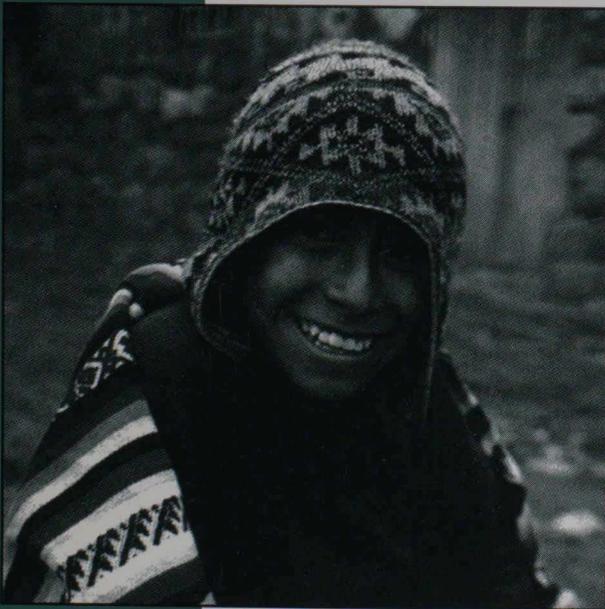


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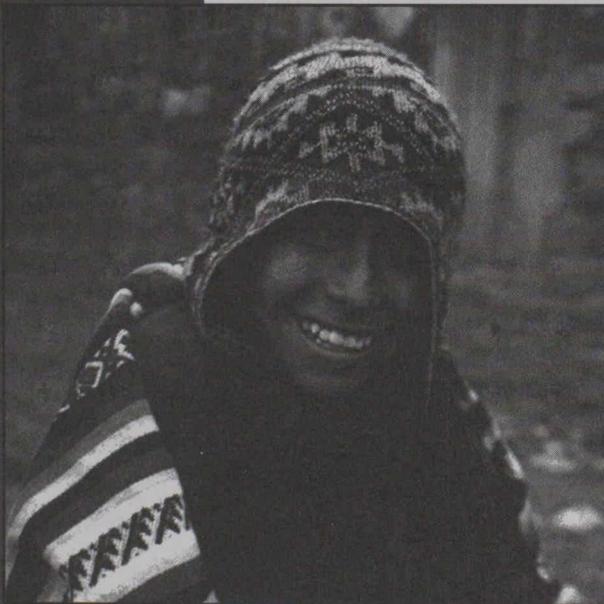
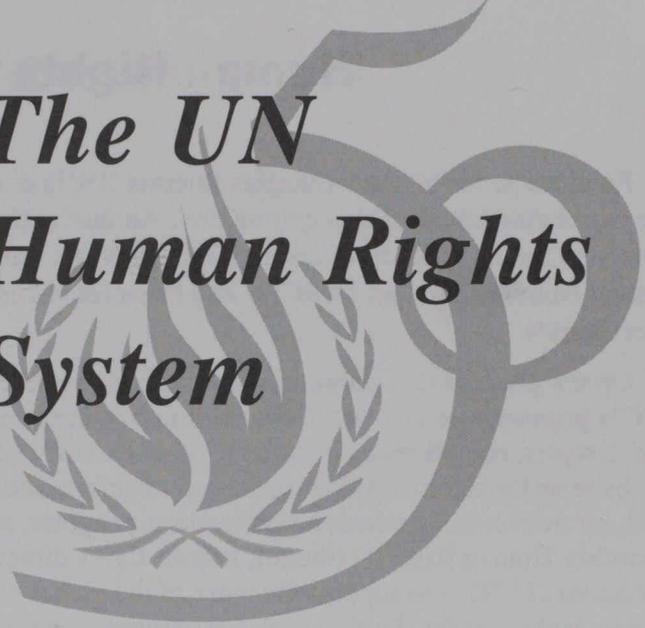
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**LATIN AMERICA
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GLOSSARY OF ACRONYMS

CAT	Committee Against Torture
CCPR	Committee on Civil and Political Rights, also known as the Human Rights Committee (HRC)
CEDAW	Committee on the Elimination of Discrimination Against Women
CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CHR	Commission on Human Rights
CRC	Committee on the Rights of the Child
DAW	Division for the Advancement of Women
CSW	Commission on the Status of Women
ECOSOC	Economic and Social Council
GA	General Assembly
HRC	Human Rights Committee, also known as the Committee on Civil and Political Rights (CCPR)
ICJ	International Court of Justice
SC	Security Council
S-G	Secretary-General
SR	Special Rapporteur
Spec Rep	Special Representative
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
WG	Working Group

ANTIGUA AND BARBUDA

Date of admission to UN: 11 November 1981.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Antigua and Barbuda has not submitted a core document for use by the treaty bodies.

Racial Discrimination

Succeeded: 25 October 1988.

Antigua and Barbuda's initial and second through fourth periodic reports were due 24 November 1989, 1991, 1993 and 1995 respectively.

Reservations and Declarations: Article 4.

Discrimination against Women

Acceded: 1 August 1989.

Antigua and Barbuda's fourth periodic report is due 31 August 2002.

Antigua and Barbuda's initial and second and third periodic reports were submitted as one document (CEDAW/C/ANT/1-3) which was considered by the Committee at its July 1997 session. The report prepared by the government provides a profile of the country and information on its political structure as well as commentary on: the Constitution and laws as they relate to discrimination; national machinery for women; sex roles and stereotypes; prostitution; women in public and political life; nationality and citizenship; education, employment and health; social and economic benefits; and marriage and family laws.

The Committee's concluding observations and comments (CEDAW/C/1997/II/L.1/Add.4) acknowledged that, as a small island state, Antigua and Barbuda's lack of financial and human resources, had an impact on its capacity to compile statistical data on the situation of women and might be an obstacle in fully implementing the Convention.

The Committee commended the government for having established a Women's Desk soon after independence, which was later upgraded and expanded to become the Directorate of Women's Affairs. The Committee also commended the government on its intention to upgrade that office even further to that of a ministry.

The Committee welcomed: the introduction of legislation such as the Equal Opportunity Act, the Divorce Act and the Sexual Offences Act as well as the introduction of bills on equal pay and domestic violence; the successful measures taken to reduce the birth rate; the introduction of gender management systems; the Prime Minister's assurances that the government would redress the inequalities in power-sharing at the highest decision-making levels; the introduction of the domestic violence hotline and related support services; and, the introduction of measures to address teenage pregnancies and the focus placed on the situation of girls.

The principal subjects of concern identified by the Committee were: the few measures aimed generally at increasing women's participation in public life, or specifically at increasing their political participation, and the absence of women in Parliament; the lack of integrated measures to address violence against women; the fact that the Directorate for Women's Affairs has no decision-making power; the lack of information on prostitution and the trafficking in women;

the fact that female students continue to select stereotypical subjects and, within the school system, are given greater exposure to domestic skills than other areas; the low level of occupational achievement by educated women and male dominance in the technical and professional fields; the concentration of women in the lower-paid service sector, including in the tourist industry; the failure to integrate women's concerns into the national five-year plan; the situation of rural women and their access to credit; the continued illegality of abortion, which had led to unsafe abortions; the lack of family planning education programmes and the fact that contraceptives are not covered by medical benefits schemes; the high level of teenage pregnancy; the high rate of perinatal mortality; the lack of special measures for women with HIV/AIDS, as well as the absence of measures to address drug addiction among women; and, the legal and economic position of women in common law relationships.

The Committee recommended that the government:

- ▶ upgrade and strengthen the Directorate of Women's Affairs;
- ▶ integrate gender issues into the five-year plan;
- ▶ fully employ affirmative action measures, as provided for in article 4 of the Convention, to accelerate de facto equality for women, and ensure the greater participation of women in politics by introducing special temporary measures;
- ▶ introduce appropriate policies and programmes for sex education and family planning education;
- ▶ ratify International Labour Organization (ILO) Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value and take the necessary measures for its implementation;
- ▶ introduce programmes to encourage men to take account of their family responsibilities;
- ▶ use cultural art forms as a vehicle to promote respect for women and the media to promote positive attitudes towards women; and,
- ▶ include in its next report fuller information on the remaining obstacles to the full enjoyment of women's human rights, particularly in relation to article 6 (trafficking and sexual exploitation) of the Convention and the legal and economic position of women in common law relationships.

Torture

Acceded: 19 July 1993.

Antigua and Barbuda's initial report was due 18 August 1994.

Rights of the Child

Signed: 12 March 1991; ratified: 5 October 1993.

Antigua and Barbuda's initial report was due 3 November 1995.

COMMISSION ON HUMAN RIGHTS

At its 1997 session, the Commission on Human Rights considered the situation in Antigua and Barbuda under the confidential 1503 procedure, and decided to discontinue this consideration.

* * * * *

ARGENTINA

Date of admission to UN: 24 October 1945.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Argentina has submitted a core document (HRI/CORE/1/Add.74) for use by the treaty bodies. The report prepared by the government includes demographic data and information on socio-economic indicators, Argentina's political organization, the structure of government and the legal framework for the protection of human rights.

Under the Constitution treaties are the supreme law and, since 1992, have taken precedence over national legislation. The legal framework for the protection of human rights is established by laws and supplemented by administrative arrangements including the Office of the Under-Secretary for Human Rights within the Ministry of the Interior, the Government Procurator for the Prison System (to protect the human rights of inmates in the federal prison system) and the National Institute to Combat Discrimination, Xenophobia and Racism. There is also a Commission on Human Rights Guarantees (established by the Chamber of Deputies and the Senate) and the Ombudsman (Defensor del Pueblo). Remedies for violations include *amparo*, habeas corpus, extraordinary appeal and administrative appeals.

Economic, Social and Cultural Rights

Signed: 19 February 1968; ratified: 8 August 1986.

Argentina's second periodic report (E/1990/6/Add.6) has been submitted and is scheduled for consideration at the Committee's November/December 1999 session; Argentina's third periodic report is due 30 June 2001.

Civil and Political Rights

Signed: 19 February 1968; ratified: 8 August 1986.

Argentina's third periodic report was due 7 November 1997.

Reservations and Declarations: Paragraph 2 of article 15; declaration under article 41.

Optional Protocol: Acceded: 8 August 1986.

Racial Discrimination

Signed: 13 July 1967; ratified: 2 October 1968.

Argentina's 15th periodic report was due 4 January 1998.

Argentina's 11th through 14th periodic report were submitted as one document (CERD/C/299/Add.11) which was considered by the Committee at its August 1997 session. The report prepared by the government provides information on those elements in the legal system which offer protection against discrimination (e.g., the constitution, domestic law, provincial law) as well as commentary on indigenous populations, immigrants, refugees, measures to address racist or extremist organizations, the remedy of *amparo*, the National Institute to Combat Discrimination, Xenophobia, and Racism and the National Anti-Discrimination Programme.

The Committee's concluding observations and comments (CERD/C/304/Add.39) noted that the economic problems in Argentina are hindering implementation of the Convention and that the main victims of unemployment and poverty are members of indigenous populations and ethnic minorities.

The Committee welcomed: the fact that the provisions of international treaties take precedence over national law; the establishment of the independent office of the Ombudsman; provision in the Constitution stipulating that an application for *amparo* may be filed in the event of discrimination of any kind; a number of constitutional amendments related to indigenous peoples, including granting of legal personality to indigenous communities, respect for the cultural identity of these communities, possession and community land ownership, and participation of indigenous peoples in the management of natural resources and other areas of concern to them; establishment of the National Institute to Combat Discrimination, Xenophobia and Racism; adoption by the National Institute of measures related to bilingual and cross-cultural education, integration of indigenous scholarship students in the traditional school system, and financial assistance for projects to raise the standard of living of certain communities; steps taken by the Indigenous Communities' Institute to transfer estate land to indigenous communities that always occupied it; conclusion of a bilateral agreement with Bolivia to regularize the situation of some 500,000 Bolivians living illegally in Argentina; legalization of the situation of 250,000 foreigners in Argentina; establishment of the Refugee Eligibility Committee and its cooperation with the Office of the UN High Commissioner for Refugees; adoption of a provision which specifies that documents of Nazi criminals are no longer confidential for reasons of state; establishment of the Commission to Shed Light on Nazi Activities in Argentina; seminars and training programmes on human rights and the prevention of racial discrimination for judges and staff of the Federal Prison Service; and, implementation by the Ministry of the Interior of the National Anti-Discrimination Programme which, in part, supports popular education programmes proposed by NGOs and provides the possibility of taking emergency action to deal immediately with discriminatory acts.

The principal subjects of concern identified by the Committee were: lack of information in the government's report on the representation of indigenous peoples and ethnic minorities in the civil service, police, judicial system, Congress and socio-economic life of the country generally; failure to implement fully provisions of article 4 of the Convention related to racist organizations, hate speech and incitement to violence; continuing problems and difficulties in effecting the transfer of estate lands to indigenous communities that have traditionally occupied them; intimidation and pressure on indigenous communities to give up their claim to some of the estate lands; failure to include in the report information on the procedures for consultation with indigenous communities during the land transfer process; and, lack of information on remedies filed, rulings handed down and compensation granted for acts of racism, as well as on *amparo* proceedings instituted as a result of discrimination.

The Committee recommended that the government:

- ▶ in its next report, provide more information on the statutes, membership and activities of the National Institute to Combat Discrimination, Xenophobia and Racism and on the National Institute of Indigenous Affairs as well as the implementation of the National Anti-Discrimination Programme;

- ▶ in its next report, include information on the socio-economic situation of members of the indigenous communities and ethnic minorities, particularly related to their participation in the political and economic life of the country and representation in the federal and provincial governments;
- ▶ develop indicators to evaluate policies and programmes for the protection and promotion of the rights of vulnerable population groups;
- ▶ declare any form of racial discrimination-including dissemination of and propaganda for racist ideas, incitement to racial discrimination, racial violence and the establishment of racist organizations-to be an offence punishable by law;
- ▶ in its next report, include a comprehensive section on the question of land transfers to indigenous communities;
- ▶ in its next report, include information on the number and situation of refugees and immigrants and on the legal regime applicable to them;
- ▶ expedite proceedings with regard to anti-Semitic attacks;
- ▶ in the next report, provide detailed information on remedies filed, rulings handed down and compensation granted for acts of racism; and,
- ▶ take all necessary steps to provide training and education of law enforcement officials, teachers and students on human rights and the prevention of racial discrimination.

Discrimination against Women

Signed: 17 July 1980; ratified: 15 July 1985.

Argentina's fourth periodic report is due 14 August 1998.

Reservations and Declarations: Paragraph 1 of article 29.

Argentina's second and third periodic reports (CEDAW/C/ARG/2; CEDAW/C/ARG/2/Add.1; CEDAW/C/ARG/2/Add.2; CEDAW/C/ARG/3) were considered at the Committee's July 1997 session. The reports prepared by the government included demographic and statistical data as well as information on, *inter alia*: laws related to equality and non-discrimination; the Directorate General for Women's Affairs; the Coordinating Council for Public Policies on Women; provincial mechanisms mandated to address women's rights and programming; temporary measures aimed at accelerating equality between women and men; elimination of stereotypes; remedial measures to eliminate discrimination; violence against women; legal measures addressing traffic in women and prostitution; women in political and public life; education; labour laws and their affect on women; "black labour", the informal work sector and microenterprises; health; the proposal to establish a Permanent Commission on Women and AIDS; social security; rural women; equality before the law; matrimonial and family rights; and property rights.

The Committee's concluding observations and comments (CEDAW/C/1997/II/L.1/Add.9) noted factors hindering implementation of the Convention such as the adverse consequences on women of economic reforms and recent amendments to the labour and social-security laws, as well as the persistence of stereotypes with regard to the social roles of women and men.

The Committee welcomed: the fact that the Constitution recognizes the competence of the National Congress to adopt affirmative action laws in order to guarantee equality of opportunity and treatment for women; the increase in the number of women parliamentarians which has resulted from the effective application of the Quota Act; the constitutional recognition of the right to take speedy *amparo* proceedings against acts or omissions that harm or threaten rights recognized by the Constitution; and, the creation of the Federal Women's Council and the National Women's Council, bodies entrusted with the promotion and coordination of policies of equality.

The principal areas of concern identified by the Committee were: that the reform of the Penal Code to bring it into line with the Convention was still pending; the continuing low percentage of women pursuing technical careers; the lack of data and analysis in the government's report concerning the situation of women who are subjected to slavery and exploitation for the purposes of prostitution; the very low number of women who occupy managerial posts in the private sector; the fact that the rate of unemployment for women (20.3 per cent) is five percentage points higher than that for men (15.7 per cent); the absence of regulations governing the labour relations of domestic employees; the lack of regulations to penalize sexual harassment in the workplace in the private sector; the fact that, despite Argentina's level of economic and social development, maternal mortality and morbidity due to childbirth and abortion remain high; and, the fact that women in rural areas have less satisfactory living conditions than those in urban areas.

The Committee recommended that the government:

- ▶ reform the Penal Code as soon as possible in order to bring it in line with the Convention, the Committee's general recommendations and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women;
- ▶ pursue and strengthen plans for equality and evaluate their results in a more systematic way;
- ▶ sustain and reinforce programmes designed to eliminate stereotyping of the social roles of women and men;
- ▶ make an effort to increase the number of women who pursue technical careers and occupy positions considered to be the preserve of men and ensure that men share with women the task of caring for children;
- ▶ increase and regulate services for the care of young children who have not yet begun compulsory schooling;
- ▶ maintain and strengthen programmes to increase awareness by the police, judges and healthcare professionals about the gravity of all forms of violence against women;
- ▶ in the next report, include legal and sociological information relating to article 6 of the Convention (trafficking in women and prostitution);
- ▶ in the next report, provide information on measures taken to avoid, in both the public and private sectors, discrimination in access to employment, and enforce ILO Conventions No. 100 on equal remuneration and No. 156 on family responsibilities;

- ▶ regulate labour relations of domestic employees;
- ▶ penalize sexual harassment in the workplace in the private sector;
- ▶ establish a value for unremunerated work and include it in national accounts by means of satellite accounts;
- ▶ supplement sex-disaggregated statistics relating to education, employment and social security by giving: the number of teachers at the various levels of the education system; the number of students receiving grants; part-time work; the number of open-ended contracts and those of a specific duration; average pay; and, average retirement pension;
- ▶ intensify programmes designed to promote employment of women, particularly young women;
- ▶ increase measures of all types to reduce maternal mortality and morbidity;
- ▶ review legislation penalizing mothers who have abortions; and,
- ▶ strengthen programmes and services directed at rural women.

Torture

Signed: 4 February 1985; ratified: 24 September 1986.

Argentina's fourth periodic report is due 26 June 2000.

Reservations and Declarations: Declarations under articles 21 and 22.

Argentina's third periodic report (CAT/C/34/Add.5) was considered by the Committee at its November 1997 session. The report includes information on questions such as extradition, punishment for perpetrators of torture, and other legal and institutional measures related to torture. The latter includes the functions of the National Directorate for Development within the Office of the UnderSecretary for Human and Social Rights, the revised Code of Criminal Procedure (incommunicado detention, access to legal counsel, etc.), habeas corpus, individual case summaries, criminal indemnity and compensation and judicial remedies.

The Committee's concluding observations and comments (CAT/C/ARG, available only in Spanish as at 22 January 1998) welcomed, *inter alia*: the fact that international human rights treaties are recognized in the Constitution and considered to be complementary to constitutional provisions related to rights and freedoms; Argentina's ratification of the Inter-American Convention on forced disappearances and the Inter-American Convention on the elimination of violence against women; provisions in the Code of penal procedures related to the prohibition on impunity for police, the requirement that anyone detained must be brought before the competent judicial authorities not more than eight hours after arrest; limitations on the time period a person may be held incommunicado; guarantees related to access to legal counsel; and the establishment of the office of Procurator to handle issues related to the rights of prisoners and detainees, including by receiving and investigating complaints and claims, and recommending to the authorities appropriate action.

The Committee expressed concern over, *inter alia*: the fact that, despite legal provisions prohibiting torture and mistreatment, cases of torture and mistreatment continued in practice, committed by police and prison personnel; the lack

of effective cooperation between the police and judicial authorities in investigating some complaints of torture and ill-treatment; the increase in reported cases of abuse of power by the police, many of them resulting in death or serious injury; and the high percentage of arrests carried out without authorizing judicial orders.

The Committee recommended that the government take measures necessary to remedy problems in the system, as well as to ensure that there are sufficient resources to address problems such as delays in investigations of cases and complaints related to torture and ill-treatment. The Committee also recommended that the Code of penal procedures be amended to establish maximum time limits for pre-trial detention.

Rights of the Child

Signed: 29 June 1990; ratified: 4 December 1990.

Argentina's second periodic report was due 2 January 1998.

Reservations and Declarations: Article 1; paragraphs (b), (c), (d) and (e) of article 21; paragraph (f) of article 24.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 3, 51-60, 392)

No new cases of disappearance were received or transmitted by the Working Group (WG). However, the WG did request the government to ensure the protection of the basic human rights of six members of a group composed of children of victims of disappearances and other violations, who were reportedly subjected to intimidation by members of the security forces.

The report notes that the vast majority of the 3,461 reported cases of disappearance in Argentina occurred between 1975 and 1978 under the military government, in the context of its campaign against left-wing guerrillas and their sympathizers. The report points out that a number of non-governmental organizations continue to address themselves to the WG with regard to their ongoing efforts to bring to light the fate of the persons who disappeared in Argentina. It notes that, in this connection, there are a number of cases before the courts about which the WG has been informed over the past several years. In 1996, the WG was advised that the time allotted for producing evidence had expired. It is alleged that the plaintiffs have been deprived of the opportunity to present evidence that was available at the beginning of the proceedings, because public documents have been removed or destroyed. Such information is said to include the entire records of the military junta and administrative documentation on specific individuals who disappeared during the military rule. An extensive collection of documents, reportedly consisting of over 10,000 pages, containing charges of disappearances of thousands of individuals and internal proceedings in that connection under the military government, have reportedly been kept by the Ministry of the Interior, which has maintained that the documents are not relevant to the subject of the proceedings. It is claimed that several high-level State officials appear *prima facie* to be involved in the systematic obstruction of judicial action in these cases and that the plaintiffs have decided to prosecute three ministers of the national executive and three magistrates in this connection.

The government's response to the concerns of the WG detailed the action taken by the authorities since 10 December 1983 to trace and establish the identity of children of persons who disappeared between 1976 and 1983. The actions included a comprehensive investigation carried out by the National Commission on the Disappearance of Persons (CONADEP), which covered the entire spectrum of disappeared persons, including children who disappeared together with their parents as well as children who were born in captivity. The government also stated that, concurrently, judicial proceedings were instituted in various courts, mainly on the basis of a complaint lodged by the organization "Grandmothers of the Plaza de Mayo", with the aim of tracing children. It further reported that, in 1992, the President had established the National Committee for the Right to an Identity, the aim of which was to promote the search for disappeared children. The government asserted that the Commission regularly and systematically acted in response to requests from the "Grandmothers of the Plaza de Mayo" or at its own initiative and that, as of 22 February 1996, 57 children and young people had reportedly been traced. In a further communication, the government informed the WG that, on the basis of new information presented to it, the Buenos Aires National Appeals Court for Federal Criminal and Correctional Cases had decided to initiate proceedings in order to determine the fate of three individuals reported to have disappeared between 1976 and 1983. The report notes that 3,384 cases of disappearance in Argentina remain to be clarified.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 15, 16, 18, 19, 31, 34, 51, 57, 58, 66; E/CN.4/1997/60/Add.1, paras. 19–25)

Two urgent appeals were transmitted to the government. The first related to surveillance and a lethal shooting by police officers in civilian clothes. The second concerned a lawyer involved in the case of a young man who died in 1994 in police custody and allegedly subjected to threats and intimidation. The Special Rapporteur (SR) also sent information on two cases of alleged extrajudicial, summary or arbitrary executions committed by police officers.

The government informed the SR that the lawyer, and members of the family of the man who had died in police custody, were under permanent protection by the Federal Police. The report notes that, in some cases, investigations were proceeding. In one case, the trial against the police had concluded with guilty verdicts and sentencing, and compensation awarded to the family.

Independence of judges and lawyers, Special Rapporteur on: (E/CN.4/1997/32, paras. 18, 58–60)

The report refers to a case concerning a lawyer, previously transmitted to the government, where the judge had been removed from the case. The report also refers to the case of a lawyer (discussed above) who reportedly had been threatened and intimidated while working on the case of a man who had died while in police detention in 1994.

Sale of children, child prostitution, child pornography, Special Rapporteur on: (E/CN.4/1997/95, para. 27)

The report to CHR 1997 notes that Argentina has developed a coordinated system to deal with child victims of abuse. The National Council for Children and the Family is the

technical and administrative body responsible for the implementation of programmes addressing all aspects of prevention, promotion, and training of human resources; for the active participation of the community; and for developing a network of services.

The Special Rapporteur's interim report to the General Assembly (A/52/482, para. 118) refers to the need for AIDS education in schools and to the fact that schools are incorporating sex education programmes into the curriculum in a number of countries. The report notes that, in Argentina, such programmes have not been implemented because of strong opposition from representatives of the Catholic Church to the introduction of sex education. The report does acknowledge that training programmes aimed at professionals working in such strategic areas as immigration and law enforcement, do cover issues of child sexual abuse and exploitation.

Toxic wastes and products, Special Rapporteur on: (E/CN.4/1997/19, paras. 39, 71)

The report refers to information related to the death of seven people in 1993 as a result of toxic gas leaking from drains in the proximity of a concealed deposit of toxic wastes; to date, those responsible for the damages have not been identified. The report also notes information about the export to Argentina of bales of so-called "waste paper" from the United States and some European countries. This is reported to be basically a toxic waste product that poses health and safety risks for workers, both through skin contact and through inhalation. Moreover, there are more general contamination problems associated with the recycled paper produced from these bales, since it is subsequently used in, among other things, toilet rolls, paper serviettes, and food wrapping.

Mechanisms and Reports of the Sub-Commission

Traditional practices affecting the health of women and children, Special Rapporteur on: (E/CN.4/Sub.2/1997/10, paras. 55–59)

The report summarizes information provided by the government, noting: the establishment of the "National Commitment to Mothers and Children", the "National Plan of Action", and the "Federal Covenant for Mothers and Children" which set out the goals to be attained by the year 2000 and the activities to be pursued to achieve them; ratification in 1990 of the Convention on the Rights of the Child; ratification in 1979 of the Convention on the Elimination of All Forms of Discrimination against Women; provisions in the Constitution guaranteeing, *inter alia*, the right to life and respect for the dignity and integrity of the human being; education, health, justice, work and the essential function of the family; and, the right to equality for all "men". The report notes that the Special Rapporteur takes the use of the word "men" to refer to "human beings".

Other Reports

Conscientious objection to military service, Report of the S-G to the CHR: (E/CN.4/1997/99, paras. 2, 8)

The report of the Secretary-General notes that military service is voluntary with the exception that the Congress has reserved the right to conscript 18-year-olds for a period of up to one year when, for specified reasons, there is an inadequate number of volunteers for military service. The report also

notes that, during military conscription, anyone who objects to military service on grounds of "profound religious, philosophical or moral convictions" is required to perform alternative social service in such areas as public health and the environment. The law further states that, in time of war, alternative social service will consist of activities related to civil protection and defence.

Cooperation with representatives of UN human rights bodies, Report of the S-G to the CHR: (E/CN.4/1997/50, para. 15)

The report of the Secretary-General refers to a communication sent to the government by the Working Group on disappearances regarding the need to provide protection for six members of the group Hijos por la Identidad y la Justicia contra el Olvido y el Silencio. Members of this group are children of victims of disappearances and other human rights violations. The six were reportedly subjected to intimidation by members of the security forces.

Minimum humanitarian standards, Report of the S-G to the CHR: (E/CN.4/1997/77, para. 4, Section I)

The report of the Secretary-General summarizes information provided by the government, noting that: Argentina has ratified the four Geneva Conventions (1949) and acceded to the two Additional Protocols (1977); in 1992, a seminar was held to consider national measures to be adopted to ensure the enforcement of international humanitarian law; the Inter-Ministerial Commission on the Enforcement of International Humanitarian Law was established in 1994 with responsibilities related to the implementation and enforcement of international humanitarian law on the basis of proposals submitted to the national authorities on legislative and regulatory provisions and measures to guarantee the implementation of the basic international instruments; Protocol II of the Geneva Conventions excludes from the scope of humanitarian law situations of internal disturbances and tensions on the basis that they are not armed conflicts; and there is a need to fill a legal gap, initially by means of a set of principles, then a declaration and then, if international consensus permits, legal rules establishing obligations for states by means of an international treaty.

World Public Information Campaign on Human Rights, Report of the S-G to the CHR: (E/CN.4/1997/36, paras. 85, 98)

The report of the Secretary-General notes that the UN Information Centre (UNIC) Buenos Aires organized a seminar—"Inter-religious Encounter: A Prayer for Peace"—to celebrate the fiftieth anniversary of the UN and the International Year of Tolerance. This was attended by 700 people representing the media and non-governmental organizations. For Human Rights Day, UNIC prepared a special press kit which was distributed to the media and local NGOs. In connection with activities for the International Decade of the World's Indigenous People, UNIC organized a workshop on the worldwide situation of indigenous people, with particular emphasis on the Argentine situation. The objectives of the workshop were to find ways to preserve indigenous culture, protect the homes of indigenous peoples, and help them to gain respect and improve their ways of living.

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BAHAMAS

Date of admission to UN: 18 September 1973.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Bahamas has not submitted a core document for use by treaty bodies.

Racial Discrimination

Succeeded: 5 August 1975.

The fifth through 11th (1984-1996) periodic reports of Bahamas have not been submitted; the 11th periodic report was due 4 September 1994.

Reservations and Declarations: Article 4.

At its March 1997 session the Committee considered implementation of the Convention in the absence of a report from the government. The Committee's concluding observations (CERD/C/50/Misc.5/Rev.1) noted that no report has been submitted since 1982 and that the government had not responded in a timely fashion to the invitation to participate in the meeting and furnish relevant information. The Committee decided to send a communication to the government setting out its reporting obligations and urging that the dialogue with the Committee be resumed as soon as possible. The Committee suggested that the government consider availing itself of the technical assistance offered by the Office of the High Commissioner for Human Rights to draw up and submit as soon as possible an updated report.

Discrimination against Women

Acceded: 6 October 1993.

Bahamas' initial report was due 5 November 1994.

Reservations and Declarations: Paragraph (a) of article 2; paragraph 2 of article 9; paragraph (h) of article 16; paragraph 1 of article 29.

Rights of the Child

Signed: 30 October 1990; ratified: 20 February 1991.

Bahamas' initial report was due 21 March 1993.

Reservations and Declarations: Article 2.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Extrajudicial, summary or arbitrary executions, Special Rapporteur on: (E/CN.4/1997/60, para. 87)

The report recalls the 1993 judgement of the U.K. Privy Council, the supreme judicial instance for the member states of the Commonwealth, in which it was held that awaiting the execution of a death sentence for five years after it had been handed down constituted in itself cruel and inhuman punishment. The report notes that, in October 1996, the Privy Council ruled that, in the Bahamas, it may be considered cruel or inhuman to execute a prisoner who has been on death row for more than three-and-a-half years. The report cites information indicating that the Privy Council was of the view that the five-year ruling was not to be regarded as a fixed limit applicable in all cases, but as a norm which may be departed from if circumstances required.

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BARBADOS

Date of admission to UN: 9 December 1966.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Barbados has not submitted a core document for use by the treaty bodies.

Economic, Social and Cultural Rights

Acceded: 5 January 1973.

Barbados's second and third periodic reports were due 30 June 1991 and 1996 respectively.

Reservations and Declarations: Paragraph (a) (i) of article 7; paragraph (2) of article 10; paragraph (2) (a) of article 13.

Civil and Political Rights

Acceded: 5 January 1973.

Barbados's third and fourth periodic reports were due 11 April 1991 and 1996 respectively.

Reservations and Declarations: Paragraph 3 (d) of article 14.

Optional Protocol: Acceded: 5 January 1973.

Racial Discrimination

Acceded: 8 November 1972.

Barbados's eighth through 12th periodic reports (covering the period 1987-1995) have not been submitted; the 12th periodic report was due 8 December 1995.

Reservations and Declarations: Article 4.

Discrimination against Women

Signed: 24 July 1980; ratified: 16 October 1980.

Barbados's fourth periodic report was due 3 September 1994.

Rights of the Child

Signed: 19 April 1990; ratified: 9 October 1990.

Barbados's initial report (CRC/C/3/Add.45) has been submitted and is pending for consideration at the Committee's 1998 session; the second periodic report was due 7 November 1997.

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BELIZE

Date of admission to UN: 25 September 1981.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Belize has not submitted a core document for use by the treaty bodies.

Civil and Political Rights

Acceded: 10 June 1996.

Belize's initial report was due 9 September 1997.

Reservations and Declarations: Paragraph 2 of article 12; paragraphs 3 (d) and 6 of article 14.

Discrimination against Women

Signed: 7 March 1990; ratified: 16 May 1990.

Belize's initial report (CEDAW/C/BLZ/1-2) has been submitted and is pending for the Committee's January 1998 session; the second periodic report is due 15 June 1999.

Torture

Acceded: 17 March 1986.

Belize's second and third periodic reports were due 25 June 1992 and 1996 respectively.

Rights of the Child

Signed: 2 March 1990; ratified: 2 May 1990.

Belize's initial report, (CRC/C/3/Add.46) has been submitted and is pending for the Committee's September 1998 session; the second periodic report was due 1 September 1997.

THEMATIC REPORTS

Minimum humanitarian standards, Report of the S-G to the CHR: (E/CN.4/1997/77, Section I)

The report of the Secretary-General summarizes information received from the government. This states that Belize has no public emergency legislation. A public emergency would be declared by the Governor General through a proclamation published in the *Government Gazette*. The proclamation declaring the public emergency would remain in force until the situation which led to the declaration no longer existed. The government noted that since independence in 1981, there has never been a declaration of a state of public emergency in Belize.

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BOLIVIA

Date of admission to UN: 14 November 1945.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Bolivia has submitted a core document (HRI/CORE/1/Add.54/Rev.1) for use by the treaty bodies.

The report prepared by the government contains demographic and statistical data as well as information on the historical background, the political structure, the general legal framework for the protection of human rights and principal problems of justice related to human rights.

The legal framework related to human rights is established by the Constitution which covers the full range of rights set out in the two International Covenants. The international human rights treaties to which Bolivia is a state party rank as law and may be invoked before any national court. The report acknowledges that there remain serious obstacles to the practical application of international standards which prevent the benefits of the Constitution from being fully and generally enjoyed by all citizens. These obstacles are mainly attributable to structural poverty, cultural differences and the continuing slow process of democratization. Specific problems are identified in the report as, *inter alia*: shortcomings in the administration of justice, including delays in settling disputes, corruption, excessive judicial workload, shortage of defence counsel, and lack of access to justice for economic reasons or because of marginalization and ethno-cultural domination; the incompatibility between provisions in the Constitution and special legislation to combat drug trafficking; and, interference in the administration of justice by the international community through drug interdiction and drug eradication programmes. The report cites a number of laws intended to strengthen the promotion and protections of

human rights, including but not limited to the Minors' Code 1992, the Judicial Organization Act 1993 and the Environmental Act 1992. The report also notes the establishment, under the Minors' Act, of the National Organization for Children, Women and Family.

Economic, Social and Cultural Rights

Acceded: 12 August 1982.

Bolivia's initial and second periodic reports were due 30 June 1990 and 1995 respectively.

Civil and Political Rights

Acceded: 12 August 1982.

Bolivia's third periodic report was due 13 July 1995.

Optional Protocol: Acceded: 12 August 1982.

