



THE TREATY BODY SYSTEM: CHALLENGES AND OPPORTUNITIES AROUND THE CORNER

INTRODUCTION

The unrelenting workload of the treaty bodies persisted through 2008, as fresh challenges and opportunities emerged on the horizon. In her first months in office, the new High Commissioner for Human Rights (the High Commissioner), Ms Navanethem Pillay, expressed a keen interest in strengthening the treaty body system and enhancing its impact on human rights implementation. Her strong engagement with the treaty bodies was seen early on as she opened the session of the Committee on the Rights of the Child (CRC) within a fortnight of taking office. In her interactions with the Committees, Ms Pillay acknowledged the need to make their work more accessible and visible, and stressed the importance of adequate follow-up procedures. On the latter point, the High Commissioner has offered the support of her Office in making these procedures more effective. Given the key role of follow-up procedures in monitoring actual progress on the ground, a regular push in this direction from Ms Pillay will be of enormous benefit to the human rights system as a whole.

Looking ahead, the arrival of a new High Commissioner, coupled with the conclusion of the Human Rights Council's (the Council) energy-sapping institution-building process, could allow space for a renewed impetus for further system-wide

improvements to the treaty bodies. With the Council's work routine now more stable and slightly less resource-intensive for governments and non-governmental organisations (NGOs), the new High Commissioner has an opportunity to reinvigorate the reform of the treaty bodies and shape a more dynamic, visible, and effective system.

HIGHLIGHTS OF THE WORK OF THE TREATY BODIES IN 2008

In October, the **Human Rights Committee (HRC)** adopted its first media strategy.¹ Acknowledging that public awareness of its work needed to be enhanced, the Committee adopted a number of important measures, including: improved dissemination of information about the *International Covenant on Civil and Political Rights* and the Committee, a request for the webcasting of sessions, and enhanced engagement with the media. It is hoped that some of these ideas will permeate the deliberations of other treaty bodies, ultimately improving the global awareness of these important mechanisms. In a similar vein, it was notable that the **Committee on the Elimination of Racial Discrimination (CERD)**, in its most recent annual report, also requested that its meetings be webcast.

¹ Available at www2.ohchr.org/english/bodies/hrc/docs/ApproachPublicRelations.doc.

A key milestone in 2008 for the **Committee on Economic, Social and Cultural Rights (CESCR)** was the UN General Assembly's December adoption of the long-awaited optional protocol to the *International Covenant on Economic, Social and Cultural Rights*. Many observers consider this an important step towards redressing a historical imbalance between civil and political rights on one hand, and economic, social and cultural rights on the other (see chapter on 'Major developments in international human rights law' for more information). The optional protocol establishes an individual complaints mechanism, which should significantly increase the work load of the Committee in coming years.

The **Committee on the Elimination of Discrimination against Women (CEDAW)** adopted its revised reporting guidelines for States, and worked in two parallel chambers to reduce its backlog of State reports. It introduced a follow-up procedure whereby its Concluding Observations would request States to report on the implementation of specific recommendations within two years of the review. Separately, the Committee adopted a statement on its relationship with national human rights institutions.

Meanwhile, the **Committee against Torture (CAT)** and the **Subcommittee on Prevention of Torture** (the Subcommittee) strengthened their institutional links by establishing an informal contact group. A joint statement by the two bodies, the High Commissioner, and other torture-related mechanisms was issued on 26 June 2008, the International Day in Support of Victims of Torture, drawing attention to the amount of work that still needed to be done to prevent torture 60 years after the adoption of the *Universal Declaration of Human Rights*.² The Subcommittee adopted its first public annual report,³ notable for the inclusion of preliminary guidelines for the development of national preventive mechanisms – a key obligation on States under the optional protocol to the *Convention against Torture (OPCAT)*.

The **Committee on the Rights of the Child** worked in parallel chambers to ease its reporting backlog. It considered an NGO initiative to create an individual complaints mechanism through the elaboration of an optional protocol

to the Convention. Discussions will doubtless continue on this proposal in coming years.

Meeting in November with the new High Commissioner, the **Committee on Migrant Workers (CMW)** discussed with Ms Pillay the challenges of promoting the *International Convention on the Protection of the Rights of All Migrant Workers and members of their Families* among migrant-receiving States.⁴ The Convention is yet to receive the support of such States, and the High Commissioner undertook to assist in efforts to overcome this resistance. Finally, the **Committee on the Rights of Persons with Disabilities (CRPD)** is expected to begin its work in 2009, following the election in November of its 12 new Committee members.⁵

General Comments/ Recommendations

During the December session of the Inter-Committee meeting of treaty body members (ICM),⁶ which meets twice a year in Geneva, the possibility of joint General Comments was brought up. While some experts appeared broadly supportive of this concept, the debate has a long way to go before the idea bears much fruit – though there has been some cross-Committee cooperation, as outlined below. As one expert has pointed out, a key obstacle remains the lack of a shared vision of the purpose of General Comments. While some Committees consider them purely as interpretations of treaty law, others use them as opportunities to make broad policy level suggestions. Although there appears to be some scope for developing joint General Comments on procedural issues (such as reporting obligations), it may prove more of a challenge to reach inter-Committee agreement on General Comments addressing substantive issues or legal interpretations, given the differing provisions (and often nuanced legal phraseology) contained in the core treaties.

The **Human Rights Committee** adopted a General Comment on 'the obligations of States Parties under the optional protocol to the ICCPR', the thrust of which was to reinforce the Committee's authority to consider individual communications, and reiterate the obligations of States to act in good faith on the Committee's Views. It

² The statement is available at www.unhcr.ch/hurricane/hurricane.nsf/view01/64FB1409323506EAC1257473002F6E42?opendocument.

³ See annex VII of UN Document A/63/44.

⁴ Information on the status of ratifications is available at www2.ohchr.org/english/bodies/ratification/13.htm.

⁵ For further details, please see www2.ohchr.org/english/bodies/crpd/crpd1.htm.

⁶ For further details, see www2.ohchr.org/english/bodies/icm-mc/index.htm.

also sought to define the character and status of the Committee, perhaps reflecting some frustration that States had not engaged with it (or given effect to its views) with due seriousness.⁷ NGOs and States had commented substantively on the draft prior to its finalisation. In the **Committee on Economic, Social and Cultural Rights**, deliberations continue over a draft General Comment covering Article 2(2) of the Covenant (non-discrimination). The Committee held a lively public debate on the contents of the draft during its November session.

In finalising its General Recommendation on migrant women, which was adopted during its November session, the **Committee on the Elimination of Discrimination against Women** collaborated with the Committee on Migrant Workers.⁸ The text acknowledges that while migration presents opportunities for women, particularly through economic empowerment, it may also adversely affect their human rights and security, thus making them more vulnerable. Separately, the Committee continues to work on a General Recommendation on Article 2 of the Convention (policy measures to eliminate discrimination against women), and has begun to consider a General Recommendation on older women and on the economic consequences of divorce.

Work continues in the **Committee on the Rights of the Child** on the elaboration of two General Comments - one exploring the right of the child to be heard (Article 12 of the Convention) and the other the rights of indigenous children. The Committee expects to adopt these General Comments during its January 2009 session. With a view to formulating a future General Comment, the **Committee on the Elimination of Racial Discrimination** held a thematic discussion at its August session on State parties' obligation to devise 'special' or 'positive' measures – sometimes known as affirmative action – as set out in the *Convention on the Elimination of All Forms of Racial Discrimination*. Meanwhile the **Committee on Migrant Workers** debated the complicated role of nationality/citizenship in determining the applicability of the Convention (namely, to what extent the Convention applies to individuals that acquire the nationality of their host country). This grey area in interpretation may act as a trigger for a future General Comment.

Meeting of Special Rapporteurs with individual treaty bodies

In its November session, the Committee against Torture met with the Special Rapporteur on torture and other cruel, inhuman or degrading treatment, Mr Manfred Nowak. Discussions focused on avoiding duplication between the various UN mechanisms on torture, but harnessing their collective expertise to promote a stronger overall protection regime.

Mr Nowak announced his intention to devise an 'atlas' of torture which would illustrate how this scourge is still practiced around the world. He reported on his recent country visits, and was disappointed to observe that the plight of detainees in particular remained dire. Mr Nowak described the three aims of his missions – to assess the situation of torture; to examine prison conditions (most of which he said were inhuman or degrading); and to start a process of sustained cooperation with governments. He lamented that follow-up remained inevitably weak given the lack of resources. His inability to carry out follow-up missions was a case in point.

Ongoing generic issues identified as particularly disturbing included the abuse of the principle of *non-refoulement*,⁹ the loosely-monitored practice of diplomatic assurances¹⁰ (which Mr Nowak considered 'never a useful tool' for ensuring the prevention of torture), and solitary confinement. During the dialogue, it emerged that one issue worth exploring further was whether, under evolving international law, elements of the practice of capital punishment could legitimately fall within the Special Rapporteur's mandate. One Committee member suggested that domestic violence was worthy of closer attention by the mechanisms on torture. Separately, Mr Nowak took pains to stress the important but largely unexplored linkages that exist between torture and persons with disabilities – that is, disability as a result of torture, as well as the torture of persons with disabilities.

The Committee and Mr Nowak concurred that there was much to be gained from enhancing cooperation between the two mechanisms – for example, each could benefit from the other's reports, conclusions, and follow-up to visits. The two sides agreed to explore possibilities for institutionalising their channels of cooperation.

⁷ A copy of the General Comment is available at www2.ohchr.org/english/bodies/hrc/docs/CCPR.C.GC.33.pdf.

⁸ The General Recommendation is available at www2.ohchr.org/english/bodies/cedaw/docs/general_recommendation/GR26MigrantWomen.pdf.

⁹ *Non-refoulement* is a principle of international law that forbids the extradition of an individual into an area where he or she might be subjected to torture.

¹⁰ Diplomatic assurances involve the receiving State promising to not treat an individual contrary to human rights norms when that person is extradited/returned by a sending State.

The broader message emerging from this exchange was that there exists much untapped potential for bringing together the abundant expertise and skills contained in these separate experts mechanisms (the treaty bodies and special procedures) in a more rigorous and methodical way. There are many such 'natural partnerships' between the two systems, each of which could contribute to strengthening understanding of and, ultimately, narrowing protection gaps.

Inter-Committee meetings and meetings of Chairpersons

In 2008 there were two Inter-Committee meetings (23-25 June¹¹ and 1-3 December¹²) and one meeting of Chairpersons (26-27 June¹³).¹⁴

At the 23-25 June Inter-Committee meeting (ICM), representatives from all of the Committees considered a range of potential areas for **harmonisation between the treaty bodies**. These included: lists of issues; disclosure of the identity of country rapporteurs and country task force members (given the varied practices employed by Committees); the examination of States in the absence of a State report; follow-up to Concluding Observations; input and output in relation to the universal periodic review (UPR); modalities of the participation of NGOs and national human rights institutions; and joint General Comments. On follow-up to Concluding Observations, the suggestion was made that an inter-Committee working group could be established to exchange ideas and best practices on the Committees' various working methods. The ICM also hosted a dialogue on business and human rights, with a spokesperson for the Special Representative of the Secretary-General on human rights and transnational corporations and other business enterprises presenting the Special Representative's report to the Human Rights Council.¹⁵ The spokesperson noted that the report was an attempt to set out a conceptual and policy framework to help guide all relevant actors in their consideration of the inter-linkages between business and human rights.

An NGO coalition presented a joint submission to the ICM,¹⁶ requesting that the treaty bodies consider measures that could improve NGO engagement with the treaty bodies. These

included: the possibility of submitting confidential information; the scheduling of formal NGO briefings during each session; more effective follow-up procedures; a common, transparent process for drafting General Comments; and closer consideration of the criteria for treaty body membership.

Some of the key points of agreement, which the ICM decided to transmit to the meeting of chairpersons, included the following: each treaty body would finalise its reporting guidelines by the end of 2009, and consider adopting a procedure to ensure effective follow-up to Concluding Observations (for example by appointing a follow-up rapporteur); a working group should be formed on the harmonisation of follow-up procedures, to identify best practices and report back to the ICM in 2009; the Secretariat should routinely distribute the UPR compilations prepared by the Office of the High Commissioner for Human Rights (OHCHR); and OHCHR should explore alternative means of facilitating public access to the treaty bodies, including webcasting. The latter points were later endorsed by the Meeting of Chairpersons (see below). Separately, the ICM reaffirmed the statement made by the meeting of chairpersons in 1997 about the necessity of safeguarding the independence of treaty body experts.¹⁷

During the 26-27 June meeting of Chairpersons, the visiting President of the Human Rights Council emphasised the complementary role of the treaty bodies and the Council, and the role of the treaty bodies as a 'cornerstone' of the UPR. The Chairpersons welcomed a proposal to create an institutional relationship between the treaty bodies and the Council, suggesting that this might include inviting treaty bodies to address the Council during thematic sessions.

In a meeting with a number of the Council's special procedures mandate holders, it was agreed that coordination between treaty bodies and special procedures could be strengthened. During consultations with representatives of 72 State parties, States encouraged strengthened harmonisation of working methods, including in the examination of State reports and follow-up procedures, so as to make the system more comprehensible and accessible. Clearly unhappy with their own recent appearances before treaty bodies, some States were of the view that NGO

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See A/63/280 for the official report.

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An official summary of this meeting was not available at the time of writing.

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The 10th joint meeting of treaty body chairpersons, special rapporteurs/representatives, independent experts and chairpersons of working groups of the special procedures of the Council was also held. See A/63/280 for the official report.

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For more information on the nature and purpose of these meetings, please see www2.ohchr.org/english/bodies/icm-mc/index.htm.

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A/HRC/8/5, available at www2.ohchr.org/english/bodies/hrcouncil/8session/reports.htm.

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Amnesty International, Association for the Prevention of Torture, International Women's Rights Action Watch, International Service for Human Rights (ISHR), International Women's Rights Action Watch (Asia-Pacific), NGO Group for the Convention on the Rights of the Child, Save the Children, World Organisation against Torture (OMCT), Friends World Committee for Consultation (Quaker United Nations Office) and ARC International. The statement is available at www.ishr.ch/ica/statements_general/treaty%20bodies/joint_ngo_icm_7.pdf.

