures the State party is taking to solve its judiciary problems. The delegation responded that most of the Committee's questions on the judiciary dealt with issues related to the ICCPR, and stated that economic, social and cultural rights needed time to be implemented. It noted that the Covenant constituted an integral part of the Constitution, and that its provisions applied directly. It said that there was tremendous reconstruction currently underway to improve

⁷ E/1990/5/Add.65.

the judiciary. For example, an agency for judicial training had been established and the salaries of judges were increased to ensure their independence.

Mr. Sadi asked whether **discrimination against women who were sexually violated** existed, and also expressed concern about the children of these women. He had the impression that the State party's interest in the issue of raped women was ambivalent, and stated that the lack of knowledge on the number of women raped indicated a lack of interest. He argued that there was an attempt to forgive and forget because of the social stigma associated with rape, since this was a particularly taboo subject in Islamic societies. Ms. Barahona Riera also noted that there are numerous **households headed by women**, and wanted to know if these households receive any help. Ms. Ghose stressed that **female internally displaced persons (IDPs)** faced particularly bad situations and asked for more information on the Agency for Law on Gender Equality. Ms. Ghose also noted that most women in BiH have lower paying jobs than men, and wanted to know what actions the Government was taking to improve this situation. She pointed out that the report did not refer to **domestic violence** and asked what kind of victim support existed, and whether there existed any kind of training for the people who dealt with victims of domestic violence.

The delegation responded that sexual violence against women was one of the most painful issues. It emphasised that the rape of women is the State party's major concern, however, that it could not be expected to draw up a list of names of women who had been raped. It said that giving status and compensation to sexually violated women has not been a focus of the authorities, nor of the NGOs. It acknowledged that there has been discrimination particularly against female IDPs. However, it argued that the security of returnees is increasing. In regard to discrimination against women in the labour market, the delegation responded that women do traditionally hold marginal positions, but that with the adoption of the Gender Equality Law there has been an improvement.

Mr. Marchan Romero wanted to know which of BiH's **ethnic minorities** have legal status as national minorities. He noted the State party's effort to effectively protect the rights of the Roma minority, but argued that there still exists much discrimination against them. He therefore wanted to know what the Roma minority's actual present status is, and what the State party had done in practical terms regarding the promotion of tolerance between minorities. The delegation stated that the law gives rights to all minorities, and that the principle of non-discrimination is embedded in all laws. It argued that the Roma population is not being discriminated against, however, that it at times is difficult for the Government to assist them, as most members of the of the Roma community are very mobile and most of their children do not attend school. The delegation underlined that overall the State party's goal is to integrate the Roma and not to assimilate them.

Mr. Kerdoun addressed the **landmine problem** in BiH, and asked for an estimation on the number of mines in the country. Mr. Tirado Mejia argued that the landmine problem is extremely important because it severely affects the civilian population. In response the delegation described the work of the Mine Action Centre in BiH.

Mr. Texier wanted to know what measures the State party is taking to address youth and long-term **unemployment**. He also asked if a labour inspection program existed, and whether sanctions are imposed in cases where the **minimum wage** is not respected. He acknowledged that the right to strike exists, but argued that the restrictions on this right are too severe. The delegation responded that the Government is, among other things, financially supporting young people who complete internships, so that they can obtain important work experience. The central Government is also currently developing a program on youth employment. The delegation also stated that the Government is supporting categories of people who find it particularly difficult to find work, such as people older than 45 years and registered as unemployed for more than two years. The delegation rejected Mr. Texier's criticism in regard to the restrictions on the right to strike being too severe. It pointed out that only a five-day notice is required, which the delegation considers to be a legitimate restriction.

Mr. Riedel expressed his concern about there being a **lack of psychiatric wards** in many hospitals. He also raised questions in regard to cardio and hypertension diseases, as well as the brain drain of medical personnel, and asked how equal access to medical services is assured, particularly in rural areas. The delegation explained that the lack of psychiatric wards is due to a concept change in the State party's policy on psychological patients. The concept was entirely changed by considering patients not as psychological patients but as "patients with mental disorders". With the new concept, the number of beds reserved to such patients in hospital wards has been reduced.

In its **Concluding Observations**⁸ the Committee welcomed, among other things, BiH's adoption of its *Law on the Protection of National Minorities*, as well as its *Law on Gender Equality*, which established the Agency for Gender Equality. The Committee expressed concern about several issues: returnees (particularly those belonging to ethnic minorities); the high unemployment rate; the arbitrary dismissal of employees or failure to pay salaries upon privatisation; and the discrepancy between the significant budget allocations for financing the pensions of military victims of war and the comparatively low resources allocated to social protection. Among other things the Committee expressed grave concern about the absence of a coherent strategy to support victims of sexual violence suffered during the armed conflict of 1992-1995 and that entity laws pertaining to civilian war victims are gender-insensitive and provide inadequate social protection for victims of sexual violence. It also expressed concern about the practice of "two schools under one roof," whereby schools are either divided or being used at different times to teach separate curricula to children belonging to different ethnic groups.