Bolivia's second periodic report (CCPR/C/63/Add.4) was considered by the Human Rights Committee at its March/April 1997 session. The report prepared by the government sets out information related to articles 1 through 27 of the Covenant and includes commentary on, *inter alia*: self-determination; equality of women and men; the right to life and the prohibition on torture, slavery, servitude and forced or compulsory labour; the rights to liberty and security of person; equality before the law; freedom of thought, opinion, peaceful assembly and association; the prohibition on propaganda for war or hatred; the rights of the family and children; and the rights of ethnic minorities. Within these and other broad subject areas the report includes information on, for example: the situation of the Guaraní; nationality; marriage, family and maternity; the Family Code and the Minors Code; perceptions of selectivity related to the application of and access to the law; corruption; the operation of the prison system; persisting prejudices; and special measures related to indigenous peoples.

The Committee's concluding observations (CCPR/C/79/Add.4) note that while Bolivia's report provides information on general legislative reforms, they remain largely unadopted by Parliament.

The Committee granted that Bolivia has been in a transition from a long period of dictatorship towards democracy and that, as a consequence, the infrastructure needed to implement the ICCPR has not been fully developed. It was also recognized that social and economic disparities—poverty, illiteracy, lack of opportunity for indigenous peoples, women and the poor—affect implementation.

Reforms welcomed by the Committee include: the promulgation of the 1994 Constitution which incorporates provisions for the protection of civil and political rights; reform of the Penal Code which abolishes the death penalty; abolition of imprisonment and physical constraint for the enforcement of economic obligations; a new bail act; the law against domestic violence; changes in legislation governing the electoral system; the legal aid programme, habeas corpus and *amparo*. The Committee welcomed the re-institution of the Ministry of Justice and the establishment of a Human Rights Department in the Ministry, as well as the establishment of the Gender Department; criminalization of torture, forced disappearance and extrajudicial executions; the limitation of military jurisdiction to matters within military institutions; stipulation that cases of human rights violations by members of the army and security forces are under the

jurisdiction of civil courts; a decrease in the number of people held in pretrial detention; abolition of discrimination against Amazon Indians in terms of their not being held criminally responsible by mere reason of their Indian origin; provisions to allow indigenous peoples to receive education in their mother tongue; and, measures to permit Indian communities to maintain their traditional means of livelihood.

The Committee outlined a number of areas of concern, including that: legislation concerning the state of siege—which ended 16 October 1995—did not comply with provisions of the ICCPR in that there was no constitutional provision prohibiting the derogation of relevant rights, and the expression *comoción interior* ("internal disturbance") was too wide to fall within the scope of article 4; current legislation for combatting impunity has proven to be ineffective in the identification, trial and punishment of those responsible for human rights violations and in the payment of compensation to victims; members of the armed forces and government officials who were involved in the most serious human rights violations have not always been dismissed and continue to take advantage of their positions; and there are delays and failures in due process and non-compliance by police with UN minimum standards.

The Committee also noted with concern: intimidation tactics, especially against human rights activists and members of trade unions; the failure to repeal laws in conflict with the ICCPR, particularly the Coca and Controlled Substances Law (Law No. 1008); the fact that bail may not be granted for anyone charged with an offence that carries a penalty of two or more years of imprisonment; the lack of independence and efficiency of the judiciary; long delays in the administration of justice; conditions in places of detention; the fact that women are still treated unequally, partly as a result of the continuation of traditional attitudes and outdated laws; the fact that labour laws do not adequately protect the rights of women, particularly those engaged in domestic work; the very high level of maternal mortality, attributable in part to illegal abortion; the lack of information about the effect of laws that criminalize abortion on the high rate of maternal mortality; the exploitation of children in employment and the growing number of street children; the curtailment of trade union rights including association, assembly and expression; the high level of violence against trade union members; intimidation by police against people taking part in peaceful demonstrations; and, the high number of labour strikes that are declared illegal; the impact of the violence perpetrated by the security forces which affects the enjoyment by indigenous peoples of the rights set out in article 27 of the ICCPR (rights of minorities).

The Committee recommended that the government:

- ▶ enact the new draft legal framework for the protection of human rights, in particular the new Code of Criminal Procedure aimed at modernizing the legal and judicial structures and allowing the investigation and punishment of human rights violations;
- ▶ put into place the necessary mechanisms to avoid a recurrence of the 1995 state of siege which involved excessive use of force by the police against members of teachers' unions;

- ▶ investigate allegations of human rights violations and bring to justice those responsible for past and present violations;
- ▶ establish an independent mechanism to deal with complaints of police violence and publicize the existence of this mechanism;
- ▶ act on the findings of investigations, bring to justice perpetrators and provide proper compensation to victims, particularly with regard to continuing incidents of torture and ill-treatment by police and security forces;
- ▶ amend Law 1008 (as above) to make it compatible with provisions of the ICCPR;
- ▶ separate accused from convicted persons in prison and juveniles from adult offenders;
- ▶ establish as soon as possible the Office of the Ombudsman and the Constitutional Court and give both broad jurisdiction and sufficient resources to guarantee the enjoyment of human rights;
- ▶ develop an education programme on international standards related to human rights, particularly for members of the army, security forces and police, members of the judiciary and lawyers;
- ▶ ensure the independence of the judiciary, enact a law regulating it and base the nomination of judges on their competence and not on their political affiliation;
- ▶ transfer responsibility for the judicial police from the executive to the judicial branch of government;
- ▶ take further measures without delay to protect indigenous peoples from violence and enable them to enjoy fully their rights under article 27 of the ICCPR, particularly with regard to the preservation of their culture, language and religion; and,
- ▶ ensure that respect for human rights is institutionalized at all levels of government and provide human rights education in schools at all levels.

Racial Discrimination

Signed: 7 June 1966; ratified: 22 September 1970.
Bolivia's 14th periodic report was due 21 October 1997.

Discrimination against Women

Signed: 30 May 1980; ratified: 8 June 1990.
Bolivia's second periodic report was due 8 July 1995.

Torture

Signed: 4 February 1985.

Rights of the Child

Signed: 8 March 1990; ratified: 26 June 1990

Bolivia's second periodic report (CRC/C/65/Add.1) has been submitted but is not yet scheduled for consideration by the Committee; the third periodic report is due 2 September 2002.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Arbitrary detention, Working Group on: (E/CN.4/1997/4, paras. 17, 18)

The report notes an urgent appeal was sent to the government involving one person but does not provide any details of the case.

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 64–67, 393)

No new cases of disappearance were received by the Working Group (WG). Twenty of the 48 cases handled by the Working Group, most of which occurred between 1980 and 1982, have been clarified. At the government's request, information concerning the remaining 28 cases was re-transmitted. While welcoming the government's cooperation, the WG considered that the information provided by the authorities was insufficient to decide that the cases had been clarified.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 16, 17, 18, 35, 51, 57, 58; E/CN.4/1997/60/Add.1, paras. 57–59)

The report contains general comments on the excessive use of force by police and security officers in Bolivia, including by members of the Mobile Rural Patrol Unit (UMOPAR), particularly in clashes with coca-growers; violations of the right to life of and death threats and harassment against women; and, violations of the right to life of children, including death threats and harassment. The report notes that the government has not replied to any cases transmitted since 1995 and urges the authorities to ensure that law enforcement officials receive comprehensive training in human rights questions, particularly concerning limitations on the use of force and firearms in the performance of their duties.

Independence of judges and lawyers, Special Rapporteur on: (E/CN.4/1997/32, paras. 8, 17, 18, 82–84)

In March 1996, the Special Rapporteur (SR) sent an urgent appeal, jointly with the Working Group on Arbitrary Detention, concerning the case of a lawyer, who had reportedly been detained. The information upon which the appeal was based indicated that he had been accused of sedition and contempt of presidential authority following public declarations he made against government economic policies regarding plans for "capitalizing" a state-owned oil and gas company. It was further reported that the lawyer had been held in incommunicado detention and denied access to lawyers and family and that the penal judge failed to rule on the habeas corpus petition which had been presented by the Bolivian Bar Association on his behalf. The government had not responded to the information sent by the SR.

Religious intolerance, Special Rapporteur on: (E/CN.4/1997/91, paras. 9, 19, 22, 26, 41)

The report notes discrimination and intolerance towards all religions and religious groups in Bolivia except for the official, state or predominant religion. The report further notes that all religious services other than those of the official religion are prohibited within the framework of military service. The government has not replied to cases transmitted to it by the Special Rapporteur.

The SR's interim report to the 1997 General Assembly (A/52/477, paras. 46, 49) summarized the government's response to communications previously transmitted, stating that in legal terms the procedure for registering non-Catholic religious organizations was not long and costly and that, contrary to the information received, the army did not forbid the holding of non-Catholic religious services.

**Sale of children, child prostitution, child pornography,
Special Rapporteur on:** (A/52/482, para. 31)

The Special Rapporteur's interim report to the General Assembly notes the practice of *criadito* service still exists in some parts of the country. The practice involves indigenous children between the ages of 10 and 12 who are sent by their parents to middle- and upper-class families to perform housework in exchange for education, clothing, room and board. The report notes that the treatment of these children is often not supervised in any way and they sometimes become virtual slaves to the host family.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, para. 20)

The Special Rapporteur (SR) received the report of the Chamber of Deputies Human Rights Commission entitled "Complaints of torture of citizens charged with armed revolt", which summarizes the Commission's investigation into torture and other violations involving persons detained between 1989 and 1993 in the context of the anti-terrorism campaign. The report includes data on the cases of persons who reportedly were tortured, on the methods of torture, and on the identity of those responsible. It calls for criminal proceedings to be instituted against alleged torturers and for the report to be forwarded to courts where criminal proceedings are under way against persons charged with armed revolt and other crimes against State security. In the light of this report, in July 1996, the SR asked the government to provide information on action taken by the competent authorities to follow up on the Commission's recommendations taken and, in cases where proceedings were initiated, the status of the proceedings against those accused of torture.

The SR also transmitted to the Government two urgent appeals on behalf of two groups of persons. The first, sent in January 1996, referred to a group of approximately 45 peasants (including three children), who were arrested late in December 1995 by the Special Security Guard in the locality of Nicayani, near Leghepalca. This occurred while they were participating in a march and hoping to speak to authorities about the programme to eradicate coca crops. A few days earlier, another group of marchers had been arrested and transferred to Chimore where they were allegedly beaten. The second urgent appeal was transmitted in April 1996 on behalf of a group of approximately 78 persons arrested by the police in La Paz during a demonstration organized by several trade unions.

Mechanisms and Reports of the Sub-Commission

**Indigenous and tribal peoples, Memorandum by the
ILO:** (E/CN.4/Sub.2/1997/25, para. 24)

The ILO noted that it had provided technical and financial assistance towards legal training courses in Bolivia in response to a request from the Vice-President. This included a course on indigenous law and an international seminar on the administration of justice and indigenous peoples. Each course had a component on Convention No. 169 and the ILO supervisory mechanisms. The ILO noted that Bolivia has ratified the Convention.

Contemporary Forms of Slavery, Working Group on:
(E/CN.4/Sub.2/1997/13, para. 49)

The report refers to studies indicating that, in Bolivia, indigenous peoples are victims of slavery-like practices, ranging from the sexual exploitation of women and children to bonded labour and even bondage.

Other Reports

**World Public Information Campaign on Human Rights,
Report of the S-G to the CHR:** (E/CN.4/1997/36, para. 98)

The report of the Secretary-General refers to activities for the International Decade of the World's Indigenous People and notes that a representative of the UN Information Centre attended an official event marking the International Day of the World's Indigenous People.

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BRAZIL

Date of admission to UN: 24 October 1945.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Brazil has not submitted a core document for use by the treaty bodies.

Economic, Social and Cultural Rights

Acceded: 24 January 1992.

Brazil's initial report was due 30 June 1994.

Civil and Political Rights

Acceded: 24 January 1992.

Brazil's second periodic report is due 23 April 1998.

Racial Discrimination

Signed: 7 March 1966; ratified: 27 March 1968.

Brazil's 14th periodic report was due 4 January 1996.

Discrimination against Women

Signed: 31 March 1981; ratified: 1 February 1984.

Brazil's initial and second through fourth periodic reports were due 2 March 1985, 1989, 1993 and 1997 respectively.

Reservations and Declarations: Paragraph 1 of article 29.

Torture

Signed: 23 September 1985; ratified: 28 September 1989.

Brazil's initial and second periodic reports were due 27 October 1990 and 1994 respectively.

Rights of the Child

Signed: 26 January 1990; ratified: 24 September 1990.

Brazil's initial report was due 23 October 1992.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Arbitrary detention, Working Group on: (E/CN.4/1997/4, para. 17, 21)

The report notes that one urgent appeal involving four individuals was sent and the government replied, indicating that the persons concerned had been released.

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 3, 68-75)

No new cases of disappearance were transmitted by the Working Group (WG) to the government. The report notes

that most of the 56 cases of disappearance transmitted over the years by the Group occurred between 1969 and 1975, under the military government, in particular during the guerrilla warfare in the Aerugo region. Forty-two of the 51 outstanding cases were clarified when relatives recognized as dead their missing family members and the government issued death certificates and paid compensation. The WG did send a communication to the government, however, requesting that it ensure the protection of the basic human rights of a witness to a case of disappearance. The witness was reportedly subjected to death threats following her testimony, which is said to have resulted in the initiation of proceedings against eight police officers.

The government informed the WG that a bill concerning the recognition as dead of persons, missing in connection with their political activities in the period 1961–1979, had been approved by the National Congress and promulgated. The Bill provides that the relatives of the disappeared are entitled to obtain death certificates and to receive compensation, and created a Special Commission to consider the inclusion of new names in the list of the disappeared recognized as dead. Under the Bill, although the right to request death certificates is guaranteed, it is up to each family to decide whether or not to exercise this right. The payment of compensation was organized by groups of beneficiaries and, by the end of 1996, 159 groups were identified to receive compensation for a total amount of approximately US\$ 18 million. Compensations reportedly have a minimum value of US\$ 100,000, but larger amounts may be paid on the basis of the expected lifetime of the victim at the time disappearance. The WG noted that the Bill had been favourably received by non-governmental organizations, but that concern had been expressed that: it might set a limiting precedent in relation to other cases; the legislation did not provide for a full investigation into the circumstances of these human rights violations; that it did not provide for identifying those responsible or for bringing them to justice. Concern was also expressed about what was felt to be an unreasonable burden placed on families with regard to locating the remains of the disappeared: relatives are asked to provide indications about the location of the remains so that the Special Commission can decide whether or not there is sufficient evidence to proceed with investigations at those sites. The NGOs made the point that it was the state, not the relatives of the victims, which had access to such information.

The WG welcomed the approval of the Bill and the steps that had been taken for its implementation, noting that it complies with the commitment of the state that “in the event of the death of the victim as a result of an act of enforced disappearance, their dependents are entitled to a compensation” (Article 19 of the Declaration on the Declaration on the Protection of All Persons from Enforced Disappearance).

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 15–19, 31, 35, 51, 64, 66, 67, 71; E/CN.4/1997/60/Add.1, paras. 61–70)

The Special Rapporteur (SR) notes that violations of the right to life continued to occur, mainly in the context of conflict over land, and included excessive use of force by military police carrying out evictions of landless rural workers. The SR received information alleging that gunmen, some of them policemen hired by local landowners, were responsible for

threatening, harassing and in some cases killing peasants and indigenous leaders claiming their rights over land. The report notes that Decree 1775/96, issued by the government in January 1996, set out procedures for administrative claims by non-indigenous claimants to indigenous areas already demarcated as such. Several sources expressed concern that the uncertainty created by the decree could lead to violent incursions onto indigenous lands and to human rights abuses.

The SR transmitted five urgent appeals to the government, involving: witnesses and relatives of the victims of the 1993 Vigario Geral massacre and members of the Casa de Paz in Vigario Geral, following the killings (reportedly by police officers) of two people during pre-trial proceedings against 56 policemen accused of participating in the massacre; threats and harassment against those same witnesses and relatives following the conditional release of 18 of the policemen accused of carrying out the massacre; 250 members of the Guarani-Kaiowá indigenous community in Jarara, following a court ruling to evict them from the land they occupied; 200 squatter peasant (posseiro) families on the São Francisco estate, following the killing of three men by unidentified gunmen, reportedly police hired by local landowners; and the killing of two human rights defenders and an unknown witness, following the killing of a human rights lawyer who was reportedly investigating the involvement of members of the Rio Grande do Norte civil police in death squad activities.

Other cases transmitted to the government related to: the owner of a newspaper killed by a policeman, following publication of an article in which members of the local police were accused of being involved in violations of human rights; the owner of another newspaper who received death threats and was killed, following the publication of some articles accusing municipal counsellors (consejeros municipales) of São Fidelis of irregularities; the owner of a third newspaper who was killed after having published articles accusing members of the local police of irregularities in their work; and, 20 peasants, reportedly killed in April 1996, during a confrontation between Pará State Military Police and some 2,000 landless peasants of the Movimento de Trabalhadores Rurais Sem Terra (Movement for Landless Rural Workers) who were demonstrating when the military police, trying to break up the demonstration, opened fire against them.

The government replied to the cases transmitted, variously indicating that: judicial investigations were still under way; investigations were being conducted by the federal and state police and that lawsuits had been submitted to the federal and state judiciary systems; witnesses had been granted protection by the Federal Police; members of the military police would be brought to justice and disciplinary measures had been taken against the accused; and, the state government was elaborating a draft bill providing for the compensation for the surviving victims and families of those killed.

The SR urged the government to ensure that law enforcement officials receive thorough training in human rights matters and, in particular, with regard to the restrictions on the use of force and firearms in the discharge of their duties. Concern was expressed about allegations of harassment and violations of the right to life against witnesses of human rights violations and relatives of victims, and the government was urged to take all necessary measures to ensure that witnesses of human rights violations involved in judicial proceedings are given effective state protection.

Freedom of opinion and expression, Special Rapporteur on: (E/CN.4/1997/31, Section III)

The report refers to a case transmitted to the government related to intimidation and the use of violence against a correspondent for the Rio de Janeiro-based newspaper *Jornal do Brazil*. The journalist alleged that there was an attempt on his life, when two men set his car on fire, motivated by the articles he had written denouncing police violence. The government's response indicated that a police inquiry had been opened but could not confirm the allegations or identify the perpetrators.

Independence of judges and lawyers, Special Rapporteur on: (E/CN.4/1997/32, paras. 21, 88)

The Special Rapporteur transmitted a case to the government involving the murder of a lawyer and human rights activist. The information received indicated that his assassination might be linked to his work as a lawyer and his investigations concerning the participation of members of the civilian police of Rio Grande do Norte in death squads. The government's reply stated that the Federal Police were in charge of the investigation, the Governor of Rio Grande do Norte had dismissed the Deputy Secretary of State for Public Security on suspicion of being involved with the group known as "meninos de ouro" and, the Council for the Defence of the Rights of the Human Person of the Ministry of Justice had set up a special commission to investigate the allegations of human rights violations by the police of Rio Grande do Norte and, in particular, the activities of the "meninos de ouro".

Racial discrimination, Special Rapporteur on: (A/52/471, para. 41)

The Special Rapporteur's interim report to the General Assembly refers to the mission to Brazil conducted in June 1995 and the dialogue that has been established with the government as a result of the visit. The report cites information received from the government stating that the first anniversary of the National Programme for Human Rights, 13 May 1997, included an evaluation of the results and progress achieved concerning the promotion and protection of human rights in general, and the promotion of the rights of the Black population in particular. Note was also made of the fact that the integrated work of government and civil society has contributed to a dynamic process related to the Interministerial Working Group for the Promotion of the Black Population which was created by Presidential decree in November 1995 and assigned the task of formulating public policies for the promotion of the rights of Afro-Brazilians. Progress was seen to have been made through: creation of the National Programme to Combat Sickle-Cell Anaemia; inclusion of the item race/colour in death and birth certificates; inclusion of the item race/colour in the school census and in all statistical surveys in the field of education; submission of studies and proposals for the implementation of article 68 of the Temporary Constitutional Provisions Act concerning the granting of ownership titles to the occupiers of the remaining Quilombo lands; a proposal for programmes on TV Escola (the educational television channel) aimed at the revision of Brazilian history from the point of view of the African contribution to social formation; a re-evaluation of textbooks distributed to students of primary and secondary schools all over the

country, resulting in the exclusion of publications containing prejudice and formal errors, as well as discrimination or stereotypes based on race, colour or gender; and the elaboration of the "National Curriculum Parameters" under the aegis of the Ministry of Education. The government also noted that the Ministry of Justice, through the National Archives and the National Secretariat for Human Rights, elaborated a draft "Guide on the sources for the history of the Black in contemporary society", on the reasoning that knowledge of these sources will facilitate actions by Black entities in defence of their rights and the activities of the state in the establishment of public policies directed at the Black population. The government referred to the effort made by the Ministry of Justice, together with the Centre for Studies on Labour Relations and Inequalities, with the support of the European Union, in the elaboration of a project aimed at the promotion of a wide debate-especially among law professionals-about the possibilities and limits of juridical norms in the struggle against racial discrimination and in ensuring equality of opportunities and treatment.

The information provided also indicated that the federal government has been supporting the activities of the Working Group for the Elimination of Discrimination in Employment and Occupation, through such actions as: the convening of a tripartite meeting on the subject "Implementation of policies aimed at diversity", with the participation of representatives of various corporations; setting up of a subgroup in charge of extending the pilot experiment of the Ministry of Labour in the fight against discrimination to other organs and sectors of the public administration; support from the Ministry of Justice to the Ministry of Labour in the development of the programme for the implementation of ILO Convention No. 111 concerning Discrimination in respect of Employment and Occupation; development of projects for the promotion of citizenship and professional training, financed by the Fund for the Support of the Worker; and support for the dissemination of ILO Convention No. 111 through interventions made on the occasion of events on discrimination, promotion of equality and human rights organized by different institutions (trade unions, municipalities, non-governmental organizations, federal and state governments).

The government also noted that its 10th periodic report under the International Convention on the Elimination of All Forms of Racial Discrimination was published jointly by the Ministries of External Relations and Justice, making possible the dissemination of knowledge about the rights guaranteed in the Convention and contributing to raising awareness about the international obligations of Brazil. Publication of the report and information on the Convention was supported through seminars held in different regions of the country with the participation of diplomats and officials of the Ministry of Justice.

In terms of legislation, the government referred to a decision of the National Congress to approve, and of the President to sanction, a law which provides a penalty of one to three years' imprisonment for those who commit a crime of racism by uttering insults of a racial nature or discriminating on grounds of race, ethnicity, colour, religion or nationality. Note is made of the principal innovation introduced by the law, namely to characterize as a crime of racism insults or

prejudice in labour or personal relations, thus widening the scope of the previous law which provided sanctions only for cases of racism involving the media and restrictions of access to public places on grounds of race. The government also commented on Law No. 9.455 of 7 April 1997, which defines the crime of torture and contains specific reference to the racial question, in part characterizing as a crime torture when "a person constrains another using violence or grave threat, with the infliction of physical or mental pain ... for reason of racial or religious discrimination."

The SR commended the government for the measures taken but expressed concern about the potential drawbacks of including a mention of race on school and birth certificates, as well as other documents. Continuing concern was also expressed about the fate of indigenous peoples.

Sale of children, child prostitution, child pornography, Special Rapporteur on: (E/CN.4/1997/95, para. 66)

The report notes that 15 and 16 year old girls from out-back mining communities are imported like chattel by traffickers who promise them employment in the canteens and restaurants of Amazonian mining towns.

The Special Rapporteur's interim report to the General Assembly (A/52/482, paras. 6, 33) notes that the government has provided information, as requested, on: media campaigns related to the sexual exploitation of children; advertising and publicity against sex tourism; school curricula and sex education programmes; education and training programmes for professionals working with or for children; and rehabilitation and education programmes for children. The report notes that the government has initiated a campaign against sex tourism and child prostitution which was organized by the national tourist agency. The campaign includes restrictions on the use of erotic pictures of young woman in advertising holidays to Brazil and an information campaign to deter tourists from engaging in the sexual exploitation of children. The campaign also maintains a 24-hour hotline number for reporting cases of sexual abuse and includes the creation of a special police office to investigate sexual crimes against children.

Toxic wastes and products, Special Rapporteur on: (E/CN.4/1997/19, para. 43, 46)

The report refers to 1987 information concerning workers then employed by two of Brazil's largest lead battery waste importers who either quit or were fired from their jobs after their health had failed. Four years later, the companies were held responsible for lead poisoning. Information dating from 1993 concerned a judge's order to close the Cubatao plant of the French transnational corporation, Rhône Poulenc, in order to protect workers from further exposure to chemicals such as hexachlorobenzene (HCH) and pentachlorophenol.

Violence against women, Special Rapporteur on: (E/CN.4/1997/47, paras. 2, 26, 27, Section IV)

In the section dealing with trafficking in women and forced prostitution, the report notes that Brazil has a flourishing network that systematically traffics women and girls for prostitution to mining camps and large civil construction projects. The report also notes that club owners in Suriname reportedly pay women US\$ 500 for every Brazilian recruit.

The Special Rapporteur (SR) on violence against women visited Brazil from 15 to 26 July 1996. Brazil was chosen for a case study on the issue of violence against women in the family because information indicated that domestic violence was prevalent throughout the country and also because a significant number of programmes and activities, both governmental and non-governmental, have been established to combat and prevent such violence. The report of that visit (E/CN.4/1997/47/Add.2) includes commentary on the nature of the problem, the international, regional and national legal frameworks, the police, health policy and shelters, the judicial, executive and legislative branches of government and the activities of non-governmental and women's groups.

The report notes that: economic independence is a crucial factor affecting women's response to domestic violence; most victims do not have alternative accommodation, an independent means of livelihood or the means to meet the expenses of legal proceedings; for most victims to leave their husbands/partners is to leave behind their homes and their children; there are no effective mechanisms that allow abused women to stay in their homes, such as police protection orders; and, "machismo" remains important in society, underscores patriarchy in Brazil, results in extreme male dominance, praises physical superiority and brutal force, legitimizes stereotypes that affirm inequitable power relations between women and men, and is imbued with the notion that violence is a natural part of a relationship between women and men, as an indication of passion.

Other factors related to the nature of the problem are addressed in summary comments and found to include the fact that: economically disadvantaged, black and indigenous women in rural areas do not have equal access to relief by appeal to the state; women in rural areas appear to feel a certain level of alienation from state authorities, preventing them from seeking relief from domestic violence; in rural areas, ineffective law enforcement and criminal justice systems, coupled with a lack of social services for women victims of violence, make the situation of women worse and ensure that violence against them still remains largely invisible; there is a general perception that black women are more susceptible to violence and that racist attitudes and perceived discrimination in the criminal justice system prevent black women from seeking assistance; violence in upper-class families is less frequently reported because of the stigma attached to reporting to the police and, thus, there are no women's police stations in wealthier areas in many cities; there remains a common misperception that domestic violence is a lower-class phenomenon resulting from unemployment and alcoholism, and that police react to cases of violence with this perception in mind; there is a perception that violence against indigenous women is not treated seriously by the criminal justice system and that there are no programmes for combatting violence against indigenous women in the country; incest and sexual abuse of children within the family is also of great concern, with a need to give urgent attention to the vulnerability of girls and to develop and implement more effective governmental strategies than are currently in place; and, domestic violence also occurs against women household workers, the majority of whom are migrant workers from rural areas, and includes rape, beatings and verbal abuse.

The report notes that Brazil has ratified the Convention on the Elimination of All Forms of Discrimination against Women and recently withdrew all of its reservations to it; as well, Brazil is a signatory to the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women. The SR points out that while article 226 (8) of the Brazilian Constitution requires the state to create mechanisms to deter violence in the family, there is no specific national legislation on domestic violence. The issue is treated under other criminal laws relating to areas such as causing bodily harm to someone's physical integrity or health, aggravated battery, and murder. The report does, however, refer to several legislative initiatives that are intended to address domestic violence as a separate category of crime.

The report includes commentary on the "honour defence" and notes that, in 1991, the Supreme Court stated clearly that honour is not an asset and physical force cannot be used to defend it. Nevertheless, all murder cases in Brazil require a jury trial, and many commentators suggest that, despite the law, juries often acquit men who commit murder on the grounds of the wife's adultery. The "honour defence" is most widely used in rural areas in the interior of the country. The report cites information provided by women's groups that sentences of men who commit wife murder are frequently reduced by pleading "violent emotion", "temporary insanity" and "unjust provocation" under article 28 of the Brazilian Penal Code, which results in what is termed "privileged homicide". Under the Brazilian Penal Code, "privileged homicide" carries a sentence of only 1 to 6 years' imprisonment, while homicide per se imposes 12 to 30 years' imprisonment. "Privileged homicide" is used as a defence even in cases where there has been substantial premeditation. The same attenuating circumstances are, however, not accepted when wives murder their husbands. The sentencing practices among the judiciary indicate unequal treatment of women and men in connection with the murder of spouses. Thus, women's groups conclude that more narrowly defined judicial standards are required so that the discretion of judges will be more limited and instructions to the jury more directive.

The recommendations and conclusions in the report are addressed to the international, regional, national and local levels and include that:

- ▶ a clearing house be established, perhaps within UNIFEM (UN Development Fund for Women) or the Division for the Advancement of Women, to ensure that information on innovations and ways and means of combatting domestic violence at the national level is shared and accessible to all countries;
- ▶ an attempt be made to disseminate information on the Inter-American Convention on violence against women so that similar initiatives may be undertaken by other regional organizations such as the Organization of African Unity and the Council of Europe;
- ▶ the government of Brazil devise an integrated strategy to allow for implementation of programmes such as women's police stations in all parts of the country;
- ▶ regional disparities and differences in race and income should not affect the planning of programmes to combat violence against women throughout the country;
- ▶ special domestic violence legislation should include directions and guidelines for police and also, possibly, judicial authorities on measures necessary for prosecution and punishment;
- ▶ special domestic legislation provide for civil remedies, such as protection orders, so that women can seek relief without necessarily beginning criminal proceedings against perpetrators;
- ▶ a legislative process be initiated to lead to more narrowly defined judicial standards with instructions to the jury so that the "defence of honour" is more frequently disallowed and aggressors are sentenced as criminals;
- ▶ women's police stations be strengthened or established in all parts of the country, not just urban areas; the competence of these stations be expanded to enable them to investigate serious crimes such as murder and suicide; a programme to ensure that the social composition of women police officers reflect the diversity of the local population; adequate resources to ensure that the stations operate 24 hours per day; police stations provide a measure of privacy for women victims to make their complaints; medical services be incorporated into the stations, including access to, and close cooperation with, psychologists, social workers and lawyers; special measures such as training and career incentives be implemented for those who choose to work at women's police stations; there be a sufficient allocation of human and financial resources, including vehicles, equipment and administrative personnel, so that stations may fulfil their mandate effectively; there is close cooperation with NGOs and women's groups active in the field of violence against women so as to ensure more effective support to women victims of violence; and, programmes are put into place to sensitize regular police stations to problems associated with violence against women;
- ▶ instruction in the handling of domestic violence complaints, as a comprehensive course, be made an integrated aspect of basic police training;
- ▶ the issue of violence against women be incorporated into the national health policy and include training of medical personnel that addresses different criminal acts which may be perpetrated against their patients;
- ▶ steps be taken to establish shelters for women as a matter of priority;
- ▶ rehabilitation programmes for aggressors be established with a view to reducing the rate of recidivism among batterers;
- ▶ training and seminars be established to sensitize the judiciary to the problem of violence against women and specialized domestic violence courts be established;
- ▶ all Brazilian state governments initiate campaigns to eliminate violence against women in all regions of the country;
- ▶ activities by non-governmental organizations be extended to all parts of the country; and
- ▶ community-level infrastructures be developed to ensure the delivery of social services, such as shelters, to abused women.

Mechanisms and Reports of the Sub-Commission

Traditional practices affecting the health of women and children, Special Rapporteur on: (E/CN.4/Sub.2/1997/10, para. 29)

The report cites a statement by the government asserting that there are no traditional practices (including mutilation) in Brazil that affect the health of women and children.

Contemporary forms of slavery, Working Group on: (E/CN.4/Sub.2/1997/13, para. 45)

The report refers to the introduction of a computer programme on the Internet to facilitate adoption formalities in Rio de Janeiro and to stem the traffic of children and organs. The report notes the government's assertion that, in Brazil, there is no traffic in organs, and that an inquiry had failed to substantiate any of the allegations made in that regard. The government further stated that adoption formalities were designed to safeguard the child and promote the principle of the best interests of the child.

Other Reports

Periodic and genuine elections, Report of the S-G to the GA: (A/52/474, para. 8, Annex)

The report of the Secretary-General notes that under a UNDP project, a mission composed of an electoral advisor, a specialist in electronic voting, and a consultant in electoral administration were sent to Brazil in November 1995 to advise the government on various aspects related to electronic voting on a nationwide basis.

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CHILE

Date of admission to UN: 24 October 1945.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Chile has not submitted a core document for use by the treaty bodies.

Economic, Social and Cultural Rights

Signed: 16 September 1969; ratified: 10 February 1972.
Chile's third periodic report was due 30 June 1994.

Civil and Political Rights

Signed: 16 September 1969; ratified: 10 February 1972.
Chile's fourth periodic report was due 28 April 1994.
Reservations and Declarations: Declaration under article 41.

Optional Protocol: Acceded: 27 May 1992.

Reservations and Declarations: General declaration.

Racial Discrimination

Signed: 3 October 1966; ratified: 16 March 1971.
Chile's 11th through 13th periodic reports were due 19 November 1992, 1994 and 1996 respectively.
Reservations and Declarations: Declaration under article 14.

Discrimination against Women

Signed: 17 June 1980; ratified: 7 December 1989
Chile's second periodic report (CEDAW/C/CHI/2) has been submitted but is not yet scheduled for consideration by the Committee; the third periodic report is due 6 January 1999.
Reservations and Declarations: General declaration.

Torture

Signed: 23 September 1987; ratified: 30 September 1988.
Chile's third periodic report was due 29 October 1997.
Reservations and Declarations: General declaration; paragraph 1 of article 30.

Rights of the Child

Signed: 26 January 1990; ratified: 2 October 1990.
Chile's second periodic report was due 11 September 1997.

THEMATIC REPORTS***Mechanisms of the Commission on Human Rights***

Arbitrary detention, Working Group on: (E/CN.4/1997/4, paras. 17, 20)

The report notes that the Working Group appealed to the government to uphold the right to physical integrity of a leading female member of the Chilean Communist Party. The report notes that the person concerned was released shortly after being detained.

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 94-100, 392)

No new cases of disappearance were transmitted by the Working Group to the government. The vast majority of the 848 cases of disappearance remaining to be clarified occurred between 1973 and 1976 under the military government and involved political opponents of the military dictatorship, from different social strata, most of them activists in the Chilean leftist parties. The report states that those responsible for the disappearances were members of the army, the air force, the *carabineros* and persons acting with the acquiescence of the authorities. The report welcomes steps taken by the government to clarify cases as well as the efforts made to compensate the families of victims of disappearance. The Working Group nonetheless expressed particular concern about countries which have had more than 500 cases outstanding for more than 10 years, Chile being among them, and stated that it is essential for the government to make consistent and effective efforts to identify the fate and whereabouts of the disappeared.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 17, 18, 19, 46, 95; E/CN.4/1997/60/Add.1, paras. 95-99)

The report refers to a case previously sent to the government involving a 16-year-old student who died in 1995 in the course of a demonstration commemorating the military coup of September 1973, as well as the case of the staff member of the UN Latin American Centre for Demography. In response to the first case, the government informed the SR that judicial proceedings had been initiated and that every means would be used to clarify the circumstances of the death and to bring those responsible to justice. The SR expressed his deep concern at the application of the Amnesty Act of 1978 adopted by the military regime and considers that the application of that Act encourages impunity and is contrary to the spirit of the international human rights instruments.

Independence of judges and lawyers, Special Rapporteur on: (E/CN.4/1997/32, para. 93)

The report refers a decision by the Supreme Court in October 1996, rejecting a petition made by the military prosecutor to instruct all appeal courts to close legal proceedings

relating to human rights violations committed before March 1978, under the military government. The SR states that the ruling reestablished the independence of the judiciary.