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The 1997 statement can be found in Paras 67-68 of A/52/507, *Report of the Eighth Meeting of Persons Chairing the Human Rights Treaty Bodies* dated 21 October 1997. This is available at [www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/A.52.507.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/A.52.507.En?OpenDocument).

information ought to be more carefully verified and cross-checked.¹⁸

The meeting of chairpersons endorsed the points of agreement concluded at the June ICM, and called upon the treaty bodies to follow up on those recommendations and report on their implementation at the 9th ICM in 2009.

At the December ICM, the new High Commissioner relayed a message encouraging further harmonisation between the treaty bodies. She suggested that the ICM could become a more effective forum if treaty body representatives were mandated to take decisions that were binding on the Committees.

The ICM re-affirmed that all treaty bodies would finalise their reporting guidelines by the end of 2009. On considering States in the absence of a State report, Committees outlined their varied approaches to the problem of non-reporting. Some favoured diplomatic means to persuade States to submit reports, while others opted for harsher measures such as publicising the names of non-reporting States. While acknowledging that some States' failure to report was due to their unwillingness to cooperate with the treaty bodies, it was generally agreed that the 'review procedure' (reviewing a State in the absence of a State report) should be employed only as a last resort – particularly for those States that lacked capacity to write the report. The Secretariat was asked to provide a comprehensive list of non-reporting States across the treaty bodies in order to identify States that systematically neglect their reporting obligations. It was also suggested that the High Commissioner raise non-reporting in her bilateral meetings with States, and offer further OHCHR capacity-building services in this regard.

On follow-up, Committee members recognised effective implementation of human rights obligations as the ultimate goal of the treaty body system. Some stressed that it was not the principal role of treaty bodies to follow up on Concluding Observations, particularly given their resource constraints. Consequently, NGOs and national human rights institutions had a critical role to play in this regard. There was a meeting between follow-up rapporteurs from the various Committees. Given the varied follow-up practices employed across the system, it was

agreed that the rapporteurs would meet again intersessionally to explore ways to harmonise their procedures.

During the dialogue with States (attended by more than 25 States), discussion focused on improving working methods – including time management, avoidance of repetition, and development of a comprehensive approach to tackling the reporting backlog. States underlined that they saw the roles of the treaty bodies and the UPR as independent of each other, but mutually reinforcing (see the following section for further details).

The International Service for Human Rights (ISHR) made a statement on harmonisation of working methods, which suggested the development of a common, transparent procedure for drafting General Comments, webcasting of State examinations, and enhancing the decision-making powers of ICM attendees on behalf of their Committees.¹⁹

Treaty bodies and the universal periodic review

As the UPR swung into action in May 2008, many Committee members nervously surveyed the new mechanism's initial sessions. Subsequently, some of their initial fears were alleviated, although some experts remained wary about the impact the UPR might yet have on the work and relevance of the treaty bodies.

During the June ICM, while acknowledging the important role of the UPR in following up on treaty body recommendations, participants raised concerns about issues including: the potential for the wording of UPR recommendations to be misused in order to undermine the original recommendations of treaty bodies; the need to avoid duplication between treaty bodies and the UPR; and the UN system's limited capacity to follow up on UPR recommendations. It was suggested that treaty bodies should follow up on pertinent UPR recommendations during their reviews of States.

During its October session, and on the basis of a paper drafted by some of its members, the Human Rights Committee discussed the

¹⁸ Spain, Algeria.

¹⁹ The statement is available at www.ishr.ch/statements_treaty_bodies.

interplay between its work and the UPR. While Committee members identified various positive elements of the UPR (for example, enhanced visibility of treaty body recommendations, and publicising of otherwise little known human rights concerns in certain States), their main concerns included: States' and OHCHR's questionable prioritisation of treaty body recommendations for use in the UPR; the potential rejection in the UPR of recommendations originating in treaty bodies' Concluding Observations; possible diversion of Secretariat resources from the treaty bodies towards UPR-related activities; and the 'politicisation' of the UPR that would affect any objective assessment of human rights situations. Partly in response to some of these concerns, Committee members floated suggestions that might allow for a more constructive engagement by the Committee in the UPR process. These included attending sessions of the UPR; accessing UPR documentation on States; restructuring Concluding Observations by highlighting 'priority recommendations', thus allowing them to be more easily picked up in the UPR process by States, as well as in the ten-page OHCHR compilation used in the UPR; and encouraging States and civil society to use pre-UPR national consultations to increase awareness of the work of treaty bodies. No doubt some of these ideas will be discussed in further detail in 2009.

At the December session of the ICM, it was generally acknowledged that the compilation documents prepared by OHCHR ahead of the UPR were helpful as they reflected many of the concerns of the treaty bodies, thus giving them more visibility. Many experts stressed the need to ensure that the treaty bodies remained independent of the UPR process, with some reflexively opposing any suggestions of becoming directly involved in the latter. Others were less territorial, and sought to explore ways of improving cooperation and coordination with the Council, in particular the UPR. This debate will continue in 2009 and beyond. Significantly, Committee members agreed that the Committees should further prioritise their recommendations, in order that they may be more readily picked up in the OHCHR compilations.

While an element of concern remains that the UPR could yet undermine the authoritativeness of the treaty bodies, it appears that some of the initial concerns were overstated. There is much

potential for the UPR and the treaty bodies to further develop a mutually reinforcing relationship, each benefiting from the other's distinct role in the human rights system. Treaty bodies will continue to discuss ways to achieve this objective in 2009.

Consideration of country reports

The section below provides a brief summary of the examination of States by the treaty bodies during 2008, focusing on the issues that were discussed by the Committees in their dialogue with State parties. There are limited references to the Concluding Observations of the treaty bodies, and the summaries are selective rather than exhaustive. ISHR has also produced online reports on the work of the treaty bodies in 2008 (with the exception of the Committee on the Rights of the Child, which is monitored by the NGO Group for the Convention on the Rights of the Child) that contain more detailed information on the examination of States.²⁰

Algeria

Algeria appeared before CAT in May 2008 to discuss its third periodic report.²¹ The review focused on the following issues: the lack of an institutional response to violence against women; allegations of secret detention centres; the status and use of 'state of emergency' declarations; steps taken to implement the charter on national reconciliation; the legal status of confessions obtained under torture; enforced disappearances and compensation procedures for relatives of disappeared persons; and *non-refoulement*.

Algeria was also examined by the Working Group on the UPR in April 2008.²²

Angola

Angola presented its initial, second, and third periodic report to CESCER and was reviewed during its 41st session in November 2008.²³ The delegation was not well prepared to answer the questions of the Committee and addressed them in a very general manner. The examination

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These reports can be accessed under the relevant Committee and session at www.ishr.ch/treaty_body_monitor. All of the relevant State reports, lists of issues, and Concluding Observations of the treaty bodies can be accessed by visiting www.ohchr.org and following these links: 'Human rights bodies', [choose the relevant treaty body], 'Sessions'. The number of the session can be cross-referenced from this chapter.

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Algeria's third periodic report, 40th session of CAT. Concluding Observations are available at www2.ohchr.org/english/bodies/cat/cats40.htm. NGO reports were submitted by Al Karama for Human Rights, Amnesty International and Collectif des Familles des disparu(e)s en Algerie. These reports are available at www2.ohchr.org/english/bodies/cat/cats40.htm.

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The ISHR UPR report for Algeria can be found at: www.ishr.ch/upr_monitor.

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Angola's first to third periodic report, 41st session of CESCER. Concluding Observations are available at www2.ohchr.org/english/bodies/cescr/cescrs41.htm. NGO reports were submitted by the Center for Economic and Social Rights, Relatorio da Sociedade Civil Angolana and Amnesty International. These reports are available at www2.ohchr.org/english/bodies/cescr/cescrs41.htm.

focused on the following issues: the weakness of property rights, resulting in forced evictions; widespread poverty and insufficient investment in economic and social development; low coverage of social services such as education and health; high level of corruption and lack of independence of the judiciary; high unemployment rate; discrimination in the work place; violence against women and children; the need for a demining programme; sustainable development and respect for local communities.

Austria

Austria was examined by **CERD** and the **CRC** under its optional protocol on the Sale of Children, Child Prostitution and Pornography (OPSC).²⁴ Austria appeared before CERD in August 2008 to discuss its 15th to 17th periodic reports, submitted in May 2007. Discussion focused on the following issues: the status of the *International Convention on the Elimination of all Forms of Racial Discrimination* in domestic law; the protection of minority groups and migrants, and the division that exists between ethnic and non-ethnic minorities; the activities of neo-Nazi groups; the need to confront racism within the police force; broadening and strengthening the mandate of the Ombudsman to incorporate racial discrimination; the treatment of asylum seekers; and possible educational reforms to preserve Romany languages.

Austria appeared before the **CRC** in September 2008 to discuss its compliance with the OPSC pursuant to its initial State report. The examination considered the following issues: criminalising illegal adoption, the sale of children and sex tourism; the apparent lack of a co-ordinating mechanism to implement the OPSC; child trafficking and prostitution; adoption; child pornography; complaints procedures for victimised children; and the provision of rehabilitative services.

Australia

Australia had its third report examined at the 40th session of **CAT**.²⁵ The Committee raised concerns regarding the conditions of detention centres, migration policies, and counter-terrorism legislation. Other issues of concern included

discrepancies between State and Commonwealth criminal provisions on torture; Australia's failure to sign the optional protocol to the *Convention against Torture*; access of detained persons to legal counsel and to a doctor of their choice; human rights training in the defence forces; trafficking in persons; and commercial sexual exploitation.

Bahrain

Bahrain appeared before **CEDAW** for the examination of its initial and second periodic reports in October 2008.²⁶ Among the issues raised during the examination were: Bahrain's many reservations²⁷ to the Convention, discrimination against migrant workers, and inequality faced by women in marriage. The Committee urged Bahrain to continue working towards removing discriminatory legislation and withdrawing all reservations to the Convention, in particular to Article 9 (equality with regard to nationality). Other areas in which the Committee encouraged urgent action were the drafting of a family law and a law on domestic violence.

Bahrain was also examined by the Working Group on the UPR in April 2008.²⁸

Belgium

Belgium was examined by **CEDAW**, **CAT** and **CERD**. Belgium's sixth periodic report was examined during **CEDAW**'s 41st session.²⁹ The examination addressed the domestication of the Convention and its equal implementation by the regional governments of Belgium. The Committee also addressed the issues of increasing political participation of women; gender-based division of labour; discrimination in pay; gender stereotyping; the banning of headscarves in public schools; and the persistently high unemployment rate among women. The Committee urged the State to take measures to enhance women's and girls' education levels. The integration of migrant women into the workforce was also of concern to the Committee.

During its November 2008 session, **CAT** examined Belgium's second periodic report.³⁰ A competent and diverse delegation responded to the issues raised by the Committee. Key issues of

24 CERD: Austria's 15th -17th periodic reports, 73rd session of CERD. Concluding Observations are available at www2.ohchr.org/english/bodies/cerd/cerds73.htm. CRC - OPSC: Austria's first report, 49th session of the CRC. Concluding Observations are available at www2.ohchr.org/english/bodies/crc/crcs49.htm#opsc.

25 Australia's third periodic report, 40th session of CAT. Concluding Observations are available at www2.ohchr.org/english/bodies/cat/cats40.htm. NGO reports were submitted by Amnesty International, the New South Wales Council for Civil Liberties, the National Association of Community Legal Centre, the Human Rights and Equal Opportunity Commission and the Human Rights Law Resource Centre Ltd. These reports are available at www2.ohchr.org/english/bodies/cat/cats40.htm.

26 Bahrain's combined first and second report, 42nd session of CEDAW. Concluding Observations are available at www2.ohchr.org/english/bodies/cedaw/cedaws42.htm. NGO reports were submitted by Bahrain Human Rights Watch Society, Bahrain Women's Union, the Bahrain Centre for Human Rights, Bahrain Youth Society for Human Rights and CARAM-ASIA. These reports are available at www2.ohchr.org/english/bodies/cedaw/cedaws42.htm.

27 Articles 2, 9, 15, 16, and 29.

28 ISHR's UPR report on Bahrain can be found at: www.ishr.ch/upr_monitor.

29 Belgium's sixth periodic report, 41st session of CEDAW. Concluding Observations are available at www2.ohchr.org/english/bodies/cedaw/cedaws42.htm. NGO reports were submitted by the Global Initiative to End All Corporal Punishment of Children, the Islamic Human Rights Commission and Ligue Belge Francophone des Droits de l'Homme. These reports are available at www2.ohchr.org/english/bodies/cedaw/cedaws42.htm.

30 Belgium's second periodic report, 41st session of CAT. Concluding Observations (French) are available at www2.ohchr.org/english/bodies/cat/cats41.htm. NGO reports were submitted by FIACAT and LDH. These reports are available at www2.ohchr.org/english/bodies/cat/cats41.htm.

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Belgium's 14th and 15th periodic reports, 72nd session of CERD. Concluding Observations are available at www2.ohchr.org/english/bodies/cerd/cerds72.htm. An NGO report was submitted by *Ligue des droits de l'homme*. This report is available at www2.ohchr.org/english/bodies/cerd/cerds72.htm.

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Benin's second periodic report, 40th session of CESCR. Concluding Observations are available at www2.ohchr.org/english/bodies/cescr/cescrwg40.htm. NGO reports were submitted by Franciscans International and Global Initiative to End All Corporal Punishment Children. These reports are available at www2.ohchr.org/english/bodies/cescr/cescrwg40.htm.

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'C status' denotes that the national human rights institution does not comply with the *Paris Principles*.

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The ISHR UPR report for Benin can be found at: www.ishr.ch/upr_monitor.

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Bhutan's second periodic report, 49th session of the CRC. Concluding Observations are available at www2.ohchr.org/english/bodies/crc/crcs49.htm.