Comparison with previous reports and recent appearance before other treaty-monitoring bodies

BiH appeared before the **CRC** in May 2005, where it presented its initial report⁹. In its **Concluding Observations**¹⁰ the CRC, similar to the Committee, welcomed BiH's adoption of its *Law on the Protection of National Minorities*, as well as its *Law on Gender Equality*, which established the Agency for Gender Equality. The CRC expressed concern in regard to several issues, including: discrimination on grounds of ethnicity, political affiliation, national origin or social status; poor living conditions; discrimination regarding access to education by ethnic and/or national minorities, especially Roma; the "two-schools-under-one-roof" system; and the approximately 30,000 minefields throughout the country.

NGO Concerns

Ms. Bozana Kordic of the Helsinki Committee for Human Rights was the only NGO representative to make a statement in regard to BiH at the Committee's NGO session. This NGO's issues of concern included **unemployment, the rights of minority groups, gender equality and the process of privatisation**. Ms. Kordic expressed concern about: the unemployment rate being high among all age groups; the rights of minority groups, such as Roma, being violated; and schools segregating children in accordance to their ethnic groups. She also stated that although there is a law on gender equality, the legislation is not respected. She argued that the **Constitution should be amended** to allow one law on the State level to apply to all parts of the country and be implemented by each part. With regard to the **privatisation process**, Ms. Kordic argued that the State party should review all contracts linked to privatisation in order to ensure work and conditions for retirement as well as pay all benefits.

Overall, Committee members infrequently noted if they were basing their questions on information provided to them by NGOs. The Committee, however, did address all the issues raised by Ms. Kordic.

Slovenia (Initial report¹¹)

Overview of the country session

The Committee considered Slovenia's initial report on 8 and 9 November 2005. The Slovenian delegation was led by Ms. Marjeta Cotman, State Secretary at the Ministry of Labour, Family and Social Affairs of Slovenia, and included representatives of: the Ministry of Justice; the Ministry of Culture; the Ministry of the Interior; the Ministry of Health; the Office of Nationalities; the Office for Equal Opportunities; and the Permanent Mission of Slovenia to the United Nations Office at Geneva. The delegation was high-level and women were well-represented.

The **major issues** raised with Slovenia included: the situation of minorities such as the Roma (Article 2); the rights of persons from other Republics of the former Federal Republic of Yugoslavia who had registered permanent residence in Slovenia at the time of the plebiscite; women's rights (Article 3); regional economic disparities; human trafficking (Article 10); and human rights education in Slovenia and the high illiteracy rate (Articles 13 and 14).

Slovenia has not made a reservation to the Covenant.

⁸ E/C.12/BIH/CO/1.

⁹ (CRC/C/11/Add.28).

¹⁰ CRC/C/15/Add.260.

¹¹ E/C.12/2005/SR.33.

Themes and issues discussed

In her introductory remarks the head of the delegation said that ever since gaining independence Slovenia, a welfare State, was working on integrating itself into the European Union ("EU"). She then provided an account of the administrative, legislative and policy measures taken by the State party in order to bring its laws and policies in line with the Covenant provisions.

Mr. Malinverni noted that the State party's report gave a detailed account of the **Roma community's rights**, however, he had received information from other sources that indicated the conditions for that minority to be less favourable. He mentioned that Italian and Hungarian minorities are officially recognised, while this was not the case for the Roma community. Mr. Malinverni also raised the issue of "the erased". When Slovenia gained its independence there were 18 000 nationals of the former Federal Republic of Yugoslavia who were permanent residents in Slovenia. Despite their permanent residency however they were not granted Slovenian citizenship. In 2003, the Constitutional Court decided against the policy of depriving these individuals of their citizenship, and demanded that the Government restore their status. Mr. Malinverni asked what measures the Government had taken in order to comply with this court decision. In response the delegation said that the Government was very concerned about the situation of the Roma community. It argued that the Government had taken several measures in regard to education, employment and welfare to protect the rights of this minority. The delegation opined that these measures even exceeded those taken by other countries in which Roma lived. The delegation did not clearly respond to Mr. Malinverni's question regarding measures taken by the Government in order to comply with the 2003 Constitutional Court decision. It argued that the break up of Yugoslavia had not led to statelessness, and that those who had permanent residency in the Yugoslav Republic of Slovenia retained that status when Slovenia became independent. The delegation stated furthermore that these permanent residents could apply for Slovenian citizenship under conditions more favourable than what usually is required for naturalization.