Sale of children, child prostitution, child pornography, Special Rapporteur on: (E/CN.4/1997/95, para. 61)

The report states that a new development in Chile has seen the involvement of girls as young as seven years in prostitution and that, in the past five years, many boys as well as girls see prostitution as the only way to survive.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, paras. 49–69)

The report notes that the Special Rapporteur (SR) received replies from the government on 25 cases that had been transmitted in 1995 as well as observations on the SR's report of his visit to Chile (E/CN.4/1996/35/Add.2). The government commented on obstacles to the democratic functioning of some of the highest institutions because of laws inherited from the military regime. It noted that the democratic governments of Chile have maintained their opposition to the Amnesty Act. They stated that the Act was unlawful, and regretted that they had been unable to abrogate it as they lacked the necessary parliamentary majority. The government pointed out, however, that legislation in force does not preclude investigation by the courts continuing until the facts have been elucidated and the identity of those responsible determined. The government also noted that, in August 1995 a number of bills were presented to the Senate designed to do away with the institution of appointed senators, to change the composition of the Constitutional Court, to effect changes in the Security Council, and to authorize the President to retire Generals without the need for a proposal by the relevant Commander-in-Chief. However, the Senate rejected these bills. Regarding the Programme of Compensation and Full Health Care for Victims of Human Rights Violations (PRAIS), 13 teams are operating throughout Chile; between 1992 and 1995 the programme assisted 4,197 family groups with members who had been tortured.

The government also provided information in response to alleged irregularities in the proceedings involving three cases of persons tortured and executed during the period of the military government, noting that: two members of the army received prison sentences of 6 years and 10 years and 1 day respectively; a former *carabiniero* (member of the uniformed police) was sentenced to imprisonment for three years and one day; and, the court ordered the general dismissal of proceedings under the terms of the Amnesty Act, a decision that was being appealed to the Supreme Court.

In response to the SR's observations on the situation of minors assigned to punishment cells in the Comunidad Tiempo Joven detention centre for minors, the government stated that work on a special section to replace those cells was to be completed in September 1996. In terms of the SR's observations that article 260 of the Code of Criminal Procedure provides for "arrest on suspicion", and his recommendation that the article be amended, the government reported that in July 1996 the Chamber of Deputies' Constitutional, Legislative and Judicial Committee issued a report advocating the deletion of that provision from the present Code and its replacement by the one contained in the draft of the new Code

of Criminal Procedure. Responding to commentary on the attitude of the police authorities towards torture, the government stated that it shared the SR's view that both the uniformed police (*carabineros*) and the plain-clothes police department (*Investigaciones*) should be brought under the authority of the Minister of the Interior to permit better coordination in preventing and investigating offences. The government also noted that both departments had undertaken a process of weeding out staff who have failed to observe the basic rules of law in performing their duties which, in the case of the *carabineros*, had resulted in a decision to retire a total of 249 members on 1 February 1996. Referring to shortcomings in the system of criminal justice regarding the protection of detainees against torture or ill-treatment by the police, the government stated that many of these shortcomings will be remedied as a result of the reform of the Code of Criminal Procedure, including by inclusion of guarantees of the rights of accused persons to remain silent, the right to be assisted by a lawyer during the initial phases of the investigation, the right to confer daily and in private with a lawyer during detention and the right to have their family immediately informed of their arrest. Proposed reforms also institute oral, public and adversarial proceedings and separate the investigatory functions from the judicial by establishing the Prosecution Service. The reform will also make it possible to conduct more detailed, thorough and specialized police investigations, based on the balanced use of a variety of investigative tools and precluding the possibility of basing the trial essentially on the suspect's confession. The government noted that under the revisions: the maximum period for which suspects may be held in police custody is reduced to 12 hours, after which they are to be referred to the Prosecution Service; that the police are prohibited from questioning detainees without the prior authorization of the Prosecution Service's prosecutor; and that suspects may not be held incommunicado for more than five days, after which they must be allowed to communicate with their lawyer.

Further reforms were undertaken to ensure that the definition of torture as an offence uses the wording contained in the Convention against Torture and that anyone who, being aware of such offences and in a position to prevent them, fails to do so, will be liable to punishment.

The government's responses to the cases transmitted variously indicated that: the complaint had not been substantiated; the death had resulted prior to the police arriving on the scene and was declared accidental; the investigation had turned up no signs of torture or ill-treatment; a court was examining the case for unlawful ill-treatment; administrative responsibility had been established against the officials concerned for failing to carry out their duties with due interest and determination and for abuse of authority and that appropriate sanctions were implemented; the injuries to the plaintiff had been sustained while attempting to escape; and, the injuries had been sustained while the suspect was resisting arrest.

Violence against women, Special Rapporteur on: (E/CN.4/1997/47, Section IV.B, Section V.)

In the section dealing with trafficking in women and forced prostitution, the report refers to "regulationism" — tolerance by the state of what is often understood to be a "necessary evil", by attempting to control prostitution

through government regulatory schemes — and notes that laws in Chile take this approach. In the section addressing violence against women migrant workers, the SR notes that in Chile, many rural women migrate internally as *temporeras* (temporary female workers) to work primarily in the agro-export industry and that numerous human rights violations are reported in this sector. These include prohibitions on women's right to organize; a requirement that *temporeras* work 12 to 14 hours a day; and, extremely unhealthy conditions of employment where the women are exposed to high levels of pesticides, many of which have been banned in Northern countries, which have resulted in abnormally high levels of physical illnesses, including cancer, birth defects and death. The report notes that the government's response to related illnesses has been to blame the workers for not taking appropriate precautions.

Other Reports

Children and juveniles in detention, Report of the S-G to the CHR: (E/CN.4/1997/26, para. 2, Section I)

The report of the Secretary-General includes information provided by the government. This refers to the promulgation in 1991 of a National Plan of Action in favour of children, giving priority to the issue of children in conflict with the law. The Plan is aimed at the development and implementation of a national policy of child protection, establishment of a new institutional framework and services to deal with child offenders, forestalling hazards to society and, in particular, possible violations of the law, and promoting community participation. It noted further that government set up an Intersectoral Advisory Commission which made a comprehensive assessment of the situation of children at risk and put forward a number of proposals which have generally found their way into the National Plan of Action. The Commission's assessment established the need to give priority to policies on juvenile lawbreakers, most though not all of whom belong to the poorer sectors of the population; one priority set was that of making urgent changes both in the law and in the institutional framework and working methods. The report notes that legislation in force, which dates back to 1928, regards children and teenagers as requiring "protection" and retains the institution of due discernment, the possible finding of danger and the lack of guarantees of due process, giving the courts excessive discretion over minors' freedom and allowing them to go so far as to deprive minors of their liberty as a "protective measure" if they consider them to be at risk, even where they have not been shown to have committed any offence. In modernizing the justice system, the government has given priority to reforming legislation on minors, seeking to create a modern, consistent legal framework in keeping with basic human rights, underpinned by the Chilean Constitution, the international instruments acceded to by Chile and, especially, the Convention on the Rights of the Child.

The main changes made as regards juvenile offenders have been: a decree that eliminates entries in the judicial records on cases of minors convicted of a crime, upon completion of the sentence or after three years after completion of the sentence; establishment of a central- and regional-level working party to get minors out of adult penitentiaries; abolition of the option in law of committing non-imputable minors

to prison; legislative measures to reduce the number of minors held in police and penitentiary facilities; launch of a behavioural rehabilitation programme intended to improve, develop and create open treatment systems, evaluate existing rehabilitation systems, and run psychosocial support programmes for imprisoned minors in order to get them out of prisons; establishment of new minors' courts to hear cases brought under the Minors Act and the law on abandonment and maintenance payments; and, proposals for further legislation in the areas of affiliation, adoption, sexual and other offences; breaches of criminal law by juveniles and family courts.

Detention of international civil servants, Report of the S-G to the CHR: (E/CN.4/1997/25, para. 74-75)

The report of the Secretary-General refers to an August 1996 judgement by the Chilean Supreme Court in the case of a staff member of the Economic Commission for Latin America and the Caribbean (ECLAC) who was kidnapped and subsequently murdered in Santiago in July 1973 by agents of the Mulchen Brigade of the National Intelligence Agency (DINA). The Court confirmed the validity of application of Amnesty Decree-Law 2191 to the case. The report notes that ECLAC issued a press release stating that the Court's decision had prevented justice from being done and the decision contravened international conventions related to the privileges and immunities of UN staff and personnel.

Migrant workers, Report of the S-G to the CHR: (E/CN.4/1997/65, para. 4)

The report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families notes that Chile has signed the Convention.

Voluntary Fund for Victims of Torture, Report of the S-G to the CHR: (E/CN.4/1997/27, para. 4)

The report of the Secretary-General notes that Chile contributed to the Fund in 1996.

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COLOMBIA

Date of admission to UN: 5 November 1945.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Colombia has submitted a core document (HRI/CORE/1/Add.56) for use by the treaty bodies. The report prepared by the government includes demographic and statistical data as well as commentary on the structure of the state, rights, guarantees and duties, actions by the government to protect human rights, legislative measures and initiatives and protection against racial discrimination.

The legal framework for the protection of human rights is established in five chapters of the Constitution related to: fundamental rights; social, economic and cultural rights; collective rights and the environment; the protection and application of rights; and, duties and obligations. In addition to the legal framework, the government has established the President's Advisory Council on Human Rights and human rights offices or units within the Ministry of National

Defence, the General Command of the Armed Forces, the Administrative Department of Security and several prisons. The Constitution stipulates that the rights and duties it sets out will be interpreted in conformity with the international human rights treaties ratified by Colombia.

Economic, Social and Cultural Rights

Signed: 21 December 1966; ratified: 29 October 1969.

Colombia's fourth periodic report is due 30 June 1999.

Civil and Political Rights

Signed: 21 December 1966; ratified: 29 October 1969.

Colombia's fifth periodic report is due 12 August 2000.

Colombia's fourth periodic report (CCPR/C/103/Add.3) was considered by the Human Rights Committee at its March/April 1997 session. The report prepared by the government is exhaustive in its summary of constitutional, legal and administrative provisions for the protection of human rights under articles 1 through 27 of the Covenant. An Appendix to the report summarizes cases that had been reported to the Committee and the steps the government took to implement the Committee's recommendations.

The Committee's concluding observations (CCPR/C/79/Add.76) acknowledged that widespread armed conflict, in which gross and massive human rights violations have and continue to occur, hinders implementation of the Covenant. The Committee also noted that efforts to restart peace negotiations had not succeeded.

The Committee welcomed: establishment in Colombia of an office of the High Commissioner for Human Rights; ratification of the Additional Protocol II (protection of victims of non-international armed conflict) to the Geneva Conventions of 1949; the creation of institutions and offices to protect and promote human rights, such as the Office of the Ombudsman, the Department for Human Rights within the Office of the Public Prosecutor and the Division for Human Rights within the Office of the Attorney-General; the establishment of programmes concerning women and gender equality and institutional structures aimed at the promotion of women's rights; the decision of the Constitutional Court giving international human rights instruments equal status with the Constitution; adoption of a new Police Code that includes guidelines and principles on the use of force and weapons by police; and, adoption of decrees related to disciplinary measures in case of unlawful behaviour of police officials.

The Committee viewed positively: establishment of a Commission of Inquiry to deal with complaints related to disappearances; establishment of a national registry of disappeared persons; creation of a commission for follow-up on cases of forced disappearance; the creation of remedies for the violation of basic rights of individuals, including habeas corpus and *habeas data*; adoption of legislation establishing a mechanism for compensation of victims of human rights violations; provision for victims of human rights abuses committed by members of the armed forces to be represented as civil parties during proceedings before military courts; and, adoption of legislation to accelerate judicial proceedings and protective measures for victims of domestic violence.

In identifying principle areas of concern the Committee referred to the continuation of gross and massive human rights violations, including extrajudicial executions, murders,

torture and other degrading treatment, disappearances and arbitrary arrests carried out by members of the armed forces, the police and paramilitary and guerilla groups. The Committee also noted that journalists, human rights activists, trade union and political leaders, teachers, members of indigenous populations and judges appear to be specifically targeted.

The Committee expressed concern over: "social cleansing" operations targeting street children, homosexuals, prostitutes and petty delinquents; evidence that paramilitary groups receive support from members of the military; the decree legalizing the constitution of armed civilian groups (Rural Security Cooperatives); the fact that impunity continues to be a widespread phenomenon; the decision of the Higher Adjudication Council to broaden the concept of service-related acts, enabling the transfer from civil courts to military tribunals of many cases involving human rights violations by military and security forces; a lack in the military penal system of the requirements for a fair trial as set out in article 14 of the ICCPR; the constitutional provision that allows members of the military to invoke as defence the orders of a superior; the fact that the military exercises the functions of investigation, arrest, detention and interrogation; the fact that threats against members of the judiciary compromise the independence and impartiality of the judiciary; the length of judicial proceedings which creates an unacceptable backlog of cases; the use of "faceless judges"; and, the proposals for constitutional reform aimed at suppressing time-limits on states of emergency and introducing a number of elements that reduces the ability of the civilian authorities to exercise their responsibilities under a state of emergency.

Referring to other concerns, the Committee noted that: despite some improvements women continue to be subjected to *de jure* and *de facto* discrimination in all spheres of economic, social and public life; violence against women remains a major threat to their right to life; the high mortality rate of women is the result of clandestine abortions; there is a lack of adequate measures to protect children's rights, particularly in the areas of violence within the family and society at large, forced recruitment by guerrilla and paramilitary groups, employment below the legal minimum age and the murder and abuse of street children by vigilante groups and security forces; and, members of indigenous communities and the black minority continue to suffer discrimination.

The Committee recommended that the government:

- ▶ investigate and punish support given by military personnel or security forces to paramilitary groups;
- ▶ take immediate steps to disband paramilitary groups and consider repealing the decree legalizing Rural Security Cooperatives;
- ▶ adopt stringent measures to ensure that all allegations of human rights violations are promptly and impartially investigated, the perpetrators prosecuted and appropriate punishment imposed;
- ▶ ensure the permanent removal of officials convicted of serious offences and suspension of those against whom allegations of such offences are being investigated;
- ▶ adopt special measures, including protective measures, to ensure the exercise of their rights and freedoms by, particularly, journalists, human rights activists, trade union and political leaders, teachers, members of indigenous populations and judges;

- ▶ take stringent measures to ensure protection of the rights of victims of "social cleansing";
- ▶ take the necessary steps to ensure that members of the armed forces and police accused of human rights violations are tried in civilian courts;
- ▶ transfer jurisdiction over human rights violations from military to civilian courts;
- ▶ withdraw proposed constitutional reforms aimed at suppressing time-limits on states of emergency and introducing a number of elements that reduces the ability of the civilian authorities to exercise their responsibilities under a state of emergency;
- ▶ take measures to ensure full legal and de facto equality for women, including with respect to their status within the family, and give priority to protecting women's right to life by taking effective measures against violence and ensuring access to safe contraception;
- ▶ to address the problem of overcrowding in the prisons, adopt alternative sentencing measures to allow some convicted persons to serve their sentences in the community;
- ▶ abolish the regional judicial system, including "faceless judges";
- ▶ adopt preventive and punitive measures to deal with all acts of child murder and assault and children caught up in the activities of guerrilla and paramilitary groups;
- ▶ establish inspection mechanisms aimed at the elimination of child labour;
- ▶ consider conferring Colombian nationality on stateless children born in Colombia; and,
- ▶ adopt further measures to ensure the rights of members of indigenous populations and the black minorities.

Optional Protocol: Signed: 21 December 1966; ratified: 29 October 1969.

Racial Discrimination

Signed: 23 March 1967; ratified: 2 September 1981.
Colombia's eighth periodic report was due 2 October 1996.

Discrimination against Women

Signed: 17 July 1980; ratified: 19 January 1982.
Colombia's fourth periodic report was due 18 February 1995.

Torture

Signed: 10 April 1985; ratified: 8 December 1987.
Colombia's third periodic report was due 6 January 1997.

Rights of the Child

Signed: 26 January 1990; ratified: 28 January 1991.
Colombia's second periodic report was due 26 February 1998.

Reservations and Declarations: Paragraphs 2 and 3 of article 38.

COMMISSION ON HUMAN RIGHTS

Report of the High Commissioner for Human Rights: (E/CN.4/1997/11)

The report concerns the negotiations with the government to establish an office of the High Commissioner for Human Rights in Colombia. The Annex to the report contains the text

of the agreement for the establishment of the office. This provides that the office will, *inter alia*: advise the executive branch of government on the overall formulation and implementation of human rights policies and may, in this context, advise the security forces; advise the legislative branch and ensure that all draft human rights legislation is consistent with international human rights instruments; advise representatives of civil society and individuals on matters related to the promotion and protection of human rights, including the use of international protection mechanisms; advise existing and future national institutions concerned with human rights, in particular the Office of the Procurator-General and the Office of the People's Advocate as well as the Office of the Public Prosecutor and members of the judiciary; advise state and non-governmental bodies on public education programmes and programmes for the training of law enforcement officials, lawyers and members of the judiciary; ensure that the recommendations and decisions of UN bodies are taken into account by government agencies with related duties and responsibilities and advise them of specific implementation measures; receive complaints on human rights violations and other abuses, including violations of humanitarian law applicable in armed conflict; promptly transmit complaints received to the competent national authorities to expedite action on them in accordance with domestic legal procedures; notify competent authorities when domestic legal procedures are not compatible with provisions of international instruments; keep confidential, when required, the identity of the person or persons making a complaint; recommend when necessary measures to protect authors of complaints as well as victims and witnesses to the act in question; not assume functions of inspection, investigation and judgement when considering complaints; refrain from issuing categorical statements identifying individuals or organizations as legally responsible for having committed the act of which they are accused; observe and maintain independent and impartial surveillance of the human rights situation; report to the government regularly on its concerns and assessments; confine public announcements to the form of reports and statements by the High Commissioner and the Director of the Office; and report exclusively to the High Commissioner for Human Rights on activities carried out within its mandate. Under the agreement, the High Commissioner will present public detailed analytical reports to the Commission on Human Rights on the activities of the Office and the human rights situation in Colombia.

Chairman's Statement: (E/CN.4/1997/L.10/Add.3, para. 18)

At the 1997 session, the CHR agreed to a Chairman's statement in which the Commission welcomed the opening of the permanent Office of the High Commissioner for Human Rights in Santa Fe de Bogota; expressed the hope that the office would begin its operational activities immediately; acknowledged the efforts of the government in the field of human rights and its willingness to cooperate with the Commission's special rapporteurs and working groups; expressed deep concern that the situation of endemic violence and the situation of internal armed conflict affecting many parts of the country had resulted in serious consequences for human

rights; expressed deep concern at the persistence of thousands of violations of the right to life, and the increasing involvement of paramilitary groups in these violations; acknowledged that the conflict entailed serious and continuous abuses and violations of human rights and humanitarian law by both state agents and guerilla groups; urged the government to continue to strengthen its support, through all state institutions, of all those who promote the defence of human rights; urged the guerilla groups in Colombia to respect norms of international humanitarian law and, especially, to abandon the use of kidnapping, hostage taking, anti-personnel landmines, indiscriminate killings and all attacks on the civilian population; called for the liberation, on humanitarian grounds, of 70 Colombian soldiers held by a guerilla group since August 1996; acknowledged that the government had taken steps for the application of humanitarian standards in the conflict; welcomed the government's continued cooperation with the International Committee of the Red Cross (ICRC) and the facilitation of its humanitarian activities in the country; referred to the numerous cases of disappearance and noted that the application at the national level of the Declaration on the Protection of all Persons from Enforced Disappearance faced several obstacles, generating impunity; called for the urgent adoption of more effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in accordance with article 3 of the Declaration; expressed continuing concern at the alarming level of impunity, in particular concerning abuses by state agents that continue to fall under the jurisdiction of military courts; encouraged the government to continue and conclude the process of reform of the military penal code in accordance with the recommendations made by the thematic rapporteur, *inter alia* as far as the exclusion from the jurisdiction of military courts of human rights violations, and in particular of crimes against humanity, is concerned; welcomed the important advances made in a number of cases of gross human rights violations by the Human Rights Unit in the Office of the General Prosecutor in terms of investigating and indicting state agents, guerrillas and members of paramilitary groups responsible for violations of human rights or humanitarian law; expressed deep concern about the persistence of the practice of torture; called on the government to combat the occurrence of torture and ill-treatment as well as the impunity which permits them to continue; urged the government of Colombia to continue strengthening ordinary justice versus special systems of justice, noting that the misuse of special systems can lead to serious violations of human rights, and denial of a fair trial; stated that implementation of the recommendations of international human rights bodies is still not sufficient; stated the expectation that the activities of the new human rights office in Bogota would contribute to improvements in the human rights situation in Colombia, promote a climate of trust between the government and all sectors involved in the conflict, and prevent violations of human rights and international humanitarian law; and, requested the High Commissioner to present a comprehensive analytical report to the Commission at its 54th session on the setting up of the office and its activities, and on developments in the human rights situation in Colombia.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Arbitrary detention, Working Group on: (E/CN.4/1994/4, paras. 4, 7, 8, 12, 17, 21; E/CN.4/1997/4/Add.1, Decisions 1, 32, 41)

The Working Group (WG) issued Revised Decision 1 (1996) in a case involving a member of a politico-military organization who was detained in December 1992 in Bucaramanga by soldiers from the Army's Fifth Brigade and members of the Anti-Kidnapping and Blackmail Unit (UNASE) of the National Police. He was facing charges of rebellion, terrorism, kidnapping for ransom, forgery of an official document and possession of narcotics. Information received claimed that the defendant was given unequal treatment before the court at the pre-trial stage: that the court refused to allow evidence requested by the defence; that the defendant was denied his own choice of counsel; that pressure was brought to bear on the lawyer appointed, forcing her later to leave the country; that the defendant was prevented from engaging in confidential communication with his counsel because microphones were installed in his cell; that the defendant was held on military premises; and that he was subjected to torture. Taking account of these points, the WG declared the detention to be arbitrary.

The case was reconsidered at the request of the government which provided a substantiated and documented submission countering the claims made in the case. However, after considering the government's submission, the WG decided not to change its original finding that the detention was arbitrary.

Decision 32 (1996) concerned one person detained in June 1994 by officers of the Sixth Army Brigade and the Administrative Department for Security (DAS), under an arrest warrant issued by the Office of the Regional Prosecutor attached to the Twentieth Brigade. He was charged with rebellion and false impersonation, and was being tried before the Regional Court (which is composed of faceless or unidentified judges). The information received indicated a number of irregularities in pre-trial proceedings related to release on bail. The government did not respond to the case and the Working Group declared the detention to be arbitrary.

Decision 41(1995) related to the cases of three people who were arrested by members of the SIJIN (National Police), accused of the murder of a journalist, and deprived of their liberty by order of the Barranquilla Regional Prosecutor. Information related to these cases indicated that: the arrests were made without a warrant; the search during which they were taken into custody was also conducted without a valid judicial warrant; the three were held incommunicado for 21 days; and, the evidence produced to incriminate them is insufficient — the three were not at the scene of the crime on the day it was committed, one witness did not identify them as participants, and the search of the house where they were arrested did not uncover physical evidence of the offence.

The government replied that the arrests, search and detentions had been conducted under a warrant originating from the Barranquilla Regional Prosecutor's Office and that incommunicado detention for 21 days was appropriate given

the seriousness of the offence being investigated. The government noted that an evaluation of evidence of guilt is not part of the mandate of the Working Group, and therefore could not be included in any of the three categories of arbitrary detention considered by the Working Group. On the basis of the facts presented, the Working Group declared that the detention of the three was not arbitrary.

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 3, 11, 12, 111–122, 393)

1. The Working Group (WG) transmitted 23 new cases to the government, 16 of which were reported to have occurred in 1996. A communication was also sent on behalf of persons who had been subjected to acts of intimidation or harassment, including: members of the Association of Relatives of Disappeared Detainees; relatives of two persons missing after the killing of one member of the family, who had been making inquiries on the whereabouts of the disappeared; and witnesses to the arrest of one person who subsequently disappeared, who had given testimony before the judicial authorities.

The majority of the 756 cases remaining to be clarified have occurred since 1981, in particular in Bogota and regions where the level of violence is highest. The cases include those of persons belonging to civic or human rights groups who had publicly denounced abuses by members of the security forces or paramilitary groups. The forces alleged to be responsible are the army, the police, members of paramilitary groups and unidentified men in civilian clothes believed to be linked to governmental forces.

The report also refers to information received expressing concern over: a bill of constitutional reform, presented to Parliament in April 1996 by a group of senators, establishing that all crimes committed by members of the armed forces and police should be dealt with under military jurisdiction; lack of progress in the preparation and discussion of a new bill aimed at including forced disappearance as a separate crime in the Penal Code; and, a bill on constitutional reform presented to Parliament in August 1996 which would suppress many of the limitations imposed by the 1991 Constitution on the possibility of declaring a state of emergency, give additional powers to the Executive while a state of emergency was in force, give judicial police functions to the Armed Forces, and restrict the possibility of individuals availing themselves of the writ of protection.

The government sent information to the WG on the implementation of recommendations made by the various thematic mechanisms of the CHR that had visited the country, citing: the elaboration of a plan for the development of the justice system; establishment of a unit in the Office of the Attorney-General to deal exclusively with investigations on human rights cases; the decision of the Constitutional Court declaring unconstitutional the practice of incorporating military personnel into judicial police units; and, a draft of the new code of military justice.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 15–19, 31, 35–38, 51, 52, 57, 58, 60, 61, 66, 68, 71; E/CN.4/1997/60/Add.1, paras. 115–140)

The report states that violations of the right to life continue to occur on a large scale and that there are no indications

of an improvement in the short term. Members of the army, paramilitary groups, the police and, to a lesser extent, guerrilla groups are reported to have been responsible for a large number of violations of the right to life. The Special Rapporteur (SR) has continued to receive claims that there is a clear relationship between paramilitary groups and the armed forces. Links between them are said to have been observed specifically in the context of counterinsurgency operations, where the armed forces and paramilitary elements have reportedly acted together. Landowners, local politicians, major industrialists and drug traffickers would appear to be giving financial backing to these paramilitary groups.

The report notes that, according to information provided, paramilitary groups had made threats against trade unionists and community leaders, human rights activists and members of the judiciary; and, the risks facing human rights defenders are believed to have prompted several organizations to suspend their activities. Reference is also made to impunity. The SR cites information indicating that only three per cent of the offences reported in Colombia result in convictions. The report suggests that victims of violations and witnesses may be deterred from going to court out of fear of reprisals in light of the fact that, on some occasions, people may have been killed for taking legal action in cases of human rights violations.

The SR sent 21 urgent appeals to the government and transmitted communications alleging violations of the right to life of 152 named individuals and 14 unidentified persons. The appeals and communications related to: human rights activists, members of political parties, trade unionists, inhabitants in La Paz, Segovia and Remedios, peasant leaders and displaced peasant families and indigenous leaders, children, members of Unión Patriótica, politicians and community leaders and workers.

The government replied to a number of the appeals and cases and informed the SR, *inter alia*, that: a bill had been submitted that would authorize the government to pay compensation resulting from decisions taken by intergovernmental bodies, in view of the legal difficulties that had arisen on a number of occasions; a "Development Plan for the Justice System", which would provide for heavy investment in that field, had been instituted; the Statutory Act on the Administration of Justice, whose review was due to be completed by the Constitutional Court, introduced various changes in the system including limiting the use of secret witnesses and prosecutors; implementation of a witness protection programme had been initiated; a commission had been appointed to prepare a draft military penal code and code of penal procedure; and, a programme to combat the so-called "social cleansing" killings was being formulated.

In follow-up with the government, the SR noted that, while it was clear that the authorities had initiated investigations into the alleged violations of the right to life, concern remained that it had not been possible to identify those responsible in the majority of cases. The SR also expressed his concern that investigations had been suspended or the cases had been temporarily filed as a result of the failure to determine responsibility for these crimes.

Independence of judges and lawyers, Special Rapporteur on: (E/CN.4/1997/32, paras. 11, 12, 17, 25, 35-36, 41-42, 95-98)

The report notes that the Special Rapporteur (SR) visited Colombia from 15 to 17 September 1996. A report of that mission is being prepared for the 1998 session of the Commission. In the section dealing with the issue of "faceless judges" and secret witnesses, the report recalls the SR's previous observation that such special procedures violate the independence and impartiality of the justice system for a variety of reasons. This was one issue identified by the SR as central to his visit to Colombia.

The report notes that urgent appeals sent to the government related to death threats and intimidation against human rights lawyers and lawyers working for people who have been detained for political reasons, including members of a guerrilla group, and the assassination of a municipal ombudsman in the Department of Antioquia. The government had not replied to the appeals by the time the report was finalized.

Racial discrimination, Special Rapporteur on: (E/CN.4/1997/71/Add.1)

The Special Rapporteur (SR) on racial discrimination visited Colombia from 28 June to 15 July 1996. The report of the visit reviews the situation of Amerindians and Afro-Colombians and sets the context by observing that: the indigenous and Black populations have been and are marginalized; they are the poorest and most vulnerable groups, and live in unfavourable economic and social conditions, in appalling shanty towns; racial discrimination seems almost natural and unconscious; and, questions on the number or percentage of indigenous and Afro-Colombians in the army or navy, the diplomatic corps or the Catholic hierarchy are met with awkward replies or an embarrassed silence, as if the questions were unusual. The SR referred to the weekly television programme, *Sábados Felices*, stating that it ridicules Blacks; the SR also notes that even the most militant human rights activists only realize the discriminatory nature of the popular programme and its incitement to racial hatred when their attention is drawn to it.

The report provides ethno-demographic data and includes commentary on constitutional and legal guarantees related to non-discrimination. In the section dealing with obstacles to overcoming racism, a number of elements are considered, including economic and social disparities, persistent stereotyping, illiteracy, school enrolment rates, contradictory policies related to land issues, natural resources and development projects, threats posed to the existence of Afro-Colombian and indigenous communities, and ubiquitous violence. On the basis of meetings with the authorities, non-governmental organizations and people in a number of communities, the SR recommended that Colombia should:

- ▶ adopt an act on racism and racial discrimination;
- ▶ ban the television programme *Sábados Felices*;
- ▶ speed up the process of distributing land to Afro-Colombian and indigenous populations;
- ▶ resolve the administrative problems related to subsidies to *resguardos* (territory reserved for an internally-autonomous Amerindian community);

- ▶ provide the army and police with appropriate training on human rights to raise their awareness to forms and incidents of racism and racial intolerance;
- ▶ facilitate greater participation of Afro-Colombian and indigenous populations in decisions affecting them;
- ▶ in the planning and implementation of development projects, give greater respect to the economic, social and cultural rights of the populations concerned; and,
- ▶ take measures to protect vulnerable populations from violence in areas of conflict.

Sale of children, child prostitution, child pornography, Special Rapporteur on: (E/CN.4/1997/95, para. 64)

The Special Rapporteur (SR) notes that children who are compelled to leave violent homes are often victimized by a system that uses punishment to "rehabilitate" and "protect" runaways; many of these children live on the street. The SR reports that, between 1986 and 1993 in Bogota alone, there had been a 500 per cent increase in child prostitution among children between 8 and 13 years of age as a result of civil displacement, poverty and drugs.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, paras. 86-105)

The Special Rapporteur (SR) welcomed the establishment in Colombia of the office of the High Commissioner for Human Rights and suggested that it could contribute to the implementation of the recommendations formulated following a visit he made to Colombia in 1994, together with the SR on extrajudicial, summary or arbitrary execution. Those recommendations touched on areas related to: the reform of the military criminal justice system as well as the regional justice system, the programme for the protection of witnesses intervening in proceedings on human rights violations, the bill on compensation for victims of human rights violations, the measures to dismantle the paramilitary groups, and the measures to combat the "social cleansing" killings.

A number of cases were transmitted to the government and involved: beatings by members of the Anti-extortion and Anti-kidnapping Unit (UNASE) of the National Police when they entered the maximum security wing for the purpose of transferring the prisoner; a raid on a settlement by the second Mobile Brigade during which local peasants were ill-treated; beatings and ill-treatment by police units and army personnel; torture and ill-treatment by the second Mobile Brigade; ill-treatment following arrest by a military patrol of the battalions Los Guanés and Luciano D'Elhuyar and two paramilitaries; torture by members of the No. 5 Counter-guerrilla Battalion; arrest and ill-treatment by soldiers of the Nueva Granada and Ricaurte battalions; arrest and beatings by members of a paramilitary group; death as the result of numerous blows inflicted by police officers, which caused a brain trauma; and, arrest and torture by armed individuals suspected of being connected with the Battalion of the Presidential Guard.

The response of the government to these cases and others previously transmitted variously stated: cases had been provisionally filed by the Military Court; the military court had decided to close the case; the Office of the Parliamentary Commissioner had not received any complaints; they had been transmitted to the Office of the Attorney-General; the

Ministry of Defence had decided to dismiss the case; the Provincial Prosecutor's Office of Bucaramanga had ordered the dismissal of a National Police officer implicated in the events; and, a disciplinary inquiry had found three officers of the National Police responsible for the acts committed.

Toxic wastes and products, Special Rapporteur on:
(E/CN.4/1997/19, paras. 45, 61)

The report refers to information received indicating that a small area in the south of Santander has been contaminated with glysofato and other radioactive chemicals. The report also cites information which states that British Petroleum (BP) had passed on information about local people protesting oil activities to the Colombian military who then arrested or kidnapped them on grounds of being subversives. The report also refers to information stating that, in the summer of 1996, BP signed an agreement with Colombia's Ministry of Defence to create a battalion of 150 officers and 500 soldiers to monitor construction of a 550-mile-long pipeline.

Violence against women, Special Rapporteur on:
(E/CN.4/1997/47, Sections IV & V)

In the section dealing with trafficking in women and forced prostitution, the Special Rapporteur (SR) notes that, in Colombia there are trafficking networks for prostitution that traffic women within the country or regionally (to Venezuela, Ecuador and Panama) as well as traffickers who deal on a global scale, providing Colombian women for markets in Spain, Greece, the Netherlands, Germany, Belgium and the United States. The report further notes that women from Colombia are sold to thriving marriage markets in Western Europe, North America, Australia and Japan. In the section dealing with violence against women migrant workers, the report states that *floristerias* (female workers in the flower export industry) are exposed to pesticides and experience abnormally high levels of physical illnesses, including cancer, birth defects and death.

Mechanisms and Reports of the Sub-Commission

States of emergency, Special Rapporteur on: (E/CN.4/ Sub.2/1997/19, para. 14, 24)

The report refers to activities by the Special Rapporteur in providing technical advice to the government, at its request, on a legal framework and principles to be observed when declaring a state of emergency.

Other Reports

Conscientious objection to military service, Report of the S-G to the CHR: (E/CN.4/1997/99, paras. 2, 6, 9, 16, 20, 25, 34, 38, 41, 47)

The report of the Secretary-General notes that there is conscription in Colombia and that under the Constitution all Colombians are obliged to render military service when required for the defence of the nation's independence and public institutions. Military duty begins when a person is 18 and ends at the age of 50. Compulsory military service is from 12 to 24 months and may be served in one of four ways: regular army soldiers perform from 18 to 24 months of service; holders of the baccalaureate 12 months; baccalaureate police assistants 12 months; and peasant-soldiers 12 to 18 months. Grounds for exemption from compulsory service during peacetime do not include conscientious objection. The

government noted that the Office of the Ombudsman had filed an application for protection of fundamental rights related to four cases of conscientious objection but the judges hearing the applications did not allow the objection. There is no alternative service in Colombia, since conscientious objection is not allowed; it is, however, possible for an "objector" to perform military service without the use of arms and without taking part in combat or hostilities through: auxiliary service in the National Police, auxiliary service for holders of the baccalaureate at the Instituto Nacional Penitenciario, and environmental service for the environmental authorities performed by holders of the baccalaureate. Refusal to perform compulsory military service may result in an individual being tried for disobedience and possibly sentenced to one to three years in prison. Individuals failing to define their military status at the age of 18 or ignoring the obligation to define the status may be fined when they do define it, even if not recruited. Individuals failing to appear before the recruitment authorities to define military status run the risk of being recruited by force if discovered and cannot submit documents proving that military status has been defined or that they are covered by one of the reasons for exemption. The government noted that there is one known case in which an "objector" deserted after joining the service and was sentenced for desertion. Given that conscientious objection is not allowed, the government does not disseminate information on the subject but, as noted above, the Office of the Ombudsman does plead cases of conscientious objection and, if necessary, provides information and advice to those who request it. The Office of the Ombudsman also encourages information meetings and debates on the subject.