36

CMW: Bolivia's first periodic report, 8th session of the CMW. Concluding Observations are available at www2.ohchr.org/english/bodies/cmw/cmws08.htm. NGO reports were submitted by the Ombudsman, the NGO Coalition Mesa Tecnica and Mesa Tecnica. These reports are available at www2.ohchr.org/english/bodies/cmw/cmws08.htm. CEDAW: Bolivia's second to fourth periodic reports, 40th session of CEDAW. Concluding Observations are available at www2.ohchr.org/english/bodies/cedaw/cedaws40.htm. Parallel reports submitted by FAO, UNESCO, ILO, International Gay and Lesbian Human Rights Commission, Ipas, HelpAge International, Congregation of the sisters of the good shepherd, a coalition of NGOs, and Global Initiative to End All Corporal Punishment of Children. These reports are available at www2.ohchr.org/english/bodies/cedaw/cedaws40.htm. CESCR: Bolivia's second periodic report, 40th session of CESCR. Concluding Observations are available at www2.ohchr.org/english/bodies/cescr/cescrs40.htm. NGO reports were submitted by CLADEM, Ipas, Global Initiative to End All Corporal Punishment of Children, Capitulo Boliviano de Derechos Humanos, Democracia y Desarrollo and la Comunidad de Derechos Humanos, a coalition of NGOs, and FIAN on behalf of a coalition of NGOs. These reports are available at www2.ohchr.org/english/bodies/cescr/cescrs40.htm.

concern included the supervision of extradition procedures and treatment of detainees; the establishment of a national human rights institution; conditions and overcrowding in detention centres; and legislation on the detention of minors. Another issue Committee members repeatedly touched upon was the legally-sanctioned denial of access to legal assistance during the first 24 hours of detention.

Belgium was reviewed during the 72nd session of CERD.³¹ The Committee raised concerns about the implementation of anti-discrimination legislation, including the 2004 Action Plan on Racism, Anti-Semitism and Xenophobia. Another issue raised was the impact of Belgium's domestic political crisis on the implementation of anti-racism legislation. Other concerns of the Committee related to migration policy; the housing of ethnic minorities; treatment of asylum seekers; people trafficking; the treatment of Roma and other travelling populations; and the integration of immigrants.

Benin

Benin submitted its second periodic report to CESCR in May 2008.³² The Committee questioned the independence of the national human rights institution, which received a 'C' status from the International Coordinating Committee of National Human Rights Institutions.³³ The need for effective implementation of the 2004 Person and Family Code, which outlaws polygamy and female genital mutilation, was also highlighted. Other issues addressed included: the process for the appointment and dismissal of judges; poverty reduction strategies; unemployment; costs of education; access to drinking water; prison conditions; national housing policy; persons with disabilities; birth registration; and multilateral and bilateral aid.

Benin was also examined by the Working Group on the UPR in May 2008.³⁴

Bhutan

Bhutan was examined by the CRC in September 2008 to review its second periodic report.³⁵ The discussion addressed: failure to ratify international instruments (specifically the two optional

protocols to the Convention); the dissemination of the Convention through education; birth registration; measures to prevent violence and sexual abuse against children; procedures to acquire nationality; government support programmes for parents; adoption; measures to combat malnutrition; the provision of support to children with complex mental or physical disabilities; access to primary education; child labour; the juvenile justice system; and measures taken to reunite refugee families.

Bolivia

Bolivia appeared before CMW, CEDAW, and CESCR.³⁶ In its examination of Bolivia, CMW discussed the lack of data on migration flows; documentation and regularisation of migrants; action to combat smuggling and trafficking; the alleged abuse of Bolivian women workers abroad; regional initiatives on migration; services for Bolivians abroad; and migrants' access to basic services. Other issues addressed included: the participation of civil society in the drafting of the State report; family reunification; child labour; treatment of Peruvian migrants; and participation in trade unions.

The dialogue with CEDAW focused on the establishment of a mechanism that would coordinate the promotion of equality between men and women; the issuance of identity cards; education; the impact of poverty on women; and the inaccessibility of legal remedies for women with scarce resources. Other areas of interest to the Committee included family law; land ownership; trafficking and prostitution; health care; and the situation of Afro-Bolivian women.

CESCR examination addressed, *inter alia*: the recognition of indigenous peoples and their rights, in particular the right to ancestral lands; policies to eliminate bonded labour; the 'semi-slavery' of some indigenous peoples; measures to reduce extreme poverty; legal provisions on gender equality; unemployment; working conditions; the social security system; deaths due to illegal abortions; and the protection of children from violence. Other topics that were raised included malnutrition; housing; education; migrant workers; HIV/AIDS; coca production and consumption; and protection of the environment.

Botswana

Botswana appeared before the HRC during its 92nd Session in March 2008 for the examination of its initial report, which was submitted nearly five years late.³⁷ During the examination, the following issues were raised: the reconciliation of the *International Covenant on Civil and Political Rights* with customary law, particularly with regard to gender equality; the lack of an independent national human rights institution in line with the *Paris Principles*; Botswana's retention of the death penalty; the practice of corporal punishment; torture and ill-treatment of prisoners; overcrowding in prisons; and the law criminalising homosexuality. In addition, the HRC also commented on systemic discrimination against ethnic and linguistic minorities, judicial independence, and the limitations on the right to freedom of expression.

Botswana was also examined by the Working Group on the UPR in December 2008.³⁸

Bulgaria

Bulgaria was examined by the CRC in May 2008 to discuss its second periodic report.³⁹ The issues addressed were: national mechanisms for the protection of children's rights; non-discrimination and the right to be heard in court; protection of children from abuse and neglect; the role of parents in education; adoption procedures; disabled children; budget allocations for health; reproductive health education; discrimination in the education system; child trafficking; child labour; street children; and juvenile justice.

Burundi

Burundi appeared before CEDAW in January 2008.⁴⁰ The Committee commended the State for having integrated the Convention into its Constitution. However, it expressed concerns that national legislation had yet to be updated accordingly. The Committee was also interested in the legal provisions on violence against women and material assistance provided to victims, as well as programmes in place to combat trafficking of girls for prostitution. A particular area of concern was the insufficient representation of women in provincial and municipal

bodies, especially in the traditional justice system, the 'Bashingantahe'. The examination also addressed: marriage and family relations; promotion of girls' education; unequal remuneration of women; women's vulnerability to HIV/AIDS; and the situation of rural women, including their property rights, political participation, and education.

Burundi was also examined by the Working Group on the UPR in December 2008.⁴¹

Canada

Canada was examined during the 41st session of CEDAW.⁴² The examination focused mainly on the following issues: implementation of the Convention in the provinces; the poverty level among women; unemployment; housing; social benefits; child care; access to health; legal aid; domestic violence; and the insufficient investigation of violence against women. The Committee was particularly concerned about the suffering of indigenous women, including as a result of poverty, violence, incarceration, unemployment, and sexual abuse. Also, the Committee questioned the new guidelines for NGO funding, which according to NGO reports was inadequate.

Chile

Chile was examined by the CRC in January 2008 to discuss the State's compliance with the optional protocol on the Sale of Children, Child Prostitution and Pornography pursuant to Chile's initial State report.⁴³ The examination considered: the status of the OPSC in domestic legislation and case law; the failure to criminalise possession of pornography; sex tourism; the treatment of child victims in courts; the establishment of an Ombudsman and a national human rights institution; the dissemination of the OPSC and the role of the media in awareness raising; adoption; the high number of disappearances; the lack of legislation on trafficking; and the support infrastructure for street children. The Committee also examined Chile's compliance with the optional protocol on Children in Armed Conflict (OPAC).

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Botswana's first periodic report, 92nd session of HRC. Concluding Observations are available at www2.ohchr.org/english/bodies/hrc/hrcs92.htm. NGO reports were submitted by the Global Initiative, Survival Initiative, RETENG: The Multicultural Coalition of Botswana, FIDH, Ditshwanelo, Survival, BONELA and LeGaBiBo. These reports are available at www2.ohchr.org/english/bodies/hrc/hrcs92.htm.

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The ISHR UPR report for Botswana can be found at: www.ishr.ch/upr_monitor.

39

Bulgaria's third periodic report. 48th session of the CRC. Concluding Observations are available at www2.ohchr.org/english/bodies/crc/crcs48.htm.

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Burundi's second to fourth periodic reports. 40th session of CEDAW. Concluding Observations are available at www2.ohchr.org/english/bodies/cedaw/cedaws40.htm. Parallel reports submitted by FAO, UNESCO, ILO, CAFOB-UNIFEM, ACAT-OMCT, and Global Initiative to End All Corporal Punishment of Children. Available at www2.ohchr.org/english/bodies/cedaw/cedaws40.htm.

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The ISHR UPR report for Burundi can be found at: www.ishr.ch/upr_monitor.

42

CEDAW: Canada's seventh periodic report, 41st session of CEDAW. Concluding Observations are available at www2.ohchr.org/english/bodies/cedaw/cedaws42.htm. NGO reports submitted by African Canadian Legal Clinic, Amnesty International, B.C. CEDAW Group, Canadian Human Rights Commission, Canadian Feminist Alliance For International Action, Canadian Feminist Alliance for International Alliance, Canadian Voice of Women for Peace (VOW), *Fédération des femmes du Québec*, FORWARD - FOR Women's Autonomy, Rights and Dignity, Global Initiative to End All Corporate Punishment of Children, Justice for Girls and Justice for Girls International, Six Nations Traditional Women's Council Fire and Haudenosaunee, The Poverty and Human Rights Centre. These reports are available at www2.ohchr.org/english/bodies/cedaw/cedaws42.htm.

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Chile's first periodic report, 47th session of the CRC. Concluding Observations are available at www2.ohchr.org/english/bodies/crc/crcs47.htm.

China (including Hong Kong and Macao)

China was reviewed by CAT during its 41st session in November 2008.⁴⁴ In general the delegation responded to the questions of the Committee in a cursory and dismissive manner. The review focused on: the lack of preventive mechanisms to protect against torture; the non-fulfilment of the obligation of *non-refoulement*, especially regarding immigrants from the Democratic People's Republic of Korea; torture perpetrated by police, particularly against Falun Gong practitioners and following the events of March 2008 in Tibet; conditions in detention; re-education through labour camps; lack of independence of the judiciary; and the lack of sufficient training and education on human rights.

On Hong Kong, issues discussed included the lack of an independent mechanism to deal with complaints; invasive searches of detainees by police officials; and inadequate commitment to Article 3 of the Convention (on *non-refoulement*). On Macao, the Committee focused on the following issues: trafficking in persons; protection of the rights of illegal migrants detained in prisons; and domestic violence.

Costa Rica

CAT examined Costa Rica in May 2008.⁴⁵ The dialogue between the State and the Committee considered the appropriateness of a mere suspension of public officials found guilty of torture. The delegation explained that officials could be suspended from office for up to 12 years. The Committee also sought further details about domestic violence and corporal punishment of children; trafficking and sexual exploitation; immigration and refugees; and human rights training of police officers and public officials.

Denmark

Denmark was examined by the HRC in October 2008.⁴⁶ The examination focused on the incorporation of the Covenant in domestic law, including that of Greenland and the Faroe islands. The Committee also addressed the situation of prisoners, especially regarding the use of pre-trial solitary confinement and the situation of juvenile

prisoners. It urged the State to amend its legislation and implement a reasonable maximum limit on the length of pre-trial solitary confinement. The Committee also raised the detention limit for asylum seekers, counter-terrorism legislation, and the use of diplomatic assurances when extraditing illegal immigrants or people who have been deemed a threat to national security. Denmark was urged to ensure that its legislation allow for full religious freedom.

Djibouti

Djibouti appeared before the CRC in September 2008 to review its second periodic report.⁴⁷ The following issues were discussed: the status of the Convention in domestic law; discrimination against children born out of wedlock; birth registration; forced and early marriages; alternative care facilities for abandoned children; adoption; corporal punishment; efforts to combat the high mortality rate of children under five; the accessibility of education to disabled children; female genital mutilation (FGM); measures to strengthen primary school education; child labour; the juvenile justice system; and sexual exploitation of minors and street children.

Dominican Republic

The Dominican Republic was reviewed by CERD and the CRC. It appeared before CERD in February 2008.⁴⁸ The Committee noted with concern the absence of general anti-discrimination legislation, including a definition of racial discrimination in line with Article 1(1) of the Convention. It also expressed concern about the deportation of Haitians from the Dominican Republic; the Government's non-recognition of the existence of racial discrimination in the country; labour conditions and trafficking of workers; obstacles in the acquisition of Dominican nationality; denial of identity cards; and access to education.

The Dominican Republic appeared before the CRC in January 2008 to consider its second periodic report.⁴⁹ Discussion focused on the following issues: exposure to violence by street gangs ('*maras*'); allocation of birth certificates; sexual exploitation of children; domestic violence; foster care and alternative care provision; adoption; the treatment of disabled children in schools;

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China's fourth periodic report, 41st session of CAT. Concluding Observations are available at www2.ohchr.org/english/bodies/cat/cats41.htm. NGO reports were submitted by Amnesty International, China Society for Human Rights Studies, Chinese Human Rights Defenders, Human Rights in China, Human Rights Watch, International Harm Reduction Association, Asia Catalyst, Interfaith International, International Campaign for Tibet, China Human Rights Lawyers Concern Group, Free Tibet, Tibetan Centre for Human Rights and Democracy, Unrepresented Nations and Peoples Organisation and World Uyghur Congress and The Conscience Foundation. These reports are available at www2.ohchr.org/english/bodies/cat/cats41.htm.

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Costa Rica's second periodic report, 40th session of CAT. Concluding Observations are available at www2.ohchr.org/english/bodies/cat/cats40.htm. International Gay and Lesbian Human Rights Commission submitted a report to CAT, available at www2.ohchr.org/english/bodies/cat/cats40.htm.

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Denmark's fifth periodic report, 94th session of HRC. Concluding Observations are available at www2.ohchr.org/english/bodies/hrc/hrcls94.htm. NGO report submitted by Inuit Circumpolar Conference (Greenland) and is available at www2.ohchr.org/english/bodies/hrc/hrcls94.htm.

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Djibouti's second periodic report, 49th session of the CRC. Concluding Observations are available at www2.ohchr.org/english/bodies/crc/crcs49.htm.

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Dominican Republic's ninth to 12th periodic reports, 72nd session of CERD. Concluding Observations are available at www2.ohchr.org/english/bodies/cerd/cerds72.htm. NGO reports were submitted by Human Rights Advocates, La Red de Encuentro Dominicano-Haitiano Jacques Viau, and Justice Initiative. Available at www2.ohchr.org/english/bodies/cat/cats40.htm.

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Dominican Republic's second periodic report, 47th session of the CRC. Concluding Observations are available at www2.ohchr.org/english/bodies/crc/crcs47.htm.

human trafficking; adolescent health and sexual education; poverty among children; national education plans; protection for street children; the impact of immigration on children; and the juvenile justice system.