Ms. Barahona Riera requested information on **gender equality**, particularly within minority communities. She wondered whether the State party had taken affirmative measures to prevent discrimination against women. The delegation stated that the law ensured the equality of men and women, and also provided for the establishment of structures that further promote this equality. In politics, for example, there is a requirement for gender balance in all elected offices. It said furthermore, that female Roma representation is encouraged by the Government through dialogue and awareness increasing programmes. In regard to disparities in salaries between men and women, the delegation noted that this disparity has decreased by 10%, and that the Government is taking measures to mainstream gender equality in employment and salaries.

Ms. Bras Gomes expressed concern regarding **regional disparities** in the State party, and wondered what measures the Government had taken to improve the situation. The delegation acknowledged that the eastern part of the country is experiencing less economic growth than the rest of the country. It argued, however, that the Government is addressing the situation by, for example, directing 70% of the European restructuring fund to underdeveloped regions in order to stimulate economic growth.

Unemployment was an issue of concern to Mr. Texier, who wanted to know if the unemployment rate had declined. He also asked if minority groups suffered from higher rates of unemployment than the rest of the population. He furthermore wanted to know which sectors were not allowed to strike. The delegation responded that youth unemployment is particularly high, however, that overall unemployment had decreased in comparison to the previous year. It stated that the right to strike in the State party is consistent with Covenant provisions, and that only particular areas, such as transportation systems, are protected from being totally hindered by a strike.

Ms. Ghose raised the issue of **trafficking in human beings**, stating that Slovenia is both a country of origin and transit for trafficked persons. Ms. Barahona Riera was interested in knowing the measures the State party had taken to prevent trafficking. The delegation said that trafficking in persons was severely punished with a prison sentence of up to 10 years, and noted that a case may be aggravated if the trafficking involves children, since this then would also be considered a case of kidnapping. It pointed out that an inter-ministerial group and international organisations are working towards the prevention of human trafficking.

Mr. Kerdoun asked why there was a **high rate of dropouts from vocational schools**, and also wanted to know whether the **educational system** was fully financed. The delegation responded that strengthening the education system is a priority for the Government. The Government is funding the expansion of schools and the number of trained teachers. It is also developing incentives for students to remain in school. The delegation said furthermore, that separate sections for Roma children in regular schools had been

abandoned, and that Roma children are now fully integrated with all other children in regular schools. In fact, in 2004, the Government adopted a programme to promote Roma education.

In its **Concluding Observations**¹² the Committee welcomed the constructive dialogue it had with the State party's delegation. The Committee pointed out several positive developments in the State party, which included: recognising the efforts made by the State party to fulfil its obligations under the Covenant; the establishment of the Ombudsman. However, it also expressed several issues of concern, most of which were also mentioned during the dialogue with the State party. These included: discrimination against the Roma; women being at a disadvantage in society; the high unemployment among young people, members of minorities and persons with disabilities; the erasing of nationals of the former Yugoslavia as their names were removed from the population registers in 1992; trafficking in women and children; the lack of specific legal mechanisms to deal with domestic violence; and significant regional disparities in the State party.

Comparison with previous reports and recent appearance before other treaty-monitoring bodies

Slovenia presented its second periodic report¹³ to the **Human Rights Committee** (HRC) in July 2005. In its **Concluding Observations**¹⁴ the HRC applauded Slovenia's competent delegation and pointed out several positive developments, which included that in Slovenia Covenant provisions are directly enforceable as part of the domestic legal order. The HRC, however, also expressed several issues of concern, such as: the high rate of domestic violence and the lack of specific legal provisions and governmental programmes to combat it; the disproportionate representation of women in the political and economic life of the State party; the situation of those "erased" persons who, following the Constitutional Court decision, have not yet been able to regularise their situation; trafficking in women and children; neglect of unaccompanied minors seeking asylum or illegally residing in the territory of the State party; and discrimination against the Roma community.

Slovenia also recently appeared before the **Committee on the Rights of the Child** (CRC), where in January 2004 it presented its second periodic report¹⁵. The CRC noted several positive developments, but also expressed several concerns, some of which were similar to the Committee's concerns. CRC expressed concern about: discrimination against the Roma and other minorities; the negative effect the erasure of permanent residence has had on the children of affected adults; the low enrolment of female children with disabilities in school; the increasing incidence of alcohol abuse and tobacco smoking among adolescents; the high drop out rate in secondary schools; and unaccompanied child asylum seekers not being provided adequate support in the asylum process.