Cooperation with UN representatives, Report of the S-G to the CHR: (E/CN.4/1997/50, paras. 9, 17)

The report of the Secretary-General summarizes information from various thematic reports noting that: members of the Colombian Commission of Jurists were accused in a newspaper article of providing information to the High Commissioner on Human Rights with the aim of damaging the image of the armed forces. There were also reports of intimidation or harassment against: members of the Asociación de Familiares de Detenidos Desaparecidos; relatives of two missing persons who, after the killing of one member of the family, had been making inquiries into the whereabouts of the disappeared; and witnesses to the arrest of a person who subsequently disappeared, who had given testimony before the judicial authorities.

Migrant workers, Report of the S-G to the CHR:
(E/CN.4/1997/65, para. 4)

The report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families notes that Colombia has acceded to the Convention.

Restitution, compensation and rehabilitation, Report of the S-G to the CHR: (E/CN.4/1997/29, paras. 4)

The report of the Secretary-General notes that the government has provided a copy of Law No. 00288 of 8 July 1996 that sets out the procedures for compensating victims of human rights violations.

World Public Information Campaign on Human Rights, Report of the S-G to the CHR : (E/CN.4/1997/36, paras. 85, 98)

The report of the Secretary-General refers to activities by the UN's Information Centres and Services (UNIC) and notes that: in Colombia, UNIC held a briefing for 1,000 police officers at "Escuela de Policia General Santander", distributed information materials, and showed the film, "Universal Declaration of Human Rights"; UNIC provided material to the Ombudsman's Office for an edition of its magazine (entirely dedicated to Human Rights Day) which has a circulation of nearly 500,000; and that UNIC assisted the Ombudsman's Office in the production of two videos — "Human rights for youth" and "Humanitarian international rights" — by providing information and "UN in action" videos. The report also notes that, for the observance of the International Day of the World's Indigenous People, UNIC invited the director of a traditional radio programme to air "Perspective international" from the series, "Nosotros los pueblos indígenas", and arranged interviews for the representatives of UN programmes involved in indigenous issues in Colombia.

FIELD OPERATIONS

The Office of the High Commissioner for Human Rights was established on 6 April 1997 in Santa Fe de Bogota. The Officer-in-Charge is Mrs. Almudena Mazarrasa Alvear. Address: Apartado Aereo 05964, Calle 100 No. 8A-55, Of. 815, Bogota 2, Colombia. Fax: (57-1) 25 76 244; telephone: (57-1) 25 76 044.

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COSTA RICA

Date of admission to UN: 2 November 1945.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Costa Rica has not submitted a core document for use by the treaty bodies.

Economic, Social and Cultural Rights

Signed: 19 December 1966; ratified: 29 November 1968.
Costa Rica's second periodic report was due 30 June 1993.

Civil and Political Rights

Signed: 19 December 1966; ratified: 29 November 1968.
Costa Rica's fourth periodic report was due 2 August 1995.

Optional Protocol: Signed: 19 December 1966; ratified: 29 November 1968.

Second Optional Protocol: Signed: 14 February 1990.

Racial Discrimination

Signed: 14 March 1966; ratified: 16 January 1967.
Costa Rica's 12th through 14th periodic reports were due 4 January 1992, 1994 and 1996 respectively.
Reservations and Declarations: Article 8.

Discrimination against Women

Signed: 17 July 1980; ratified: 4 April 1986.
Costa Rica's initial, second and third periodic reports were due 4 May 1987, 1991 and 1995 respectively.

Torture

Signed: 4 February 1985; ratified: 11 November 1993.
Costa Rica's initial report was due 10 December 1994.

Rights of the Child

Signed: 26 January 1990; ratified: 21 August 1990.
Costa Rica's second periodic report was due 19 September 1997.

TREATIES AND REPORTS TO TREATY BODIES

Mechanisms of the Commission on Human Rights

Sale of children, child prostitution, child pornography, Special Rapporteur on: (E/CN.4/1997/95, para. 68)

The report states that there are over 2,000 child prostitutes in San José alone whose clients are mostly foreigners. The report notes that children selling sex are frequently offered to foreign paedophiles as part of a sex tour "package".

Violence against women, Special Rapporteur on: (E/CN.4/1997/47, Section II)

In the section dealing with rape and sexual violence, the report refers to steps taken by many governments to remedy the gender bias that has pervaded their interactions with victims of rape and sexual violence, including sexual harassment; it notes that, in Costa Rica, seminars and dialogues with judges have proven helpful in this area.

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CUBA

Date of admission to the UN: 24 October 1945.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Cuba has not submitted a core document for use by the treaty bodies.

Racial Discrimination

Signed: 7 June 1966; ratified: 15 February 1972.
Cuba's 10th through 13th periodic reports have been submitted as one document (CERD/C/319/Add.4) which has not yet been scheduled for consideration by the Committee; the 14th periodic report is due 16 March 1999.
Reservations and Declarations: Articles, 17, 18 and 22.

Discrimination against Women

Signed: 6 March 1980; ratified: 17 June 1980.
Cuba's fourth periodic report was due 3 September 1994.
Reservations and Declarations: Article 29.

Torture

Signed: 27 January 1986; ratified: 17 May 1995.
Cuba's second periodic report is due 15 June 2000.
Reservations and Declarations: Paragraph 1 of article 2; paragraphs 1, 2 and 3 of article 20; article 30.

Cuba's initial report (CAT/C/32/Add.2) was considered by the Committee at its November 1997 session. The report prepared by the government provides an inventory of constitutional, legal and administrative provisions related to the question of torture, conditions of detention, due process and remedies.

The Committee's concluding observations and comments (CAT/C/CUB) noted favourably: provisions in the Constitution committing the state to upholding the dignity of the individual and safeguarding the inviolability of people and their homes; acknowledgement by Cuba of the universal jurisdiction for the trial of crimes against humanity to which category, it may be argued, torture belongs; the provision in the labour code stipulating that persons acquitted of criminal offenses are entitled to compensation for any period in which they were deprived of their liberty as a result of pre-trial detention; the constitutional prohibition of the use of violence or pressure against people to force them to testify; the declaration that statements obtained in breach of this principle are null and void; the declaration that those responsible for such violations will be held liable to punishment; and, the criminalization of every form of complicity in crimes against humanity, human dignity and offences laid down in international treaties. The Committee acknowledged the deteriorating economic conditions due, *inter alia*, to the embargo which make it difficult for the government to provide appropriate nutrition and essential medical supplies to prisoners.

The principal subjects of concern identified by the Committee were: the failure to establish a specific crime of torture as required by the Convention; reports and information indicating serious violations of the Convention with regard to arrest, detention, prosecution, access to counsel and imprisonment of individuals; serious violations in prisons affecting the safety, dignity and health of prisoners; the failure of the authorities to respond to allegations in reports of the CHR Special Rapporteur on the situation in Cuba; the uncertainty created related to the constituent elements of certain nebulous offences, namely "disrespect", "resistance to authority" and "enemy propaganda" and the room they provide for misuse and abuse; the use of certain types of punishment primarily directed at the limitation of the liberty of citizens, i.e., internal exile and confinement at home; the absence of specific training of law enforcement, civil, military and medical personnel and generally personnel involved in the arrest, custody, interrogation, detention and imprisonment about the norms of the Convention; the absence of adequate information about the investigation of complaints of torture and other inhuman and degrading treatment and the outcome of any such investigations; the many complaints made that certain categories of persons referred to as dissidents are targeted and their fundamental rights violated without having satisfactory means of redress; and, the absence of satisfactory information as to the rights of victims of torture and other inhuman and degrading treatment to seek redress, including satisfactory compensation.

The Committee recommended that the government:

- ▶ criminalize torture as defined in the Convention by the creation of a specific crime or crimes giving effect to every aspect of it;
- ▶ establish a transparent permanent procedure for receiving complaints about torture and other inhuman and degrading treatment or punishment, promptly examine such complaints and bring those responsible to justice;
- ▶ incorporate into the law the right of the suspect or detainee to silence at all stages of investigation;

- ▶ establish a system of recurrent review of prisons with a view to improving conditions in prisons;
- ▶ revise the rules on the organization of the judicial system in accordance with international instruments and the UN guidelines on the independence of the judiciary;
- ▶ set up and keep under constant review a comprehensive programme for the education and training of law enforcement personnel, medical personnel, public officials and all others involved in the interrogation, custody or treatment of any person arrested, detained or imprisoned;
- ▶ establish a central register containing adequate statistical data about complaints of torture and other inhuman or degrading treatment or punishment, the investigation of such complaints, the time within which the investigation is conducted and any prosecution undertaken and its outcome;
- ▶ establish a compensation fund for the victims of torture and other prohibited treatment;
- ▶ allow into the country human rights NGOs and cooperate with them in the identification of cases of torture and other inhuman and degrading treatment; and,
- ▶ urgently address complaints about torture and other cruel, inhuman and degrading treatment or punishment raised in NGO reports and the reports of the Special Rapporteurs, take such action as required under the Convention and report to the Committee the outcome of such investigations and any action taken in its next periodic report.

Rights of the Child

Signed: 26 January 1990; ratified: 21 August 1991.

Cuba's second periodic report is due 19 September 1998.

Reservations and Declarations: General declaration.

Cuba's initial report (CRC/C/8/Add.30) was considered by the Committee at its May/June 1997 session. The report prepared by the government contains information on, *inter alia*: civil rights and freedoms; the family environment and alternative care; health and health services; treatment of severe mental disability; care for children with disabilities; education, leisure and cultural activities; and special protection measures related to children in conflict with the law and child labour.

The Committee's concluding observations and comments (CRC/C/15/Add.72) noted: the progress made by Cuba in providing services for and advancing the well-being of children, especially in the fields of health and education; the formulation and implementation at the national and municipal levels of a plan of action to attain the goals of the World Summit for Children; recent initiatives to implement sex education programmes in cooperation with the United Nations Population Fund (UNFPA); the importance attached to the provision of care for disabled persons and the priority measures introduced in this area; and, Cuba's cooperation in providing international assistance to victims of emergencies such as the 14,000 people affected by the Chernobyl environmental disaster.

In terms of factors and difficulties impeding the implementation of the Convention, the Committee referred to the dissolution of Cuba's traditional economic ties and the intensification of the trade embargo.

The principal subjects of concern identified by the Committee included: insufficiencies in the steps taken to study and review the compatibility of national legislation with the principles and provisions of the Convention; the sectoral approach adopted by and ineffectiveness of existing mechanisms monitoring the implementation of the Convention; the lack of an independent mechanism, such as an Ombudsman, accessible to children to deal with complaints of the violation of their rights and to provide remedies for such violations; the fact that in certain instances statistics on the situation of children are being collected only for children up to the age of 15; and, the inadequacy of measures taken to incorporate education about the principles and provisions of the Convention fully into the training given to professionals working with and for children.

The Committee expressed concern over: the failure to provide for a minimum age for sexual consent and the absence of harmonization between the age for the completion of compulsory schooling and the minimum age for employment; the insufficiencies of measures taken to ensure respect for the views of the child, in the family and social life, as well as in the context of administrative, social welfare and other procedures affecting and applying to them; the insufficiency of information provided on the implementation of the civil rights and freedoms of children; the apparent absence of independent mechanisms for monitoring the situation of children in institutions; the insufficiency of measures to protect children from abuse, despite the establishment of an early warning system for violence against children, and the opportunity for children to report abuse and other violations of their rights in the family, schools or other institutions and to have a complaint taken seriously and responded to effectively; and, an increase in the number of children with behavioural problems and the inadequacy of existing mechanisms to address their problems effectively.

Concern was also expressed over: the fact that obstacles remain to the effective implementation of the family planning and education programmes in the country, particularly in view of the lack of quality materials and services available; the absence of statistics relating to the incidence of school drop-out; the decline in the number of children enrolled in secondary education; the reduction in the availability of scholarships for children to continue their education; the fact that, in light of the considerable social and economic problems facing the country, insufficient efforts are being taken to devise preventive strategies to ensure that problems such as drug abuse and trafficking, child labour, child prostitution and suicide, do not become more prevalent; and, the failure to address fully some issues relating to the system of juvenile justice, including the compatibility of the juvenile justice system with the principles and provisions of the Convention, especially in relation to the protection afforded to children aged 16 to 18 years of age and the detention of children with adults.

The Committee recommended that the government:

- ▶ consider the possibility of withdrawing the declaration it made to the Convention;
- ▶ undertake a review of its national legislation in order to ensure its full compatibility with the principles and provisions of the Convention;

- ▶ consider acceding to or ratifying related human rights instruments, including the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption of 1993 and the Convention relating to the Status of Refugees of 1951;
- ▶ take action to strengthen the capacity of the country's monitoring and coordinating mechanisms concerning the rights of the child with the aim of ensuring a holistic approach to implementation of the Convention and raising the political visibility of issues relating to children;
- ▶ make further efforts to ensure that the Convention is used as a political tool and a framework for action on behalf of children;
- ▶ incorporate policies, programmes, aims and goals reflecting the principles and provisions of the Convention into future national and local programmes of action on children;
- ▶ consider introducing systems, within the framework of international cooperation, which provide for the collection, compilation and analysis of data concerning children up to the age of 18, including information on the violations of the rights of the child, disaggregated, *inter alia*, by gender and location;
- ▶ include education about the principles and provisions of the Convention in the training of professionals working with and for children;
- ▶ harmonize legislation, including with respect to the age of completion of compulsory schooling and the minimum age for employment;
- ▶ take further measures to ensure the effective implementation of the general principles of the Convention;
- ▶ pursue efforts to ensure a holistic approach to the implementation of the Convention and give special attention to the implementation of the civil rights and freedoms of children;
- ▶ take further measures to protect children from abuse and mistreatment, in particular through the development of a widespread public information campaign for the prevention of corporal punishment and bullying of children, whether by adults or by other children;
- ▶ as a complement to the strategy in place for dealing with accidents affecting children, consider focussing even greater efforts on preventive measures;
- ▶ devote further resources and assistance to activities in the area of family planning and health education programmes, with a view to addressing the problem of teenage or unwanted pregnancies and changing male sexual behaviour;
- ▶ establish programmes on issues related to the incidence and treatment of children infected with or affected by HIV/AIDS and by sexually-transmitted diseases, and programmes to reduce the apparent recourse to abortion as a method of family planning;
- ▶ undertake major efforts to broaden the coverage of reproductive health educational programmes beyond married couples;

- ▶ review, as a matter of urgency, the minimum legal age of sexual consent with a view to raising it;
- ▶ take further psycho-social measures to prevent and control the debilitating effects of behavioural problems affecting children;
- ▶ take further measures to implement the recommendations of the ILO Committee of Experts on the Application of Conventions and Recommendations with respect to the obligations arising from ILO Convention No. 79, providing for a period of rest at night of at least 12 consecutive hours, including the interval between 10 p.m. and 6 a.m., for young persons under the age of 18;
- ▶ undertake additional efforts to monitor more closely the implementation of articles 28 (education) and 32 (economic exploitation) of the Convention, including through the development and use of selected indicators to track trends in areas such as the drop-out rate from school and the entry of children into the informal labour market;
- ▶ monitor closely the issues of begging, drug abuse and trafficking and child prostitution with a view to their early prevention;
- ▶ establish in the Criminal Code protection of children up to the age of 18 from sexual exploitation; and,
- ▶ take further measures to address matters relating to the sexual exploitation of children, particularly through tourism.

COMMISSION ON HUMAN RIGHTS

Special Rapporteur on the situation of human rights in Cuba

The Commission on Human Rights (CHR) at its 47th session in 1991 requested the Secretary-General to appoint a Special Representative to maintain direct contact with the government and citizens in Cuba, following a CHR mission to Cuba in 1988. In 1992, after considering the report of the Special Representative, the CHR requested that the Special Representative be designated as its Special Rapporteur to review and report on the situation of human rights in Cuba. The mandate of the Special Rapporteur (SR) has been renewed annually since that time. Mr. Carl-Johan Groth was appointed as Special Rapporteur in August 1992 and reported to the 1997 sessions of the Commission and the General Assembly.

The report of the SR (E/CN.4/1997/53) notes that, under the terms of the Helms-Burton Act (officially, the Cuban Liberty and Democratic Solidarity Act) and the Torricelli Act (officially, the Cuban Democracy Act), specific conditions and time-frames for the lifting of the US embargo are set out. The SR comments that, through these laws, the United States has assumed the right to determine the rules for converting the current totalitarian system in Cuba into a different, more pluralist one. The SR further comments that this inspires doubt rather than confidence about the future and may cause some dissidents to feel that their own criteria are irrelevant, that Cuba's future will be decided without consulting them and cause a decline in the trend towards overt political activity and the risk it implies. The report notes that a great many people identified with dissident groups have left the country or

are preparing to do so, partly as a result of the government's policy of coercing dissidents to leave.

The report of the SR clearly indicates that, in areas related to civil and political rights, the government continues to violate rights. In particular, the report notes that information continues to be received about incidents of imprisonment and harassment, house searches, threats, temporary arrest, loss of employment or other kinds of reprisal connected with exercise of the freedom of expression and association or due to discrimination on political grounds. The report also considers weaknesses in the protection of economic, social and cultural rights and includes commentary on violations such as preferential health care for foreigners bringing in foreign currency, extremely low wages in nearly every sector of the economy, lack of trade union freedoms and collective bargaining for people working in enterprises funded by foreign capital and the system of wage payments in those enterprises whereby workers' wages are paid in hard currency to the government employment authority which then redirects payment of wages to the workers in the national currency, and refusal of the government to grant legal personality to the Confederation of Democratic Workers of Cuba.

Following these and other observations on economic and social issues, the report states that Cuba's economic free-fall, accelerated by the break-up of the Soviet Union and the disappearance of the socialist bloc, seems to have stopped. The report suggests that the ability of the government to survive the free-fall and the loss of one third of its national product may derive, in part, from a greater credibility and greater stores of loyalty among broad segments of the population than many observers thought possible. Another contributing factor to the government's success in withstanding pressures created by the change in economic circumstances is identified in the report as the system's flexibility, demonstrated by the economic reforms introduced in the 1990s. The report states that the most significant of those reforms was the one which involved legalizing the possession of dollars and self-employment.

The conclusions and recommendations in the report cover a number of issues, including that the government:

- ▶ cease persecution and punishment of citizens exercising their right to freedom of peaceful expression and association;
- ▶ release unconditionally from prison all persons sentenced to terms on grounds related to the exercise of rights provided in international human rights instruments;
- ▶ permit legalization of independent associations particularly in the areas of political activities, trade unionism, professional association and human rights and allow them to act without interference from authorities;
- ▶ ratify the Covenant on Civil and Political Rights and its two Optional Protocols and the Covenant on Economic, Social and Cultural Rights;
- ▶ amend laws to delete offences related to freedom of expression and association, such as enemy propaganda, unlawful association, and possession of illegal printed matter, and restrict the range of applicability of other offences such as rebellion;

- ▶ eliminate elements of laws relating to "social danger" that infringe on rights and freedoms;
- ▶ repeal laws that discriminate between citizens on political grounds, particularly in the areas of education and employment;
- ▶ repeal laws barring citizens from exercising the right to leave and return to one's own country;
- ▶ reform trial law to ensure a guarantee of due process, including the independence of the judiciary, access to legal assistance and equality between prosecution and defence;
- ▶ investigate all incidents resulting in violations of the right to life, punish those responsible and compensate relatives of victims;
- ▶ ensure greater transparency in the prison system to prevent excessive violence and psychological suffering from being inflicted on prisoners;
- ▶ renew the agreement with the International Committee of the Red Cross and allow non-governmental humanitarian organizations access to prisons;
- ▶ allow international human rights NGOs to enter the country more frequently so they can evaluate the human rights situation and offer their expertise and cooperation with a view to securing improvements; and,
- ▶ consider requesting from the Office of the High Commissioner for Human Rights the establishment of a programme of advisory services and technical assistance in areas of: human rights education for citizens; review of and changes to laws to bring them into line with international standards; and, the establishment of a national institution for the promotion and protection of human rights.

Resolution of the Commission on Human Rights

At its 1997 session, the Commission on Human Rights adopted by roll call vote a resolution on Cuba (1997/62). The vote on the resolution was 19 in favour, 10 opposed and 24 abstentions.

In the text, the Commission: expressed concern at the continuing violations of the freedoms of thought, conscience, religion, opinion and expression, assembly and association and the rights associated with the administration of justice; expressed dismay at the February 1996 shooting down of two civilian aircraft; called on the government to allow the SR on Cuba to conduct an in-country visit; called on the government to consider acceding to the international human rights instruments to which Cuba is not yet a party; urged the government to allow the establishment and free functioning of independent political parties and non-governmental organizations; called on the government to bring laws and practices into conformity with international human rights instruments; called on the government to end detention and imprisonment, harassment and threats against human rights defenders and grant access to prisons by non-governmental humanitarian organizations and international humanitarian agencies; called on the government to ensure workers' rights; extended the mandate of SR for a further year; requested the SR to provide an interim report to the 1997 General Assembly and a final

report to 1998 Commission; invited the government to consider requesting the establishment of a programme of advisory services through the Office of the High Commissioner for Human Rights.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Arbitrary detention, Working Group on: (E/CN.4/1997/4, paras. 6, 14, 15, 17, 44, 84, 85, 94; E/CN.4/1997/4/Add.1, Decisions 8, 9)

Decision 8 (1996) related to the case of the public relations officer of a human rights organization called Luchadores por la libertad y la independencia de Cuba. She was detained in April 1992 in connection with the group's activities and for possessing cassettes describing human rights violations and a copy of the Universal Declaration. She was charged with gathering secret or confidential information and sentenced to nine year's imprisonment. The Working Group (WG) decided that the detention had resulted from the exercise of the rights set out in articles 9, 19 and 20 of the Universal Declaration, including the rights to freedom of assembly, association, expression and opinion. The WG declared the detention to be arbitrary.

Decision 9 (1996) concerned an individual who had been detained and was released. The WG therefore filed the case.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 18, 19; E/CN.4/1997/60/Add.1, paras. 143-147)

The report refers to an urgent appeal sent to the government related to death sentences handed down to three people following procedural irregularities and information indicating that the accused had been forced to sign statements confirming the charges against them. The government responded that the allegations did not correspond to reality and were political manoeuvres directed against Cuba and asserted that: the three men had been charged and convicted of murder; it was a matter within the national competence of Cuba, had nothing to do with a human rights situation, and was not within the competence of the SR; during trial the three defendants had had the benefit of all legal guarantees provided by law which is consistent with international legislation; and, the defendants had the right to appeal their sentences to the Supreme Court or the right to a pardon by the Council of State.

Freedom of opinion and expression, Special Rapporteur on: (E/CN.4/1997/31, Section III)

The report notes that information was sent to the government concerning: the case of an administrator working for the Independent Press Bureau of Cuba (BPIC) who, during October 1995, was reportedly detained for brief periods on three separate occasions; the case of a journalist with the Havana Press Agency who had been detained and summoned by the police in October 1995; the case of a journalist with the BPIC, held by officers of the State Police in Cienfuegos province in October 1995, told that a news story he wrote for the Havana Press Agency had angered local authorities, and informed that he would have to find a job with a State entity within 30 days or face charges of "vagrancy"; and the case of

another BPIC journalist allegedly detained for 28 hours, together with her husband, subsequently forced to board a train to another province, and threatened with punitive measures if she were to contact the director of her Havana-based news agency. The government had not responded to any of the cases at the time the report was prepared.

Independence of judges and lawyers, Special Rapporteur on: (E/CN.4/1997/32, paras. 6, 15, 18, 21, 101–105)

The report notes that the Special Rapporteur (SR) has requested an invitation from the government to visit Cuba.

Three cases were transmitted to the government involving lawyers, one of whom was also the executive secretary of the provisional organizing group for the “Concilio Cubano”, a coalition of unofficial groups, including political parties and organizations of lawyers, journalists, women and trade unionists. The information received indicated that the three had been detained for nine hours in November 1996 (sic).

The report notes that one of the men was subsequently dismissed from his post at the Marianao Lawyers Collective by the National Directorate of Lawyers’ Collectives for alleged “technical deficiencies”. He was arrested again for reportedly organizing a meeting for the national committee of the Concilio Cubano in early 1996. In February 1996, he was tried for “resistance” and sentenced to six months’ imprisonment, apparently for asking members of the State Security Police to identify themselves upon his arrest. The SR was also informed that his lawyer, who had only been granted access to him and to details of the case at the last minute, was fined after the trial for stating publicly that the trial was a “sham”. There was fear that he might face disciplinary measures.

The report refers, as well, to the situation of one of the founders of the “Concilio Cubano” and the president of an unofficial group called “Corriente Agraromontista”. He was reportedly dismissed from the lawyers’ collective in October 1995 after criticizing the leadership of the National Assembly of Lawyers’ Collectives. The grounds given for his dismissal was that his behaviour “did not concord with official policy” and was alleged to be “incompatible with his participation in the lawyers’ collective”; in addition, the dismissal was linked to his work as the defence lawyer in a case during which he had publicly stated that the defence lawyers had been prevented from presenting their own witnesses and were not permitted to see so-called “secret documents” which were the mainstay of the prosecution’s case. The man was also reported to have spoken out on issues relating to the justice system in Cuba. Another member of “Corriente Agraromontista” was reported to have been subjected to harassment and intimidation by members of the State Security Police to make him stop his activities on behalf of the “Concilio Cubano”.

The report notes that under Cuban law lawyers, all of whom are employed by the state, are obliged to observe and contribute to the strengthening of socialist legality and that all legal services to the population are provided through *bufetes colectivos*, collective law offices, organized and supervised by the Ministry of Justice. The role of defence lawyers in cases of a political nature was reported to be severely limited, and the information received indicated that, for example, in cases of crimes against state security, defence lawyers were not permitted to have any direct contact with their clients

during the first weeks or even months of pre-trial detention. Furthermore, a number of defence lawyers who had been outspoken in recent years were penalized in professional terms, and sometimes dismissed or threatened with physical violence.

At the time the report was finalized, no substantive reply had been received from the government to the cases transmitted. The government did refer, however, to discussions held with the High Commissioner for Human Rights in 1994 concerning the question of invitations to thematic rapporteurs of the Commission. The government restated its political position on cooperation with the human rights mechanisms of the UN, namely that the same conditions should be applied to all Member States, based on the principles of objectivity, impartiality and non-selectivity. The government stated that it would consider the possibility of inviting thematic mechanisms of the Commission on Human Rights when it was of interest and convenience for the country.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, paras. 108–113)

The report notes that nine cases were transmitted to the government as well as one urgent appeal. The Special Rapporteur (SR) states that while few allegations of physical torture or ill-treatment of people held for interrogation are received, there are persistent allegations of brutality, often resulting in injury, to persons held in prisons where conditions are reportedly extremely harsh. The report refers to a recommendation to the government by the SR on Cuba to ensure greater transparency and guarantees in the prison system, to help prevent excessive violence and physical and psychological suffering from being inflicted on prisoners. The SR on torture also referred to the recommendation that the government renew the agreement with the International Committee of the Red Cross and to allow non-governmental humanitarian organizations access to prisons.

The cases transmitted to the government related to beatings in prisons resulting in fractures and kicking that caused injuries requiring hospitalization inflicted by prison officials, as well as injuries caused by one prisoner on another. The report notes that an urgent appeal had been sent jointly with the SRs on extrajudicial, summary or arbitrary executions and on the situation of human rights in Cuba, on behalf of three men who had reportedly received severe sentences after being beaten and forced by the police to sign self-incriminating statements. The government replied to the appeal and informed the SRs that the men had been sentenced for murder and that during the court proceedings, at which the offences had been proved, they had been entitled to every guarantee, including legal aid.

Other Reports

Mass exoduses, Report by the HCHR to the CHR: (E/CN.4/1997/42, Sections I.A, III.A)

The report of the High Commissioner for Human Rights summarizes the views of the government related to internal conflicts, asserting that: a study of the purely national aspects of the sources of such conflicts from the standpoint of human rights violations would not reveal the real roots of the problem; the causes were much more profound and in some cases were of a structural nature; the prevailing unjust and

inequitable international political and economic order was also responsible for the outbreak and continuation of such conflicts, as were the actions of other states in some cases; violations of human rights, the most immediate cause of mass exoduses, were generally manifestations of other, more complex, phenomena; use of force, foreign occupation or domination, and unilateral economic coercion or international sanctions to "resolve" conflicts, "halt" violations of human rights and "promote" democracy, were factors in creating refugees and mass exoduses; and, chronic underdevelopment was ultimately the basic cause of the mass exodus phenomenon.

The government emphasized that the actual prevention of mass exoduses called not simply for early-warning and humanitarian assistance measures, but for lasting and effective solutions and noted that greater bilateral and multilateral efforts were needed, with specific commitments and effective contributions to developing countries in order to promote the realization of all human rights, in particular the right to development.

Minimum humanitarian standards, Report of the S-G to the CHR: (E/CN.4/1997/77, Section I, Cuba, paras. 1-18)

The report of the Secretary-General includes information provided by the government in which a number of points are made, including that: measures to establish minimum humanitarian standards should be based on the principles of sovereign equality and non-interference in the internal affairs of states; the scope of the provisions of international humanitarian law and of human rights themselves must be properly monitored to prevent the superposition of concepts and notions which might lead to the formulation of policies contrary to these principles; concepts, such as that of "public emergency", must be properly defined; the Declaration of Minimum Humanitarian Standards adopted by the expert meeting in Turku/Abo, Finland, in 1990 uses concepts such as internal violence, disturbances, tensions and public emergency, which are not clearly defined from the legal point of view and on which there is still no consensus about a standard; respect for the principles of international law, such as non-interference in internal affairs, sovereign equality, the independence and sovereignty of states and the right to self-determination of peoples, is as important as the adoption of minimum humanitarian standards in avoiding human suffering; and, the unfair and unequal international political and economic order, underdevelopment, the unequal distribution of income among countries and within countries and, in some cases, the actions of other states and the implementation of measures of coercion are also responsible for the outbreak and continuation of internal conflicts and the suffering they cause.

GENERAL ASSEMBLY

Report of the CHR Special Rapporteur

The interim report of the CHR Special Rapporteur (A/52/479) states that information received suggested a continuation of the pattern of human rights abuses set in previous years with no change in terms of the rights to non-discrimination on political grounds and freedom of expression, assembly and association. The report notes, however,

that groups continued to spring up as forums in which possible alternative solutions to the problems currently facing society were discussed and some groups had managed to bring their conclusions to the attention of the authorities with a view to promoting a dialogue. The authorities have showed no sign of openness to such a dialogue and have maintained a repressive attitude most of the time. As a result, such groups remain weak, since there is virtually no way to strengthen them. The report states that there have been no changes in other areas addressed in previous reports, such as the lack of independence in the administration of justice, prison conditions, the lack of trade union freedoms or the precarious working conditions caused by the economic situation.

In the section dealing with non-discrimination on political grounds and freedom of expression and association, the report notes information indicating: harassment of individuals by authorities, including arrest and detention, particularly by state security bodies, for reasons linked to the peaceful exercise of the right to freedom of expression and association; and, the majority of those harassed had ties to groups with political, trade union, human rights or similar leanings and independent journalists whose requests to be legalized are systematically left unanswered by the authorities. The commentary on the situation in prisons refers to conditions such as: the need for inmates to find pieces of plastic to avoid getting wet while they sleep because the buildings are in such disrepair that rain pours through; countless rats living in the areas where food is stored and prepared; unbearable meal-times in cafeterias because of the huge quantity of flies; overcrowding; lack of sufficient food and deficiencies in vitamins and protein; a shortage of medicines and medical assistance; the spread of infections and epidemics of illnesses like scabies and amoebic dysentery; beatings and a lack of respect shown to prisoners in the use of obscene words, shouts, shoves and kicks; and, constant searches of inmates and routine opening of their mail.

The report cites comments by several of the human rights treaty bodies which, unlike the Special Rapporteur, enjoy the cooperation the government.

In this regard, the report recalls the work of the Committee on the Elimination of Discrimination against Women and its favourable response to: progressive legislation on gender equality, the significant increase in the number of women in all fields and levels of education, the steady decline in maternal mortality; and, the decline in the drop-out rates for girls and the development of adult education programmes for women. The Committee noted with concern, however: the persistence of gender stereotypes despite the high levels of school enrolment; the fact that domestic work and child care continued to be the responsibility of women; the need to expand the participation of women at the highest levels of political power; indirect discrimination arising from the fact that women traditionally were less well paid; the government's assertion that domestic violence was infrequent and was not considered to be a social problem; because of the embargo, the serious shortage of essential products like medicines and contraceptive devices; and, the re-emergence of prostitution, which was linked to the growth in tourism and to the economic problems facing women. The report notes that the Committee recommended that, *inter alia*: successful

programmes to combat sexist prejudices and stereotyping, be revived as soon as possible; everything possible be done to meet the demand for contraceptives; special information programmes relating to sexually transmitted diseases, especially HIV/AIDS, be strengthened for young girls, particularly those engaged in prostitution; every effort be made to check further the re-emergence of prostitution, to offer more and better job opportunities to women who engaged in prostitution, and not to place the sole responsibility for prostitution on the women themselves; an empirical study be undertaken to determine whether women were paid the same wages as men for work of equal value and to document occupational segregation and its relationship to income; the government provide more information on women in the labour market and their income situation and the situation of women in trade unions; and, the participation of women at the highest levels of political power be expanded.

Referring to the Committee on the Rights of the Child, the report recalls its favourable response to the progress made in the provision of services for and advancing the well-being of children, especially in health and education and notes the Committee's reference to the difficulties created by the dissolution of Cuba's traditional economic ties and the intensification of the trade embargo. The report notes the areas of concern identified by the Committee and some of the recommendations made to the government.

In the section dealing with conclusions and recommendations, the SR states that there were no significant changes in the human rights situation or the pattern of repression engaged in by the security forces, which have kept up an intensive campaign of harassment against all those whose attitude differs in any way from the official line. This harassment was noted as sometimes leading to trials and prison sentences although, in keeping with the trend first observed in 1996, sentences are not as harsh as in previous years. It is recalled that lengthy sentences are still being served by individuals convicted in 1995 and earlier for offences related to the exercise of rights recognized in international human rights instruments and that, generally speaking, these prisoners do not enjoy such benefits as conditional release, and their living conditions, like those of the rest of the prison population, remain deplorable. The report states that although the penalties now imposed are lighter than before, they relate to the same offences—such as contempt and enemy propaganda—as in the past, because no amendments to the relevant provisions of the Criminal Code have been adopted. The report states that no evidence has been found to suggest a trend towards greater tolerance for behaviour that does not fully conform to the existing system.

On the issue of the U.S. embargo against Cuba, the report states that the action contributes to the rigidity of the system and serves as a ready pretext for keeping the population under strict control and for punishing or suppressing in various ways those who work for political change or social space for the individual. It is also stated that the embargo is largely responsible for the tragic shortage of material goods which characterizes Cuba in the 1990s and has caused the population untold hardships.

Addressing the labour situation, the SR states that every society needs free trade unions to maintain a balance in the

labour market and that this general truth has become more obvious in recent years in Cuba as money became an essential requirement for the acquisition of goods and as the number of items available at very low prices through ration books decreased. Wage levels therefore assumed much more importance than in the past and recent phenomena, such as unemployment and working conditions in foreign companies, have made the establishment of free trade unions even more necessary. The report notes that self-employment, which is vital for many Cubans, continued to be subject to ideological considerations, including whether or not the individual seeking permission to be self-employed explicitly supports the government's policies and participates in political and mass organizations. The report reiterates the SR's recommendations to the CHR.