Ecuador

Ecuador was examined by **CERD** and **CEDAW**. Ecuador's combined 17th to 19th periodic reports were examined by CERD. Discussion focused on the following issues: the status of the Roma, indigenous and Afro-Ecuadorian peoples, in particular their access to education; indigenous land rights; measures to promote the development of women, specifically indigenous and Afro-Ecuadorian women; the indigenous legal system; the promotion of indigenous languages; measures to combat rising illiteracy; illicit crop cultivation; human rights training for police and armed forces; housing and development strategies for low income households; and the new draft Constitution.

Ecuador appeared before CEDAW for the examination of its sixth and seventh periodic reports in October 2008. Among the issues raised during the examination were: violence against women (especially violence against girls in school); political participation of women; trafficking in women; equality in marriage; and the early age of marriage of some girls. The Committee noted that much progress on women's rights had been made in Ecuador, particularly with the establishment of the National Council for Women.

Ecuador was also examined by the Working Group on the UPR in April 2008.⁵⁰

El Salvador

El Salvador appeared before **CEDAW** and **CMW**. Before CEDAW,⁵¹ the discussion focused on domestic violence (in particular the lack of sufficient support for victims); sexual harassment in the workplace (especially in '*maquilas*' or sweatshops); funding for the Women's National Institute; the lack of temporary special measures in the political and private spheres; and high maternal mortality rates.

Ecuador's initial report was examined by CMW

in November 2008.⁵² Discussion focused on the following issues: the draft law on aliens and migration; conditions for migrants; expulsion of migrants and unaccompanied children; the status of temporary workers; voting rights of citizens abroad; laws governing the sending and receiving of remittances from migrants abroad; and *habeas corpus* complaints.

Eritrea

Eritrea appeared before the **CRC** in June 2008 to discuss its second and third consolidated report.⁵³ The examination addressed the finalisation of new civil, penal and customary laws; data collection and compilation; budgeting for child protection programmes; the role of civil society; the process of birth registration; the fight against discrimination; freedom of religion; corporal punishment; adoption; the fight against HIV/AIDS and female genital mutilation; high mother and infant mortality rates; disabled children; education, including drop-outs and the shortage of teachers; orphans; armed conflict; child labour; and juvenile justice.

Fiji

CERD examined Fiji in February 2008.⁵⁴ The dialogue covered the ambiguity of domestic legislation on the criminalisation of racist offences; access to land by non-indigenous Fijians; low level of representation of non-indigenous Fijians in public service; discrimination in schools; and the national human rights institution. Other areas of concern to the Committee included the high suicide rate among the Indo-Fijian population; detention; emigration; and the protection of minorities other than Indo-Fijians.

Finland

Finland was examined by **CEDAW**.⁵⁵ The Committee expressed concern about the persistence of a significant pay gap between women and men in the labour market. Other issues raised included combating violence against women; trafficking and exploitation of prostitution; female participation in political life; education and stereotypes; and the status of minority and migrant women.

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The ISHR UPR report for Ecuador can be found at www.ishr.ch/upr_monitor.

51
El Salvador's seventh periodic report, 42nd session of CEDAW. Concluding Observations are available www2.ohchr.org/english/bodies/cedaw/cedaws42.htm. NGO reports were submitted by the Global Initiative to end all Corporal Punishment of Children and FESPAD. These reports are available at www2.ohchr.org/english/bodies/cedaw/cedaws42.htm.

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El Salvador's initial report, ninth session of CMW. Concluding Observations are available at www2.ohchr.org/english/bodies/cmw/cmws09.htm. NGO reports were submitted by Mesa permanente sobre derechos de los migrantes and Procuraduría para la defensa de los derechos humanos. These reports are available at www2.ohchr.org/english/bodies/cmw/cmws09.htm.

53
Eritrea's second and third periodic reports. 48th session of the CRC. Concluding Observations are available at www2.ohchr.org/english/bodies/crc/crcs48.htm.

54
Fiji's 16th and 17th periodic reports. 72nd session of CERD. Concluding Observations are available at www2.ohchr.org/english/bodies/cerd/cerds72.htm. A coalition of three Fiji NGOs submitted a report to the Committee, available at www2.ohchr.org/english/bodies/cat/cats40.htm.

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Finland's fifth and sixth reports. 41st session of CEDAW. Concluding Observations available at www2.ohchr.org/english/bodies/cedaw/cedaws41.htm. NGO parallel reports presented by the Coalition of Finnish Women's Associations and the Global Initiative to end all corporal punishment of children available at www2.ohchr.org/english/bodies/cedaw/cedaws41.htm.

Finland was also examined by the Working Group on the UPR in April 2008.⁵⁶

France

France was reviewed by CEDAW, CESCR, and the HRC.⁵⁷ CEDAW conveyed particular dissatisfaction with the lack of application of the Convention in national courts. Other areas of concern included the implementation of the *Charter on the Equality of Men and Women*; the status of the Department for Women's Rights and Equality; the impact of a new immigration law on women; stereotypes; trafficking; prostitution; and violence against women.

CESCR criticised the lack of effort by the Government to assess the impact of France's laws on economic, social and cultural rights in France. Other specific issues discussed were exclusion in the workplace; unemployment; trade unions; social security; health; education; and the rights of minorities, refugees and asylum seekers.

France appeared before the HRC in July 2008 to discuss its fourth periodic report. Discussion focused on the following issues: counter-terrorism legislation and pre-trial detention of suspects; overcrowding and conditions in detention; punishments for law enforcement officials who had committed offences against foreign citizens; measures to promote gender equality, particularly in respect to immigrant women; measures to deal with the customary law prevalent in the Overseas Territories; the rise in domestic violence; and the treatment of aliens.

France was also examined by the Working Group on the UPR in May 2008.⁵⁸

Georgia

The CRC examined Georgia in May 2008 to discuss its third periodic report.⁵⁹ The Committee engaged Georgia in dialogue on: the function of the Ombudsman; role of NGOs; awareness-raising on the rights of vulnerable groups; youth participation programmes; birth registration programmes; alternative care institutions; adoption; child poverty; investment in healthcare; early childhood development; high maternal mortality rates; education on reproductive health;

inclusive education for children with disabilities; the importance of pre-school; access to education; training of teachers; education in minority languages; and special protection measures. The delegation failed to respond to questions on a number of key issues, including: the possibility of a comprehensive general child rights law; status of the Roma population; complaints brought by children on issues affecting their rights and interests; and maintenance provisions for separated families.

Germany

CERD and the CRC examined Germany.⁶⁰ Germany submitted its initial report to CERD in January 2007 and was examined by the Committee in August 2008. The examination addressed: the status of the Convention in domestic law, the National Action Plan against Racism, and the recently opened Anti-Discrimination Office. Key themes also included the situation of the Roma and Sinti populations; the lack of statistical information on Germany's ethnic composition; efforts to combat rising right-wing extremism; compensation for victims of racial discrimination; the need for explicit reference to racial motivation as an aggravating factor in criminal proceedings; and a new controversial citizenship test.

In January 2008 Germany appeared before the CRC to examine its compliance with the optional protocol on Children in Armed Conflict. The dialogue addressed: jurisdiction over the crime of recruiting children to armed forces; the sale or export of arms to countries where children are recruited and the recruitment of 17 year-old 'volunteers'.

Iceland

Iceland was examined by CAT and CEDAW.⁶¹ CAT urged Iceland to devise a clear and comprehensive law regarding torture. Key issues discussed included: the inspection of psychiatric facilities; the abolition of separate prisons for remand and convicted persons; the situation of women and juvenile offenders; measures to prevent trafficking; the treatment of refugees and asylum seekers; training of State personnel on preventing torture; the review of detention

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The ISHR UPR report for Finland can be found at: www.ishr.ch/upr_monitor.

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CEDAW: France's sixth report. 40th session of CEDAW. Concluding Observations available at www2.ohchr.org/english/bodies/cedaw/cedaws40.htm. Parallel NGO reports were submitted to CEDAW by the Islamic Human Rights Commission, the Coordination Française pour le Lobby Européen des Femmes and the Global Initiative to end all corporal punishment of children. These reports are available at www2.ohchr.org/english/bodies/cedaw/cedaws40.htm. CESCR: third report, 40th session of CESCR. Concluding Observations available at www2.ohchr.org/english/bodies/cescr/cescrs40.htm. NGO parallel reports were submitted by Basque, Ni Putes Ni Soumises, the Organisation in Favour of the Language Rights of Basque Speakers, the European Bureau for Lesser Used Languages, Global Initiative, Fédération Internationale des Droits de l'Homme, EBLUL, Plateforme française pour les DESC, available at www2.ohchr.org/english/bodies/cescr/cescrs40.htm. HRC: France's fourth periodic report, 93rd session of HRC. NGO reports submitted by Amnesty International, ANAFE, Behatokia Basque Observatory of Human Rights, Human Rights Watch, Conscience and Peace Tax International, Global Initiative to End All Corporal Punishment of Children, European Roma Rights Centre, Ni Putes Ni Soumises, Ligue des droits de l'homme and CIMADE. These reports are available at www2.ohchr.org/english/bodies/hrc/hrcs93.htm.

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The ISHR UPR report for France can be found at: www.ishr.ch/upr_monitor (in French).

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Georgia's third periodic report. 48th session of the CRC. Concluding Observations are available at www2.ohchr.org/english/bodies/crc/crcs48.htm.

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CERD: Germany's 16th to 18th reports. 73rd session of CERD. One report was submitted by *Forum Menschenrechte*, available at www2.ohchr.org/english/bodies/cerd/cerds73.htm. CRC-OPAC: Germany's first periodic report. 47th session of the CRC. Concluding Observations are available at www2.ohchr.org/english/bodies/crc/crcs47.htm.

measures by an independent body; the decrease in complaints of police brutality; and violence against women and girls.

CEDAW raised concerns about the effectiveness of recent legislative amendments and new policy initiatives. Other issues discussed included women's participation in political and public life; human trafficking; drug and alcohol consumption among young women; prostitution; and violence against women.

India

India was reviewed by **CESCR**.⁶² The Committee questioned the use of the 'progressive realisation' policy, as it did not include a minimum standard for each right set out in the Covenant. It argued that the realisation of rights can never be achieved without minimum standards, rendering the Covenant effectively worthless. The Indian delegation countered that the policy contained clear, articulated targets, which by definition gave substance to the rights. Another area of particular attention was the protection, social integration, and economic development of marginalised populations, including scheduled castes and tribes, women, children, and those living under the poverty line. Other areas of concern addressed were impunity, displacement, and social security.

India was also examined by the Working Group on the UPR in April 2008.⁶³

Indonesia

Indonesia presented its report to **CAT** in May 2008.⁶⁴ Of particular concern to the Committee was the reported use of torture by the authorities, and whether torture *per se* falls under the crime of 'gross violations' under Indonesian law. In response, Indonesia assured that its new draft penal code would incorporate a definition of torture in line with the Convention. The delegation provided information on the mandate and structure of the proposed Truth and Reconciliation Commission, as well as on the role of the National Ombudsman Commission. There was some discussion about the situation of vulnerable groups, namely internally displaced persons, children, women, victims of trafficking, refugees

and asylum-seekers, and religious minorities. Other issues raised included the safeguarding of rights during police detention; coerced confessions; harassment and violence against human rights defenders; the national commission on human rights (Komnas HAM); the lack of effective investigations and prosecutions by the Attorney General; international judicial cooperation; universal jurisdiction; witness protection; legal aid to vulnerable groups; and trafficking in human beings.

Indonesia was also examined by the Working Group on the UPR in April 2008.⁶⁵

Ireland

Ireland was examined by the **HRC** and the **CRC**.⁶⁶ The HRC's examination in July 2008 addressed: the incorporation of the Covenant into domestic law; the new statutory bodies created by Ireland since the last examination, including the Garda Ombudsman Complaints Commission and the Irish Human Rights Commission; human trafficking legislation and the rehabilitation of victims of trafficking; discrimination based on sexual orientation and gender, in particular same-sex civil partnership rights and women's right to abortion; the dominance of Catholicism and its impact on the independence of the education system; the judiciary and abortion rights; detention conditions of asylum seekers; prison reform and overcrowding in prisons; minority issues, specifically related to travellers, their integration into society and protection under Irish law; extraordinary renditions; and imprisonment for outstanding debts.

Ireland appeared before the **CRC** in January 2008 to discuss its initial report concerning implementation of OPAC. Discussion focused on the following issues: dissemination of the objects of OPAC to all relevant professional groups working with or for children, including the armed forces; broadening the mandate of the Office of the Ombudsman for Children to bring actions taken by the Defence Forces within its purview; raising the minimum age of recruitment in the armed forces to 18; the provision of weapons training in the armed forces to children under 18; the lack of an explicit domestic legal provision prohibiting direct involvement of persons between 15 and 18 years of age in

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CAT: Iceland's third report. 40th session of CAT. Concluding Observations at www2.ohchr.org/english/bodies/cat/cats40.htm. NGO reports submitted by the Iceland Human Rights Centre, available at www2.ohchr.org/english/bodies/cat/cats40.htm. CEDAW: Iceland's fifth and sixth reports. 41st session of CEDAW. Concluding Observations at www2.ohchr.org/english/bodies/cedaw/cedaws41.htm. NGO reports were submitted by the Global Initiative to End All Corporal Punishment of Children, available at www2.ohchr.org/english/bodies/cedaw/cedaws41.htm.

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India's second, third, fourth, and fifth reports. 40th session of CESCR. Concluding Observations are available at www2.ohchr.org/english/bodies/cescr/cescrs40.htm. NGO reports were submitted by Amebkar Centre for Justice and Peace, 3DThree, ActionAid – India, FIAN, Forum for Fact-finding and Documentation and Advocacy, Habitat International, Navdanya – GMOs, NCDHR – IDSN, People's Collective for ESCRs, Muslims in Gujarat, Housing and Land Rights 2004, IDMC, PIPM, NMM, NEDF, Centre for Reproductive Rights, The tribal dimension – NCHRTM and the National Dalit Cultural Forum. These reports are available at www2.ohchr.org/english/bodies/cescr/cescrs40.htm.

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The ISHR UPR report for India can be found at: www.ishr.ch/upr_monitor.