NGO Concerns

Two NGOs spoke on Slovenia at the Committee's NGO session, which took place on 7 November 2005. Mr. Omar Fisher, a representative of Amnesty International, drew attention to human rights violations linked to **individuals who were removed from the registry of Slovenian permanent residents in 1992**, the so-called "erased". Those who had been removed became de facto foreigners or stateless persons, and some were served forcible removal orders. He argued that the erasure disproportionately affected Roma and other marginalised people, and that this constituted a violation of Covenant provisions.

Ms. Katjusa Kodele Kos spoke on behalf of Society Kljuc–Centre for the Fight against Trafficking in Human Beings. She complained that the previous Government had allocated financial assistance to the Centre to carry out its activities; however, the current Government had not implemented the financial promises made by the previous Government.

During the Slovenia session the Committee addressed the situation of the so-called "erased" persons, and the trafficking in human beings. Many of the NGOs' concerns were thus addressed by the Committee.

Libya (Second report¹⁶)

Overview of the country session

¹² E/C.12/SVN/CO/1.

¹³ CCPR/C/SVN/2004/2.

¹⁴ CCPR/CO/84/SVN.

¹⁵ CRC/C/70/Add.19.

¹⁶ E/1990/6/Add.38.

The Committee considered Libya's second periodic report on 16 and 17 November 2005. The Libyan delegation was led by Mr. Abdel Hafid Derbi of the General People's Committee for Labour Forces and Employment, and included representatives of: the General People's Committee for Foreign Liaison and International Organizations, General People's Congress; the General Peoples Committee for High School; the General People's Committee for Health and Planning; the General People's Committee for Justice; the General Department for Conventions and Legal Affairs; the General People's Committee for Trade and Economy; and the High Committee for Childhood. Libya's delegation was comparatively small and included two females. It was the only delegation with which the Committee was unable to develop a constructive dialogue. In her concluding remarks the Committee's Chairperson, Ms. Bonoan-Dandan, stated that the session was not very satisfying. She said that she had rarely witnessed her colleagues showing such dissatisfaction in regard to the report and the responses to the list of issues as well as to the oral questions. At one point during the session Mr. Pillay said it was impossible to have a two-way dialogue, since the Committee had not been provided with enough information and their questions were not being answered properly. He asked the Chairperson for guidance on how the Committee should proceed, and stated that as a matter of courtesy, the delegation should make an effort to reply to the Committee's questions.

The **major issues** raised with Libya included: the rights of foreign workers; the rights of minorities (Articles 2.2 and 15); equality between men and women (Article 3); the trial of five Bulgarian nurses and a Palestinian medical doctor; the lack of freedom for trade unions (Article 8); the obligation to hold HIV/AIDS-free certificates; and the use of censorship.

Libya's reservation to the Covenant is that becoming a State party shall in no way signify its recognition of Israel.

Themes and issues discussed

In his introductory remarks the head of the delegation stated that the laws in force in Libya guarantee all fundamental rights and that all laws recognise human rights without discriminating among citizens on grounds of sex, colour, religion or nationality. The Committee, however, was not satisfied with the State party's report or with its replies to the list of issues. Therefore Committee members posed numerous questions in hopes of gaining a better understanding of the situation in Libya.

Mr. Kerdoun expressed concern about the treatment of **migrant workers**, asking if they were accorded the same rights as Libyan workers. In this context he also wanted to know whether the State party intended to ratify the MWC. The delegation responded that foreigners enjoy the same rights pertaining to labour as Libyan citizens do. It noted furthermore that some foreigners who came into the State party without documentation are tolerated and provided with work.

Mr. Atangana expressed concern regarding the **independence of the judiciary**, stating that although Libya had assured the Committee that the judiciary is independent, the Committee had received reports to the contrary. He also noted that the State party's constitutional provisions revolve around Arab communities, and asked whether other groups, such as the **Berbers**, are being taken into account. Mr. Texier, who expressed disappointment in regard to the quality of the report as well as the responses to the list of issues, was particularly concerned about the fact that the report made no reference to the existence of the Berber population. He also mentioned that he had received information from an NGO on violations of the economic, social and cultural rights of the Amazigh people. He asked why the use of non-Arab languages is banned, noting that this contravenes the provisions of the Covenant, and that all human rights treaty monitoring bodies (such as the CRC) had made comments in this regard. Ms. Ghose, who described the report as "sketchy", wondered if national minorities existed in Libya, and was concerned about Berbers being fined for naming their children in their own language (instead of giving them Arab names). Ms. Bras Gomes mentioned the shadow report of an NGO operating out of Paris that argues that NGOs advocating Berbers' rights are not allowed to operate in the State party. Mr. Malinverni, who was disappointed by the State party's report and even more so by its replies to the list of issues, asked whether Berbers are allowed to use their language officially in courts and other public places, stating that they should be able to do so, and that their language should be made an official language of Libya. Mr. Sadi wanted to know if Berbers were represented in the People's Committees and People's Congresses. The delegation responded that it was surprised about the allegations in regard to the Berbers, and argued that there was nothing to stop Berbers from speaking their language. It stated that as Libyans, Berbers enjoy rights without any discrimination. It said furthermore that as citizens, Berbers participate in the People's Committees, as well as in the People's Congress of their region. In a follow-up question Mr. Texier said that although the delegation stated that people are free to choose the names of their children, he had been provided with three decisions taken by the Committee on the Correction of Names, which attest to the contrary.