The Appendix to the SR's interim report contains excerpts from the report by the American Association for World Health (AAWH) entitled "Denial of Food and Medicine: The Impact of the United States Embargo on Health and Nutrition in Cuba" which stated, *inter alia*, that the embargo: has dramatically harmed the health and nutrition of large numbers of ordinary Cuban citizens; is one of the most stringent embargoes of its kind, prohibiting the sale of food and sharply restricting the sale of medicines and medical equipment; and, has wreaked havoc with Cuba's model primary health-care system. Citing the 1992 Cuban Democracy Act, the AAWH report noted: the ban on subsidiary trade which constrains Cuba's ability to import medicines and medical supplies from third-country sources; and, the fact that licensing provisions for individual sales of medicines and medical supplies, for humanitarian reasons to mitigate the embargo's impact on health-care delivery, are so arduous as to have had the opposite effect and actively discouraged any medical commerce. The AAWH report also referred to the prohibition on shipping, related to loading or unloading cargo in US ports for 180 days after delivering cargo to Cuba, which has strongly discouraged shippers from delivering medical equipment and led to sharp increases in shipping costs and constrictions to the flow of food, medicines, medical supplies and even gasoline for ambulances. The report referred to humanitarian aid, stating that charity is an inadequate alternative to free trade in medicines, medical supplies and food and, further, that donations from U.S. NGOs and international agencies do not begin to compensate for the hardships inflicted by the embargo on the Cuban public health system. The health problems affected by the embargo identified in the AAWH report included: malnutrition, related to serious nutritional deficits, particularly among pregnant women, and an increase in low-birth-weight babies; a devastating outbreak of neuropathy numbering in the tens of thousands; a rising incidence of morbidity and mortality rates from waterborne diseases; access to less than 50 per cent of the new drugs available on the world market and shortages or an absence of the most routine medical supplies in clinics; limited access to medical information materials because of travel restrictions, currency regulations and shipping difficulties, including transfer of information from Cuba related to research and development in Cuba of such products as meningitis B vaccine, cheaply produced interferon and streptokinase, and an AIDS vaccine undergoing clinical trials in Cuba with human volunteers; a pronounced decrease in surgeries because of

shortages of supplies and equipment; a rising incidence of waterborne diseases, such as typhoid fever, dysenteries and viral hepatitis; an increase in mortality rates from acute diarrhoeal disease and morbidity rates from amoebic and bacillary dysentery; delays in AZT treatment for a total of 176 HIV patients; heart disease; and, shortages or lack of anti-cancer drugs, particularly affecting women with breast cancer and children with leukaemia.

Resolution of the General Assembly

In the resolution adopted at the 1997 session (A/C.3/52/L.73), the General Assembly: expressed concern about continuing violations of human rights and fundamental freedoms in Cuba, as outlined in the interim report submitted to the General Assembly by the CHR Special Rapporteur; deplored the arbitrary arrest, detention and harassment of Cuban citizens, in particular members of the Dissident Working Group and the independent press; recalled the continued refusal of the government to cooperate with the Commission on Human Rights, including its repeated opposition to a visit by the Special Rapporteur; commended the CHR Special Rapporteur for his interim report on the situation of human rights in Cuba; expressed full support for the SR's work; again called on the government to cooperate fully with the SR by permitting him full and free access to establish contact with the government and citizens; regretted the numerous violations of human rights and fundamental freedoms in Cuba; urged the government to ensure freedom of expression and assembly and the freedom to demonstrate peacefully, including by allowing political parties and non-governmental organizations to function freely in the country and by reforming legislation in this area; called on the government to release the numerous persons detained for activities of a political nature, including those specifically mentioned in the SR's report who suffer from inadequate medical care while imprisoned or whose rights as journalists or jurists are impeded or denied; and, called on the government to carry out the recommendations contained in the SR's interim report to bring its observance of human rights and fundamental freedoms into conformity with international standards, to end all violations of human rights including, in particular, the detention and imprisonment of human rights defenders and others who are engaged in the peaceful exercise of their rights, and to grant access to its prisons to non-governmental humanitarian organizations and international humanitarian agencies.

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DOMINICA

Date of admission to UN: 18 December 1978.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Dominica has not submitted a core document for use by the treaty bodies.

Economic, Social and Cultural Rights

Acceded: 17 June 1993.

Dominica's initial report was due 30 June 1995.

Civil and Political Rights

Acceded: 17 June 1993.

Dominica's initial report was due 16 September 1994.

Discrimination against Women

Signed: 15 September 1980; ratified: 15 September 1980.

Dominica's initial and second through fourth reports were due 3 September 1982, 1986, 1990 and 1994 respectively.

Rights of the Child

Signed: 26 January 1990; ratified: 13 March 1991.

Dominica's initial report was due 11 April 1993.

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DOMINICAN REPUBLIC

Date of admission to UN: 24 October 1945.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: The Dominican Republic has not submitted a core document for use by the treaty bodies.

Economic, Social and Cultural Rights

Acceded: 4 January 1978.

The Dominican Republic's third periodic report is due 30 June 1999.

The Dominican Republic's second periodic report (E/1990/6/Add.7) was considered by the Committee at its November/December 1997 session. The report prepared by the government covers articles 1 through 15 of the Covenant and includes information on: the right to self-determination; measures to guarantee economic, social and cultural rights for both nationals and aliens; the equal right of women and men to the enjoyment of the rights set out in the Covenant; the right to work, including information on technical and vocational training, the Labour Code, conditions of work and trade union rights; social security and the Compulsory Social Security Act; the protection of the family, mothers and children, the Minors' Code, the Civil Registry Act and the Civil Code; standards of living; physical and mental health; free primary and second education; and, the right to take part in cultural life.

The Committee's concluding observations and comments (E/C.12/1/Add.16) expressed appreciation for the fact that the government accepted a proposal that two Committee members visit the Dominican Republic and subsequently cooperated with the mission, which took place from 19 to 27 September 1997. The mandate of the mission had been to acquire information on the right to housing and the situation of Haitian workers in the Dominican Republic. The Committee noted that assistance from both the government and NGOs enabled the mission to fulfil this mandate.

Referring to the government report the Committee noted that the independence and effective functioning of the judiciary is a necessary element to the protection of economic, social and cultural rights. The Committee therefore welcomed: the measures taken to combat the problem of corruption of public officials, including judges; the increase in the salaries of government officials and judges; and steps taken to make the procedure for nominating judges to the new Supreme Court public and transparent, with the objective of guaranteeing the impartiality of the judiciary and its independence from the executive.

The Committee also welcomed, *inter alia*: the fact that a number of measures have been taken to improve the situation of women, including measures allowing women to own property, benefit from the medical insurance of their partners in case of de facto marriages, and benefit from land distribution in the framework of the agrarian reform; the adoption of a Women's Code; the activities and programmes of the General Directorate for the Advancement of Women; the information provided regarding the setting up of a State Secretariat for Women's Affairs; the proposed establishment of special courts to deal specifically with matters involving violence against women and children, including domestic violence; the establishment of a Bilateral Commission between the Dominican Republic and Haitian governments, as well as the agreement signed with the Haitian Government concerning the granting of temporary work permits for Haitian seasonal sugarcane cutters during the next harvest, in order to give them a legal status and to protect them from the exploitation related to the lack of such status; the policy set up and applied by the government giving priority to low-income groups and carrying out housing projects in consultation with the communities concerned; the holding in 1996 of a national conference on a "New Policy in the Housing Sector" organised by the National Housing Institute and the UNDP as a follow up to the Habitat II Conference; the proposed establishment of a State Secretariat on Housing to coordinate all government activities in the field of housing; and, the commitment of the government to suspend all forced evictions by public organs and to adopt a policy to provide adequate alternative housing or relocation to persons evicted or displaced.

The Committee further welcomed: measures taken to improve prison conditions with respect to economic, social and cultural rights, such as the provision for meals free of charge, including during weekends, to inmates, and a prison reform programme emphasizing the improvement of the visits regimes and rehabilitation through education; the new emphasis which the government has placed on education; and, the measures taken to improve the level of education in public schools through the increase in teachers' salaries.

Referring to factors and difficulties hindering implementation of the Covenant, the Committee acknowledged that the consequences of decades during which the promotion and protection of the economic, social and cultural rights of the population as a whole, and those of vulnerable groups in particular, were either neglected or not effectively protected by previous governments, continue to impede the full implementation of the rights set out in the ICESCR. The Committee also noted that, since the mid-1980s, the economic situation in the Dominican Republic had deteriorated at a rapid pace, mainly because of the deficient management of the country's economy and of the public finances by the previous administration. The consequences of this deterioration were acknowledged as including the heavy burden of the external debt on the national economy, the need for structural adjustment programmes, the high rate of inflation, the large-scale emigration of skilled workers out of the country, the growing poverty, the unequal distribution of wealth within the population and the deepening gap between the rich and poor sectors of the population.

The principal subjects of concern identified by the Committee were, *inter alia*: the lack of statistical information on the economic, social and cultural situation in the Dominican Republic in the information provided by the government; the occurrence of racial discrimination, despite denials by the authorities, noting that the existence of racial discrimination does not necessarily entail institutionalized or legal discrimination; the fact that, despite measures taken, women do not fully enjoy their economic, social and cultural rights; the persistence of a traditional male-dominated society detrimental to gender equality; the lack of protection afforded to women workers who are victims of discrimination in employment or arbitrary dismissal for pregnancy; the lack of family-planning services; the high maternal mortality rate; the unequal pay between women and men; the absence of legal recognition of de facto marriages; the large-scale emigration of Dominicans, many of whom are skilled workers; the fact that approximately 500 to 600,000 Haitian illegal workers reside in the Dominican Republic, some for as long as two generations, without any legal status and any protection of their economic, social and cultural rights; that fact that the children of these illegal residents do not, because of the restrictive interpretation of article 11 of the Constitution by the authorities, receive Dominican nationality on the grounds that they are regarded as children born from foreigners in transit; and, the denial to children of illegal workers of the benefit of their most basic social rights, such as the rights to education and health; the failure to take measures to improve the overall situation of Haitian illegal workers through the regularization of their status and that of their children.

Concern was also expressed over, *inter alia*: the fact that the minimum wage is not yet sufficient to ensure a decent living for workers and their families; reports on extremely unsatisfactory working conditions in the free trade zones; the information received indicating that workers in the free trade zones are discouraged from joining or forming trade unions and that employers do not comply with the regulations concerning the right to strike in the Labour Code; the fact that the national social security scheme covers only workers employed in the formal sector; the situation of children and, in particular, reports received on the occurrence of child labour and child exploitation, including sexual exploitation; the increasing number of street children; the low rate of school enrolment; the high rate of infant mortality and the high number of pregnancies among school-age females; and, the reported prevalence of violence against women and children within the family.

The Committee also expressed concern about: the fact that the draft plan by the National Council for Urban Affairs related to access to safe drinking water is limited to urban areas and that much remains to be done in order to ensure such access for the rural population and for all those living in deprived urban areas; the fact that the positive measures and programmes undertaken with regard to the right to housing may be hampered by a lack of resources allocated by the authorities at the national and local levels to alleviate the many problems associated with the lack of housing; the dispersion of the many organs and institutions set up to deal with housing and their lack of coordination; the failure of the central authorities to delegate more powers to local communities; the priority and preference given to the alleviation of the

problems associated with housing in urban areas to the detriment of rural areas; the lack of information concerning land survey, delivery of land titles and land allocation related to agrarian reform; the persistence of forced evictions by private landowners and the failure of the authorities to take the necessary measures to address this problem; the lack of information on the situation of the elderly, disabled persons and HIV positive and AIDS infected persons; information provided by the World Health Organisation, stating that the number of AIDS cases has increased from 133 in 1993 to 574 in 1996 for women and from 256 in 1993 to 1,050 in 1996 for men; the insufficiency of prevention campaigns in terms of addressing the appropriate ways and means available to combat the transmission of the virus; and, the persistence of sex tourism in resort areas, sometimes involving minors, although noting that coercive measures have been taken by the authorities against persons involved as local agents in such exploitation.

The Committee recommended that the government:

- ▶ take measures, notably at the fiscal and social levels, to address the problem of the inequitable distribution of wealth among the population in order to combat poverty;
- ▶ pursue measures to combat the arbitrariness and corruption of some judges and public officials;
- ▶ provide in the next report information on the means available, if any, to challenge the discriminatory, arbitrary and unjust application of a law, an executive decree or a decree of a court;
- ▶ take concrete and appropriate measures, such as information and education campaigns, and the reform of the criminal law in order to penalise acts of racial discrimination by public officials and private persons and prevent and combat acts of racial discrimination;
- ▶ pursue its policies designed to achieve full equality between women and men, in all areas of economic, social and cultural life;
- ▶ undertake a thorough review of the domestic legislation with a view to eliminating any remaining discriminatory legal provisions, especially with respect to labour, family, criminal, civil and social security laws;
- ▶ make available specific remedies to women victims of sexual discrimination;
- ▶ carry out information and education campaigns and take positive measures to promote the participation of women, on an equal basis with men, in public life, on the labour market and with respect to social and cultural activities;
- ▶ take effective measures at the education and socio-economic levels with a view to stem the outflow of skilled workers from the Dominican Republic;
- ▶ take all necessary measures to ensure that Haitian immigrants enjoy their economic, social and cultural rights fully and without discrimination, including through the delivery of residence permits or naturalisation;
- ▶ adopt positive measures to improve the living conditions in the *bateyes*, modify their legal status, improve their relationships with municipalities and require sugarcane companies to provide inhabitants of the *bateyes* with basic facilities, such as water and electricity, and with health and social services;
- ▶ review the minimum wage without delay and adjust it periodically to provide workers with a decent living for themselves and their families in accordance with the provisions of the Covenant;
- ▶ ensure that all sectors of activities are covered by the regulation of the minimum wage, including the sugarcane industry, and that inspection mechanisms be set up and given the means to carry out their tasks in order to conduct surveys in this area;
- ▶ allow workers in the free trade zones to form and join trade unions, comply with their right to strike, respect the minimum standard with regard to working conditions and set up inspection mechanisms and give them the freedom to carry out their tasks in these zones;
- ▶ continue the review of the Social Security Law bearing in mind the obligation under article 9 of the Covenant for universal coverage;
- ▶ monitor closely the situation of children and deploy all necessary means to ensure that all children fully enjoy the rights under the Covenant, with special attention paid to abandoned children, street children, exploited children, working children and teenage mothers;
- ▶ take necessary measures to combat violence against women and children in the family;
- ▶ pursue and intensify its efforts to ensure that safe drinking water be made available to the rural population and all those living in deprived urban areas;
- ▶ pursue and intensify efforts to address fully and effectively the problems related to housing, including through provision of increased resources for: both construction and rehabilitation and for the relocation of evicted and displaced communities; decentralisation and greater autonomy of local authorities in this field; and, effective coordination of the activities undertaken by all the competent organs;
- ▶ complete the process of land survey in order to issue title deeds to regularize the ownership of land by much of the population, in rural as well as in urban areas;
- ▶ take steps without delay to protect the population from forced evictions by private owners;
- ▶ provide in the next report full and concrete information on the situation of the elderly, persons with disabilities and persons who are HIV positive or AIDS infected; and,
- ▶ launch a specific and explicit information campaign on HIV/AIDS, its causes and prevention measures.

Civil and Political Rights

Acceded: 4 January 1978.

The Dominican Republic's fourth periodic report was due 3 April 1994.

Optional Protocol: Acceded: 4 January 1978.

Racial Discrimination

Acceded: 25 May 1983.

The Dominican Republic's fourth through seventh periodic reports were due 24 June 1990, 1992, 1994 and 1996 respectively.

At its March 1997 session, the Committee considered implementation of the Convention in the Dominican Republic in the absence of a current report from the government. The Committee's concluding observations (CERD/C/50/Misc.6) noted with regret that the Dominican Republic has not submitted a report since 1988. The Committee recommended that the government make use of the technical assistance offered under the advisory services and technical assistance programme of the Office of the High Commissioner for Human Rights with the aim of preparing and submitting as soon as possible an updated report.

Discrimination against Women

Signed: 17 July 1980; ratified: 2 September 1982.

The Dominican Republic's fourth periodic report has been submitted (CEDAW/C/DOM/4) but is not yet scheduled for consideration by the Committee; the fifth periodic report is due 2 September 1999.

Torture

Signed: 4 February 1985.

Rights of the Child

Signed: 8 August 1990; ratified: 11 June 1991.

The Dominican Republic's initial report was due 10 July 1993.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 126–128)

The Working Group did not receive any new cases of disappearance. Two cases remain to be clarified. The first involves an individual who was arrested in June 1984 in Santo Domingo and subsequently disappeared. The second concerns a university lecturer, who was also a journalist and political activist, who was reportedly detained in May 1994 by members of the army and subsequently taken to a military base. No new information was provided by the government on either case.

Sale of children, child prostitution, child pornography, Special Rapporteur on: (E/CN.4/1997/95, para. 67)

The report notes that there are sex tourism beaches and beach resorts in the Dominican Republic. Reference is also made to the use of young boys as prostitutes, known as "hanky panky" boys, who are beach boys and possibly as young as 13. The boys stay on the beaches with foreign tourists and establish a relationship with their visitor which can last for years. The report notes that the practice is more peculiar to the Dominican Republic than to other countries in the region.

Violence against women, Special Rapporteur on: (E/CN.4/1997/47, Sections IV, V)

In the section on trafficking in women and forced prostitution the report notes that in the Dominican Republic, women often borrow against future earnings or mortgage their family home in order to obtain the advance fees demanded by recruiters. The debts, amounting to thousands of U.S. dollars, must be paid back before the women are allowed to leave. In commentary on violence against women

migrant workers, the report states that live-in domestic work in countries of the European Union is a rapidly growing area of employment that is currently developing outside of labour regulatory schemes. The increasing demand is met mostly by undocumented migrant women from a number of countries, including the Dominican Republic.

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ECUADOR

Date of admission to UN: 21 December 1945.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Ecuador has not submitted a core document for use by the treaty bodies.

Economic, Social and Cultural Rights

Signed: 29 September 1967; ratified: 6 March 1969.

Ecuador's third periodic report was due 30 June 1997.

Civil and Political Rights

Signed: 4 April 1968; ratified: 6 March 1969.

Ecuador's fourth periodic report (CCPR/C/84/Add.6) has been submitted but is not yet scheduled for consideration by the Committee; the fifth periodic report is due 4 November 1998.

Reservations and Declarations: Declaration under article 41.

Optional Protocol: Signed: 4 April 1968; ratified: 6 January 1972.

Second Optional Protocol: Acceded: 23 February 1993.

Racial Discrimination

Acceded: 22 September 1966.

Ecuador's 14th periodic report was due 4 January 1994; the 15th periodic report was due 4 January 1996.

Reservations and Declarations: Declaration under article 14.

Discrimination against Women

Signed: 17 July 1980; ratified: 9 November 1981.

Ecuador's fourth periodic report was due 9 December 1994.

Torture

Signed: 4 February 1985; ratified: 30 March 1988.

Ecuador's third periodic report was due 25 June 1996.

Reservations and Declarations: General declaration; declarations under articles 21 and 22.

Rights of the Child

Signed: 26 January 1990; ratified: 23 March 1990.

Ecuador's initial report (CRC/C/3/Add.44) has been submitted and is scheduled for consideration by the Committee at its May 1998 session; the second periodic report was due 1 September 1997.

Reservations and Declarations: Ninth preambular paragraph; article 24 and article 38.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 129–131)

The report notes that no new cases of disappearance were transmitted by the Working Group to the government and that

the majority of the 20 reported cases of disappearance occurred between 1985 and 1992 and concerned persons who were reportedly arrested by members of the Criminal Investigation Service of the National Police. The government requested copies of the outstanding cases but has not provided any new information.

Independence of judges and lawyers, Special Rapporteur on: (E/CN.4/1997/32, para. 108)

The report notes the establishment in Ecuador of the Truth and Justice Commission which has been given responsibility for investigating complaints of unresolved human rights violations which occurred in the past 17 years. The commission is mandated to publish its report and to file its findings and recommendations before the relevant judicial authorities. The report observes that the Commission could serve as a measure to end impunity and ensure that victims and their relatives are adequately compensated for violations of their human rights.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, paras. 115–117)

The Special Rapporteur (SR) transmitted five cases to the government, involving Colombians who had been legally recognized as refugees by the Ecuadorean authorities. The information on which the cases were based indicated that the five had been arrested in August 1995 by military personnel, held incommunicado for several days on military premises and were subjected to blows, electric shocks and death threats and kept blindfolded. The government response stated that the five had been arrested by army intelligence staff during an investigation of possible conspiracy to subvert the public order. The government also replied to two cases that had been transmitted to it in 1995.

The report notes that cases previously sent were retransmitted and that the government had confirmed the arrests and detention at the Provisional Detention Centre which was under the authority of the Ministry for Social Welfare and where no police investigations were carried out.

Toxic wastes and products, Special Rapporteur on: (E/CN.4/1997/19, para. 72)

The report notes that the oil industry is seen as the biggest destroyer of Ecuador's 13 million hectares of rainforest which are inhabited by eight groups of indigenous people. It is acknowledged that Texaco, which had 330 wells in Ecuador, has left the country, but that Petro-Ecuador has taken its place. Ninety per cent of the destruction of 1 million hectares of rainforest is reported to have resulted from the operations of Texaco/PetroEcuador. The report notes that some 30,000 Ecuadorians had joined together and sued Texaco in its home state of New York, asking the company to stop dumping waste and to invest in new technology. In 1994, Texaco reached an agreement with the Government of Ecuador for the company to remedy any damage caused by its drilling operations. The plaintiffs' litigation team then filed a complaint on behalf of approximately 25,000 Peruvians living along the Napo River. The report notes that, in 1995, the judge ordered consolidation of the two suits.

Violence against women, Special Rapporteur on: (E/CN.4/1997/47, Section IV)

In the section of the report dealing with trafficking in women and forced prostitution, the Special Rapporteur notes there are trafficking networks for prostitution in Colombia that traffic women regionally to Venezuela, Ecuador and Panama.

Mechanisms and Reports of the Sub-Commission

States of emergency, Special Rapporteur on: (E/CN.4/Sub.2/1997/19/Add.1)

The report notes that a state of emergency was proclaimed on 7 February 1997.

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EL SALVADOR

Date of admission to UN: 24 October 1945.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: El Salvador submitted a core document (HRI/CORE/1/Add.34/Rev.1) for use by the treaty bodies. The report prepared by the government contains demographic and statistic data as well as information on the general political structure, economic and social trends and the general legal framework for the protection of human rights.

The rights set out in the ICCPR are included in the Constitution and international treaties to which El Salvador is a state party have a higher ranking than domestic law. No legislation may repeal or amend the provisions of a treaty. The constitutional reforms of 1991 and 1992 improved the administration of justice. The protection of human rights has been strengthened through measures and laws related to: the independence of judges and the judiciary; the participation of the judiciary in law-making; constitutional remedies for violations; and, the remedy of *amparo*. In addition to protections under law, a number of institutions and bodies have been created in the area of human rights, including the Presidential Commissioner for Human Rights, the post of Deputy Procurator for Human Rights, the Department of Human Rights within the Supreme Court, the Commission on Justice and Human Rights which was established by the Legislative Assembly, and the Human Rights Commission which was established by the Armed Forces as part of the Civil Affairs Section.

Economic, Social and Cultural Rights

Signed: 21 September 1967; ratified: 30 November 1979.
El Salvador's second periodic report was due 30 June 1995.

Civil and Political Rights

Signed: 4 April 1968; ratified: 6 March 1969.
El Salvador's third periodic report was due 31 December 1995; the fourth periodic report was due 28 February 1996.

Optional Protocol: Signed: 21 September 1967; ratified: 6 June 1995.

Reservations and Declarations: General declaration.

Racial Discrimination

Acceded: 30 November 1979.
El Salvador's ninth periodic report was due 30 December 1996.

Discrimination against Women

Signed: 14 November 1980; ratified: 9 November 1981.
El Salvador's third periodic report was due 18 September 1990; the fourth periodic report was due 18 September 1994.
Reservations and Declarations: Paragraph 1 of article 29.

Torture

Acceded: 17 June 1996.
El Salvador's initial report was due 16 July 1997.

Rights of the Child

Signed: 26 January 1990; ratified: 10 July 1990.
El Salvador's second periodic report was due 1 September 1997.

THEMATIC REPORTS*Mechanisms of the Commission on Human Rights***Disappearances, Working Group on enforced or involuntary:** (E/CN.4/1997/34, paras. 137-142, 392)

No new cases of disappearance have been recorded in El Salvador by the Working Group (WG) but 23 newly reported cases of disappearance, dating between 1979 and 1985, were transmitted to the government. The majority of the 2,661 previously reported cases of disappearances occurred between 1980 and 1983, in the context of the armed conflict between the government and the Farabundo Marti National Liberation Front (FMLN). Many victims disappeared following arrest by uniformed soldiers or uniformed police, or were abducted in death-squad-style operations carried out by armed men in civilian clothing. The perpetrators of the abductions were reportedly linked to the army or to the security forces and abductions by armed men in civilian clothing were, in some cases, later recognized as detentions, which raised allegations of links with the security forces. No new information has been received on the 2,270 cases in the WG's files that remain to be clarified.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 15, 16, 18, 19, 31, 32, 36, 57, 59; E/CN.4/1997/60/Add.1, paras. 160-168)

The report notes that information related to violations of the right to life continue to be received by the Special Rapporteur (SR) and that most of the complaints arise from incidents involving the disproportionate use of force by officers of the National Civil Police (PNC). The report also refers to: violence against street children; concern about the slowness of the authorities in carrying out investigations of violations of human rights, particularly the right to life, and bringing those responsible to justice; and, prison conditions — overcrowding, inadequate food, lack of hygiene in the prison, and prolonged pretrial detention — which contribute to threats of or actual incidents of violence resulting in killings.

The five urgent appeals sent to the government involved a member of the Salvadoran National Indigenous Association (ANIS), the chief of the Nahuat, Lenca and Maya indigenous communities and their families, who had received death threats, allegedly from paramilitary personnel. The SR requested the government to provide protection for these individuals. Twenty-two other cases were transmitted to the

government related to: killings by the PNC of former members of the civilian defence patrols on their way to demonstrations calling for the government to comply with the peace agreements it has signed; the killing of individuals fleeing arrest during police actions to clear the street of drunks; deaths caused by indiscriminate gunfire by PNC officers and soldiers at various public and private social functions (parties, dances, carnival parties); shooting by police of individuals who ran away after being asked to produce identity papers or ownership papers related to property; the murder of an FMLN party member by men in military uniforms; deaths in detention arising from torture and ill-treatment; and, killings by police of street children.

The SR expressed continuing concern at the large number of complaints received and the disproportionate use of force by the security forces. The government was urged to ensure that full and independent investigations are initiated in cases of death due to abuse of force and that law enforcement officials responsible for such violations are brought to justice.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, para. 144)

Three cases were transmitted to the government involving individuals arrested by police and beaten. Two of the three individuals suffered intestinal injuries.

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GRENADA

Date of admission to UN: 17 September 1974.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Grenada has not submitted a core document for use by the treaty bodies.

Economic, Social and Cultural Rights

Acceded: 6 September 1991.
Grenada's initial report was due 30 June 1993.

Civil and Political Rights

Acceded: 6 September 1991.
Grenada's initial report was due 5 December 1992.

Racial Discrimination

Signed: 17 December 1981.

Discrimination against Women

Signed: 17 July 1980; ratified: 30 August 1990.
Grenada's initial report was due 29 September 1991; the second periodic report was due 29 September 1995.

Rights of the Child

Signed: 21 February 1990; ratified: 5 November 1990.
Grenada's initial report (CRC/C/3/Add.5) has been submitted but is not yet scheduled for consideration by the Committee; the second periodic report was due 4 December 1997.

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GUATEMALA

Date of admission to UN: 21 November 1945.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: The core document prepared by the government for use by the treaty bodies (HRI/CORE/1/ Add.47) contains demographic and economic data as well as information on the system of government, the Office of the Human Rights Procurator, the Public Prosecutor's Department, the Office of the National Procurator-General and the general framework within which human rights are protected. The core document was submitted prior to the signing of the peace accord.

As of 1994, under the Constitution, treaties and conventions accepted and ratified by Guatemala took precedence over internal law. The rights and guarantees in the Constitution, however, are established in such a way that the interests of society take precedence over individual interests. The comprehensive agreement concluded between the government and the Unidad Revolucionaria Nacional Guatemalteca (UNRG) in March 1994 included: a general agreement on human rights; stipulation that the functioning of institutions such as the Human Rights Procurator must be unrestricted, unrestrained and unimpaired; agreements to end impunity, illegal security bodies and clandestine operations and to regulate the bearing of arms; guarantees of freedom of association and movement; a stipulation that conscription for compulsory military service will be non-coercive, fair and non-discriminatory; guarantees and protection for individuals and organizations working to safeguard human rights; and, provision for compensation and/or assistance for victims of human rights violations.

The Office of the Human Rights Procurator is headed by a Congressional Commissioner with the powers of supervision over the administration, and who reports annually to Congress. The Public Prosecutor's Department is part of the public administration and the courts, but functions autonomously, with the principal function of ensuring compliance with national laws. The Office of the National Procurator-General is responsible for advising state institutions and entities. Both of the latter officials are appointed for four-year terms and enjoy the same prerogatives and immunities as Supreme Court judges. As well, in addition to monitoring compliance with national law both are responsible for monitoring the implementation of and respect for human rights.

Economic, Social and Cultural Rights

Acceded: 19 May 1988.

Guatemala's second periodic report was due 30 June 1995.

Civil and Political Rights

Acceded: 5 May 1992.

Guatemala's second periodic report is due 4 August 1998.

Racial Discrimination

Signed: 8 September 1967; ratified: 18 January 1983.

Guatemala's eighth periodic report was due 17 February 1998.

Guatemala's seventh periodic report (CERD/C/292/Add.1) was considered by the Committee at its March 1997

session. The report included information on implementation of articles 2 through 7 with a focus on the situation of indigenous peoples-social issues, health, education, access to justice and legal protection, support programmes for the voluntary return of refugees, and the peace process.

The Committee's concluding observations and comments (CERD/C/304/Add.21) acknowledge that the long period of conflict and civil war impeded implementation of the Convention and, further, that the changes needed to achieve peace in Guatemala go beyond disarmament and must address the attitudes and values related to the culture of violence. In this context, the Committee noted that racial discrimination, especially against indigenous populations, is still prevalent in some parts of the society.

A number of aspects were viewed positively by the Committee, including: the signing of the Agreement on Identity and Rights of Indigenous Peoples and the Agreement for the Resettlement of Uprooted Populations; ratification of ILO Convention (No. 169) concerning Indigenous and Tribal Populations in Independent Countries; the constitutional provision that international obligations, including those arising from the Convention, prevail over national law; the steps taken to revise the Penal Code to include the prohibition of racial discrimination, and to introduce legislation on land rights and the protection of indigenous identity; the dissolution of military commissions and civil defence volunteer committees; the establishment of various bodies to facilitate racial reconciliation and to promote a democratic society based on the principle of equality; the establishment of the Commission on Historic Clarification (Truth Commission) in order to investigate killings and disappearances during the armed conflict and the provision that military files will be made available to this Commission; establishment of a secretariat of indigenous peoples in the public prosecutor's office and a commission on homeless children; that the number of complaints on the grounds of human rights violations has decreased; that a large number of the people, mainly indigenous, who had fled during the conflict have returned; and that a fund has been established to assist returnees in resettlement.

A number of areas of concern were identified, including: the climate of violence and intimidation which still exists and the detrimental effects it is having on the indigenous population; lack of legislation aimed at eliminating racial discrimination; lack of legislation prohibiting incitement to racial discrimination; lack of effective protection and remedies in the national courts for indigenous peoples from violations of human rights because of the lack of interpreters and the insufficient availability of public legal defenders; continuing impunity for state officials which shields them from criminal prosecution for abusing and violating the human rights of poor people, especially indigenous people and women; arising from de facto impunity, the incidence of people taking the law into their own hands, resulting in a significant number of lynchings; continuing problems in the area of land rights related to allocation of land and/or compensation, especially with respect to the return of lands to the indigenous peoples after the end of the armed conflict; confrontations arising over the ownership of property in the course of which indigenous peoples have been detained and threatened; failure to institute a programme of training on

human rights protection for law enforcement officials; and, lack of adequate and proportionate participation of the indigenous population in Parliament, the public service and public life at the national level and, in particular, under-representation among judges and in the administration of justice.

The Committee recommended that the government:

- ▶ continue and strengthen efforts to change the climate of violence and to support rapid disarmament;
- ▶ provide in its next report detailed information on the effectiveness of newly adopted laws and newly created bodies on ethnic relations;
- ▶ include in its next report information on complaints received and judgements issued concerning racial discrimination;
- ▶ continue the process of incorporating the prohibition of racial discrimination in national legislation, and the adoption of laws to implement the agreement on the identity and rights of indigenous peoples;
- ▶ take steps to ensure the effective implementation of new laws and provide for access to the judiciary for all members of the population, in particular by furnishing adequate interpretation services for indigenous people at all levels of judicial proceedings;
- ▶ improve the training of law enforcement officials in the area of protection of human rights;
- ▶ take effective measures to end the impunity of state officials who act illegally and guarantee the availability of remedies and due process for all people;
- ▶ continue efforts to ensure the full participation of all citizens in public life, in particular in elections, after having been adequately informed in the respective languages spoken in Guatemala;
- ▶ take measures to ensure a fair and equitable distribution of land, taking into account the needs of the indigenous population, including those persons returning to the territory;
- ▶ use the provisions of ILO Convention No. 169 as a guideline for resolving land distribution issues and consider, in the light of that Convention, the question of compensation for properties for which restitution is not possible;
- ▶ increase efforts to promote affirmative measures in the fields of education and training and introduce bilingual education for all parts of the population; and,
- ▶ consider establishment of a national commission to undertake specific activities in response to recommendations and suggestions made by the Committee.

Discrimination against Women

Signed: 8 June 1981; ratified: 12 August 1982.

Guatemala's third periodic report was due 11 September 1991; the fourth periodic report was due 11 September 1995.

Torture

Acceded: 5 January 1990.

Guatemala's second periodic report (CAT/C/29/Add.3) is scheduled for consideration by the Committee at its May 1998 session; the third periodic report is due 3 February 1999.

Rights of the Child

Signed: 26 January 1990; ratified: 6 June 1990.

Guatemala's second periodic report was due 1 September 1997.

Reservations and Declarations: Article 1.

COMMISSION ON HUMAN RIGHTS

Independent Expert on Guatemala

The CHR has considered the human rights situation in Guatemala each year since 1979 and, since 1983, violations have been investigated and reported to the Commission by various means including a Special Rapporteur (1983–1986), a Special Representative (1987) and an Independent Expert (1988–1997). Monica Pinto was appointed to this position in October 1993 and reported to the 1997 Commission. (As noted below, the mandate was terminated at the 1997 session.)

The report of the Independent Expert to the 1997 session of the Commission (E/CN.4/1997/90) takes into consideration the practical effect of the signing of various agreements that culminated in 1996 with the signing of the Agreement on a Firm and Lasting Peace. It notes that the agreements address areas such as: effective implementation of laws related to labour rights; access for peasants to land ownership; recognition of the legal personality of labour organizations; creation of a Public Defender's Office for criminal matters; establishment of a single national civil police force under the authority of the Ministry of the Interior; introduction of laws governing private security companies; restrictions on the possession and carrying of weapons; limitation on the role of the army to the defence of national sovereignty and territorial integrity; the disbanding of the Mobile Military Police; repeal of the decree establishing the Voluntary Civil Defence Commissions or Civilian Self-Defence Patrols; and, a requirement that an affirmative action policy be implemented to ensure equal participation in and benefit from society for women. The effect of the signing of this series of Agreements is acknowledged in the report as positive but it also suggested that the situation remained tentative.