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Indonesia's second periodic report. 40th session of CAT. Concluding Observations are available at www2.ohchr.org/english/bodies/cat/cats40.htm. NHRI and NGO reports were submitted by Amnesty International, Asian Legal Resource Centre, Komnas Perempuan, a coalition of NGOs, Komnas HAM's, and Working Group on the Advocacy against Torture. These reports are available at www2.ohchr.org/english/bodies/cat/cats40.htm.

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The ISHR UPR report for Indonesia can be found at: www.ishr.ch/hrm/upr_monitor.

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Ireland's third periodic report, 93rd session of the HRC. Concluding Observations are available at www2.ohchr.org/english/bodies/hrc/hrcs93.htm. NGO reports were submitted to the HRC by the Free Legal Advice Centre, the Irish Council for Civil Liberties, the Immigrant Council for Ireland, the Irish Refugee Council, Conscience and Peace Tax International, Irish Family Planning Association and Queen's University Belfast. These reports are available at www2.ohchr.org/english/bodies/hrc/hrcs93.htm. CRC-OPAC: Ireland's first report, 47th session of the CRC. Concluding Observations are available at www2.ohchr.org/english/bodies/crc/crcs47.htm.

hostilities; the absence of a mechanism to effectively identify and care for asylum-seeking children who may have been involved in hostilities; disaggregating financial data relating to the Irish Aid programme to allow for an assessment and monitoring of the aid expenditure on children; and the failure to mention possible recruitment or use of children in hostilities as a category for excluding arms sales in the recently introduced *Control of Exports Bill*.

Italy

CERD reviewed Italy in February 2008.⁶⁷ The Committee expressed its interest in the work of the National Office for the Promotion of Equal Treatment and the Removal of Discrimination Based on Race or Ethnic Origin, and inquired about its level of independence. Questions were also raised on discrimination against non-citizens and the deportation of illegal immigrants; integration of Roma and Sinti populations; and xenophobia and stereotypes.

Japan

Japan was examined by the HRC in October 2008 following the submission of its fifth periodic report.⁶⁸ Among the issues raised were: Japan's attitude to the reporting process and its failure to implement many of the Committee's previous recommendations; the increasing application of the death penalty; discriminatory legislation towards same-sex couples in public housing; the controversial nature of substitute prisons, including reports of intense interrogations without the presence of legal counsel, forced confessions and poor living conditions; the Government's persistent failure to compensate victims of the 'comfort women' system used by the Japanese military during World War II; the lack of gender equality in the workplace, particularly in decision-making positions; and the lack of specific legislation covering domestic violence. Despite the presence of a large, high-level delegation, Japan's attitude to most of the issues raised was not constructive; little indication was given of any intent to address the major issues of concern raised by the Committee.

Japan was also examined by the Working Group on the UPR in May 2008.⁶⁹

Kazakhstan

Kazakhstan was examined by CAT.⁷⁰ The examination addressed Kazakhstan's ambiguous definition of torture; the continued practices of torture and sexual violence against detainees; inadequate safeguards during detention; and *refoulement* of asylum-seekers to Uzbekistan and China without diplomatic assurances. In its Concluding Observations, the Committee urged Kazakhstan, *inter alia*, to unambiguously condemn all practices of torture, and promote an effective mechanism for receiving complaints of torture and sexual violence against detainees.

Kenya

For the first time, Kenya was examined in November 2008 by CAT and CESC.⁷¹ The examination by CAT addressed: the lack of a clear definition of torture in domestic law; the absence of an effective authoritative body to receive complaints regarding torture; conditions in institutions of detention; the systematic post-election violence and sexual crimes perpetrated by the national police and military forces; and the non-implementation of the principle of *non-refoulement* in domestic legislation. Further issues of concern touched upon included obstacles faced by human rights defenders, the low age of criminal responsibility, and the independence of the judiciary.

CESC covered issues including the domestication of the Covenant into national law; poverty; access to adequate food; unemployment and the regulations in export processing zones; inequality; as well as the situation of vulnerable groups. The Committee raised a number of questions about the measures taken by the Government to improve the housing situation. Other issues raised included Kenya's reservation to Article 10(2) of the Covenant affording mothers special protection for a reasonable period before and after childbirth, and corruption.

Korea (Republic of)

The Republic of Korea was examined by the CRC under the OPSC and OPAC in May 2008 to discuss its initial report in both cases.⁷² Under the OPSC, the State was questioned on: illegal and

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Italy's 14th and 15th periodic reports, 72nd session of CERD. Concluding Observations are available at www2.ohchr.org/english/bodies/cerd/cerds72.htm. NGO reports were submitted by Gruppo di Lavoro, CPPDU, Unione Forense per la Tutela dei Diritti Umani, ERRC and COHRE. These reports are available at www2.ohchr.org/english/bodies/cerd/cerds72.htm.

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Japan's fifth periodic report, 94th session of the HRC. Concluding Observations are available at www2.ohchr.org/english/bodies/hrc/hrcs94.htm. NGO reports were submitted by the Baraku Liberation and Human Rights Research Institute, the Centre Prisoners' Rights Japan, Discrimination against Koreans in the National Pensions System, Japan Federation of Bar Associations, Japan Fellowship of Reconciliation, Japanese Workers' Committee for Human Rights, Ainu Resource Centre, Kokubai Network, Support Group for Repressed Tachikawa Anti-War Leafleters, Support Group for Toyota Motor Philippines Corporation Workers Association, Women's Active Museum on War and Peace, Research Institute of International Human Rights Law Policies, AJWRC, Association of Korean Human Rights in Japan, FIDH and Global Rights.

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The ISHR UPR report for Japan can be found at: www.ishr.ch/upr_monitor.

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Kazakhstan's second periodic report, 41st session of CAT. Concluding Observations available at www2.ohchr.org/english/bodies/cat/cats41.htm. NGO reports were submitted by Amnesty International and a coalition of NGOs for Kazakhstan. These Reports are available at www2.ohchr.org/english/bodies/cat/cats41.htm.

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CESC: Kenya's initial periodic report, 41st session of CESC. Concluding Observations available at www2.ohchr.org/english/bodies/cescr/cescs41.htm. CAT: Kenya's initial periodic report, 41st session of CAT. Concluding Observations available at www2.ohchr.org/english/bodies/cat/cats41.htm. NGO reports were submitted by Human Rights Watch, the Kenyan National Commission on Human Rights, OMCT and a coalition of NGOs led by IMLU. These reports are available at www2.ohchr.org/english/bodies/cat/cats41.htm.

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Republic of Korea's first periodic reports, 48th session of the CRC. Concluding Observations are available at www2.ohchr.org/english/bodies/crc/crcs48.htm.

international adoption; protection of underage brides; treatment for victims of prostitution; definition of the crime of pornography; and coordination of child rights monitoring.

The issues addressed under the OPAC included: stocking and sale of anti-personnel mines; status of asylum-seekers and refugee children; dissemination of information on the optional protocol; the monitoring centre for children's rights; training of peacekeepers abroad; voluntary enlistment of children aged 17 into the armed forces; sexual abuse at military academies; and improved monitoring of the export of arms.

The Republic of Korea was also examined by the Working Group on the UPR in May 2008.⁷³

Kuwait

Kuwait was examined by the **CRC** under the **OPSC** and **OPAC** in January 2008.⁷⁴ Under OPSC discussion focused on: specific laws dealing with the abuses elaborated in the optional protocol, as well as case law in this area; the lack of explicit legislative reference to the extradition of persons committing offences under the optional protocol; employment of children in domestic work; criminal proceedings involving children; criminalisation of the production of pornographic material; and the role of schools in educating about the optional protocol.

The dialogue with the Committee on the OPAC addressed: the status of demining campaigns; the work of the Department for Women and Children of the Ministry for Social Affairs and Labour; delinquency; the dissemination of a culture of peace and tolerance; legislation and jurisdiction related to the optional protocol; and participation of minors in the military.

Kyrgyzstan

Kyrgyzstan appeared before **CEDAW** in October 2008 to discuss its third periodic report.⁷⁵ The examination raised the following issues: the need to harmonise domestic laws with the articles of the Convention; the prevalence of violence against women and the need to confront patriarchal stereotypes; the high rate of marriages resulting from bride-kidnapping; the

under-representation of women in politics; the increase in maternal mortality rates and the high percentage of women suffering from anaemia. In addition, the Committee drew attention to gender disparity in the labour market; the incidence of violence against sex workers; and the lack of government-sponsored shelters for victims of sexual trafficking.

Lebanon

Lebanon appeared before **CEDAW** at the beginning of 2008.⁷⁶ In response to **CEDAW**'s questions, the delegation clarified the structure and mandate of the National Commission for Lebanese Women. **CEDAW** pointed out that the Commission is a semi-governmental body with weak institutional capacity, and called on Lebanon to strengthen its national machinery for the advancement of women. Other issues raised during the dialogue included: the alleged granting of 'artist visas' to trafficked women; insufficient political participation of women; the situation of domestic workers, who are excluded from the Labour Code; measures adopted by the Government to create an efficient health network; and the situation of vulnerable groups, namely rural women, Palestinian women refugees, and lesbian women.

Lithuania

Lithuania was examined by **CEDAW**, **CAT**, and the **CRC** under the **OPSC**.⁷⁷ During the dialogue with **CEDAW**, the delegation acknowledged that funding for women's NGOs remained insufficient, and that up to half of the Government's budget for gender-related projects was drawn from European Union (EU) structural funds. **CEDAW** also expressed its concern about the gender pay gap and labour market segregation. The delegation acknowledged that the persistence of stereotypical gender roles was the main reason for entrenched occupational segregation and women's low representation in most leadership positions. Other areas of interest for **CEDAW** included: drafting of laws on violence against women; lack of a comprehensive programme of sexual education; the effect of compound or double discrimination against Roma and rural women; participation of women in politics and decision-making; gender-

⁷³ The ISHR UPR report for the Republic of Korea can be found at: www.ishr.ch/upr_monitor.

⁷⁴ Kuwait's first periodic report. 47th session of the CRC. Concluding Observations are available at www2.ohchr.org/english/bodies/crc/crcs47.htm.

⁷⁵ Kyrgyzstan's third periodic report, 42nd session of **CEDAW**. Concluding Observations are available at www2.ohchr.org/english/bodies/cedaw/cedaws42.htm.

⁷⁶ Lebanon's third periodic report. 40th session of **CEDAW**. Concluding Observations are available at www2.ohchr.org/english/bodies/cedaw/cedaws40.htm. NGO reports were submitted by FAO, UNESCO, ILO, the Global Initiative to End All Corporal Punishment of Children, Frontiers Lebanon, Lebanese Protection for Lesbians, Gay Men, Bisexuals, and Transgenders (HELEM), Enough Violence and Exploitation (KAFA), Committee for the Follow-Up on Women's Issues, and a coalition of five NGOs. These reports are available at www2.ohchr.org/english/bodies/cedaw/cedaws40.htm.

⁷⁷ **CEDAW**: Lithuania's third and fourth periodic reports, 41st session of **CEDAW**. Concluding Observations are available at www2.ohchr.org/english/bodies/cedaw/cedaws41.htm. NGO reports were submitted by Center for Equality and Advancement, Global Initiative to End All Corporal Punishment of Children, a coalition of NGOs, and Centre for Reproductive Rights. These reports are available at www2.ohchr.org/english/bodies/cedaw/cedaws41.htm. **CAT**: Lithuania's second periodic report, 41st session of **CAT**. Concluding Observations are available at www2.ohchr.org/english/bodies/crc/crcs47.htm. **CRC-OPSC**: Lithuania's first report, 49th session of the **CRC**. Concluding Observations are available at www2.ohchr.org/english/bodies/crc/crcs49.htm.

stereotypes; and trafficking and sexual exploitation of women.

Lithuania submitted its second periodic report to CAT, which was reviewed in November 2008. Key issues raised by the Committee included the definition of torture in domestic legislation; the functions of the national human rights institution; the implementation of fundamental legal safeguards, including the right of detainees to have access to a doctor; and the conditions for asylum-seekers with special needs. Other issues touched upon included the principle of *non-refoulement*; the training of police, prison staff, and border-guards; pre-trial detention; and detention conditions.

Lithuania appeared before the CRC in September 2008 to discuss its initial report and examine compliance with the OPSC. Discussion focused on: domestic criminal laws and procedures in relation to the sale of children, child prostitution and pornography; training of social workers; cooperation with Nordic countries to prevent commercial sexual exploitation; adoption; repatriation of trafficked children; and child trafficking.

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Luxembourg's fifth periodic report, 40th session of CEDAW. Concluding Observations are available at www2.ohchr.org/english/bodies/cedaw/cedaws40.htm. NGO report submitted by Global Initiative to End All Corporal Punishment. This report is available at www2.ohchr.org/english/bodies/cedaw/docs/ngos/globalall.pdf.

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ISHR's UPR report on Luxembourg can be found at: www.ishr.ch/upr_monitor.

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HRC: Macedonia's second periodic report, 92nd session of the HRC. Concluding Observations available at www2.ohchr.org/english/bodies/hrc/hrcls92.htm. NGO reports were submitted by the Civil Society Research Center, the European Roma Rights Centre, the Global Initiative to End All Corporal Punishment of Children, Conscience and Peace Tax International, International Commission on Missing Persons, World Organisation Against Torture, ILGA – Europe and Masso. These reports are available at www2.ohchr.org/english/bodies/hrc/hrcls92.htm. CAT: Macedonia's second periodic report, 40th session of CAT. Concluding Observations available at www2.ohchr.org/english/bodies/cat/cats40.htm. NGO reports submitted by Civil Society Research Center, European Roma Rights Centre, International Commission on Missing Persons and OMCT. These reports are available at www2.ohchr.org/english/bodies/cat/cats40.htm.

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Madagascar's fifth periodic report, 42nd session of CEDAW. Concluding Observations available at www2.ohchr.org/english/bodies/cedaw/cedaws42.htm. NGO report submitted by the OMCT. This report is available at www2.ohchr.org/english/bodies/cedaw/cedaws42.htm.

Luxembourg

Luxembourg appeared before CEDAW in January 2008.⁷⁸ The Committee expressed particular interest in institutional and legislative measures in place to promote gender equality, including the National Plan of Action for Gender Equality. It inquired about the implementation of the 2003 law on violence against women, which provides for the eviction of the perpetrator from the household. It also focused on legislative measures to combat trafficking and the slow increase in the participation of women in public and political life. Other topics raised included education; employment; health; immigrant women; marriage and family relations; rural women; and pensions.