Ms. Barahona Riera asked what difficulties the State party encountered in implementing legislation on **gender equality**. She wanted to know if Libya's young, educated generation of women had access to work and are involved in the decision-making process. She also was interested in knowing the amount of budget resources being devoted to this issue. Finally, she asked for clarification on whether civil law prevails over Sharia, and in what instances Sharia was applied. Ms. Ghose expressed particular concern regarding rural women, saying that the State party had made remarkable progress regarding gender equality, but that she would appreciate more detailed information in regard to this progress. Mr. Sadi asked to what extent tradition had evolved to allow for gender equality. He argued that harmful traditions should be stopped, and asked the delegation to provide information on the practice of polygamy in the State party. The delegation stated that Libyan law did not distinguish between men and women. Thus, in the labour place, for example, if the work was equal, the pay was equal, and women are promoted without discrimination. It pointed out that a law of the People's Committee requires the vice-chair to be a woman if the chairperson is a man, and vice versa. The delegation argued that Libyan legislation in fact includes positive discrimination regarding women, since the labour code does not prevent women from taking up any kind of work. It underlined that women in Libya are now free to travel abroad without consent and the company of a male, as exit visa requirements have been banned for all citizens travelling abroad. It stated furthermore that polygamy is practised only in rare cases. With regard to the implementation of Sharia law, due consideration is given to the rights of women, the delegation said.

Ms. Ghose asked if **domestic violence** was increasing in the society, and what measures the State party is taking to combat this phenomenon. The delegation said that individuals who committed violence against family members are subject to criminal charges. It argued, however, that domestic violence is not a phenomenon in Libya (stating that there is on average one case of domestic violence in the country per month), and that it therefore is not an issue of concern. Ms. Ghose was dissatisfied with the response she received from the delegation, and argued that domestic violence is a common occurrence in society, and that it therefore is difficult for her to believe that it is not an issue in Libya.

The Committee Chairperson asked a question in regard to the fate of the **Bulgarian nurses and a Palestinian medical doctor who were accused of injecting children with HIV/AIDS-infected blood**. She said that according to the media and NGO sources, the accused were forced to admit their acts through the use of torture. The delegation said the five Bulgarian nurses and Palestinian medical doctor had been subjected to the criminal procedures of the country for their activities, and that all possible legal assistance was provided to them. Since the High Court is a sovereign body, its decisions are without any political influence, the delegation said.

Mr. Texier, who noted that the report was very weak, asked for more information on the state of **unemployment** in Libya. He was interested in knowing who was particularly affected and what steps were being taken to combat the problem. He argued that the forming of trade unions did not appear to be free, and criticised that the right to be affiliated with a trade union is only reserved for Libyan nationals, and that there could only exist one union per industry. Mr. Rzeplinski asked to be provided with further information on how unemployment numbers are tracked and what the unemployment allowances are.

Mr. Malinverni questioned how it could be possible for the State party to boast in its report that no section of its population lived in **poverty**, when no society could claim to be free from poverty. Mr. Pillay argued that it should be easy for the State party to find out the percentage of the population living in poverty, and wondered why the delegation was unable to answer this question. He also said that Libya was painting a "rosy picture" in regard to **homelessness** (in the report it is stated that no homeless people exist in Libya). He questioned whether this was really the case, particularly in regard to foreign migrant workers.