The report comments on violations and problems in a number of areas, including:

- ▶ a decreased number but continuing allegations of violations of the rights to life and personal integrity and the right not to be tortured or subjected to other cruel, inhuman or degrading treatment or punishment;
- ▶ serious difficulties in the administration of justice, including: loss by the judiciary of its social and professional prestige; appointment of judges on the basis of influence; lack of internal independence; lack of guarantees to assistance of counsel; an inadequate number of prosecutors to cover the whole of the territory; lack of resources to provide efficient direction of police investigations; and the slow pace of investigations into massacres carried out in the past, hindering the filing of charges against those alleged responsible; and,
- ▶ inadequacies in the prison system, including unsatisfactory conditions of hygiene, nutritionally poor food, lack of medical care, lack of education or work programmes, lack of clear definition of rights and duties of prison

officials, failure to separate adults from juveniles in the prison population; irregular visits by judicial authorities and restricted access for such authorities when visiting; and failure to inform detainees of reasons for detention and charges against them.

On the question of the security of citizens, the report notes that newspapers and television news daily broadcast items about bodies found in the streets, tied up or showing signs of abuse and that, in response, people in the upper class have hired and armed private security staff, creating private mini-units that are beyond any control. The general atmosphere of citizen insecurity is compounded by the fact that harassment and threats are common, and frequently target members of the judiciary and the Public Prosecutor's Office, leaders of human rights organizations, and professionals assisting the survivors of recent massacres.

The report includes commentary on a number of conditions that continue to affect negatively economic, social and cultural rights. Among the rights considered are those related to decent and equitable working conditions, trade unionism, health, education and property with, in the case of property, an increasingly complex problem developing and the externalization of historical land ownership disputes. Commentary is also provided on the situation of persons belonging to vulnerable groups. These sections address the needs and conditions affecting the indigenous majority, uprooted persons, communities in resistance, internally displaced persons, refugees, returnees, children and women.

The report concludes with recommendations, including that:

- ▶ steps be taken to ensure the "right to truth", viz., to conduct judicial investigations into past acts such as the massacre at Rio Negro;
- ▶ the law of the army be amended to abolish the institution of military commissioner and a climate fostered to prevent former commissioners from exercising controls over society;
- ▶ special vigilance be maintained with regard to the demobilization of civil defence units;
- ▶ the justice system be redefined so that entry into the judiciary is conducted by open competition and leads to the establishment of a professional and independent judiciary;
- ▶ the government reclassify crimes and review penalties to ensure that laws are consistent with the state's obligation regarding human rights;
- ▶ a professional civil police force be established to uphold public security; and
- ▶ existing procedures and mechanisms related to respect of economic, social and cultural rights be observed, including provisions and means addressing issues such as infant mortality, illiteracy and poverty.

The report also addresses two recommendations to the international community: first, that the Commission on Human Rights keep the situation in Guatemala under review; and, second, that a new representative of the High Commissioner for Human Rights be appointed expeditiously to fill a

vacancy that has been in effect since May 1996 and assist, as agreed on 8 October 1992, with the return of refugees.

Resolution of the Commission on Human Rights

At its 1997 session the Commission on Human Rights adopted a resolution by consensus (1997/51) in which it: expressed appreciation for the efforts made by the government and the armed opposition, the Unidad Revolucionaria Nacional Guatemalteca (URNG), to conclude peace negotiations in 1996; recognized efforts by the government in the field of human rights; encouraged the government to apply necessary urgent measures to consolidate democratic institutions, taking into account the recommendations of the Independent Expert and those of the UN Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA), and the commitments in the peace agreements; regretted continuing violations, including those related to the right to life and physical integrity; regretted that impunity continues to exist; expressed concern that the National Reconciliation Act will be used as a means to grant impunity to state officials involved in serious violations of human rights and criminal acts committed during the armed conflict; expressed confidence that the Commission established to clarify past human rights violations and acts of violence will begin its work as soon as possible; requested the international community to extend full cooperation to this Commission; called for efforts by the government and the URNG to ensure full participation of the people in building a multi-ethnic, multicultural and plurilingual nation; called for efforts by the government and the URNG to ensure the establishment of a democratic society and the preeminence of civilian authority in national decision-making; requested judicial authorities to expedite the restructuring and consolidation of the judicial system so as to guarantee rule of law, application of justice, unconditional observance of human rights and the elimination of impunity, particularly for violators of human rights; welcomed the agreement signed with Centre for Human Rights for provision of advisory services; expressed appreciation for the work done by the Independent Expert; requested the Secretary-General to submit a report to the 1998 session of the Commission on the evolution of the human rights situation in Guatemala, with a view to concluding consideration of Guatemala at that session.

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

At its 1997 session, the Sub-Commission adopted a decision (1997/105) authorizing a statement by the Chair on respect for human rights and the conclusion of the peace process in Guatemala (E/CN.4/Sub.2/1997/50, para. 41, p. 133-137). The statement, *inter alia*: welcomed the signing of the Peace Agreement and expressed the hope that it would lay the foundations for a solution to the country's social and economic problems, along with security and the administration of justice; recognized the efforts of the government and urged it to continue with its policy of implementing measures for the protection and promotion of both individual and collective human rights, including the eradication of extreme poverty and overcoming the marginalization and

discrimination affecting the indigenous peoples; expressed concern that problems and obstacles to the full observance of human rights still exist and relate to incidents of crime, impunity, acute public insecurity and lack of confidence in the rule of law; stated that the human rights situation will continue to call for major and sustained efforts if there is to be any significant improvement; noted the government's statement related to the establishment of an expanded permanent forum for the exchange of views with governmental and non-governmental human rights organizations and the joint study of measures that could be taken to protect and promote human rights; referred to the creation of a commission to clarify objectively, equitably and impartially human rights violations and acts of violence linked with the armed confrontation; requested its own experts to include consideration of Guatemala in any specific reports which they may submit on various topics as an example of a country in transition to full observance of human rights; requested that the bodies following up the process of implementing the peace accords provide the Sub-Commission with their reports, for its information; and, stated the importance of efforts to bring about the full integration of members of Unidad Revolucionaria Nacional Guatemalteca (URNG) into civilian life in conditions of dignity and safety as well as all ex-combatants and demobilized members of the Guatemalan armed forces.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 157-163, 392, 393)

The report notes that no new cases of disappearance were transmitted to the government. The Working Group recalled recommendations arising from its 1987 visit to Guatemala referring to the need to improve the functioning of habeas corpus procedures, to protect the life of witnesses, as well as of individuals and members of organizations reporting cases, and to adopt effective measures to prevent and clarify disappearances.

The majority of the 3,151 reported cases of disappearance in Guatemala occurred between 1979 and 1986, mainly under military regimes, and in the context of internal armed conflict. The report notes that the government has cooperated fully with the Working Group in an effort to clarify the 3,007 outstanding cases in the Working Group's files.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 15, 16, 18, 19, 31, 36, 51, 52, 64, 78, 96; E/CN.4/1997/60/ Add.1, paras. 183-202)

The report notes that a significant amount of information on violations of the right to life was received by the Special Rapporteur, indicating that: the inefficiency of the judicial system and the militarization of society are contributing to an increase in impunity and continued human rights violations in Guatemala; state security agencies, paramilitary groups and members of the Civil Self-Defence Patrols (PACs), have been accused of committing these violations; and, self-defence squads trained by the army have been created and have been involved in "social cleansing" operations. The report also notes that in 1996, for the first time in 13 years, a sentence of

execution was carried out in Guatemala and that there are currently four persons under sentence of death.

Twelve urgent appeals were sent to the government and involved death threats against trade unionists, journalists, human rights activists and indigenous leaders and a witness in a case of disappearance. Reports of killings by members of the army are noted as involving indigenous leaders, peasants, former members of the judiciary and representatives of NGOs. Killings by members of paramilitary groups involved students, trade unionists and peasants. The report also summarizes the murder of a Mexican national and former employee of a UN agency who had received death threats as a result of her work in an indigenous textile cooperative in Salcaja, a project sponsored by the International Labour Organization (ILO) and the government of the Netherlands.

The government's response to the cases transmitted variously indicated that: death had been the result of an accidental fall into a ravine; the persons allegedly responsible had been identified and located and that pre-trial proceedings were under way; the investigation was continuing; an arrest warrant had been issued; the incident was a private matter and did not involve any state officials; criminal proceedings had been initiated; the principal suspects were not connected to the government.

The Special Rapporteur expressed continuing concern at the large number of threats made against human rights activists and trade unionists, requested the government to take effective steps to protect such persons and reiterated to the government the need to take firm action to put an end to impunity.

Independence of judges and lawyers, Special Rapporteur on: (E/CN.4/1997/32, para. 109)

The report refers to the case of a former member of the judiciary who had received death threats at various times and was reported to have been killed by members of the military in December 1995.

Sale of children, child prostitution, child pornography, Special Rapporteur on: (A/52/482, para. 32)

The Special Rapporteur's interim report to the General Assembly cites information indicating that the use of street children in prostitution remains a serious problem, with an estimated 1,500 to 5,000 street children in the country, the majority of them in Guatemala City.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, paras. 174-181)

The reports of torture and ill-treatment received by the Special Rapporteur (SR) prompted a reference in his report to comments made in 1996 by the Human Right Committee and the Committee against Torture. (These were cited in the Committees' reports to the General Assembly, respectively A/51/40 and A/51/44.) The Committees noted with alarm cases of torture, rape and other inhuman or degrading treatment or punishment by members of the army and security forces, of paramilitary and other armed groups or individuals-notably the Civil Defence Patrols (PACs) and former military commissioners-and the lack of a state policy for combatting impunity which has prevented the identification, trial

and punishment of those responsible, and payment of compensation to the victims.

The cases transmitted to the government related to abductions by unknown individuals suspected of belonging to security forces in which the individuals taken were beaten, administered drugs, burned with cigarettes, warned to stop journalist activities, told to leave the country, raped and tortured and killed. The government's responses to the cases variously indicated: no report or complaint had been received; there was no evidence to support the claim that members of the security forces had been involved; the injuries were self-inflicted; an investigation was proceeding; or the investigation had not turned up any evidence on which proceedings could be initiated.

Violence against women, Special Rapporteur on:
(E/CN.4/1997/47, Section V)

In the section of the report dealing with the situation of women migrant workers, the Special Rapporteur referred to internal women migrants in Guatemala who either work as domestic labourers or in *maquilas* (garment assembly factories). The report notes that, to encourage foreign investors, *maquilas* are exempt from regulations guaranteeing workers' rights and that women are subject to sexual violence and harassment, forced overtime, intimidation and generally poor working conditions.

Other Reports

Indigenous and tribal peoples, ILO Memorandum:
(E/CN.4/Sub.2/1997/25, para. 23)

The memorandum submitted by the International Labour Office (ILO) notes that, in early 1997, the ILO conducted extensive training for staff of the office of the Ombudsman on implementation of ILO Convention No. 169 (Indigenous and Tribal Peoples).

International Decade of the World's Indigenous People:
(E/CN.4/1997/101, para. 27)

The report notes that UNESCO is carrying out a project in Guatemala, called Maya World. The project deals with education, science, human rights, cultural integrity and biological diversity.

Mass exoduses, Report of the HCHR to the CHR:
(E/CN.4/1997/42, Section I (c))

The report of the High Commissioner for Human Rights refers to measures taken by the Mexican government to assist Guatemalans refugees. Assistance programmes focussed on areas such as health, education and food and were based on respect for and preservation of the ethnic identity of each of the seven Mayan language groups. Mexico guaranteed their legal stay and security until such time as they individually and voluntarily expressed the wish to return home.

Women's human rights, Report of the S-G to the CHR:
(E/CN.4/1997/40, para. 51)

The report of the Secretary-General on the integration of women's human rights throughout the United Nations system points to the 1996 concluding observations of the Human Rights Committee concerning Guatemala, which state that high levels of poverty and illiteracy, lack of opportunities and discrimination against women have contributed to

widespread violation of human rights in that country. The Committee: expressed concern about customs and traditions which discriminated against women in Guatemala; was particularly concerned at the statement by the Guatemalan delegation that state institutions were frequently not in a position to address the problems affecting the female population; was also especially concerned at violence within the family which affected not only women but also children; and also urged that violence (especially within the home) and acts of discrimination against women (such as sexual harassment in the workplace) should be punishable crimes.

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GUYANA

Date of admission to UN: 20 September 1966.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Guyana has submitted a core document (HRI/CORE/1/Add.61) for use by the treaty bodies. The report prepared by the government contains demographic and statistical data as well as brief information on the executive, legislative and judicial branches of government, political parties and the legal framework for the protection of human rights.

Articles 138 through 151 of the Constitution protect the fundamental rights and freedoms of the individual. All levels in the court system are empowered to hear cases related to human rights, and individuals may apply directly to the High Court as the court of first instance in any case alleging that fundamental rights and freedoms have been violated. Remedies for violations include awards, court orders, writs and directions. There is no separate Bill of Rights and the provisions of the ICCPR cannot be invoked directly before the courts other than tribunals or administrative authorities. The provisions in the Covenant may be enforced indirectly to the extent that they are subsumed in comparable provisions in the Constitution and domestic legislation.

Economic, Social and Cultural Rights

Signed: 22 August 1968; ratified: 15 February 1977.
Guyana's second periodic report is due 30 June 2000.

Civil and Political Rights

Signed: 22 August 1968; ratified: 15 February 1977.
Guyana's second through fourth periodic reports were due 10 April 1987, 1992 and 1997 respectively.

Reservations and Declarations: Paragraph 3 (d) of article 14; paragraph 6 of article 14; declaration under article 41.

Optional Protocol: Acceded: 10 May 1993.

Racial Discrimination

Signed: 11 December 1968; ratified: 15 February 1977.
Guyana's initial and second through 10th periodic reports have not been submitted (for the period 1978-1996); the initial report was due 17 March 1978 and the 10th periodic report was due 17 March 1996.

Reservations and Declarations: General declaration.

At its August 1997 session, the Committee reviewed implementation of the Convention in the absence of a report from the government. The Committee's concluding

observations (CERD/CRP1./Add.17) noted that the initial report had not been submitted and regretted that the government had not responded to the invitation to meet with the Committee and provide relevant information. The Committee also noted that the multi-ethnic composition of the population and the existence of indigenous communities in Guyana make implementation of the Convention particularly important. A letter was to be sent to the government setting out its reporting obligations and urging that a dialogue with the Committee be established. It was suggested that the government avail itself of the technical assistance offered by the Office of the High Commissioner for Human Rights to draw up and submit the initial report.

Discrimination against Women

Signed: 17 July 1980; ratified: 17 July 1980.

Guyana's second through fourth periodic reports were due 3 September 1986, 1990 and 1994 respectively.

Torture

Signed: 25 January 1988; ratified: 19 May 1988.

Guyana's initial and second and third periodic reports were due 17 June 1989, 1993 and 1997 respectively.

Rights of the Child

Signed: 30 September 1990; ratified: 14 January 1991.

Guyana's initial report was due 12 February 1993.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 15, 19, 83; E/CN.4/1997/60/Add.1, paras. 210-212)

An urgent appeal was sent to the government on behalf of two individuals who were to be executed. The information received indicated that the trials of the two men had fallen short of international fair trial standards and that both had been convicted on the basis of written and oral confessions made under duress. The information also indicated that one of the men had been ill-treated while in custody and the other was not represented by a lawyer during the first four days of the trial. The government replied that the Court of Appeal had vacated the decision of the President to sign the death warrants on technical grounds and that the petitions from the two men would be reconsidered.

Other Reports

Disappearances, Report of the S-G to the CHR: (E/CN.4/1997/103)

The report of the Secretary-General refers to information provided by the government stating that: there were no known cases of enforced disappearance in Guyana; the Constitution provided for the protection of the right to life and liberty; the Criminal Law Act provided for the protection of women and children against abduction or kidnapping; and, some potential witnesses, especially in drug related cases, were afraid to give evidence because of threats from the accused or persons connected to the accused. The government stressed the need for a witness protection programme and stated that it had taken appropriate action to ensure compliance with the Declaration on the Protection of All Persons from Enforced Disappearance.

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HAITI

Date of admission to UN: 24 October 1945.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Haiti has not submitted a core document for use by the treaty bodies.

Civil and Political Rights

Acceded: 6 February 1991.

Haiti's initial report was due 31 December 1996.

Racial Discrimination

Signed: 30 October 1972; ratified: 19 December 1972.

Haiti's 10th, 11th and 12th periodic reports were due 18 January 1992, 1994 and 1996 respectively.

Discrimination against Women

Signed: 17 July 1980; ratified: 20 July 1981.

Haiti's initial and second through fourth periodic reports were due 3 September 1982, 1986, 1990 and 1994 respectively.

Rights of the Child

Signed: 26 January 1990; ratified: 8 June 1995.

Haiti's initial report was due 7 July 1997.

COMMISSION ON HUMAN RIGHTS

The report of the Independent Expert on Haiti

The Commission on Human Rights, after considering the report of the Special Rapporteur on Haiti at its 51st session in 1995, requested the Secretary-General to appoint an independent expert to have responsibility for providing assistance to the government in the area of human rights, to examine the development of the situation in Haiti in that area, and to monitor the fulfilment by Haiti of its obligations in that field. In July 1995, Mr. Adama Dieng was appointed as the Independent Expert.

The report of the Independent Expert to the 53rd session of the CHR (E/CN.4/1997/89) includes substantial commentary on economic, social and cultural rights on the basis that durable solutions to the chronic and extreme poverty in Haiti are key to improvements in other areas, including those related to civil and political rights.

The report refers to problems arising from protests over the government's privatization which have been compounded by the fact that there is a need to transform Haiti from a state ruled by a clique serving its own interests into a state genuinely serving the public by responding effectively to violations of economic and social rights in areas such as:

- ▶ the right to health-including issues such as infant mortality, the spread of infectious diseases in urban slums, the spread of AIDS among the poorest in the population, adequate inspection procedures for companies manufacturing pharmaceuticals and other health products;
- ▶ the right to education-including a coherent programme to reduce the rate of illiteracy from its present level of about 75 per cent; increased access to secondary education; measures to enable children in rural areas to remain in school rather than joining the labour market to supplement family income;

- ▶ the right to land-related to land reform and crop diversification where possible; and
- ▶ women's rights-related to measures to combat discrimination and violence against women.

In the section dealing with the administration of justice, the report states that the judicial system has been based largely on exclusion, corruption and depredation and recalls that impunity remains one of the most divisive issues in Haitian society. In this regard, the refusal of the United States to return documents seized from the headquarters of the Haitian Armed Forces and the *Front pour l'avancement et le progrès Haïtien* (FRAPH) is cited, and the report underlines the urgency attached to the U.S. settling the question of the documents in order to avoid giving the impression that it wants to ensure the impunity of the authors of grave violations of human rights.

The report provides commentary on several issues related to the administration of justice, including:

- ▶ reform of the judicial system-related to the evaluation and reform of the magistrature and increased resources for the courts and prosecution service;
- ▶ independence of the judiciary — related to adequate remuneration of judges to eliminate corruption and the lack of protection against wrongful dismissal;
- ▶ criminal procedures — related to cases of detention for debt, illegal searches, lengthy pre-trial detention, delays in habeas corpus;
- ▶ Haitian National Police — related to unwarranted use of firearms, ill-treatment of detainees; use of force against and firing upon suspects, deaths in custody, murder of police officers and the excessive amount of weapons available in the general population;
- ▶ corruption — related to embezzlement of public assets, fraudulent enrichment, avoidance of import tax and duties;
- ▶ prisons — related to the fact that the majority of prisoners are being held in pre-trial detention and that conditions in prisons do not meet international minimum standards; and,
- ▶ National Commission of Truth and Justice — related to the failure to make the entire report of the Commission public and the limited print run of only 50 copies of the full report.
- ▶ In terms of the report of the National Commission of Truth and Justice and the failure of the government to publish and widely disseminate it, the Independent Expert refers to a statement from a Ministry of Justice document to the effect that the failure to publish the report and the failure of the government to initiate legal actions for serious crimes have all the makings of a time bomb, with large-scale explosive violence possible because of frustration and a desire for revenge. The report notes that this view is shared by representatives of Haitian human rights NGOs and, further, that the people continue to call for justice based on responsibility for violations as determined through the work of the National Commission.

The recommendations in the report include that:

- ▶ the government ratify the Covenant on Economic, Social and Cultural Rights, the Convention against Torture and the Optional Protocol to the Covenant on Civil and Political Rights;
- ▶ a programme of security for peasants be established;
- ▶ government subsidies be provided to private schools to lower the fees and make these institutions more accessible to more Haitians;
- ▶ the United States return, in full and without delay, documents seized from the FRAPH premises;
- ▶ measures be taken to improve the remuneration of judges and court officials;
- ▶ increased resources, human, material and financial, be given to the reform and development of an independent judiciary and a reliable system of administration of justice;
- ▶ more attention be given to the wide availability of weapons in the society;
- ▶ measures be taken to ease overcrowding of prisons;
- ▶ an effective system be established to combat corruption, embezzlement of public funds and fraudulent enrichment;
- ▶ a comprehensive civic programme of education and human rights training be established;
- ▶ legal services in rural areas be established; and
- ▶ the Special Rapporteur on violence against women and the Special Rapporteur on the independence of judges and lawyers conduct field missions to Haiti.

Resolution of the Commission on Human Rights

At the 1997 session, the Commission on Human Rights adopted a resolution by consensus on the situation in Haiti (1997/52).

The Commission: welcomed improvements in the situation of human rights in Haiti; drew attention to the need for technical training for the Haitian National Police; emphasized the need to strengthen the judicial and penitentiary system, including training in human rights; expressed concern at reported cases of illegal and arbitrary detention; welcomed the electoral process successfully conducted; welcomed the report of National Commission for Truth and Justice and urged the government to act on the recommendations with the support of international community; urged the government to ensure wide distribution nationally of the report of the National Commission; encouraged the continuation of inclusion of ethics courses in police training programmes; noted the work of the general inspectorate to investigate human rights abuses by members of the police with a view to putting an end to impunity; expressed concern at security problems faced by Haitian society, including those arising from difficult social and economic conditions; urged the government to take immediate steps to ensure respect for judicial guarantees and end cases of illegal and arbitrary detention; encouraged the international community to contribute generously to the Trust Fund for the Haitian National Police; invited the Independent Expert to provide an interim report to 1997 General Assembly and a final report to the 1998 session of the

Commission; encouraged the government to consider ratifying the Covenant on Economic, Social and Cultural Rights, the Convention against Torture and the Optional Protocols to Covenant on Civil and Political Rights; invited the Special Rapporteur on violence against women to consider favourably the invitation to visit Haiti.

THEMATIC REPORTS

Arbitrary detention, Working Group on: (E/CN.4/1997/4, para. 17)

The report notes that two urgent appeals were sent to the government on behalf of 21 persons but does not provide any details on the cases.

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 167–170)

No new cases of disappearance were transmitted by the Working Group (WG) to the government. Of the 38 cases that remain to be clarified, the majority occurred in three waves during the periods 1981–1985, 1986–1990 and 1991–1993. The report notes that most of those occurring during the first period concerned members or supporters of the Haitian Christian Democrat Party who were arrested by members of the armed forces or by the Tonton Macoutes. The cases that occurred during the second period concerned persons who were reportedly arrested by armed men in civilian clothes, members of the Anti-Gang and Investigation Service, and by the police. The last wave of cases took place in the aftermath of the coup which ousted President Aristide.

The Government informed the WG that when President Aristide assumed the Presidency in 1991, no files were found relating to the disappearances that reportedly occurred between 1981 and 1990 and that, following the return to a constitutional government in 1994, no files were found relating to cases of disappearance in the period between 1991 and 1994. The government stated that all files of the Haitian Armed Forces and of the Front for the Advancement and Progress of Haiti had been sent abroad by the multinational forces. The government, therefore, would be unable to report on the fate or whereabouts of the persons reported as disappeared until the documents were returned. The report notes that the WG decided to raise the issue of the files with the Special Representative of the Secretary-General for Haiti.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, para. 16; E/CN.4/1997/60/Add.1, paras. 213–216)

The Special Rapporteur (SR) transmitted to the government information on the case of a priest who was killed by several armed men as he was entering the residence of the Montfortain Fathers in Port-au-Prince. The information indicated that police officers were suspected of having inspired this murder and that no one had been arrested. A separate communication was sent to the government about a massacre of 30 unidentified people in shanty towns in Raboteau in April 1994. According to information received by the SR, soldiers arrived in Raboteau, armed with machine-guns and accompanied by members of the Front for the Advancement and Progress of Haiti, and opened fire on the inhabitants. The report notes that the government did not respond to the information.

GENERAL ASSEMBLY

Report of the CHR Independent Expert

The Independent Expert's report (A/52/499) includes commentary on: the social and political context in Haiti; the rights to health and education; participation in development; the elections; the governmental "crisis"; international cooperation; and prisons and the judicial system.

The Expert expressed concern over a number of issues and incidents, including: the deterioration in economic and social conditions and the political situation; the strike at TELECO and the State University Hospital of Haiti; allegations of ill-treatment or acts of torture committed by the police; the new wave of acts of violence; the overcrowding in the National Penitentiary; the rise in the cost of certain essential foodstuffs; and the weaknesses of the judicial system.

Referring to the divisions within the Lavalas movement, the open conflict between OPL and Fanmi Lavalas and the April 1997 elections, the report states that it is important to curb the tendency to reduce democracy to its purely electoral dimension and notes that barely 10 per cent of the voters went to the polls, the rest having preferred to send a signal which was interpreted as being a refusal to participate in a duel within a political class which aspired to power.

On issues related to health, the report notes that: the right to health is guaranteed in the Constitution but there is little access for the population as a whole to public health services (medical personnel, facilities and drugs); the Ministry of Public Health and non-governmental organizations have established a system for the sale of generic essential drugs at cost price in their various facilities; and, the government has drafted several laws to improve the functioning of and access to the health care system but the allocation of resources to the public health sector remains inadequate. The report recommended that, *inter alia*: the Ministry of Public Health receive support in managing public funds and strengthening management, redefine the specific function of each type of health-care facility (basic health-care services, effective role of the State University Hospital of Haiti) and take measures to reconcile the purpose of the facilities and their effective role, effectively redistribute existing resources in the health system to outlying districts in order to ensure provision of quality health care to the entire population, in particular the most remote and destitute groups, and adopt regulations on the opening of private health practices;

The report states that the educational system has been widely discredited, not only because of its poor quality but also because it is beyond the reach of many children. The priorities established by the Ministry of National Education are noted as including improvement of the quality of basic education, increased access to basic education, improvement of the system's external effectiveness and the strengthening of the Ministry's planning and management capacity. Reference is made to the need to resolve the problem of the payment of back wages owed to reinstated teachers who had been wrongly dismissed. In terms of development, the report states that it is necessary to seek increased opportunities for dialogue and put aside the tradition of social polarization.

Referring to the issue of international cooperation the report states that it is essential for the international community to strengthen its programmes of cooperation related to: modernization of the state apparatus; strengthening civil society; and promotion of economic reforms and growth so as to ensure the durability of the reform process and democratization. The report notes that international assistance is very disorganized, like Haiti itself, with a great many initiatives paralysed, in particular, by the shortage of managerial staff in the Haitian administration. It stresses that, when too much is offered to a Ministry which lacks adequate human resources for proper programme implementation, the result is to disrupt the work of the few managers available. The report states that some of the managers spend over 70 per cent of their time at meetings with donors and others and donors would do well to coordinate their support more fully.

On the issue of prisons the report notes: with significant support from UNDP, improvements have been made in penitentiary institutions but there remains the need to integrate the National Penitentiary Administration (APENA) into the police force, while retaining its special characteristics; the system of "majors" in the prisons (a prisoner who is considered as the chief of the cell and enjoys a position of confidence with the prison administration) has repercussions on the treatment of detainees and respect for their rights because the major actually holds the keys to the cell during the day, opens the door to enable detainees to go to the toilets or have medical consultations at the infirmary and distributes food to the prisoners in the cell; the delegated authority of majors is often obtained through violence within the cell, is the source of many abuses and much arbitrary treatment violating the fundamental rights of the detainees (health, hygiene and food); living conditions in the prisons have improved, but remain well below the level required by the Standard Minimum Rules for the Treatment of Prisoners; some escapes from the prisons are allegedly made possible by the complicity of prison officers who are rarely prosecuted; and the problem of prison overcrowding has still not been solved. The report refers to the recommendations of the International Civilian Mission in Haiti (MICIVIH) that steps be taken to: ensure, as far as possible, the separation of the different categories of prisoners, especially the separation of minors from adults; establish a partnership with the Ministry of Health in order to provide medical care for prisoners, organize medical examinations for prisoners upon admission to prison and ensure that regular medical examinations are carried out; eliminate the system of majors that prevails in the prisons, so that no prisoner carries out disciplinary functions; establish specialized institutions for juvenile offenders; establish a system for the rehabilitation of offenders with the aim of giving them the necessary skills and motivation to live in a law-abiding and autonomous manner after their release; organize post-release assistance and reintegration into society; make special efforts to facilitate the return of convicted juveniles to their families; address the issue of prisons in the wider context of the prevention of crime and treatment of offenders; envisage the formulation of non-custodial measures with the aim of harmonizing the penal system with modern trends and limiting the overcrowding of prisons; continue efforts to improve the management of parquets and courts so as to ensure continuity of the criminal chain and accelerate the course of

justice; ensure the presence of a legal assistant in all penitentiary centres; and, set up a small library of legal works and documents.

Concerns related to the judicial system related to: reform related to the question of a statute of limitation; the fact that prolonged pre-trial detention is a perversion of the Haitian penal system and takes the place of conviction in a judicial system that is improperly and inefficiently managed; and, the need to undertake a major revision of the Code of Criminal Investigation of 1835 and the Penal Code.

The report concludes that the human rights situation has improved considerably but notes that the disarmament of Haiti cannot be described as a success and that an armed population poses a danger to security and stabilization.

Resolution of the General Assembly

The resolution adopted by the General Assembly (A/52/644/Add.3 p. 27-28): welcomed the efforts of the government to improve the situation of human rights and noted the policy statements by authorities that the government remains committed to upholding human rights and improving accountability; expressed concern at the continuing problem of common crime, and noted the ongoing need for technical training of the Haitian National Police and for the strengthening of the judicial system; welcomed the reports of the National Commission for Truth and Justice and the reports of the International Civilian Mission to Haiti on Haitian justice and on respect for human rights by the Haitian National Police; urged the government to take appropriate follow-up action on the recommendations contained in those reports, with the support of the international community; requested the government to publish the complete report of the National Commission for Truth and Justice and to make it widely available throughout the country, and to initiate legal action in serious cases; expressed concern at the security problems faced by Haitian society; supported the reform of the judicial system currently being carried out, including training in international humanitarian law and human rights; welcomed the establishment of the programme of technical cooperation prepared by the Office of the United Nations High Commissioner for Human Rights aimed at strengthening institutional capacity particularly in the areas of legislative reform, training of justice administration personnel and human rights education; invited the international community, including the Bretton Woods institutions, to continue their involvement in the reconstruction and development of Haiti, having regard to the fragility of the political, social and economic situation of the country; encouraged the government to ratify the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and the Optional Protocols to the International Covenant on Civil and Political Rights; and, invited once again the Special Rapporteur on violence against women to consider favourably the invitation to visit the country extended by the government.

SECURITY COUNCIL

Reports of the Secretary-General

The reports of the Secretary-General on the UN Support Mission and the UN Transition Mission in Haiti (S/1997/244, 24 March 1997; S/1997/564, 19 July 1997; S/1997/832, 31

October 1997) referred to, *inter alia*: progress towards the development of a comprehensive plan to overhaul the justice system; reform of the prison system related to registration mechanisms, conditions in prisons and training of prison personnel; the appalling destruction caused by decades of arbitrariness, corruption, violence and abuse of the population; the fact that the number of cases of vigilante justice remained high; the need for reforms to strengthen democratic institutions, generate economic growth and create jobs on the basis of a basic consensus among Haitians; the need to pay special attention to the country's growing problem in drug trafficking; the fact that Haiti had not had a fully functioning government for some time because of factional fighting in the ruling Lavalas movement; and, the need to ensure that the Permanent Electoral Council be acceptable to all political forces so that subsequent elections, including the November 1998 legislative and local elections, would be credible and result in the creation of unchallenged democratic institutions; the impact of the political stalemate on economic activity.

Security Council Resolutions

The Security Council adopted resolutions on Haiti (S/RES/1123, July 1997; S/RES/1141, 28 November 1997) in which the Council, *inter alia*: affirmed the link between peace and development and stressed that a sustained commitment by the international community and the international financial institutions to assist and support the economic, social and institutional development in Haiti is indispensable for long-term peace and security; affirmed the importance of a professional, self-sustaining, fully functioning national police force of adequate size and structure, able to conduct the full spectrum of police functions, to the consolidation of democracy and the revitalization of the justice system; and, established the UN Civilian Police Mission in Haiti (MIPONUH), with a mandate to 30 November 1998, composed of up to 300 civilian police. It is to assist the government by supporting and contributing to the professionalization of the Haitian national police.

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HONDURAS

Date of admission to UN: 17 December 1945.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Honduras has not submitted a core document for use by the treaty bodies.

Economic, Social and Cultural Rights

Signed: 19 December 1966; ratified: 17 February 1981.

Honduras' initial report was due 30 June 1990; the second periodic report was due 29 June 1995.

Civil and Political Rights

Signed: 19 December 1966.

Optional Protocol: Signed: 19 December 1966.

Second Optional Protocol: Signed: 10 May 1990.

Discrimination against Women

Signed: 11 June 1980; ratified: 3 March 1983.

Honduras' fourth periodic report was due 2 April 1996.

Torture

Acceded: 5 December 1996.

Honduras' initial report was due 3 January 1998.

Rights of the Child

Signed: 31 May 1990; ratified: 10 August 1990.

Honduras' second periodic report (CRC/C/54/Add.2) has been submitted but is not yet scheduled for consideration by the Committee; the third periodic report is due 8 September 2002.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 171-176)

The Working Group transmitted one new case of disappearance to the government of Honduras. The case was said to have occurred in 1995 and involved a person arrested on murder charges. The information indicated that the individual had been transferred from a public security force prison to the Central Penitentiary. The report notes that the authorities at the Penitentiary have denied that the person concerned had been transferred there, and since then his whereabouts have remained unknown.

The majority of the 129 cases yet to be clarified occurred between 1981 and 1984, a period when members of Battalion 3-16 of the armed forces and heavily armed plain-clothes men seized people whom they perceived as ideological enemies; the individuals were abducted from their homes or on the street and taken to clandestine detention centres. The systematic practice of disappearance ended in 1984, although sporadic cases continue to occur. The report notes that, in July 1995, the government informed the Working Group that the Special Prosecutor for Human Rights had charged 10 military officers with the attempted murder and unlawful detention of six students in 1982 and that judicial proceedings continue.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 15, 51; E/CN.4/1997/60/Add.1, para. 217)

The Special Rapporteur (SR) sent an urgent appeal to the government on behalf of a mother and her three daughters. The information on which the case was based indicates that they had left Honduras in February 1996 after receiving death threats. Granted political asylum in Costa Rica, the woman and her children reportedly still suffer harassment and threats, presumably by members of the Honduran security forces. These threats are believed to be related to the fact that the father of two of the woman's daughters was a former member of Honduran Military Intelligence Battalion 3-16, who had testified during investigations into human rights violations in Honduras and, as a result, had been granted asylum in a western country.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, paras. 183-188)

The report notes that the Special Rapporteur (SR) transmitted 12 cases to the government involving minors. In one incident, information received indicated that youths- who had been sent to an adult penal farm-had been handcuffed,

suspended by the handcuffs without their feet touching the floor, and beaten. The government informed the SR that criminal proceedings had been initiated against the director of the penal farm and the indictment had subsequently been extended to the guards who had taken part in the acts of aggression. The government expected that the court would order the detention of the accused. In another incident, an 11-year-old girl, living in the Centro de Orientación de Menores of Támara in Francisco Morazán, was raped by several soldiers of the military battalion responsible for guarding the perimeter of the establishment. The government informed the SR that two members of the establishment's guard had been detained in the Central Penitentiary, and that the case was being brought to trial. A third incident involved a 16-year-old boy who had been living in a home run by the Casa Alianza. It is alleged that the boy was arrested by members of the first police battalion who accused him of stealing a watch, and was taken to the police station where he was severely beaten by both the police officers and the adult detainees with whom he had been placed. The government responded that a medical examination showed slight external signs of injuries caused when the boy resisted arrest by the police, but that no offence had been committed and the boy's physical integrity was not in danger.