Luxembourg was also examined by the Working Group on the UPR in December 2008.⁷⁹

Macedonia

Macedonia was reviewed by the HRC and CAT.⁸⁰

The examination by the HRC took place in March 2008 and discussed Macedonia's second periodic report. The examination addressed: efforts to combat corruption; discrimination against women, including through gender stereotyping in the media and low female involvement in civil and political life; the civil and cultural rights of minority groups, in particular the Roma people; the scope and effect of amnesty laws; the status and return of more than 2,000 Kosovar refugees; and the conditions of internally displaced persons. The HRC also addressed the non-conformity of the national Ombudsman with the *Paris Principles*; police training in human rights; and the fairness of voting rights in local elections.

Macedonia's second periodic report was examined by CAT during its 40th session in May 2008. Discussion focused on the following issues: the compliance of the domestic definition of torture with the Convention; inadequate sanctions against torture; the independence of the judiciary; overcrowding in prisons, violence against prisoners, and conditions of juvenile detention; the provision of human rights training to police officers; the status of missing persons after the Balkan wars; reconsideration of the traditional definition of rape in the Criminal Code; the treatment of the Roma minority and of asylum seekers.

Madagascar

Madagascar was examined by CEDAW in October 2008 following the submission of its fifth periodic report.⁸¹ Among the issues raised were: the patriarchal nature of society; persisting cultural traditions, such as FGM, which discriminate against women; the empowerment of women through income-generating activities; improvements in sexual health such as the introduction of free family planning services in 2006 as well as the fight against HIV/AIDS; the urgent need for special temporary measures to allow women better access to employment opportunities; the lack of clarity in laws on domestic violence, and the need for awareness-raising activities; the trafficking and sexual exploitation of women and young girls; and the lack of specific programmes to improve the living conditions for rural women.

Moldova

Moldova was examined by **CERD**.⁸² The examination addressed the status of the Convention in domestic law, and the realisation of ethnic minorities' civil, political, economic, social and cultural rights. Of particular concern were patterns of discrimination against Roma, Bulgarians, Ukrainians, Muslims, and stateless persons. Other issues discussed included racial discrimination in the judicial system; minority representation; religious discrimination; stateless persons; freedom of association; and minority languages.

Monaco

Monaco was examined by the **HRC**.⁸³ The Committee asked whether Monaco's reservation to Article 25 of the Covenant regarding political participation would be withdrawn. A concern of the Committee related to the absence of an independent national human rights institution. The State was also criticised for its very broad definition of terrorism. Other issues raised included the duration of police custody; detainees' right to a lawyer; therapeutic abortion; gender equality in decision-making positions; and domestic violence.

Mongolia

Mongolia was examined by **CEDAW**.⁸⁴ The examination focused on ensuring the political participation of women; gender equality in legislation; domestic violence; and combating gender-based stereotyping. The Committee noted the discrepancy between the high percentage of educated women and their low percentage in decision-making roles. The Committee also focused on measures to combat trafficking in women and children, as well as on ensuring legal aid and funding for shelters for the victims.

Montenegro

CAT considered the initial report of Montenegro in November 2008. The review examined the following issues: detainees' right of access to a doctor and a lawyer; judicial independence; the status of the substantial Roma population

displaced from Kosovo; training programmes on the Convention and prevention of torture; acceptable interrogation techniques and evaluation mechanisms to assess their effectiveness; the independence of the mechanism for complaints against the police; forced disappearances; and inter-prisoner violence.

Montenegro was also examined by the Working Group on the UPR in December 2008.⁸⁵

Morocco

Morocco was examined by **CEDAW**.⁸⁶ The examination addressed the status of the Convention in domestic law, including marital law; violence against women; efforts to increase women's representation in decision-making roles; education; and health. The Committee called for a public awareness campaign to combat negative stereotyping, and urged the improved promotion of women's political participation and the elimination of all kinds of violence against women, including spousal abuse. The Committee reiterated its concern that Morocco's Constitution still lacks specific reference to gender equality.

Morocco was also examined by the Working Group on the UPR in April 2008.⁸⁷

Myanmar

Myanmar was examined at the 42nd session of **CEDAW** in November 2008.⁸⁸ The delegation demonstrated a rather dismissive attitude to a number of issues. The discussion addressed: the failure to implement many of the obligations set out in the Convention and the need to harmonise domestic and international law; discrimination against women and minorities; trafficking in women and the need for a comprehensive system of data collecting and monitoring in this regard; the low rate of women's participation in decision-making and the need for temporary special measures; the high rate of HIV/AIDS infections and maternal mortality; NGO funding and independence; and the low level of education among women, especially in rural areas.

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Moldova's combined fifth to seventh periodic reports, 72nd session of CERD. Concluding Observations available at www2.ohchr.org/english/bodies/cerd/cerds72.htm. A parallel report was submitted by Resource Center for Human Rights/ National Roma Center. This report is available at www2.ohchr.org/english/bodies/cerd/cerds72.htm

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Monaco's second periodic report, 94th session of CCPR. Concluding Observations available at www2.ohchr.org/english/bodies/hrc/hrcs94.htm.

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Mongolia's combined fifth, sixth, and seventh periodic reports, 41st session of CEDAW. Concluding Observations are available at www2.ohchr.org/english/bodies/cedaw/cedaws42.htm. NGO reports submitted by Centre for Citizens' Alliance, Coalition of Mongolian LGBT Rights Activists, Global Initiative to End All Corporal Punishment of Children, National Human Rights Commission of Mongolia. These reports are available at www2.ohchr.org/english/bodies/cedaw/cedaws42.htm.

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The ISHR UPR report for Montenegro can be found at: www.ishr.ch/upr_monitor.

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Morocco's combined third and fourth periodic reports, 40th session of CEDAW. Concluding Observations available at www2.ohchr.org/english/bodies/cedaw/cedaws40.htm. NGO reports submitted by FAO, UNESCO, ILO, Association Democratique des Femmes du Maroc and the Global Initiative to End All Corporal Punishment of Children. These reports are available at www2.ohchr.org/english/bodies/cedaw/cedaws40.htm.

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The ISHR UPR report for Morocco can be found at: www.ishr.ch/upr_monitor.

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Myanmar's third periodic report, 42nd session of CEDAW. Concluding Observations available at www2.ohchr.org/english/bodies/cedaw/cedaws40.htm. NGO reports submitted by the Global Initiative to End All Corporal Punishment of Children, Centre for Citizens' Alliance, Coalition of Mongolian LGBT Rights Activists and the National Human Rights Commission of Mongolia. These reports are available at www2.ohchr.org/english/bodies/cedaw/cedaws42.htm.

Namibia

Namibia was examined by **CERD** in August 2008.⁸⁹ The examination addressed: the status of the Convention in domestic law and concerns about amendments to the *Racial Discrimination Prohibition Act*; the need for strengthened efforts to break the cycle of poverty; new initiatives to provide identity documents; land rights for the San minority; the slow progress of the National Resettlement Policy; discrimination in access to education; and the merging of Roman Dutch common law with customary law in the areas of succession and inheritance.

Nicaragua

Nicaragua appeared before **CERD**, **CESCR**, and the **HRC**.⁹⁰ Its examination by CERD addressed the status of the Convention in domestic law and the administration of justice, especially pertaining to the indigenous populations and the autonomous regions. In general, the Committee welcomed legislative progress but noted that more vigorous implementation was necessary. The Committee commented on the challenges in incorporating the many ethnic and indigenous groups in the legal system and expressed concern about violations of the right to judicial protection, political rights, and equality before the law. The Committee also called on the State to do more to ensure the political participation of indigenous peoples at all levels.

Nicaragua's examination by CESCR focused on the implementation of programmes to combat hunger, housing problems, unemployment and illiteracy, and on access to healthcare. The Committee urged the State to ensure that such programmes benefit the neediest of the population, particularly women and indigenous peoples. The Committee also encouraged Nicaragua to combat the maternal mortality rate and lift the ban on therapeutic abortion, which it viewed as a violation of women's right to health. Issues relating to land ownership and legal tenure were of concern to the Committee, especially in relation to indigenous peoples.

Nicaragua was examined by the HRC at its 94th session, 18 years after its previous review. Issues raised during the discussion included: conditions in prisons, including overcrowding; the

prohibition of therapeutic abortion; the alarming increase in domestic violence; the independence of the judicial system; land rights for indigenous peoples; political participation of women and indigenous peoples; pre-trial detention; extrajudicial killings of children; and freedom of expression.

Nigeria

Nigeria was examined by **CEDAW**.⁹¹ The examination addressed in particular the inadequate incorporation of the Convention into domestic law, and the need for a comprehensive plan to bring about a cultural change on all issues relating to the Convention. The Committee was concerned about discriminatory laws on divorce; marital property; representation in courts; access to legal aid; inheritance rights; and the status of widows. It also raised issues relating to the advancement of women; education; violence against women, trafficking and prostitution; participation in political and public life; employment; poverty; health; marriage and family relations; gender stereotypes and harmful practices, including female genital mutilation. Attention was also paid to the disturbingly high maternal mortality rate.

Panama

Panama's third periodic report was examined by the **HRC** during its 92nd Session in March 2008.⁹² Discussion focused on the following issues: prison conditions and the treatment of detainees; discrimination against women (particularly in the workplace); the legal status of refugees; the general prohibition on abortion; the rights of indigenous people and the lack of an effective legal framework to protect children from exploitation.

Philippines

The Philippines was examined by **CESCR** and the **CRC** under the **OPAC**.⁹³ The Philippines' second to fourth periodic reports were reviewed by CESCR during its 41st session in November 2008. The examination addressed: Government initiatives to secure housing rights and provide compensation to victims of forced evictions; the

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Namibia's eighth to 12th reports. 73rd session of CERD. Concluding Observations available at www2.ohchr.org/english/bodies/cerd/cerds73.htm. NGO reports submitted by the Legal Assistance Centre and International Women's Human Rights Clinic, and National Society for Human Rights Liberty Center. These reports are available at www2.ohchr.org/english/bodies/cerd/cerds73.htm.

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CERD: Nicaragua's combined 10th to 14th periodic reports, 72nd session of CERD. Concluding Observations are available at www2.ohchr.org/english/bodies/cerd/cerds72.htm. NGO reports submitted by the Indigenous Community of Awas Tingni; Minority Rights Group International; Consejo Regional de Pueblos Indígenas de la región central coordinadora Diriangen and Interpelación al estado de Nicaragua por los pueblos indígenas de la región central. These reports are available at www2.ohchr.org/english/bodies/cerd/cerds72.htm.

CESCR: Nicaragua's combined third, fourth and fifth periodic reports, 41st session of CESCR. Concluding Observations available at www2.ohchr.org/english/bodies/cescr/cescrs41.htm. NGO reports submitted by the Center for Reproductive Rights, FIAN, Global Initiative to End All Corporal Punishment of Children, Ipas Central America, Minority Rights Group International, Coordinadora Diriangen, Amnesty International and PIDDHH. These reports are available at www2.ohchr.org/english/bodies/cescr/cescrs41.htm. HRC: No State report submitted; 94th session of HRC. Concluding Observations available at www2.ohchr.org/english/bodies/hrc/hrcs94.htm. NGO reports submitted by Global Initiative to End All Corporal Punishment of Children, CPTI, Human Rights Watch, Awas Tingni Community of Nicaragua, OMCT and Global Rights. These reports are available at www2.ohchr.org/english/bodies/hrc/hrcs94.htm.

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Nigeria's sixth periodic report, 41st session of CEDAW. Concluding Observations are available at www2.ohchr.org/english/bodies/cedaw/cedaws41.htm. NGO reports submitted by the Global initiative to End All Corporal Punishment of Children; International Displacement Monitoring Centre; Women Aid Collective (WACOL); Center for Reproductive Rights, and two reports compiled by a Nigeria NGO coalition. These reports are available at www2.ohchr.org/english/bodies/cedaw/cedaws41.htm.

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Panama's third periodic report, 92nd session of HRC. Concluding Observations available at www2.ohchr.org/english/bodies/hrc/hrcs92.htm. NGO reports submitted by CLADEM, CPTI, Red de Derechos Humanos, PIHRL and the Harvard Clinic report on Panama. These reports are available at www2.ohchr.org/english/bodies/hrc/hrcs92.htm.

right of indigenous populations to their ancestral lands; women's rights in the contexts of rape legislation, reproductive health, marriage of Muslim women, and trafficking; measures to address unemployment; the strengthening of social security; and the rights of overseas Filipino workers. In addition, CESCR drew attention to the deterioration of the education system, pervasive corruption, and allegations that the national commission for human rights lacked independence.

In May 2008, the Philippines appeared before the CRC to discuss its initial report and implementation of the OPAC. Issues raised included: alleged discrimination against indigenous populations; granting of amnesty to former child soldiers; the role of the Ombudsman's office; time limits for detaining a minor; conditions in juvenile detention centres; extradition of minors; and greater control of arms sales.

The Philippines was also examined by the Working Group on the UPR in April 2008.⁹⁴

Portugal

Portugal's sixth and seventh periodic reports were examined at CEDAW's 42nd session in November 2008.⁹⁵ The discussion focused on the following issues: reorganisation of national women's institutions to ensure greater promotion of gender equality; the recent establishment of crisis centres for victims of domestic violence; the National Plan against trafficking and the availability of rehabilitation services for victims; high level of segregation in the labour market; the lack of an effective complaints mechanism for gender discrimination cases; and the need to implement further measures to increase female participation in government. In addition, the Committee drew attention to the high rates of HIV infection; low condom usage; and the issue of conscientious objections by doctors impeding women's access to abortions.

Russian Federation

The Russian Federation appeared before CERD to discuss its 18th and 19th periodic reports.⁹⁶ The examination addressed the following issues: the status and rights of indigenous peoples in

North Siberia and the far east of the country; citizenship rights for former citizens of the Soviet Union; anti-racial discrimination training for law enforcement officials; the status of Cossacks; the capacity of the President's Council and the Ombudsman's office to deal with complaints regarding racial discrimination; the activities of extremist organisations; and the rights of asylum seekers, refugees, and migrants.

San Marino

San Marino's second periodic report was examined by the HRC in July 2008.⁹⁷ The examination addressed: legislation on counter-terrorism; the use of biotechnology; wire-tapping and protection of the individual's right to privacy; domestic violence against women; the rights of disabled persons; legal representation for the indigent; gender equality in the workplace; and citizenship rights.