Mr. Riedel, who noted that in its previous appearance before the Committee the State party's delegation was larger and included more women, commended Libya for having recognised a link between the protection of the **environment** and human rights, and wanted to know whether this recognition had led to any actual results. He also asked how the containment of **HIV/AIDS** had progressed and wanted further clarification in regard to individuals in Libya having to produce **health certificates** attesting that they are free from infectious diseases, and HIV/AIDS in particular. He asked if this regulation applied to foreign workers as well. Ms. Ghose expressed concern about students having to present these health certificates. The delegation could not understand why Committee members expressed concern in regard to the health certificate requirement. To the delegation it was an acceptable policy to require Libyan citizens wishing to travel abroad or foreigners requesting a Libya visa, to produce health certificates. The delegation acknowledged that students entering university had to present these certificates as well. In regard to the containment of HIV/AIDS the delegation said that certain bodies exist which are making the public aware of the disease.

Mr. Kolosov asked which **foreign television programs** the population could receive through their home devices. Mr. Kerdoun pointed out that Reporters Without Borders had cited Libya as a country in which **Internet use** is controlled by the State. He also stated that Libyans are not permitted to use television dishes allowing them to watch foreign broadcasts. In response the delegation said that satellite dishes can be bought by anyone in the country and that furthermore the Government encourages using the Internet. The delegation argued that the State party does not limit the dissemination of information by any means, except for to censor pornographic material.

In its **Concluding Observations**¹⁷ the Committee welcomed, among other things, Libya's accession to the MWC, that women in Libya may now travel abroad freely, and that there are high rates of female students in schooling. However, the Committee also pointed out that its previous concluding observations had not been taken into consideration. The Committee expressed several concerns, which included: the absence of legislative measures to prohibit racial discrimination; discrimination against migrant workers and Black Africans; the absence of a law on asylum seekers and refugees; the non-recognition of the Amazigh population as a minority and the Amazigh language not having any legal recognition and status; and domestic law prohibiting the use of other languages than Arabic in many fields, as well as the registration of non Arabic names for newborn children.

Comparison with previous reports and recent appearance before other treaty-monitoring bodies

In its **Concluding Observations**¹⁸ regarding Libya's appearance before the Committee in 1997 (where it presented its initial report¹⁹), the Committee welcomed, among other things, progress relating to gender equality as well as progress in the fields of social security and health care. Similar to this year's session the Committee, however, regretted that the delegation failed to answer many of the Committee members' questions. The Committee, similar to this session, expressed concern about some of the following issues: the gap between law and practice regarding labour rights, notably trade union activity, the right to strike and the right to conduct free collective bargaining; the treatment of foreign workers; and censorship of expressions of a literary and artistic nature.

Libya appeared before the **Committee on the Elimination of Racial Discrimination** ("CERD") in March 2004, where it presented its fifteenth to seventeenth periodic reports as one document²⁰. Similar to the Committee, CERD welcomed Libya's steps towards the ratification of the MWC. However, it also noted that there was a discrepancy between the State party describing Libyan society as ethnically homogenous, and information indicating that Amazigh, Tuareg, and Black African populations live in the country. It expressed deep concern about reported acts of violence that were perpetrated in September 2000 against African migrant workers. Similar to the Committee, it also noted that according to some information, there is no recognition of the Amazigh language and culture in the Libya, and that Amazighs are impeded from preserving and expressing their cultural and linguistic identity.

Libya also recently appeared before **CRC**, in front of which it presented its second periodic report²¹ in June 2003. In its **Concluding Observations**²² CRC regretted that many of its previous concerns and recommendations following consideration of Libya's initial report had not been sufficiently addressed. It expressed concern about the following issues: xenophobia, particularly towards migrant workers and the lack of legislation to guarantee the protection and rights of refugees or asylum-seeking children in the State party. The Committee, however, did welcome that the Libyan Higher Committee was considering the possibility of adopting a rule that would permit a Libyan mother to transfer her nationality to her children, irrespective of her husband's nationality.

NGO Concerns

No NGOs made statements on Libya at the Committee's NGO session. However, a Paris-based NGO, Tamazgha, was present during Libya's session. Tamazgha's main issues of concern were violations of the **Berber** population's economic, social and cultural rights. In its shadow report Tamazgha criticises, among other things: Libya's institutional denial of the Berbers' existence; its policy of assimilation; the torture and

¹⁷ E/C.12/LYB/CO/2.

¹⁸ E/C.12/1/Add.15.

¹⁹ E/1990/5/Add.26.

²⁰ CERD/C/431/Add.5.

²¹ CRC/C/93/Add.1.

²² CRC/C/15/Add.209.

summary execution of Berber militants; and the repression of the Berber language. During the session Tamazgha provided Committee members with information on specific cases in which Berbers were forced to change the names of their children from Berber to Arab names. Ms. Ghose, for example, read aloud cases that Tamazgha provided her with.

Several Committee members noted when they based their oral questions on material they received from NGOs, and overall most of Tamazgha's issues of concern were addressed.