The last series of cases transmitted to the government involved the treatment of minors detained at the prison of San Pedro Sula and included information on the rape of a youth by adult prisoners and constant sexual abuse for approximately one year. The information received by the SR indicated that the boy had informed the prison authorities of what was taking place and that no action was taken. In a second incident at the same prison, a boy was reportedly suffered knife wounds inflicted by an adult prisoner; further, he had not received medical treatment when he was ill with dengue. A third boy, 17, was reportedly beaten by the prison director and several guards after he tried to escape. Allegedly, the beatings went on for approximately three hours, after which the youth was suspended from a railing by handcuffs, beaten on the feet with a truncheon, and left hanging for half an hour. After the incident, although he was in pain, the youth was not examined by a physician and received no treatment.

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JAMAICA

Date of admission to UN: 18 September 1962.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Jamaica has submitted a core document (HRI/CORE/1/Add.82) for use by the treaty bodies. The report prepared by the government contains demographic and statistical data as well as information on the economy, a summary on the general political structure and commentary on the general legal framework for the protection of human rights.

The Constitution establishes the framework of fundamental freedoms on the basis of non-discrimination. The constitutional provisions related to rights are entrenched and can only be amended by a two-thirds majority of both Houses of Parliament. Remedies for violations may be sought

through the courts, including by appeal to the Supreme Court. Complaints of violations through administrative procedures and organs may be taken to the office of the Ombudsman which is mandated to investigate complaints and make recommendations and reports to the relevant department and/or Parliament. The office of the Ombudsman may not investigate: any action for which remedy may be sought through the courts, save for exceptional circumstances; legal proceedings in Jamaica or an international court or tribunal; orders or directions to the Jamaican Defence Force or its members related to any matter under the Defence Act; actions or decisions of any service commission regarding appointments, removal or discipline of any person; the granting of national honours and awards; the exercise of the prerogative of mercy as set out in the Constitution; and, any action into which, under statute, no inquiry may be made. International human rights treaties to which Jamaica is a party are not self-executing. To the extent that the rights set out in the ICCPR are essentially mirrored in the Constitution, the Covenant is directly enforceable by the courts *qua* Constitution. Any provision in the Covenant which reflects a rule of customary international law is enforceable by the courts as part of the common law of Jamaica.

Economic, Social and Cultural Rights

Signed: 19 December 1966; ratified: 3 October 1975.

Jamaica's second periodic report was due 30 June 1995.

Civil and Political Rights

Signed: 19 December 1966; ratified: 3 October 1975.

Jamaica's third periodic report was due 1 August 1992; the fourth periodic report was due 1 August 1996.

Jamaica's second periodic report (CCPR/C/42/Add.5) was considered by the Human Rights Committee at its October/November 1997 session. The report prepared by the government contains information related to the rights set out in articles 1 through 27, including in such areas as: constitutional provisions; the Legal Reform Committee, mandated in part to carry out research and advise on issues related to women; laws related to the situation of women, including the Domestic Violence Act; provisions related to states of emergency; the death penalty; due process and the administration of juvenile justice; the freedoms of movement, expression, religion, association and peaceful assembly; rights of children; and, the Constitutional Commission working on proposals for constitutional reform.

The Committee's concluding observations and comments (CCPR/C/79/Add.83) note that while the government report provided useful information on the general legislative framework, it did not address consistently the actual state of implementation of the Covenant, nor did it always address, on an article-by-article basis, difficulties encountered in the course of its implementation. The Committee acknowledged that the difficult economic situation and the high rate of crimes of violence hindered implementation of the Covenant.

The Committee welcomed: the envisaged review of the Constitution and consideration of an amendment through which a new Bill of Rights would explicitly refer to prohibition of discrimination on the grounds of sex; the establishment in 1993 of the Police Public Complaints Authority which allows Jamaican citizens to seek redress if

they have been abused by police officers, and the requirement for this body to report publicly on its activities; the establishment of a Public Commission of Inquiry into the prison disturbances which occurred in several correctional facilities in August 1997; the fact that the imposition of capital punishment was reviewed by the authorities, leading to the adoption of the Offences against the Person (Amendment) Act, 1992 and of procedures for legal representation, classification of offences, minimum periods to be served and an appellate system; the fact that on the basis of the classification of capital offences under the Offences against the Person (Amendment) Act, judicial decisions and a number of views adopted by the Committee under the Optional Protocol, numerous death sentences were commuted; the fact that draft legislation is being finalized to improve the system of legal aid; the implementation of a programme for the modernization and the rebuilding of the prison estate; and, the intention to amend administrative regulations listing objects that inmates, whatever their sentence, may keep in their possession, so that prisoners will be allowed to keep in their cells correspondence and will be assured access to legal documents relating to their cases.

The principal subjects of concern identified by the Committee were, *inter alia*: the government's denunciation of the Optional Protocol, effective 23 January 1998; the incidence of domestic violence against women; the fact that serious deficiencies persist in the administration of the prison system, including lack of sanitary facilities, lighting in cells, adequate diet, adequate training of prison staff, adequate facilities for visits of convicted prisoners (by relatives and by their legal representatives) and recurrent ill-treatment of inmates; inadequacies in the current legal aid representation; the fact that the Flogging Regulation Act, 1903 and the Crime (prevention of) Act, 1942 are still in force, which provide for and regulate corporal punishment both as a penalty for certain crimes and as a penalty for breach of prison rules or other regulations; the lack of published information about the alarmingly high incidence of the use of firearms by the police and security forces; delays in the hearing of cases before the courts; the failure to adhere strictly to time limits on pre-trial detention as set out in the Covenant and domestic legislation; the fact that not all cases of death at the hands of the police or security forces are subject to a coroner's inquest; and, the fact that even though wire-tapping remains an exceptional administrative measure the current administrative rules are insufficient to secure compliance with provisions in the ICCPR related to privacy and protection from unlawful interference.

The Committee recommended that the government:

- ▶ increase efforts to sensitize the population to the need to respect women's dignity, ensure that legislation provides ready access to remedies for violations of women's human rights, and pursue social and educational programmes to ensure the upholding of women's rights by abolishing all discrimination;
- ▶ make available effective means of redress, without reprisals, for detainees and prisoners regarding complaints of ill-treatment by police or prison warders;
- ▶ establish an independent prison inspectorate which would report publicly on its findings;

- ▶ monitor on a continuing basis the availability and quality of legal aid representation and ensure that experienced counsel is assigned to individuals accused of capital and other serious offences;
- ▶ make available legal aid to obtain the presence of defence witnesses for the purposes of trials;
- ▶ repeal the Flogging Regulation Act 1903 and the Crime (prevention of) Act 1942;
- ▶ investigate all incidents involving use of firearms by police and security forces and make available to the public the outcome of such investigations;
- ▶ adopt appropriate legal provisions to ensure prompt issue of a reasoned judgement by the Court of Appeal;
- ▶ observe closely time-limits on pre-trial detention so as to reduce the opportunity for beatings and other forms of police brutality;
- ▶ take measures to ensure that all deaths at the hands of police or security forces are investigated and that inquests ordered under the Coroners Act, which are adjourned pending the consideration by the Department of Public Prosecutions of potential charges, are reopened if no prosecution ensues; and,
- ▶ either discontinue wire-tapping or adopt precise legislation governing its administration, including appropriate mechanisms for judicial oversight.

Optional Protocol: Signed: 19 December 1966; ratified: 3 October 1975; denounced ratification 23 October 1997.

Racial Discrimination

Signed: 14 August 1966; ratified: 4 June 1971.

Jamaica's eighth through 13th periodic reports have not been submitted (covering the period 1986-1996); the 13th periodic report was due 4 July 1996.

Reservations and Declarations: General declaration.

Discrimination against Women

Signed: 17 July 1980; ratified 19 October 1984.

Jamaica's second periodic report was due 18 November 1989; the third periodic report was due 18 November 1993.

Reservations and Declarations: Paragraph 1 of article 29.

Rights of the Child

Signed: 26 January 1990; ratified: 14 May 1991.

Jamaica's second periodic report is due 12 June 1996.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, para. 285)

The reports summarize an exchange of correspondence between the Special Rapporteur (SR) and the government regarding conditions under which children were held in police lock-ups, including holding juveniles in the same cells as adults. The government referred to provisions of the Juveniles Act, which stipulates that anyone under the age of 17 may not be detained in the same cells as adults, adding that in practice juveniles were sometimes held in the same building as adults but not in the same cells. The government also noted that: each police station was staffed with persons trained to handle

juvenile matters; there was an educational programme aimed at informing the public of this fact; there was a referral system between social agencies; the government planned in the medium to long term to upgrade facilities for teenage girls; steps were being taken to expedite hearings and provide better learning facilities for those in the care of the state; and, there was a system whereby visiting committees, comprising Justices of the Peace, brought to the attention of relevant authorities any weaknesses in the system, with an emphasis on human rights.

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MEXICO

Date of admission to UN: 7 November 1945.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: The core document prepared by the government for use by the treaty bodies (HRI/CORE/1/Add.12/Rev.1) provides statistical data as well as information on the general political structure in Mexico, the legal framework within which human rights are protected and the institutions and national machinery with responsibility for overseeing implementation of human rights.

The National Human Rights Commission (CNDH) is the main administrative body responsible for proposing and ensuring compliance with national policy for the promotion of human rights. The CNDH implements preventive, remedial and coordinating measures to safeguard the human rights of both Mexicans and foreigners in Mexico. In matters related to foreigners, the CNDH coordinates action with the Ministry of Foreign Affairs. Through a 1992 amendment to the Constitution, the National Human Rights Commission was granted constitutional rank with the result that: its character as "ombudsman" was reaffirmed; the principles of autonomy and independence were strengthened; the procedures for handling and settling complaints were refined; a non-judicial system for the protection of human rights was established at the federal level; and, its relationship with the 32 human rights commissions corresponding to the states and the Federal District was established.

The remedies available to persons claiming a violation of their human rights include reconsideration, complaint for refusal of leave of appeal, *amparo*, appeal, special appeal and judicial liability. Compensation for victims of torture is provided by federal act. When Mexico enters into international human rights treaties, they become a part of domestic law as soon as they are ratified by the Senate. State courts are expected to rule on the basis of the Constitution, law and treaties.

Economic, Social and Cultural Rights

Acceded: 23 March 1981.

Mexico's third periodic report (E/1994/104/Add.17) has been submitted and is scheduled for consideration by the Committee at its November/December 1999 session; the fourth periodic report is due 30 June 2002.

Reservations and Declarations: Article 8.

Civil and Political Rights

Acceded: 23 March 1981.

Mexico's fourth periodic report (CCPR/C/123/Add.1) has been submitted but is not yet scheduled for consideration by the Human Rights Committee; the fifth periodic report is due 22 June 2002.

Reservations and Declarations: Paragraph 5 of article 9; article 18; article 13; paragraph (b) of article 25.

Racial Discrimination

Signed: 1 November 1966; ratified: 20 February 1975.

Mexico's 12th periodic report is due 22 March 1998.

Mexico's 11th periodic report (CERD/C/296/Add.1) was considered at the Committee's May and August 1997 sessions. The report prepared by the government primarily related to the situation of indigenous peoples and focussed on five areas: human rights and administration of justice in the indigenous communities, particularly with regard to individuals held in detention centres; educational efforts to combat overt and covert displays of racism and to promote a proper understanding of the contribution of indigenous peoples to the shaping of the nation; the peace process in Chiapas, related to negotiations on indigenous rights and culture; migratory flows at the southern border and protection and defence of the human rights of Central American migrant workers entering Mexico; and, the protection of Mexicans abroad who face growing racism and xenophobia, particularly at the northern border.

The Committee's concluding observations and comments (CERD/C/304/Add.30) acknowledged factors hindering full implementation of the Convention, including: that there are numerous ethnic and indigenous groups with varied cultural and linguistic traditions; extreme poverty affecting indigenous groups, particularly in Chiapas; and, an armed liberation movement (EZLN).

The Committee welcomed: initiatives to benefit indigenous peoples in prison; the human rights education programme, including radio and television broadcasts; efforts made by the government to end the armed conflict in Chiapas; the investigations carried out by the National Human Rights Commission into complaints of violations with regard to the situation in Chiapas; and, the numerous programmes and measures undertaken to combat extreme poverty and promote the economic, social and cultural development of indigenous peoples.

The principal subjects of concern identified by the Committee were, *inter alia*: the government's interpretation of racial and ethnic discrimination that does not accord with the Convention; the persistence of discriminatory practices against indigenous peoples in which public authorities are sometimes implicated; lack of effective guarantees for indigenous peoples of equality before the law, particularly with regard to the use of indigenous languages before the courts; the insufficiency of measures for the protection of indigenous peoples and illegal immigrants, violations by security forces, para-military groups and landowners and the impunity accorded to them; the insufficiency of information provided on the political participation of indigenous peoples; the lack of information on the marginalization and non-integration of certain groups in the population; lack of respect for the land rights of indigenous peoples; the lack of information on the number of complaints, decisions and reparations related to

acts of racial discrimination; the inadequacies of measures taken in the area of human rights education for public authorities and agents who are in regular contact with vulnerable sectors in society, especially the security forces and prison personnel; the absence of laws guaranteeing the opportunity for indigenous peoples to enjoy bilingual and bicultural education; and, the continuing unsettled situation in Chiapas.

The Committee recommended that the government, *inter alia*:

- ▶ provide in the next report detailed information on the situation of indigenous groups living in Mexico;
- ▶ develop a programme of sensitization on human rights for public authorities;
- ▶ accelerate legislative reforms currently under way to ensure conformity with article 4 of the Convention (racist organizations and incitement to racial violence);
- ▶ take the necessary measures to allow indigenous representatives to stand for election and have access to public office;
- ▶ take all appropriate measures to ensure equal and impartial treatment before the law, particularly with regard to indigenous peoples, including through the use of indigenous languages;
- ▶ undertake systematic measures to investigate violations of the human rights of indigenous and vulnerable populations, take effective preventive measures and ensure that victims have access to compensation;
- ▶ establish equitable solutions to problems related to land ownership and distribution;
- ▶ provide in the next report information on the number of complaints, decisions taken and compensation provided related to acts of racial discrimination; and,
- ▶ take the necessary steps to ensure multicultural education for all.

Discrimination against Women

Signed: 17 July 1980; ratified: 23 March 1981.

Mexico's third and fourth periodic reports have been submitted as one document (CEDAW/C/MEX/3-4) which is pending for consideration at the Committee's January 1998 session; the fifth periodic report is due 3 September 1998.

Torture

Signed: 18 March 1985; ratified: 23 January 1986.

Mexico's fourth periodic report is due 25 June 2000.

Mexico's third periodic report (CAT/C/34/Add.2) was considered at the Committee's April 1997 session. The report prepared by the government contains information on, *inter alia*: constitutional, legal, administrative and judicial measures related to the provisions of the Convention; the activities of the National Human Rights Commission and the establishment of provincial human rights commissions; the Federal Act to Prevent and Punish Torture; state liability; the Federal Code of Penal Procedure; regulations and codes of ethics related to the conduct of federal authorities; the Directorate-General of Human Rights Protection; regulations affecting the treatment of aliens and extradition; statistical data on complaints of torture received and actions taken; measures related to the protection of persons detained or imprisoned;

criminal procedures against those accused of torture; human rights education and training for police, security forces, other public authorities and the armed forces; rules of evidence; and compensation for victims of torture and/or ill-treatment.

The Committee's concluding observations and comments (CAT/C/XVIII/CRP.1/Add.4) welcomed, *inter alia*: efforts to improve the legal status of torture victims; new legislative provisions on restitution, compensation and rehabilitation for victims of human rights violations (January 1994); the granting of compulsory effect to the recommendations of the National Human Rights Commission; projects and activities for human rights education and training which focus on a wide range of public activities in which human rights violations may occur; and efforts made to strengthen respect for human rights by public servants and society in general.

Factors and difficulties hindering application of the Convention were noted as including: the fragility of the culture of respect for guarantees of the rights of individuals; insufficient awareness on the part of the various authorities of the importance of punishing torture harshly and in accordance with the law; the restriction on the powers of the National Human Rights Commission, whose recommendations the law specifically states to be "non-binding" and of a non-compulsory nature for the authorities or public services to which they are addressed; and, the fact that the Commission is not empowered to institute legal proceedings in order to conduct investigations of complaints it makes.

Subjects of concern identified by the Committee, included: that, despite the legal and administrative measures taken to eradicate torture, the practice continues to be systematic, particularly with regard to the federal and local judicial police and by members of the armed forces, the latter on the pretext of combatting subversives; the wide gap between the extensive legal and administrative framework established in order to put an end to torture and ill-treatment and the actual situation as revealed in information received; the continuing impunity of torturers; that the authorities responsible for the administration of justice continue to admit confessions and statements made under torture as evidence during trials, despite legal provisions explicitly declaring them inadmissible; that only two convictions based on the Federal Act to Prevent and Punish Torture and five for homicide resulting from torture were handed down between June 1990 and May 1996; the failure by the authority responsible for criminal investigation to investigate reports of torture promptly and impartially; and, in consequence of the above, the denial of the right of victims to take legal action to claim compensation for the violation of their rights.

The Committee recommended that the government, *inter alia*:

- ▶ implement effective procedures for monitoring compliance with the duties and prohibitions of public officials and bodies responsible for the administration of justice and law enforcement;
- ▶ give the public human rights commissions the necessary jurisdiction to prosecute cases of serious human rights violations, including complaints of torture;
- ▶ strengthen training and dissemination programmes intended particularly for law enforcement officials and health professionals and include in them issues related to the prohibition of torture;

- ▶ develop procedures to inform detainees of their rights immediately and directly at the time of arrest; post those rights in all detention centres, prosecutors' offices and courthouses; and include in the information a clear, simple statement of the provisions of the relevant constitutional and legislative provisions on the prohibition of torture and ill-treatment; and,
- ▶ include in the next report information on: statistics on complaints of human rights violations in general and, in particular, complaints of torture brought before the public human rights commissions, and on the recommendations on torture of those commissions; preliminary investigations of complaints of torture, cases where criminal action has been taken and trials which have resulted in final sentences, whether acquittals or convictions, and, in the latter case, the penalties imposed; and, cases in which the administrative responsibility of public officials accused of torture has been established and the penalties imposed.

Rights of the Child

Signed: 26 January 1990; 21 September 1990.

Mexico's second periodic report was due 19 October 1997.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Arbitrary detention, Working Group on: (E/CN.4/1997/4, paras. 4, 7)

The report notes that nine cases were transmitted and that a response had not been received from the government. No details of the cases were provided.

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 3, 12, 231-237)

Five new cases were sent to the government, all of which were reported to have occurred in 1996: they involved two teachers, two peasants and a businessman. Information indicated that those responsible were members of the security forces, army or plain-clothed agents.

The report notes that most of the 319 reported cases of disappearance in Mexico occurred between 1974 and 1981, 98 in the context of the rural guerrilla warfare which was waged in the mountains and villages of the state of Guerrero during the 1970s and the beginning of the 1980s and 21 mostly in the states of Chiapas and Veracruz. The majority of victims were members of Indian, peasant and political organizations. There are 237 cases of disappearance in Mexico which remain to be clarified.

In addition to dealing with cases of disappearances, the Working Group (WG) addressed incidents in Mexico in which relatives of missing persons, or other individuals or organizations which have cooperated with the WG or their legal counsel, were said to have been subjected to intimidation, persecution or other reprisals.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 15, 16, 17, 18, 19, 22, 31, 32, 51, 52, 57, 64, 66, 71, 103; E/CN.4/1997/60/Add.1, paras. 313-346)

There were twice as many reports of threats and intimidation in Mexico as in previous years. For example, 6 urgent

appeals were sent in 1994, 9 in 1995, and 19 in 1996. The victims of these threats were primarily human rights activists, journalists, leaders of peasant and indigenous organizations, and members of political parties or religious communities. The human rights activists included individuals associated in some capacity with the National Network of Civil Human Rights Organizations, the Binational Human Rights Centre, the National Human Rights Commission (CNDH), Coordinación de Solidaridad con las Luchas Alternativas (COSLA), the National Council of the Democratic Revolutionary Party (PRD) and the National Democratic Lawyers' Front. Indigenous rights advocates who were targeted included members of the Southern Sierra Peasants' Organization (OCSS) and the Tepoztecan Unity Community (CUT). Others targeted included individuals who had witnessed, reported on, or criticized the role of the state authorities in incidents such as the Aguas Blancas massacre, as well as journalists and editors involved in stories referring to involvement of state officials in corruption and drug trafficking. The report also notes cases of threats against members of various political parties and members of the Catholic Church. The Special Rapporteur also lists a number of individuals who were extrajudicially, arbitrarily or summarily executed while in detention, during police raids in communities and hospitals, or from random fire by police on a group of youngsters.

The government responses variously indicated that: the person thought responsible for the killing was not a police officer and had been acquitted; investigations were continuing; charges had been laid against members of the police where evidence indicated they were responsible; victims of threats had refused protection; no criminal complaint had been lodged; protection had been provided to several individuals who had requested it; and arrest and/or detention was the result of activities unrelated to political or activist pursuits.

The report notes that the Special Rapporteur requested an invitation from the government to visit Mexico and was informed that the request would be considered following the visit by the Special Rapporteur on the question of torture.

Independence of judges and lawyers, Special Rapporteur on: (E/CN.4/1997/32, paras. 8, 17-18, 20-21, 135-141)

The cases transmitted by the Special Rapporteur (SR) to the government referred to death threats and harassment of human rights lawyers, lawyers involved in the defence of individuals alleged to be members of the Zapatista Army for National Liberation, and lawyers defending the rights of indigenous peoples. In response to the cases involving death threats and harassment, the government informed the SR that they were under investigation and that, in some cases, protection had been provided to the intended victims, despite the fact that none of them had officially denounced the acts of intimidation and the threats.

Racial discrimination, Special Rapporteur on: (E/CN.4/1997/71, para. 34)

The report incorporates information provided by the government related to the situation of Mexican workers entering the United States. Reference is made to incidents in March and April in which Mexican nationals were beaten and several died. The Mexican government protested to the US and

characterized the incidents as an abuse of authority based on discriminatory attitudes. Mexico emphasized the need for US immigration policies to be applied with strict respect for migrants' dignity and human rights.

Religious intolerance, Special Rapporteur on:
(E/CN.4/1997/91, paras. 9, 17, 20, 21, 24, 26, 36, 41, 66)

The report notes that cases have been transmitted to the government and replies have been received on some of them. The areas of concern for the Special Rapporteur are discrimination against Christianity, religious minorities, ill-treatment by communities against peoples who have converted to different faiths and murders of and threats against the clergy and believers. The report notes that the government has provided information on initiatives the state has taken to promote reconciliation and respect for the religious freedom of the Chamula and Catholic evangelical religious minorities.

Sale of children, child prostitution, child pornography, Report of the Special Rapporteur on the:
(E/CN.4/1997/95, paras. 62, 63; E/CN.4/1997/95/Add.2, Sections III & V and Annex 1.)

The main report of the Special Rapporteur (SR) notes information received related to children performing sexual acts with animals in some nightclubs in Mexico. These clubs are open to the public provided the client pays a fee and consumes alcoholic drinks.

The SR's report on a visit to the United States takes into account the implications of cross-border traffic between the U.S. and Mexico for the purposes of child prostitution and pornography. The report notes the arrest of three US citizens living in Mexico who were involved in the production and distribution of child pornography primarily involving boys between seven and 21 years old. Commentary is also provided on "tunnel kids", Mexican children who enter the US illegally through drainage tunnels, are homeless, and are immediately taken into criminal bands that exploit them sexually. However, the SR points out that existing data on the subject of cross-border trafficking only addresses the criminality of Mexican youth in the United States and not their victimization. The report further notes that, with the exception of a few cases, commercial sexual exploitation of children is concentrated in certain areas of the Texan-Mexican (El Paso, Ciudad Juarez) and Californian-Mexican border (San Diego, Tijuana). Of equal concern is the transportation of children from Mexico to the United States for prostitution by wealthy US citizens. The SR states that, in some instances, paedophiles fund orphanages and take children to the United States for "education purposes". These children are then sexually abused and discarded. The report notes admitted difficulties in increasing cooperation between the U.S. and Mexico, including language barriers and differences in legislation and in law enforcement practices.

The Special Rapporteur's interim report to the General Assembly (A/52/482, para. 12) notes that the SR intended to carry out a mission to Mexico in November 1997 and present her report to the 1998 Commission.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Sections II & III; E/CN.4/1997/7/Add.1, paras. 309-333)

Mexico extended an invitation to the Special Rapporteur (SR) to make a visit. The visit was not possible in 1996 and

was therefore anticipated for early in 1997. The SR's observations on the situation in Mexico included comments on the fact that courts continue to use confessions, in many cases extracted under torture, as primary evidence in pronouncing convictions. The report notes that this practice does not conform with the Federal Act for the Prevention and Punishment of Torture. It is also noted that the remedy of *amparo* is apparently ineffective in situations of this kind since, according to existing case law, the first confession can still be used to convict a person even if it can be proved that it was obtained through the use of force. Information also indicated that there is reportedly a tendency on the part of judges to disregard medical certificates provided by defendants as proof of having been tortured.

The SR transmitted a total of 21 cases to the government, 4 of them on an urgent appeal basis. The government replied to many of those cases, as well as to a number which had been sent in 1995. The new cases involved the arrest or detention and ill-treatment of, for example, members of indigenous communities, a person accused of planting a bomb, a representative of the Zapatistia National Liberation Army, individuals accused of abduction and the leader of the Organization of Villages and Settlements of Chilpancingo, Guerrero. Forms of torture included beatings, use of electric shock, cigarette burns, rape, asphyxiation and sleep deprivation.

Information provided by the government indicated that in several cases the victims had chosen not to lodge a formal complaint or continue with charges. In other cases, according to the government, inquiries were proceeding, criminal charges had been laid against the perpetrators and were proceeding, no public officials had taken part in the alleged arrest and torture, the paramilitary group named in the information transmitted does not exist, no external evidence of torture was found or the injuries and lesions found were not serious or life-threatening.

Other Reports

Conscientious objection to military service, Report of the S-G to the CHR: (E/CN.4/1997/99, paras. 6, 22)

The report of the Secretary-General notes that conscription is still used in Mexico. Under the Military Service Act of Mexico, various ways of performing military service are set out, including enlistment in: National Military Service companies, which are made up exclusively of volunteers, for three months; training centres-with the army, marine or navy units-where activities involve social work, civic questions and military ceremonial aspects; and "on call", whereby individuals remain in contact with a Mexican consulate abroad or their local military regions or zones. The report notes that voluntary military service performed in Mexico focuses mainly on services and activities under the heading of social work for the benefit of the neediest communities.

Mass exoduses, Report of the HCHR to the CHR:
(E/CN.4/1997/42, Sections II.A, III.A)

The report of the High Commissioner for Human Rights summarized information provided by the government in which Mexico referred to measures taken to assist Guatemalans who entered Mexico in the early 1980s. Through the Mexican Commission for Assistance to Refugees (COMAR), programmes were established in areas such as health,

education and food. The government indicated that the basic principles governing these programmes were to respect and preserve, through bi-cultural education, the ethnic identity of each of the seven Mayan language groups, guarantee their legal stay and security in Mexico until such time as they individually expressed their preference for voluntary repatriation, and to offer them a standard of living and opportunities for development and work equivalent to those of the Mexican population living in the same area. The government also indicated that the Minister of the Interior had announced an immigration stabilization plan to enable refugees to become integrated into the country. The government further noted the development, with the government of Guatemala and in cooperation with UNHCR, of mechanisms for cooperation to facilitate the repatriation and economic assimilation of those asking to return to their communities.

Restitution, compensation and rehabilitation, Report of the S-G to the CHR: (E/CN.4/1997/29, paras. 4 and Mexico)

The report of the Secretary-General summarizes information provided by the government in which it is stated that: the amendment in 1994 to federal laws and provisions have resulted in the adoption of laws in various states aimed at caring for and compensating victims. In one state this has included the establishment of a fund into which fines imposed by the courts are deposited to increase the amount of assistance available to victims. Further, several states have established centres to care for victims of offences.

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NICARAGUA

Date of admission to UN: 24 October 1945.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Nicaragua has not submitted a core document for use by the treaty bodies.

Economic, Social and Cultural Rights

Acceded: 12 March 1980.

Nicaragua's second periodic report was due 30 June 1995.

Civil and Political Rights

Acceded: 12 March 1980.

Nicaragua's third periodic report was due 11 June 1991; the fourth periodic report was due 11 June 1996.

Optional Protocol: Acceded: 12 March 1980.

Second Optional Protocol: Signed: 21 February 1990.

Racial Discrimination

Acceded: 15 February 1978.

Nicaragua's 10th periodic report was due 17 March 1997.

Discrimination against Women

Signed: 17 July 1980; ratified: 21 May 1981.

Nicaragua's fourth periodic report was due 9 February 1994.

Torture

Signed: 15 April 1985.

Rights of the Child

Signed: 6 February 1990; ratified: 5 October 1990.

Nicaragua's second periodic report was due 3 November 1997.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 256-259)

Most of the 234 cases reported to the Working Group (WG) occurred between 1979 and 1983, within the context of internal armed conflict, and pointed to the involvement of members of the army, the former Sandinistas, the former General Directorate for the Security of the State and the Frontier Guard. Two cases, however, reportedly occurred in 1994. The first concerned a farmer who was allegedly detained by a group composed of members of the army and the police; the second concerned a person allegedly accused of being a member of an armed group.

Of the 234 cases, 103 remain to be clarified, but the government has not responded to the WG's requests for information and clarification. The WG expressed regret at the lack of response from the government. It stressed the need to improve cooperation and to remind the government that under the Declaration on the Protection of All Persons from Enforced Disappearance there is a continuous commitment to conduct thorough and impartial investigations until the fate of the victim is clarified.

Extrajudicial, summary or arbitrary executions, Special Rapporteur on: (E/CN.4/1997/60, paras. 16, 18, 34; E/CN.4/1997/60/Add.1, paras. 360-364)

The Special Rapporteur (SR) referred to the government allegations of violations of the right to life committed by security forces during demonstrations and a massacre in Nueva Segovia in which 11 people were killed, allegedly by members of the Sandanista People's Army. The government has not responded to any of the cases transmitted and the SR urges the authorities to conduct thorough and impartial investigations into these allegations, hold those responsible accountable before a court of law, and provide appropriate compensation to the victims or their families.

Religious intolerance, Special Rapporteur on: (A/52/477, paras. 21, 25, 28, 31, 37)

The Special Rapporteur's interim report to the General Assembly notes that the government provided information on freedom of religion and belief from the perspective of the curricula and textbooks or primary or basic and secondary educational institutions. The report refers to communications addressed to the government related to violations of religious freedoms against groups and communities other than the official, state or predominant religion. Information received indicated that the Catholic Church was campaigning to introduce Catholic textbooks in public schools that appear to preach a message of intolerance towards other religions.

Violence against women, Special Rapporteur on: (E/CN.4/1997/47, para. 34)

In the section of the report dealing with rape and sexual harassment, the Special Rapporteur notes that in many countries the legal link between rape and morality remains. The law in Nicaragua, however, is seen as one of the most

progressive because it classifies rape within crimes against persons. The legal focus has also shifted from the traditional man-against-woman approach towards a gender-neutral definition of the crime.

Other Reports

Periodic and genuine elections, Report of the S-G to the GA: (A/52/474, para. 8)

The report of the Secretary-General notes that advisory services and project support were provided to Nicaragua related to electoral processes.

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PANAMA

Date of admission to UN: 13 November 1945.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Panama has submitted a core document (HRI/CORE/1/Add.14/Rev.1) for use by the treaty bodies. The report prepared by the government includes demographic data and information on the economy (growth, public debt, income distribution, employment), the structure of government, and the legal framework for the protection of human rights.

The Constitution forms the primary legal framework for the protection of human rights and sets out a number of rights that may not be suspended during a state of emergency, including equality before the law, non-discrimination, due process, freedom of religion and association, the prohibition of the death penalty, and non-retroactive application of law. The provisions in international human rights treaties are incorporated into domestic law and may be invoked in the courts after the treaty is adopted by formal act by the Legislative Assembly and endorsed by the executive.

Economic, Social and Cultural Rights

Signed: 27 July 1976; ratified: 8 March 1977.

Panama's second periodic report was due 30 June 1995.

Civil and Political Rights

Signed: 27 July 1976; ratified: 8 March 1977.

Panama's third periodic report was due 31 March 1992; the fourth periodic report was due 6 June 1993.

Optional Protocol: Signed: 27 July 1976; ratified: 8 March 1977.

Second Optional Protocol: Acceded: 21 January 1993.

Racial Discrimination

Signed: 8 December 1966; ratified: 16 August 1967.

Panama's 15th periodic report was due 4 January 1998.

Panama's 10th through 14th periodic reports were submitted as one document (CERD/C/299/Add.1) which was considered by the Committee at its March 1997 session. The report prepared by the government contains information related to articles 2 through 7 of the Convention and details the mandates and functions of a number of national directorates, commissions, forces and other arrangements in such areas as: general community development; law and order; civil defence and prisons; refugee matters, migration and naturalization; indigenous policy; communications, advertising and

propaganda; and, human rights education and learning. Information is also included on the National Censorship Board and the Mass Media Research Centre, as well as provisions in the Labour Code related to conditions of employment, non-discrimination, salaries and wages and benefits. The situation in the Canal Zone is also described in terms of difficulties encountered related to discrimination and incidents arising within the context of employment opportunities and practices.

The Committee's concluding observations (CERD/C/304/Add.32) acknowledge that Panama is emerging from a period of serious political, social and economic difficulties and note that substantial disparities in wealth between different ethnic groups tend to affect the implementation of the Convention.

The Committee welcomed: initiatives taken by the government to promote and protect human rights, including those enumerated by the Convention; the work undertaken by the National Commission on Administrative Boundaries that has led to important negotiations and law reforms, such as the enactment of laws establishing the indigenous *comarcas* (territorial districts of the indigenous peoples) of Madugandi and Ngobe Bugle; the programmes and initiatives undertaken to protect immigrants and refugees; adoption, in December 1996, of a law establishing an Ombudsperson for Human Rights (Defensor del Pueblo); adoption and implementation of two training programmes on human rights for law enforcement personnel; inclusion of human rights in the curricula of the Police Academy; and, reform of employment legislation to, *inter alia*, combat different forms of racial discrimination.

The principal subjects of concern identified by the Committee were: the absence of any complaints being filed with the appropriate governmental bodies by individuals or groups during the last 10 years, despite reports that rights covered by the Convention are not fully respected; the fact that some groups living in Panama, such as indigenous people and members of the black and Asian minorities, do not fully benefit from the rights recognized under the Convention; the failure to comply fully with the obligations derived from article 4 (racism and hate speech); the failure to resolve the majority of cases related to the issue of land rights of indigenous people; the fact that these land rights also seem to be threatened by mining activities which have been undertaken, with the approval of the central authorities, by foreign companies, and by the development of tourism in these regions; lack of clarity related to the legal status of the *comarcas* in relation to the provinces; the fact that, in the Canal Zone, which has a special legal status, workers from Panama are not accorded the same rights as foreign workers employed there; the low rate of participation in elections and the under-representation of indigenous people in the public service; and, the lack of detailed and disaggregated statistical information on indigenous groups.