Saudi Arabia

Saudi Arabia was examined by CEDAW.⁹⁸ The examination addressed the State's reservations to the Convention; the inadequate incorporation of the Convention into domestic law; political participation of women; women's labour rights; marriage and family relations; nationality; male guardianship; freedom of movement; education; and violence against women, including spousal abuse. The Committee commented on the absence of laws governing violence against women. The State was encouraged to seek the technical support of the UN in developing, elaborating, and implementing a plan of action for the promotion of gender equality. The Committee criticised the State's limited efforts to moderate discriminatory customs, traditions, and stereotypical attitudes towards women.

Serbia

Serbia was reviewed by the CRC and CAT.⁹⁹ Serbia appeared before the CRC in May 2008 to discuss its initial report. During the review, the Committee inquired about: the harmonisation of domestic legislation with international treaties, particularly the *Convention on the Rights of the Child*; the possibility of establishing an

93 CESCR: Philippines' second to fourth periodic reports, 41st session of CESCR. Concluding Observations available at www2.ohchr.org/english/bodies/cescr/cescrs41.htm. NGO reports submitted by the Centre for Reproductive Rights, COHRE, the Global Initiative to End All Corporal Punishment of Children, OMCT, IDMC, Philippines Commission on Human Rights, Philippines NGO Coalition, FIAN and ESCR-Asia. These reports are available at www2.ohchr.org/english/bodies/cescr/cescrs41.htm. CRC-OPAC: Philippines' first report, 48th session of the CRC. Concluding Observations are available at www2.ohchr.org/english/bodies/crc/crcs48.htm.

94 The ISHR UPR report for the Philippines can be found at: www.ishr.ch/upr_monitor.

95 Portugal's sixth and seventh periodic reports, 42nd session of CEDAW. Concluding Observations available at www2.ohchr.org/english/bodies/cedaw/cedaws42.htm. NGO reports submitted by the Global Initiative to End All Corporal Punishment and the Portuguese Platform for Women's Rights. These reports are available at www2.ohchr.org/english/bodies/cedaw/cedaws42.htm.

96 Russian Federations' 18th and 19th periodic reports, 73rd session of CERD. Concluding Observations available at www2.ohchr.org/english/bodies/cerd/cerds73.htm.

97 San Marino's second periodic report, 93rd session of HRC. Concluding Observations available at www2.ohchr.org/english/bodies/hrc/hrcs93.htm. NGO reports submitted by Child Soldiers, Global Initiative and Privacy International. These reports are available at www2.ohchr.org/english/bodies/hrc/hrcs93.htm.

98 Saudi Arabia's combined first and second periodic reports, 40th session of CEDAW. Concluding Observations are available at www2.ohchr.org/english/bodies/cedaw/cedaws40.htm. Parallel reports submitted by UNESCO; ILO; Global Initiative to End All Corporal Punishment of Children; Women for Reform. These reports are available at: www2.ohchr.org/english/bodies/cedaw/cedaws40.htm

99 CRC: Serbia's first periodic report, 48th session of the CRC. Concluding Observations are available at www2.ohchr.org/english/bodies/crc/crcs48.htm. CAT: Serbia's initial periodic report, 41st session of CAT. Although the report is technically the second report submitted by Serbia, the Committee considered it as an initial report. This was due to the change of government in October 2000 which led to Serbia's re-accession to international

treaties on human rights. In light of this, an agreement was reached with the UN that Serbia could submit an 'initial' report covering from 1992 until the first six months of 2003. Concluding Observations available at www2.ohchr.org/english/bodies/cat/cats41.htm. NGO reports submitted by Center for Human Rights, Mental Disability Rights International and the Serbian Protector of Citizens (Ombudsman). These reports are available at www2.ohchr.org/english/bodies/cat/cats41.htm.

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Sierra Leone's second periodic report, 48th session of the CRC. Concluding Observations available at www2.ohchr.org/english/bodies/crc/crcs48.htm.

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Slovakia's fourth periodic report, 42nd session of CEDAW. Concluding Observations available at www2.ohchr.org/english/bodies/cedaw/cedaws41.htm. NGO reports submitted by Centre for Civil and Human Rights, FIDH, Global Initiative to End All Corporal Punishment of Children and a Slovak NGO coalition. These reports are available at www2.ohchr.org/english/bodies/cedaw/cedaws41.htm.

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Slovenia's fourth periodic report, 42nd session of CEDAW. Concluding Observations available at www2.ohchr.org/english/bodies/cedaw/cedaws42.htm. NGO reports submitted by Association for Helpline for Women and Children Victims of Violence, Global Initiative to End All Corporal Punishment of Children, SKUC-LL and a coalition of NGOs and independent experts. These reports are available at www2.ohchr.org/english/bodies/cedaw/cedaws42.htm.

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Spain's fifth periodic report, 94th session of the HRC. Concluding Observations available at www2.ohchr.org/english/bodies/hrc/hrcs94.htm. NGO reports submitted by AEDIDH, ALA y APDHE, Amnesty International, Asociacion Espanola para el Desarrollo y la Aplicacion del Derecho Internacional de los Derechos Humanos, CAMHA, Conscience & Peace Tax International, CPT, ICJ, Democracy Reporting International, ACAT-FIACAT, Human Rights Watch, Basque Observatory of Human Rights – Behatokia, Asociacion Pro Derechos Humanos de Andalucia and the International Commission of Jurists. These reports are available at www2.ohchr.org/english/bodies/hrc/hrcs94.htm.

Ombudsman for children; the definition of minorities; discrimination against minorities and children with disabilities; the high number of deaths due to accidents, neo-natal and infant mortality rates, and the high number of suicides; efforts to achieve universal birth registration; decision-making processes for taking children into alternative care; poverty reduction; drug and alcohol abuse; treatment of mentally disabled children; discrimination in the education system; and the low national education budget.

Serbia was examined by CAT following the submission of its initial report. Among the issues raised were: cooperation with the International Criminal Tribunal for the former Yugoslavia; poor treatment of people with physical and mental disabilities; the rights of detainees including access to lawyers and medical treatment; insufficient control mechanisms in the penitentiary system; massive overcrowding in prisons; and a lack of preventative measures and prosecutions in regards to domestic violence.

Serbia was also examined by the Working Group on the UPR in December 2008.

Sierra Leone

Sierra Leone appeared before the CRC in May 2008 to discuss its second periodic report.¹⁰⁰ The Committee raised the following issues: enforcement mechanisms and resources to implement the *Child Rights Act*; coordination between ministries on children's rights; discrimination against girls and practices undermining their status, including FGM and early and forced marriages; measures to increase birth registration; and violence against children. Furthermore, the Committee inquired about: laws and mechanisms relating to child welfare; alternative care facilities; issues related to adoption laws; the need for a multi-faceted approach to combat FGM; lack of investment in child and maternal health; inclusive education and efforts to change attitudes towards disabilities; support provided to former child soldiers; the situation of refugee children; street children; trafficking; and juvenile justice.

Slovakia

Slovakia was examined by CEDAW in July 2008 to discuss its second to fourth periodic reports.¹⁰¹ The examination addressed: public awareness of the Convention; the limited scope of anti-discrimination legislation to address structural discrimination; government initiatives to address gender stereotypes; the gender pay gap and labour market segregation on gender grounds; the lack of an effective legal framework to combat violence against women; restrictions on the reproductive rights of women, in particular barriers to accessing contraceptives and abortion; allegations of forced sterilisation; and the particularly vulnerable situation of Roma women. In addition, the Committee drew attention to the issue of trafficking in women and the need to increase female participation in politics and decision-making.

Slovenia

Slovenia appeared before CEDAW during its 42nd session in October 2008.¹⁰² The issues raised focused on: the non-utilisation of the Convention in court cases; low level of consultation with NGOs and limited funding for NGOs; exclusion of sexual orientation as a ground of discrimination under the *Equal Treatment Act*; discrimination against Roma communities and their limited access to legal aid, healthcare, and education; low participation of women in political and public life; the wage gap between men and women; the high unemployment rate for women; and the high rate of maternal mortality.

Spain

Spain appeared before the HRC during its 94th session in October 2008.¹⁰³ Issues discussed included: the treatment of detainees and the extensive use of *incommunicado* detention; the high incidence of gender-based domestic violence; cases of arbitrary expulsions of migrants; detention of minors in police facilities; freedom of expression, in particular the closure of two media outlets in the Basque country; cases of racism and xenophobia; enforced disappearances; and the ratification of the *International Convention for the Protection of All Persons from Enforced Disappearance*.

Sweden

Sweden was examined by **CEDAW**, **CERD**, **CAT**, and **CESCR**.¹⁰⁴ During the CEDAW review the Committee commended Sweden as a role model for its work on promoting gender equality, and its achievements in this regard since the 1970s. However, the Committee noted that in some respects progress on this front had stagnated: for example with regards to women attaining positions of power in the public and private sphere, and the closing of the wage gap between men and women. Other issues of interest included the incorporation of the Convention into domestic law; violence against women; prostitution and trafficking; and measures to counteract multiple discrimination against vulnerable groups.

Sweden was examined by CERD in August 2008. The examination addressed: the status of the Convention in domestic law, including new anti-discrimination legislation; land rights for the Sami minority; indigenous recognition; progress in drafting the Nordic Sami Convention; the right to mother tongue tuition; legal aid; discrimination against the Roma population; Sweden's integration policy; and the unemployment level among foreign-born Swedes.

During its appearance before CAT, Sweden was asked to elaborate on the extension and application of the definition of 'refugee'. Other issues included whether Sweden intended to introduce a definition of torture into its penal legislation; police custody; psychiatric care; and trafficking.

Sweden appeared before CESCR for the examination of its fifth periodic report in November 2008. Among the issues raised during the examination were: discrimination against the Roma minority, particularly with regards to education and access to public services; equality of persons with disabilities in the labour market; the disparity in employment rates between ethnic Swedes and foreign born persons; and the lack of legislation concerning minimum wage. The Committee commended Sweden's initiatives in terms of international cooperation and development assistance.

Switzerland

Switzerland appeared before **CERD**, which considered its fourth to sixth periodic reports.¹⁰⁵ The examination addressed the following issues: hostility towards blacks and Muslims; the proliferation of extremist right-wing organisations; discrimination against the Roma and Yenish people; the lack of effective institutions to monitor racial discrimination and receive complaints; reports of police brutality; and a trend towards more restrictive policies with respect to immigrants and asylum-seekers.

Switzerland was also examined by the Working Group on the UPR in May 2008.¹⁰⁶

Syria

Syria was examined by **CMW**.¹⁰⁷ The examination mainly addressed the lack of information on migration flows and concerns about the lack of participation of NGOs in the process of drafting the national report. The Committee urged the State to engage more with civil society and trade unions, and criticised the lack of reliable and detailed statistics in the State report. Other issues raised included: migrants' access to medical services; freedom of association for non-Arab foreign workers; provisions adopted to prevent illegal migration; and trafficking of workers.

Tanzania

Tanzania was examined by **CEDAW** and by the **CRC** under the **OPSC** and the **OPAC**.¹⁰⁸ The examination by CEDAW addressed the domestication of the Convention; definition of discrimination in the Constitution; repealing of discriminatory laws; violence against women; situation of vulnerable women (older women, albino women, rural women); and family relations. An area of particular concern for the Committee was the lack of data available about violence against women. The State recognised that most incidences of rape, including marital rape, went unreported. The Committee also addressed the issues of rural women's access to justice, education, and healthcare. The delegation also recognised the unsuccessful implementation of legislation against FGM.

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CEDAW: Sweden's sixth and seventh reports. 40th session of CEDAW. Concluding Observations available at www2.ohchr.org/english/bodies/cedaw/cedaws40.htm. NGO reports were submitted by Swedish CEDAW – Network and the Swedish Women's Lobby, the Global Initiative to End All Corporal Punishment of Children and Synskadades Riksförbund. These reports are available at www2.ohchr.org/english/bodies/cedaw/cedaws40.htm. CAT: Sweden's fifth periodic report. 40th session of CAT. Concluding Observations available at www2.ohchr.org/english/bodies/cat/cats40.htm. NGO reports submitted by the International Commission of Jurists, the Redress Trust, the Swedish Helsinki Committee for Human Rights and the Swedish Red Cross available at www2.ohchr.org/english/bodies/cat/cats40.htm. CERD: Sweden's 17th to 18th report, 73rd session of CERD. Concluding Observations available at www2.ohchr.org/english/bodies/cerd/cerds73.htm. NGO reports were submitted by CMR, the SAAMI Council and the United Nations Association of Sweden. These reports available at www2.ohchr.org/english/bodies/cerd/cerds73.htm.

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Switzerland's fourth to sixth periodic reports, 73rd session of CERD. Concluding Observations available at www2.ohchr.org/english/bodies/cerd/cerds73.htm.

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The ISHR UPR report for Switzerland can be found at www.ishr.ch/upr_monitor.

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Syria's first periodic report. 8th session of CMW. Concluding Observations available at www2.ohchr.org/english/bodies/cmw/cmws08.htm.

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CEDAW: Tanzania's fourth to sixth periodic reports, 41st session of CEDAW. Concluding Observations are available at www2.ohchr.org/english/bodies/cedaw/cedaws41.htm. NGO reports submitted by the Global Initiative to End All Corporal Punishment of Children, HelpAge International Tanzania, Women's Legal Aid Centre (WLAC). These reports are available at www2.ohchr.org/english/bodies/cedaw/cedaws41.htm. CRC-OPSC: Tanzania's first periodic report, 49th session of the CRC. Concluding Observations are available at www2.ohchr.org/english/bodies/crc/crcs49.htm. CRC-OPAC: Tanzania's first periodic report, 49th session of the CRC. Concluding Observations are available at www2.ohchr.org/english/bodies/crc/crcs49.htm.

Tanzania was examined by the CRC in September 2008 to discuss its compliance with the OPSC and the OPAC pursuant to its initial reports under both optional protocols. The examination on OPSC considered the following issues: the criminalisation of the sale of children; child prostitution and pornography; measures to combat sex tourism and child exploitation; police violence; juvenile justice; foreign adoption procedures; reports of ritual killings, particularly of albino children; and the provision of social assistance from government and civil society to child victims.

