

- ♦ a permanent UN human rights officer be posted in Somalia with the appropriate financial and logistical support; and
- ♦ the Commission on Human Rights continue its consideration of the human rights situation in Somalia with a view to rendering technical assistance to the country.

Resolution of the Commission on Human Rights

At the 1998 session, the Commission adopted a resolution by consensus (1998/59) in which it, *inter alia*: noted with concern that the breakdown of governmental authority has exacerbated the grave situation of human rights; recognized that human rights should be placed on the agenda of talks regarding the future of Somalia; expressed deep concern at reports of arbitrary and summary executions, torture and ill-treatment, violence against women and children and the absence of an effective judicial system; urged all parties to respect human rights and international humanitarian law related to internal armed conflict; urged all parties to support the re-establishment of rule of law throughout the country, in particular by applying internationally accepted criminal justice standards; urged all parties to protect UN personnel, humanitarian relief workers and NGO representatives as well as representatives of the international media; called on all parties to work towards a peaceful solution to the crisis; called on regional and subregional organizations to continue and intensify coordinated efforts aimed at facilitating the national reconciliation process in Somalia; called on individual donor countries and others to incorporate human rights principles and objectives into humanitarian and development work; requested the Expert to report to the 1999 session of the Commission; and welcomed the decision of the High Commissioner for Human Rights to appoint a human rights officer within the framework of the Office of the UN Resident and Humanitarian Coordinator for Somalia.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Religious intolerance, Special Rapporteur on: (E/CN.4/1998/6, paras. 48, 50, 58, 63, 94)

The report refers to violations against freedom of religion and belief, noting that non-Muslims are reportedly subjected to restrictions in religious matters, including a prohibition on any proselytizing of Muslims by non-Muslims.

Violence against women, Special Rapporteur on: (E/CN.4/1998/54, Section III.C)

In commentary on violence against refugee and internally displaced women, the report refers to the case of a Somali mother who feared returning to Somalia and losing custody of her two children, a daughter, aged 10,

and a son, aged 7. According to documentary evidence, the children belonged to the clan of their father, and for this reason, a divorced woman would not be awarded custody of her children. The woman also feared that she would be powerless to prevent her daughter from being subjected to female genital mutilation against her wishes, and described her own experience of female genital mutilation and the resulting health problems she experienced on reaching adulthood. The report notes that, with respect to the refugee claim of the 10-year-old girl, the panel considering the evidence found that her rights to personal security would be grossly infringed if she were forced to undergo female genital mutilation. The panel cited article 3 of the Universal Declaration and provisions in the Convention on the Rights of the Child — which explicitly protects children from acts of cruelty and torture and requires states to take steps to abolish traditional practices prejudicial to the health of children — to support their finding.



SOUTH AFRICA

Date of admission to UN: 7 November 1945.

TREATIES: RATIFICATIONS AND RESERVATIONS

Land and People: South Africa has submitted a core document (HRI/CORE/1/Add.92) for use by the treaty bodies. The report prepared by the government contains demographic and statistical data and provides a brief history of the pre- and post-apartheid eras and information on the structure of government. The 1996 Constitution provides for the separation of powers and requires the establishment of various independent bodies to promote democracy and human rights. These include the Human Rights Commission, the Commission on Gender Equality, the Office of the Public Protector, the Judicial Service Commission, the Truth and Reconciliation Commission, and the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities. The Constitutional Court was created as the guardian of the Constitution.

Economic, Social and Cultural Rights

Signed: 3 October 1994.

Civil and Political Rights

Signed: 3 October 1994.

Racial Discrimination

Signed: 3 October 1994.

Discrimination against Women

Signed: 29 January 1993; ratified: 15 December 1995. South Africa's initial report (CEDAW/C/ZAF/1) was considered at the Committee's June 1998 session.