Uzbekistan (Initial report²³)

Overview of the country session

The Committee considered Uzbekistan's initial report on 11 and 14 November 2005. The Uzbek delegation was led by Mr. Akmal Saidov, Head of the National Centre for Human Rights of Uzbekistan, and included representatives of the Permanent Mission of Uzbekistan to the United Nations at Geneva. The delegation was comprised of three men, and thus was small and not gender-balanced.

The **major issues** raised with Uzbekistan included: discrimination against Russian speaking Uzbeks (Article 2); social security and labour standards (particularly child labour) (Articles 7 and 9); women's rights and discriminatory traditional practices (Articles 3 and 10); domestic violence (Article 10); the role of NGOs; the high number of persons with disabilities (Article 11); prison conditions (Article 11); the rapid disappearance of the Aral Sea and its impact on health (Article 12); and education and health (Articles 12 and 13).

Uzbekistan has not made reservations to the Covenant.

Themes and issues discussed

In his introductory remarks the head of the delegation underlined that despite being comprised of multiple ethnic groups and nationalities, there has not been ethnic conflict in Uzbekistan. He also outlined various democratic reforms undertaken by the State party in the post-independence era. The reforms include the creation of numerous laws and regulations as well as the establishment of the Office of the Ombudsman and the National Human Rights Centre.

Mr. Rzeplinski requested information on **Uzbek citizens of Russian origin** reportedly being prevented from holding high posts in the Government. The delegation responded that Russian-speaking Uzbeks are not being discriminated against and illustrated this by noting that there is a Russian-speaking Deputy Prime Minister and that cultural centres for Russian-speaking Uzbeks have increased in number.

Mr. Rzeplinski also expressed concern about school **children having to pick cotton** during the harvest period, and asked what is the minimum age of those children. The delegation stated that on agricultural cooperatives work is organised on the basis of family groups, and that it is therefore normal for older children to help with the harvest. It also mentioned that the Government is cooperating with the United Nations Children's Fund (UNICEF) and the International Labour Organisation ("ILO") in the context of the International Programme on the Elimination of Child Labour to obtain statistics on child labour in the State party.

Mr. Atangana expressed concern about **discrimination against women** and requested further information on steps the State party was taking to promote women's rights. Ms. Barahona Riera expressed concern about the patriarchal structure of Uzbek society having a negative impact on women's rights, and stated that the issue of domestic violence, kidnapping of girls, forced marriages and other crimes should be dealt with severely. She argued that although polygamy was outlawed, it nevertheless existed in reality, and asked the delegation for its position regarding women as victims of violence. Mr. Tirado Mejia was also concerned about the protection of women's rights, stating that women are being discriminated against in the labour market and that they receive lower pay than men. He also wondered about a significant drop in the number of female students and teachers in higher education. Finally, Ms. Bras Gomes asked for further information on the role of the Women's Committee in promoting women's rights. In regard to the steps taken to promote women's rights, the delegation stated that a new parliamentary law set up a 30% quota for women candidates for Parliament elections. It said furthermore that women's participation in the work force had increased in recent years, and that the Government was providing training to women undertaking entrepreneurship. The delegation also mentioned the adoption of a National Plan of Action to promote

²³ E/C.12/2005/SR.39.

women's rights. It stated that no special law had been established with regard to domestic violence, but noted that prosecutions against perpetrators of violence against women have increased. It argued furthermore that the issue of kidnapping of girls for marriage is a practice by nomadic people, and thus is not a general phenomenon. Finally, the delegation responded that the Women's Committee, which includes women from city councils and the Prime Minister's office, has drafted several bills on gender equality.

Mr. Rzeplinski expressed concern about **NGOs** not being able to operate properly in the State party. He argued that the NGO registration process, which could take up to seven years, was too lengthy. Mr. Texier said that Uzbekistan's report did not mention whether NGOs had participated in its drafting, and also expressed regret at the fact that the Committee had not received any reaction from NGOs regarding the State party's report. Ms. Ghose requested clarification on the legal status of NGOs in the State party, especially in regard to some NGOs having close ties with the authorities. The delegation responded that several NGOs had helped draft the report, and noted that the same was true in regard to the report Uzbekistan recently submitted to the HRC. The delegation argued that the fact that NGOs did not present shadow reports was not indicative of them not having participated in the drafting of the report.

Mr. Malinverni expressed his concern in regard to the rights of **disabled persons**, arguing that their being educated in special schools and being separated from others amounted to a form of segregation. Mr. Sergei Martynov said that the State party had not yet resolved the problem of persons with disabilities, and asked to be informed as to what steps it was taking to improve the situation. The delegation responded that the integration of disabled persons into society is a priority for the State party. It said that the Government had been guaranteeing benefits and free medicines, including free public transportation. It then detailed the assistance the Government provides to disabled persons.