In considering Tanzania's implementation of OPAC, the Committee considered the following: cooperation between government agencies on child rights; the jurisdiction of the national commission for human rights; dissemination of the OPAC, particularly to children and the military; the 'exceptional circumstances' provision in the *National Defence Act*; the low rate of birth registration; the integration and rehabilitation of refugee children; and laws concerning the import, export and transit of arms.

Tanzania was reviewed by the CRC in September 2008 to examine its initial report on the implementation of OPSC. At the session, the following issues were discussed: the need to bring the definition of the crimes of trafficking, sexual exploitation, pornography and prostitution in the penal code in line with OPSC; dissemination of objects of the protocol to relevant professionals, including the military; the large number of orphans with aids; preventative measures to deal with sex tourism in Zanzibar; early marriage of children; assistance provided to child victims during criminal prosecution; the sale of children for domestic or sexual services; the adoption process in Tanzania and conformity with the Hague Convention; ritual killings, particularly of albino children; support mechanisms in place for child victims of sexual abuse and the need to address the problem of street children.

Timor Leste

Timor Leste was examined by the CRC in January 2008 to examine compliance with the Convention, OPSC, and OPAC.¹⁰⁹ The Committee raised questions regarding: legislation relating to children; strengthening civil society; gender

discrimination in customary law; implementation of the right of the child to express his/her opinions; birth registration; regulation and oversight of informal adoptions; widespread family violence and corporal punishment; provision of basic health services, including immunisation; high poverty rate; issues related to education, including funding and language; the minimum age of criminal responsibility; transitional problems in juvenile justice; street children; and child labour.

The examination of Timor Leste under OPSC addressed: the lack of legislation in this area; programmes and mechanisms to prevent trafficking; and the role of the media in disseminating information about child rights issues.

Regarding OPAC, the Committee engaged Timor Leste in discussions on: a draft law regulating the possession of weapons; children enrolling in the volunteer defence force; dissemination of the optional protocol, including the involvement of the media; and services, especially access to education and employment, for children who had been engaged in the liberation conflict.

Togo

Togo was examined by CERD.¹¹⁰ The examination mainly focused on the status of the Convention in domestic law and on the divisions existing between the two main ethnic groups, particularly within the Government and the military. The Committee also noted the lack of complaints to the national human rights commission and saw it as a sign of insufficient knowledge among citizens about their legal rights. In general the Committee emphasised the need to increase the capacity of the legal system and to improve the human rights education of the population.

Tunisia

Tunisia appeared before the HRC during its 92nd session in March 2008 for the examination of its fifth periodic report.¹¹¹ A primary point of discussion concerned Tunisia's unwillingness to abolish the death penalty in law despite a longstanding *de facto* moratorium. Other issues discussed included: incidence of torture and ill-treatment in prisons; instances of harassment,

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CRC, CRC-OPSC, CRC-OPAC: Timor Leste's first periodic report to all three Committees, 47th session of the CRC. Concluding Observations are available at www2.ohchr.org/english/bodies/crc/crcs47.htm.

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Togo's sixth to 17th periodic reports, 73rd session of CERD. Concluding Observations are available at www2.ohchr.org/english/bodies/cerd/cerds73.htm.

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Tunisia's fifth periodic report, 92nd session of the HRC. Concluding Observations available at www2.ohchr.org/english/bodies/crc/crcs47.htm. NGO reports submitted by Amnesty International, International Commission of Jurists, FIDH and OMCT. These reports are all available www2.ohchr.org/english/bodies/crc/crcs47.htm.

torture, and the restrictions on freedoms for human rights defenders and journalists; the impact of anti-terror laws on civil rights; domestic violence; and the independence of the judiciary. Additionally, brief mention was made of Tunisia's human rights institution; the rights of minority groups such as the Berber population; the right to freedom of religion; and the provision of human rights training to law enforcement officials.

Tunisia was also examined by the Working Group on the UPR in April 2008.¹¹²

Uganda

Uganda was examined in September 2008 by the CRC under OPSC and OPAC,¹¹³ pursuant to its initial State reports. Discussions on the OPSC addressed the following issues: the incorporation of the objectives of the optional protocol into domestic law; sexual education programmes; preventative measures to address ritual killings; co-operation with the United Nations Children's Fund (UNICEF) and civil society actors; economic migration, in particular the movement of children; and rehabilitation programmes for victims of child exploitation.

In considering Uganda's implementation of OPAC, the Committee considered: the status of OPAC in domestic law; amnesties granted under the *Amnesty Act*; the re-integration into society of former child soldiers; rehabilitation and reintegration of rape victims; methods to improve the birth registration system; efforts to prosecute members of the Lord's Resistance Army (LRA) before the International Criminal Court; the poverty eradication strategy; and the rehabilitation of children saved from the LRA.

United Kingdom

The United Kingdom of Great Britain and Northern Ireland (the UK) was reviewed by CEDAW, the HRC, and the CRC.¹¹⁴ While CEDAW acknowledged that the reports describe the general equality institutional framework in place in Northern Ireland, Scotland, Wales, and in the overseas territories, the Committee requested specific information about the measures in place to ensure all of the provisions of the Convention

are uniformly and consistently implemented throughout these areas. Other issues raised include violence against women; trafficking; women's participation in decision-making; education and stereotypes; employment and reconciliation of work and family life; health; women in vulnerable situations; and the optional protocol.

The UK appeared before the HRC in July 2008 to discuss its sixth periodic report. The examination addressed: the treatment of migrants, asylum-seekers and detainees; the integration of the Covenant into domestic law; the review of reservations to the Covenant; human rights protections in the context of anti-terrorism legislation, with particular reference to the provision permitting detention for 48 hours without a lawyer; the use of legislation to allow for non-jury trials (*Diplock* legislation); and the use of 'attenuating energy projectiles' by police and armed forces in Northern Ireland.

The UK was examined by the CRC in September 2008 to review its third and fourth reports on the implementation of the *Convention of the Rights of the Child* and its initial report on the implementation of OPAC. With respect to the CRC, discussion focused on the following issues: the national plan to eradicate poverty; the role of children's commissioners; discrimination against travellers in education and social services; bullying and discrimination on the basis of sexual orientation in schools; accessibility of schooling for disabled children; the effect of the counter-terrorism bill on civil liberties; lack of legislation criminalising all corporal punishment; adoption; the high rate of teenage pregnancy; measures to combat the use and abuse of drugs and alcohol; measures to prevent FGM amongst the immigrant population; education in detention; the juvenile justice system; the rights and treatment of asylum seekers' children; and the use of taser guns and plastic bullets.

In considering the State's implementation of OPAC, the Committee considered: domestic legislation, in particular the failure to define 'direct hostilities'; arms exports to countries recruiting child soldiers; treatment of child combatants during military operations; the training of military personnel on OPAC; the role of the service complaints commissioner; the recruitment and participation of minors in the armed forces and

¹¹² The ISHR UPR report for Tunisia can be found at: www.ishr.ch/upr_monitor.

¹¹³ CRC-OPSC: Uganda's first periodic report, 49th session of the CRC. Concluding Observations are available at www2.ohchr.org/english/bodies/crc/crcs49.htm. CRC-OPAC: Uganda's first periodic report, 49th session of the CRC. Concluding Observations are available at www2.ohchr.org/english/bodies/crc/crcs49.htm.

¹¹⁴ CEDAW: United Kingdom's fifth and sixth reports, 41st session of CEDAW. Concluding Observations are available at www2.ohchr.org/english/bodies/cedaw/cedaws41.htm. NGO reports were submitted by the Equality and Human Rights Commission, FFA in Northern Ireland, the Global Initiative to End All Corporal Punishment of Children, Committee on the Administration of Justice, WRC, the Northern Ireland's Human Rights Commission, Northern Ireland Women's European Platform, the Equality Commission for Northern Ireland, UK Women's National Commission, the Northern Ireland Council for Ethnic Minorities and Lesbian Line, available at www.ohchr.org. HRC: United Kingdom's sixth periodic report, 93rd session of HRC. Concluding Observations are available at www2.ohchr.org/english/bodies/hrc/hrcls93.htm. CRC: United Kingdom's third and fourth consolidated reports, 49th session of the CRC. Concluding Observations are available at www2.ohchr.org/english/bodies/crc/crcs49.htm. CRC-OPAC: United Kingdom's first periodic report, 49th session of the CRC. Concluding Observations are available at www2.ohchr.org/english/bodies/crc/crcs49.htm.

non-state groups such as paramilitary groups in Northern Ireland; and the demobilisation, reintegration, and recovery of former child soldiers.

The UK was also examined by the Working Group on the UPR in April 2008.¹¹⁵

United States of America

The United States of America (the US) was examined by CERD and by the CRC under OPSC and the OPAC.¹¹⁶ During the CERD session, the Committee asked the US to explain why African-American persons are arrested and convicted at higher rates, and sentenced for longer periods, than white persons. The delegation replied that the reasons for such disparities were 'complex' and insisted that US federal law guaranteed equal treatment. The Committee was also concerned about racial profiling; *de facto* segregation in public schools; the possibly discriminatory use of the death penalty; and immigration policy, particularly as it relates to those coming from predominantly Muslim countries.

The examination of the US by the CRC in May 2008 under OPSC focused on: the implications of ratifying the optional protocol; ambiguous definition of some legal concepts, including trafficking, sale of organs, and child pornography; jurisdiction and extradition for crimes covered by the optional protocol; protection of child victims and witnesses; assistance to victims; and the implementation of the *Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption*.

The US was also examined by the CRC under OPAC. The discussions addressed: the US' numerous interpretive declarations to the optional protocol; possible ratification of the *Rome Statute of the International Criminal Court* and the *Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer or Anti-Personnel Mines and on Their Destruction*; suspension of the death penalty for juveniles; prosecutions for war crimes, including recruitment or use of children, committed by or against US citizens; recruitment process for the armed forces, including the targeting of minors; practical and legal limits on the detention of prisoners of war who were children at the time of capture; child detainees in combat

zones; assessment of the individual situations and needs of asylum seekers' children; measures to avoid the recruitment of children under 18 by security contractors; regulations on arms sales; and safeguards against exporting arms directly or indirectly to countries or individuals known to recruit children.

United Nations Mission in Kosovo

UNMIK presented additional information to CESCER on Kosovo and Metohija, as an addendum to the examination of Serbia by CESCER in May 2005.¹¹⁷ Among the issues raised were: the omission in the new Constitution of the Covenant from a list of human rights treaties directly applicable in Kosovo; the slow rate of returns of those displaced in the Kosovo conflict; housing issues mainly concerning Roma, Ashkali, and Egyptian communities, including illegal settlements, poor living conditions, lead contamination in internally displaced persons camps, and difficulties regarding property rights; large-scale unemployment, aggravated by the privatisation of socially-owned companies; lack of reliable demographic data; and the problems faced by UNMIK in exercising any real influence on the ground after Kosovo's declaration of independence in February 2008.

Uruguay

Uruguay was examined by CEDAW following the submission of its combined fourth, fifth, sixth, and seventh reports.¹¹⁸ Among the issues raised were: the importance of awareness-raising campaigns to increase awareness among women of their rights; high instances of violence against women; persisting stereotypes of women in employment; educational initiatives to fight gender stereotypes, reverse school dropout rates and improve sex education; the need for temporary special measures to target the under-education of people of African origin; inadequate assistance to victims of trafficking; and the high rate of maternal deaths caused by unsafe abortions. The President's proposed veto of a bill which would legalise abortion was a cause of particular concern.

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The ISHR UPR report for the United Kingdom of Great Britain and Northern Ireland can be found at: www.ishr.ch/upr_monitor.

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CERD: United States' fourth, fifth and sixth periodic reports, 72nd session of CERD. Concluding Observations available at www2.ohchr.org/english/bodies/cerd/cerds72.htm. NGO reports were submitted by the US Human Rights Network on behalf of a coalition of 18 NGOs and the NBA-ILS and Indiana University group. These reports are available at www2.ohchr.org/english/bodies/cerd/cerds72.htm. CRC-OPSC: United States' first periodic report, 48th session of the CRC. Concluding Observations are available at www2.ohchr.org/english/bodies/crc/crcs48.htm. CRC-OPAC: United States' first periodic report, 48th session of the CRC. Concluding Observations are available at www2.ohchr.org/english/bodies/crc/crcs48.htm.

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Serbia had suggested that UNMIK provide information on the implementation of the Covenant in Kosovo and Metohija since after June 1999 (when the area was brought under UN administration) Serbia no longer had jurisdiction over the territory. The UNMIK report is available at www2.ohchr.org/english/bodies/cescr/cescrs41.htm.

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Uruguay's fourth to seventh reports, 42nd session of CEDAW. Concluding Observations available at www2.ohchr.org/english/bodies/cedaw/cedaws42.htm. NGO reports submitted by the Global Initiative to End All Corporate Punishment of Children and CLADEM. These reports are available at www2.ohchr.org/english/bodies/cedaw/cedaws42.htm.

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Yemen's sixth report, 41st session of CEDAW. Concluding Observations available at www2.ohchr.org/english/bodies/cedaw/cedaws41.htm. NGO reports were submitted by the Global Initiative to End All Corporal Punishment of Children and the Sisters Arab Forum for Human Rights. These reports are available at www2.ohchr.org/english/bodies/cedaw/cedaws41.htm.



Yemen

Yemen was examined by CEDAW.¹¹⁹ The Committee requested further details about the role of the Women's National Committee and statistics related to violence against women. The delegation provided statistics related to crimes committed *by* women, contrary to the Committee's request. The Committee also singled out several other issues, including the deteriorating situation of rural women; the minimum age for marriage; the low representation of women in political decision-making bodies; and the status of disabled women.

Zambia

Zambia was examined by CAT.¹²⁰ The Committee recognised the challenges Zambia faces as a developing country; acknowledging, for example, that the activities of certain ethnic groups, as well as refugees coming from neighbouring countries, have created obstacles to the promotion and protection of human rights. The main issues which arose during the dialogue included the definition of torture in domestic law; detention conditions; children's and women's rights; the situation of refugees and asylum seekers; sexual orientation; data collection; and redress mechanisms for victims of torture.

Zambia was also examined by the Working Group on the UPR in May 2008.¹²¹

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Zambia's second periodic report, 40th session of CAT. Concluding Observations at www2.ohchr.org/english/bodies/cat/cats40.htm.

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The ISHR UPR report for Zambia can be found at www.ishr.ch/upr_monitor.