Mr. Riedel asked if **prisons** in Uzbekistan are overcrowded, and wanted information about the measures the State party had taken to improve prison conditions. The delegation stated that the prison population had decreased because of the prison system's liberalisation in 1991. It argued that prisons are not overcrowded, and that prisons are ready for any monitoring by international organisations.

Mr. Rzeplinski expressed his concern in regard to problems with **drinking water** in many parts of the country. Mr. Tirado Mejia also expressed his concern in this regard and asked what measures the State party had taken particularly in regard to the Committee's General Comment number 15 on the right to drinking water. The delegation responded that serious environmental problems existed in Uzbekistan, and that the **Aral Sea region** is particularly polluted. It stated that people living in this area do not have access to clean drinking water and are developing numerous health problems. The Government believed this to be a problem the international community should help solve. The delegation noted that several international organisations are already involved in finding solutions to this problem.

Mr. Rzeplinski mentioned a recent increase of girls **dropping out of school**. He also expressed concern about reports to the fact that authorities outside of universities **must approve the content of lectures**. The delegation acknowledged the high drop out rate among schoolgirls, particularly at the secondary level. Overall, the delegation said that the ratio of boys to girls depends on the subject matter girls chose to study, and that this helps explain why fewer girls are to be found in the technical field.

In its **Concluding Observations**²⁴ the Committee welcomed its constructive dialogue with the delegation. The Committee mentioned several positive developments in the State party, such as: the creation of the Parliamentary Ombudsman and of the National Human Rights Centre, and measures taken by the State party to promote equality between men and women. It recognised that the effects of the Aral Sea ecological catastrophe have posed obstacles to the enjoyment of economic, social and cultural rights by Uzbekistan's population. Overall, the Committee raised most of the concerns it addressed during the session. These concerns included: the lack of independence of the judiciary; the revival of traditional stereotypes in relation to the role of women in society; reports on the situation of school-age children obliged to participate in the cotton harvest every year; and more than a quarter of the population living below the poverty line. The Committee recommended that Uzbekistan: consider establishing a national institution for human rights; ratify the MWC; and continue its efforts to find a regional solution to the Aral Sea catastrophe, including through international technical cooperation.

Comparison with previous reports and recent appearance before other treaty-monitoring bodies

²⁴ E/C.12/UZB/CO/1.

Uzbekistan appeared before **HRC** in March 2005, where it presented its second periodic report²⁵. In its **Concluding Observations**²⁶ HRC appreciated, among other things, that the Ombudsman's institution has become operational and is receiving complaints, as well as that the Government had invited NGOs to participate actively in the discussions on Criminal Code reform. Some of the main concerns of HRC, which were similar to those of the Committee, included: the execution of prisoners on death row despite their cases being pending before HRC under the Optional Protocol to the ICCPR and requests for interim measures of protection; the narrow definition of torture in Uzbekistan's Criminal Code; the prevalence of domestic violence; the persistence of polygamy; the practice of kidnapping young women to force them to marry; and widespread child labour, in particular in the commercial and agricultural sectors and the cotton industry.

Uzbekistan also recently appeared before the **Committee against Torture** ("CAT") where it presented its second periodic report²⁷ in May 2002. In its **Concluding Observations**²⁸ CAT noted several positive developments in the State party, which included: the development of educational initiatives to familiarise various sectors with international human rights standards; the establishment of an appeals system for court sentences; and the introduction of alternatives to prison sentences as well as releasing detainees on bail. However, CAT also raised numerous concerns, some of them similar to those of the Committee. Two of its concerns were the insufficient independence of the judiciary, as well as the definition of torture in the Criminal Code of Uzbekistan not being in full conformity with the Convention against Torture. CAT recommended Uzbekistan take several measures, such as: improving prison conditions and pre-trial detention centres, and establishing a system allowing for unannounced inspections of those places by credible impartial investigators, and shortening its current pre-trial detention period as well as providing independent judicial oversight of the period and conditions of pre-trial detention.

NGO Concerns

No NGOs spoke on the situation in Uzbekistan at the Committee's NGO session. As noted earlier, the Committee expressed dismay at not being provided with feedback from NGOs regarding the State party's report, however, the delegation argued that NGOs were involved in the drafting of the report.

²⁵ CCPR/C/UZB/2004/2.

²⁶ CCPR/CO/83/UZB.

²⁷ CAT/C/53/Add.1.

²⁸ CAT/C/CR/28/7.