The Committee recommended that the government:

- ▶ designate an appropriate body to coordinate and monitor programmes and policies designed to implement the Convention;
- ▶ take the necessary measures to comply fully with the obligations of article 4 of the Convention;

- ▶ include in its next report information on complaints received and judgements issued in cases of racial discrimination;
- ▶ take all appropriate measures to disseminate the Convention widely and to translate it into appropriate languages for indigenous groups;
- ▶ continue the improvement of training of law enforcement officials;
- ▶ take appropriate measures to allow full enjoyment by different groups of society, such as indigenous people or members of the black and Asian minorities, of the rights set out in the Convention, particularly the rights to housing, public health, medical care, social security, social services, education and training;
- ▶ actively pursue its current efforts to implement fully the right of indigenous people to own property and land and investigate and monitor the impact of the work of mining companies, including foreign ones, as well as the impact of the current development of tourism, on the enjoyment of basic rights by indigenous peoples;
- ▶ explain more precisely in its next report the legal status of the *comarcas*, in comparison to the status of the provinces;
- ▶ take appropriate measures to enable indigenous persons to participate in elections and to provide them with equal access to employment in the public service;
- ▶ include in its next report disaggregated data including information and socio-economic indicators on the demographic composition of its population;
- ▶ with regard to the special status of the Canal Zone, take appropriate measures to ensure that the rights enumerated by the Convention, especially article 5 (equality before the law, security of person, civil, cultural, economic, political and social rights) are enjoyed equally by all residents and workers in that specific area; and,
- ▶ consider ratifying ILO Convention No. 169 (indigenous and tribal peoples).

Discrimination against Women

Signed: 26 June 1980; ratified: 29 October 1981.

Panama's second and third periodic reports (CEDAW/C/PAN/2-3) have been submitted as one document which is pending for consideration at the Committee's July 1998 session; the fourth periodic report was due 28 November 1994.

Torture

Signed: 22 February 1985; ratified: 24 August 1987.

Panama's third periodic report (CAT/C/34/Add.9) is scheduled for consideration at the Committee's May 1998 session; the fourth periodic report is due 27 September 2000.

Reservations and Declarations: Paragraph 1 of article 30.

Rights of the Child

Signed: 26 January 1990; ratified: 12 December 1990.

Panama's second periodic report was due 10 January 1998.

Panama's initial report (CRC/C/8/Add.28) was considered at the Committee's January 1997 session. The report prepared by the government provides detail on the constitutional and legal provisions to protect the rights of the child as

well as administrative measures related to implementation of the Convention. The report clusters information under general main headings addressing, *inter alia*: civil rights and freedoms; family environment and alternative care; basic health and welfare; education, leisure and cultural activities; and special protection measures. Annexes to the report provide the texts of relevant articles in the Civil Code and Constitution, Act No. 24 of 1951 establishing the Juvenile Court and various tables providing statistics on, for example, child care in subsidized institutions, Child Guidance Centres, enrolment in the education system and teaching staff in the education system.

The Committee's concluding observations (CRC/C/15/Add.68) noted that the Convention is directly applicable at the national level and can be invoked before the law courts or administrative authorities. The Committee welcomed: the efforts made by the government in the area of law reform and the initiatives undertaken to further the protection of the family and children; the adoption of the new Family Code, in force since January 1995; the promulgation of the Education Law which guarantees inter-cultural bilingual education for indigenous children and adults; the recent establishment of a "People's Defender" which will monitor the enjoyment of human rights in Panama, including children's rights; the adoption of a Pact for children, in collaboration with UNICEF and a large number of NGOs, to promote children's rights; the establishment of the project on "Education for Tolerance, Education for Democracy, Human Rights, Development and Peace" set up in 1995 by the Ministry of Education in collaboration with UNESCO; the establishment of the Women's Department in the Ministry of Labour and Social Welfare; and, the establishment of the Panamanian Institute for Special Rehabilitation which aims at assisting disabled children.

The Committee acknowledged factors and difficulties that have impeded implementation of the Convention, including the fact that Panama is emerging from a period of social and political upheaval, and the associated negative economic repercussions, and the long-existing disparities in distribution of wealth between different groups of the population which affects the most vulnerable groups and hampers the enjoyment of children's rights.

The principal subjects of concern identified by the Committee were: the insufficiency of measures taken to harmonize national legislation with the principles and provisions of the Convention; failure in the Family Code to address adequately the rights recognized by the Convention; provisions in national legislation establishing a different minimum age for marriage between boys and girls and authorizing the marriage of girls as young as 14; provisions establishing 12 years as the minimum age for employment in agriculture and domestic services; and, the insufficiency of measures to protect children against sexual abuse and exploitation.

The Committee also expressed concern over: inadequate measures to ensure an effective coordination between different governmental departments competent in areas covered by the Convention as well as between the central and local authorities; the insufficiency of measures to collect disaggregated statistical data and other information on the situation of children, especially those belonging to the most vulnerable groups; the lack of disaggregated statistical data with respect

to girls, children living and/or working in the streets, disabled children, children living in rural areas and indigenous children; the inadequacy of measures to promote widespread awareness of the principles and provisions of the Convention to adults and children alike, particularly among those belonging to indigenous populations; and, the lack of adequate and systematic training provided to professional groups working for and with children, including judges, lawyers, law enforcement personnel, health professionals, teachers, social workers, personnel working in child care institutions for children, police officers and officials of the central and local administrations.

Concern was also expressed over: the insufficient budget allocation at all levels, for social expenditures in particular in favour of children belonging to the most disadvantaged groups of the population; the trend toward the perpetuation of poverty among marginalized groups of children in Panama; the fact that 25 per cent of families live in poverty and 20 per cent live in extreme poverty; the fact that despite the efforts made by the government in the health and housing sectors, the situation remains precarious; the insufficiency of measures taken to ensure the effective implementation of the general principles of non-discrimination, the best interest of the child, the right to life and freedom of expression of the Convention in practice, especially with regard to girls, children belonging to indigenous groups and to poor families; the high incidence of abandoned children and the fact that approximately 20 per cent of the children born each year have adolescent mothers; the persistence of violence against children within the family, including the use of corporal punishment; the need for further measures to protect children from media information and material injurious to their well-being; the insufficiency of measures, including legislative ones, taken to regulate adequately adoption and to prevent and combat abuses such as the trafficking of children; the persisting disparities in relation to the low access to education of children living in rural areas, indigenous children and refugee children who do not enjoy a system of education adequate to their cultural values and identity; the low rates of retention, the high rates of repetition and school drop-outs, especially at the end of the primary education level, and the persistent problem of illiteracy amongst these groups; the insufficient legal protection and the lack of adequate procedures for refugee children, especially unaccompanied minors; the difficulties encountered by those children in acquiring access to services such as education, health and social services; the continuing problem of child labour and the failure of the government to enforce child labour provisions adequately in the rural areas of the country; the incompatibility between the administration of juvenile justice and articles 37 (conditions of detention), 39 (physical and psychological recovery, social reintegration) and 40 (due process) of the Convention; and, the apparent absence in national legislation of minimum ages below which a child may not be deprived of liberty or be considered criminally responsible.

The Committee recommended that the government:

- ▶ accord a higher priority to children's issues;
- ▶ adopt all the necessary measures to ensure the full compliance of its national legislation with the Convention;

- ▶ continue efforts aimed at the adoption of a Code on Children and that revisions to legislation be undertaken in the light of article 2, (non-discrimination), article 3 (best interests of the child), article 6 (right to life, development and survival) and article 12 (respect of the views of the child);
- ▶ define in its legislation a minimum age below which children may not be deprived of their liberty;
- ▶ review legislation on the age of marriage for girls with a view to raising it;
- ▶ take all appropriate measures to protect children against sexual exploitation;
- ▶ develop a comprehensive national strategy on children on an urgent basis and continue efforts to strengthen the institutional framework designed to promote and protect human rights, in general, and the rights of the child, in particular;
- ▶ develop a permanent and multidisciplinary mechanism for coordination and monitoring of the implementation of the Convention both at national and local levels and in urban and rural areas;
- ▶ consider the establishment of an independent body, such as an ombudsperson;
- ▶ give priority attention to the development of a system of data collection by age, gender, rural/urban and social ethnic origin and to the identification of appropriate disaggregated indicators with a view to addressing all groups of children in society, to evaluate progress achieved and difficulties hampering the realization of children's rights;
- ▶ take measures aimed at developing a culture of human rights and changing attitudes towards children in general, including those belonging to indigenous groups;
- ▶ disseminate information and education about children's rights to children and adults alike and translate this information into the different languages spoken by indigenous people;
- ▶ in response to the high level of illiteracy in the country, encourage the use of the media in a manner adapted to the various levels of audiences in the country;
- ▶ provide training and education on the principles and provisions of the Convention for all professionals working with or for children, including judges, lawyers, law enforcement personnel, health professionals, teachers, social workers, personnel working in child care institutions for children, police officers and officials of the central and local administrations;
- ▶ include children's rights in school curricula as a means of enhancing respect for the indigenous culture, promoting multiculturalism and combatting paternalistic attitudes prevailing in society;
- ▶ in the area of budget provisions, pay particular attention to children belonging to vulnerable and marginalized groups, with a view to providing adequate services for children, including in the areas of education and health, and overcoming persisting disparities;

- ▶ ensure the active participation of children and their involvement in all decisions affecting them in the family, at school and in social life;
- ▶ develop effective public awareness campaigns and adopt measures to provide appropriate assistance to the family in the performance of its child-rearing responsibilities, including parental guidance and counselling, with a view, *inter alia*, to preventing domestic violence, prohibiting the use of corporal punishment, and preventing early pregnancies;
- ▶ reinforce existing measures to protect children from harmful information;
- ▶ take all necessary measures to regulate and monitor national and international adoptions and consider becoming a party to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (1993);
- ▶ focus greater efforts on eradicating illiteracy and on increasing access to school education of indigenous children and children living in rural areas;
- ▶ take all necessary measures to fight school drop-outs and ensure retention;
- ▶ develop effective public campaigns for the prevention and the elimination of child labour, especially in rural areas, while systematically and forcefully encouraging the enrolment, retention in and return of children to school;
- ▶ consider becoming a party to ILO Convention No. 138 concerning the minimum age for admission to employment and review all relevant standards, clarify and enforce regulations to prevent child labour, investigate complaints and impose severe penalties for violations;
- ▶ ensure adequate protection of refugee children, including in the field of education, and develop procedures, in cooperation with UNHCR, to facilitate family reunification as well as to appoint legal representatives for unaccompanied children and to apply, when relevant, child friendly interview techniques;
- ▶ take all appropriate measures to prevent and combat sexual abuse and sexual exploitation of children and ensure their physical and psychological recovery and social reintegration; and,
- ▶ revise the juvenile justice system to ensure its compatibility with the principles and provisions of the Convention.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Sale of children, child prostitution, child pornography, Special Rapporteur on the: (E/CN.4/1997/95, para. 20)

The report refers to the adoption of Act No. 15 of 1990 which categorized certain activities involving minors (rape, sexual molestation and prostitution) as aggravated offences. The government indicated to the Special Rapporteur that the law has not succeeded in preventing such practices, partly because of the sophisticated communications technology currently used by organized crime.

Violence against women, Special Rapporteur on: (E/CN.4/1997/47, Section IV)

In the section dealing with trafficking in women and forced prostitution, the report notes that in Colombia there are trafficking networks for prostitution that send women to several countries in the region, including Panama.

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PARAGUAY

Date of admission to UN: 24 October 1945.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Paraguay has submitted a core document (HRI/CORE/Add.24) for use by the treaty bodies. The report prepared by the government contains demographic and statistical data as well as information on the general political structure, the separation of powers, and the general legal framework for the protection of human rights.

The Constitution sets out all basic human rights and provides for a number of mechanisms to protect and safeguard them. Remedies for violations include habeas corpus, actions under the law on criminal procedure, actions under the Code for Juveniles, and systems of compensation. The office of the Defensoria del Pueblo (Ombudsman) has been established and functions as a parliamentary commissioner to defend human rights, channel claims by citizens and protect community interests. The Ombudsman may publicly censure acts or conduct contrary to human rights and must report annually to the two chambers of Congress. The Constitution is the supreme law with international treaties ratified by Paraguay directly following it in rank; treaties are defined as a part of domestic positive law which may be invoked before the courts. The Directorate-General for Human Rights was established in 1990 with a broad mandate encompassing the promotion, dissemination and protection of human rights.

Economic, Social and Cultural Rights

Acceded: 10 June 1992.

Paraguay's second periodic report is due 30 June 1999.

Civil and Political Rights

Acceded: 10 June 1992.

Paraguay's second periodic report is due 9 September 1998.

Optional Protocol: Acceded: 10 January 1995.

Discrimination against Women

Acceded: 6 April 1987.

Paraguay's third periodic report was due 6 May 1996.

Torture

Signed: 23 October 1989; ratified: 12 March 1990.

Paraguay's third periodic report is due 10 April 1999.

Paraguay's second periodic report (CAT/C/29/Add.1) was considered by the Committee at its April/May 1997 session. The report prepared by the government addresses new measures and developments related to implementation of articles 2 through 15 of the Convention. Among the points made are: the new draft Penal Code establishes penalties for the offence of torture and specifies that acts of torture committed by public officials or with their consent will not go

unpunished; two Supreme Court judgements upheld the decisions of lower courts declaring the offence of torture to be imprescriptible; measures related to states of emergency; details of provisions in the draft Penal Code related to the question of torture; the creation of the Judiciary Documentation Centre for the Protection of Human Rights; the establishment of a Committee on Justice and Truth related to conditions and events in Paraguay prior to 1989; human rights education initiatives; and, the development and implementation of the National Plan for the Promotion and Protection of Human Rights.

The Committee's concluding observations and comments (A/52/44, paras.189-213) welcomed: the fact that Paraguay has not adopted any "clean slate" or amnesty act; that article 5 of the Constitution gives constitutional rank to the prohibition of torture and ill-treatment and stipulates that there is no statutory limitation on judicial proceedings intended to punish those offences; that under article 137 of the Constitution, international treaties, conventions and agreements, including the Convention against Torture and the Inter-American Convention to Prevent and Punish Torture, once approved and ratified, form part of domestic law and rank higher than the laws and immediately below the Constitution; the guarantees applicable to arrest and detention which provide a legal framework that can and should help to prevent torture; and constitutional provisions governing states of emergency which are consistent with the non-derogability provision of the Convention.

Among the factors and difficulties hindering implementation of the Convention, the Committee noted that there has been no implementation of the decision to establish an ombudsman and there has been insufficient activity on the part of the Public Prosecutor's Department with regard to the initiating of criminal proceedings in respect of physical ill-treatment by public officials.

The subjects of concern identified by the Committee were, *inter alia*: the lack of a definition of torture in existing legislation and the fact that the definition contained in the original form of the draft Penal Code was inadequate and the revised one even more so; the fact that while torture and ill-treatment are no longer official state policy, they are still practised by public officials, particularly in police stations and primary detention centres, in order to obtain confessions or information which are accepted by judges as grounds for instituting proceedings against the victims; the frequent physical ill-treatment of soldiers during their compulsory military service; that paramilitary groups in the service of major landholders have been evicting people from land they have occupied for many years and that this activity appears to be tolerated by the state; that many arrests are made without a previously issued warrant from the competent authority which facilitates torture and ill-treatment; lack of information on any programmes for the compensation and physical and mental rehabilitation of victims, thus suggesting that there are no such programmes; the fact that the state has only subsidiary responsibility for the actions of its officials, as stated in article 106 of the Constitution, which makes victims responsible for laying claim to the assets of their torturers in order to exercise the right to compensation; that domestic law includes insufficient provisions prohibiting the expulsion, refoulement

or extradition of persons to other states where there are substantial grounds for believing that they would be in danger of being subjected to torture; and, that domestic law contains no provisions on the universal prosecution of torture or on judicial cooperation for that purpose.

The Committee recommended that the government:

- ▶ separate the provisions on torture from the new Penal Code and include all matters related to torture and ill-treatment in a special act containing the provisions necessary to give effect to the provisions of the Convention, in particular related to: (a) the definition of torture; (b) making the practice of torture punishable by law, independently of any effects on or consequences for the victim and without prejudice to any increase in penalties; and, (c) inclusion of provisions to facilitate the prosecution of the use of torture at the international level;
- ▶ implement promptly the provisions establishing the post of ombudsman and promulgate relevant constitutional provisions;
- ▶ improve the physical conditions in prisons and ensure that the conditions of prisoners in detention are compatible with human dignity;
- ▶ develop and include in the training of civil and military law enforcement personnel, medical personnel and public officials involved in such areas as detention and interrogation systematic programmes of education and information regarding the prohibition of torture; and,
- ▶ provide to the Committee official information on the enforcement of penalties against public officials who have engaged in the practice of torture and ill-treatment.

Rights of the Child

Signed: 4 April 1990; ratified: 25 September 1990.

Paraguay's second periodic report was due 24 October 1997.

Paraguay's initial report (CRC/C/15/Add.75) was considered by the Committee at its May/June 1997 session. The report prepared by the government includes information on, *inter alia*: general implementation measures; the National Centre for the Protection of the Rights of the Child; training for professionals working with and for children; the Juvenile Code; the situation of children speaking Guarani; civil and political freedoms; measures to ensure implementation of economic, social and cultural rights for children; agencies responsible for the protection of children; maternal and child health policy; forced enlistment of children into the armed forces; the system of juvenile justice; the exploitation of children; and, the situation of indigenous children.

The Committee's concluding observations and comments (CRC/C/15/Add.75) welcomed: the fact that the 1992 Constitution stipulates that not less than 20 per cent of the national budget must be devoted to education; an ambitious school-building programme and efforts to improve the quality of education; efforts by the government to reduce the very high drop-out rate by grade six as an important component of a strategy to limit phenomena such as child labour and children working and/or living on the street; the provision in the 1992 Constitution that in the early years of schooling teaching shall be in the student's native language, the provision of instruction in both Spanish and Guarani, and the measures that have

been adopted under the Strategic Educational Reform Plan (Paraguay 2020) to address the problems faced by Guaraní-speaking children in basic education. The Committee also welcomed: the priority being given to health, in particular health care for children, including efforts to reduce child mortality, facilitate breastfeeding, support nutrition programmes and increase access to clean drinking water as well as the steps that have been taken to reinforce the independence of the judiciary and the judicial apparatus which is concerned with legal issues related to children and juveniles.

Among the factors hindering implementation of the Convention, the Committee noted: Paraguay is still going through a period of transition to democracy; the legacy of certain authoritarian attitudes which hampers the effective implementation of the rights of the child; the fact that government inherited a public infrastructure which did not give priority to education, health or social welfare institutions; and, the existing inadequacies of the public service and the high rate of population growth.

The principal subjects of concern identified by the Committee were: the fact that, despite efforts since 1991, a new Juvenile Code has not been adopted; failure to devote sufficient attention to the development of a coordinating mechanism to monitor the implementation of the rights of the child and the extent to which the bodies established to consider the situation of children are provided with the support and resources they will need to fulfil their designated functions; the need to strengthen the government's limited capacity to collect and process data, as well as to monitor specific indicators to evaluate progress achieved and to assess the impact of existing policies on children, in particular the most vulnerable children; the fact that present approaches to the implementation of the rights of the child do not sufficiently encourage and strengthen popular participation and public scrutiny of government policies; the lack of sufficient knowledge about the Convention and other relevant international instruments among professionals working with and for children; the fact that national and local-level budgets have allocated insufficient funds to the social sector, especially with regard to the ability to respond effectively to the situation of the most vulnerable children; the lack of sufficient sensitivity in some sectors of society with regard to the needs and situation of girls; the persistence of discrimination against minority and indigenous children; that fact that there are still under-age juveniles coerced or pressured into military service; the inadequate measures to ensure registration of births, especially among the indigenous population; the fact that children are not systematically provided with the necessary birth certificates and other documents to protect and preserve their identity; the large number of children who are not acknowledged by their fathers and the inadequate measures taken to force fathers to be responsible for the welfare of their children; the failure to pass a law on intercountry adoptions; the fact that the social and economic disadvantages faced by children, in particular those living in rural and certain urban areas, have led to various forms of exploitation of those children, including their placement as domestic servants in wealthier families, thereby exposing them to ill-treatment and abuse, including sexual abuse in some cases; the high rates of infant and child mortality, malnutrition and infectious diseases, as well as the unresolved difficulties in providing

country-wide maternal and child health services; the absence of large-scale public campaigns for the prevention of unwanted pregnancies, STDs and HIV/AIDS, especially for children and adolescents; the lack of sufficient reproductive health information and services for adolescents; the failure to take adequate measures to guarantee fully in practice the right of indigenous students to education in their native language, Guaraní; the phenomenon of children working and/or living on the street, and at the inadequate measures to tackle this issue; the prevalence of prostitution among children and adolescents; the absence of a clear strategy to combat the abuse and sexual exploitation of children; and, the administration of juvenile justice, including alleged ill-treatment of children in detention centres, the fact that a significant percentage of juveniles are deprived of their liberty for extended periods without being charged or brought to trial and that in at least one major detention centre, persons who have been convicted and those awaiting trial are not housed separately.

The Committee recommended that the government:

- ▶ finalize and adopt the new Juvenile Code in the near future;
- ▶ strengthen coordination between the various governmental bodies and mechanisms involved in children's rights at both the national and local levels with a view to developing a comprehensive policy on children and ensuring effective evaluation of implementation of the Convention;
- ▶ strengthen the institutional framework designed to promote and protect human rights in general and the rights of the child in particular;
- ▶ give priority attention to the development of a system of data collection and to the identification of appropriate disaggregated indicators with a view to addressing all areas of the Convention and all groups of children in society;
- ▶ launch a systematic information campaign, for both children and adults, on the Convention; consider incorporating the Convention in the curricula of all educational institutions; and take appropriate measures to facilitate access by children to information on their rights;
- ▶ direct further efforts towards providing comprehensive training programmes for professional groups working with and for children;
- ▶ give priority in budget allocations to the realization of the economic, social and cultural rights of children, with particular emphasis on health and education, and on the enjoyment of these rights by all children including the most disadvantaged;
- ▶ enforce rigorously legislation on the minimum age for recruitment into the military;
- ▶ undertake all appropriate measures, including information campaigns, to prevent and combat all prevailing forms of discrimination against girls and minority or indigenous children, especially those living in rural areas, with a view, *inter alia*, to promoting their access to basic services;
- ▶ take all appropriate measures to ensure registration of birth, especially in minority and indigenous communities,

and communities in remote areas, and institute awareness-raising campaigns among the public, as well as among civil servants;

- ▶ promote parent education and family counselling and take measures to ensure adherence to the principle that both parents have common responsibilities for the upbringing of children;
- ▶ following the national campaign to prevent abuse and ill-treatment of children, continue to raise awareness about this issue and systematically monitor all types of child abuse, including in institutions;
- ▶ enact legislation on adoption that is in conformity with the principles and provisions of the Convention;
- ▶ take adequate measures, including through awareness-raising campaigns, to prevent the abandonment of children and to protect poor single mothers from illegal networks of child traffickers;
- ▶ take all appropriate measures to combat the phenomenon of children working and/or living on the street, encourage pupil retention programmes and vocational training for drop-outs, and provide special training to law enforcement personnel to prevent the stigmatization, abuse and ill-treatment of these children;
- ▶ consider ratification of ILO Convention No. 138 concerning the minimum age for employment;
- ▶ consider seeking technical assistance to continue to improve efforts to make primary health care accessible to all children and develop a comprehensive strategy and programmes for mother and child health care;
- ▶ promote adolescent health by strengthening reproductive health and family planning services to prevent and combat HIV/AIDS, other STDs and teenage pregnancy;
- ▶ guarantee the full implementation of the right of children to be educated in their own language;
- ▶ with a view to preventing and combatting sexual abuse and exploitation of children, in particular prostitution, take all appropriate measures, including the adoption of relevant legislation and the formulation of a national policy, seek international assistance in this regard, and strengthen the capacity of existing rehabilitation centres;
- ▶ undertake a comprehensive reform of the juvenile justice system, paying particular attention to protecting the rights of children deprived of their liberty, improving alternative measures to imprisonment and guaranteeing due process of law; and,
- ▶ provide training on the relevant international standards for all professionals involved with the juvenile justice system.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Disappearances, Working Group for enforced or involuntary: (E/CN.4/1997/34, paras. 268–271)

No new cases of disappearance were transmitted by the Working Group (WG) to the government. Over the years, the WG has handled 23 cases, all of which occurred between

1975 and 1977 under the military government. The Group has received no reports of disappearances occurring in Paraguay since 1977. Several of the persons concerned were members of the Communist party, including one who was secretary-general of the party. Although disappearances took place in the capital, Asuncion, the majority of the cases affected the rural population and were carried out in the districts of San Jose, Santa Helena, Piribebuy, Santa Elena and Santa Rosa. Three cases remain to be clarified and the government is continuing its efforts to investigate them. The government informed the WG that the political will exists to make sure that crimes such as disappearance, murder and torture do not go unpunished and referred to the establishment of the Office of Ombudsman as well as Act No. 838 regarding compensation for victims of human rights violations during the period from 1954 to 1989. The government also noted that Act No. 933, dated 13 August 1996, approved the Inter-American Convention on Forced Disappearance of Persons, and Act No. 913 authorized the Executive to declare that it recognizes the compulsory jurisdiction of the International Court of Justice.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60/Add.1, para. 381)

The report notes that one case was transmitted to the government. The information received indicated that the man, 84 years old, was shot dead by unidentified men in November 1995 at his home. The information also stated that the victim was the father of two well-known journalists who were investigating drug trafficking and corruption in Paraguay; his death might have been related to the work of his sons and the killers directly affected by the corruption charges the journalists had made.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, para. 374)

Four cases were transmitted to the government related to the arrest, in November 1995, of a member of the Conscientious Objection Movement. The information received indicated that the soldiers who made the arrest used formalin to put the man partially to sleep and, after he fell to the ground, kicked and threatened to rape him. The information also stated that they tied him to a chair and threatened him with a knife to make him give information on the conscientious objection movement in the country. The report notes that, during 1995, three other conscientious objectors were allegedly arrested, beaten and subjected to harassment for four days.

Mechanisms and Reports of the Sub-Commission

Contemporary forms of slavery, Working Group on: (E/CN.4/Sub.2/1997/13, para. 49)

In the section on bonded labour and child labour, the report refers to a study indicating that the indigenous peoples in Paraguay are the victims of slavery-like practices, ranging from the sexual exploitation of women and children to bonded labour and bondage.

States of emergency, Special Rapporteur on: (E/CN.4/Sub.2/1997/19, paras. 14, 24)

The report notes that the Special Rapporteur of the Sub-Commission provided technical assistance to Paraguay as part of the technical assistance services of the Office of the

High Commissioner for Human Rights and other institutions, related to international rules and principles applicable to states of emergency.

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PERU

Date of admission to UN: 31 October 1945.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Peru has submitted a core document (HRI/CORE/1/Add.43/Rev.1) for use by the treaty bodies. The report prepared by the government includes demographic and statistical data as well as information on the general political structure and the framework for the protection of human rights.

Under the 1993 Constitution, international treaties are part of national law and the Constitution stipulates that the rights and freedoms set out in it must be interpreted in conformity with the Universal Declaration of Human Rights and any international treaties and agreements related to human rights that Peru has ratified. In addition to the Public Prosecutor's Department and the office of the Ombudsman, other institutions and arrangements exist for the protection of human rights. These include the Special Procurator for Human Rights for the Whole Nation (jurisdiction and investigation of complaints of human rights violations), the Peace Council (to implement the National Pacification Plan), the National Council for Human Rights (the primary agency responsible for promoting, coordinating and advising on the protection and observance of fundamental individual rights), the National Human Rights Committee (a coordinating and monitoring body within the Ministry of the Interior), the Register of Complaints related to Disappeared Persons (under the responsibility of the Special Procurator for Human Rights and the Ombudsman), the National Register of Detainees and Persons Sentences to Custodial Sentences, the Technical Commission for Displaced People (to deal with families displaced by terrorist violence), the Programme of Support for the Population (to assist displaced persons to return to places of origin) and the Pacification and Human Rights Commission (with the role of securing the fundamental and constitutional rights of individuals).

Economic, Social and Cultural Rights

Signed: 11 August 1977; ratified: 28 April 1978.
Peru's second periodic report was due 30 June 1995.

Peru's initial report (E/1990/5/Add.29) was considered at the Committee's April/May 1997 session. The report prepared by the government provides extensive information on the constitutional and legal provisions related to the rights set out in articles 1 through 15 of the Covenant. Information is also included on: bilateral agreements related to economic cooperation; non-discrimination against women; the structure of government and the separation of powers; administrative and others measures related to human rights protection; states of emergency and protection of rights during states of exception; and, statistical data on education and health.

The Committee's concluding observations (E/C.12/1/Add.14) welcomed: elimination of a number of

discriminatory legal provisions, particularly relating to women; establishment of the Ministry for the Promotion of Women and Human Development and the National Social Compensation and Development Fund; reforms in the education system leading to greater access for all sectors of society, introduction of literacy and school-building programmes to foster the education of children and adults in rural areas and a comprehensive assistance programme for children; and, development of programmes aimed at indigenous-language literacy and education.

Among the factors and difficulties impeding implementation of the Covenant the Committee noted that: Peru is made up of three distinct societies divided along ethnic, economic, social, cultural and linguistic lines which live almost independently of each other; the majority of the population lives at the bottom of this societal pyramid, namely the indigenous Indians of the Alto Plano or the mountains and the Amazonian jungle who are extremely isolated and marginalized and are not in a position to exercise effectively their economic, social and cultural rights; and the high cost of rebuilding the infrastructure that was destroyed during the prolonged period of internal violence.

The principal subjects of concern identified by the Committee were: failure to address the persistent and serious problems of poverty; a gross inequality in the distribution of wealth among the population; the failure to implement agrarian reforms; the lack of proper health services and the drastic reduction of public expenditures in the field of health; the impoverishment of state schools over the past decade, coupled with a decline in teachers' salaries; a deterioration in educational standards that is accompanied by the increasing poverty of families; acute forms of discrimination that, despite reforms, particularly afflict women, indigenous people and other minority groups; the failure of the government to incorporate the provisions of the Covenant into the 1993 Constitution, noting that this gap in constitutional protections contradicts the information provided in the government's core document (as above); and, a decision of the Supreme Court which stated that the provisions of international instruments do not have constitutional status.

The Committee also expressed concern over: the insufficiency of the fulfilment of the rights of indigenous and black populations; the fact that approximately 22 per cent of Quechua-speaking inhabitants receive no schooling at any level; the relationship between a lack of education for poor women and a maternal mortality rate that is ten times higher than that of educated women; the various forms of discrimination against women, particularly in the area of employment; the fact that many workers do not earn the minimum wage fixed by law and that the minimum wage is lower than the cost of the basic shopping basket; the fact that young people aged 16 to 25 are characterized as "apprentices" and therefore excluded from coverage by the relevant labour legislation; the ineffectiveness of labour legislation to protect trade union rights, including the right to strike; exclusion of the majority of the population from social security because of the existence of a sizeable informal sector in the economy; the high mortality rate among children and women due to the lack or inadequacy of proper health services; the large number of child workers and street children and the inadequacy of the

measures taken to combat these phenomena; the high levels of illiteracy, truancy and school drop-outs; and, the great number of forced evictions of people in the Amazon basin, resulting in the destruction of their habitat and way of life.

The Committee recommended that the government:

- ▶ make a greater effort to translate the Covenant into appropriate indigenous languages and to give more publicity to its provisions;
- ▶ include in the next periodic report specific information on the activities of the Defender of the People and those of the Court of Constitutional Guarantees in the field of human rights, especially with regard to the protection of economic, social and cultural rights;
- ▶ take effective action to eliminate all forms of discrimination and marginalization that afflict indigenous populations in the enjoyment of their economic, social and cultural rights;
- ▶ take steps to guarantee equality between women and men in all fields;
- ▶ make the necessary efforts to ensure compliance with the legislation on minimum wages, safety and health in the workplace, equal pay for equal work for women and men, and the legal recognition of young people from 16 to 25 years of age as workers;
- ▶ commit sufficient resources to the labour inspection services to enable them to perform their task properly;
- ▶ ensure that the private pension system is not promoted to the detriment of the government's obligations towards the public pension system, in terms of safeguarding pensioners' acquired rights;
- ▶ take urgent steps, in particular by raising the awareness of employers and state agents, with a view to guarantee fully the right to engage in trade-union activities and the right to strike;
- ▶ launch a programme to combat the exploitation of child labour and the abandonment and exploitation of street children;
- ▶ ratify ILO Convention No. 138 related to the minimum age of employment for children;
- ▶ take additional steps to prevent and combat the use of child labour, based on the full observance of international standards related to the minimum age for the employment of children, including ILO Convention No. 138;
- ▶ take steps to improve the working conditions of domestic employees and make them consistent with the obligations under the Covenant;
- ▶ take steps to improve the health care system and extend it to all sections of the population;
- ▶ increase its investments in education-bearing in mind Peru's obligation under the Covenant to ensure compulsory and free primary education to all children in Peru-with a view to reducing the illiteracy rate;
- ▶ consider ratifying the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights; and,

- ▶ take immediate measures to put a stop to the forced evictions of people, especially in the Amazonian basin.

Civil and Political Rights

Signed: 11 August 1977; ratified: 28 April 1978.

Peru's fourth periodic report was due 9 April 1998.

Reservations and Declarations: Declaration under article 41.

Optional Protocol: Signed: 11 August 1977; ratified: 3 October 1980.

Racial Discrimination

Signed: 22 July 1966; ratified: 29 September 1971.

Peru's 12th and 13th periodic reports were due 29 October 1994 and 1996 respectively.

Reservations and Declarations: Declaration under article 14.

Discrimination against Women

Signed: 23 July 1981; ratified: 13 September 1982.

Peru's third and fourth periodic reports were submitted as one document (CEDAW/C/PER/3-4) which is pending for consideration at the Committee's July 1998 session; the fifth periodic report is due 13 October 1999.

Torture

Signed: 29 May 1985; ratified: 7 July 1988.

Peru's second periodic report (CAT/C/20/Add.6) has been submitted and is pending consideration at the Committee's May 1998 session; the third periodic report was due 5 August 1997.

Rights of the Child

Signed: 26 January 1990; ratified: 4 September 1990.

Peru's second periodic report was due 3 October 1997.

COMMISSION ON HUMAN RIGHTS

At its 1997 session the Commission on Human Rights there was a Chairman's statement addressing the hostage-taking in the residence of Japan's Ambassador in Lima, Peru. The text of the statement: condemned the occupation of the residence and the hostage-taking by the terrorists as well as hostage-taking all over the world; expressed solidarity with the governments of Peru and Japan as well as with the hostages and their families; expressed strong support for the efforts of both governments to resolve the situation peacefully; and, demanded that the hostages being held in Lima as well as those held in any other country be released immediately.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Arbitrary detention, Working Group on: (E/CN.4/1997/4, paras. 4, 5, 6, 14, 15, 21, 43; E/CN.4/1997/4/Add.1, Decisions 15, 33, 34, 35, 42, 44)

The report notes that five new cases and one urgent appeal were transmitted to the government but does not provide details of the cases. The government responded to the urgent appeal, informing the Working Group that the person concerned had been released. The government also that six persons named in cases on which the WG had previously taken decisions had been released.

The report notes that the government had extended an invitation for the Working Group (WG) to visit. The

addendum to the main report deals with seven decisions involving 17 individuals.

In those cases where proceedings were initiated, the defendants were accused of terrorist offences, having links to the Sendero Luminoso (Shining Path) or the offence of high treason. The decisions reflect the WG's concern over a number of practices and irregularities in the system of justice in Peru, including: provisions under emergency legislation that deny release on bail in all cases, including those in which an acquittal is pending approval; stipulation under law 26,248 of 24 November 1993, that decisions to grant unconditional release-where non-culpability is fully demonstrated- must be sent for review to the higher court and release from custody cannot occur until the review has been completed; continued detention of persons in custody for more than two years after deprivation of liberty, and for more than eight months after a decision in first instance calling for their unconditional release following establishment of non-culpability; use of preventive detention as a general rule rather than solely as a means of guaranteeing an accused's appearance for trial; and procedural irregularities affecting the independence of judges and lawyers and the conduct of trials.

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 272-281, 392, 393)

The report of the Working Group (WG) notes that 122 newly reported cases of disappearance were transmitted to the government, all but one of which allegedly took place between 1989 and 1995, mostly in Ucayali, and were imputed to members of the navy or the army. The report also notes that four cases previously considered had been clarified on the basis of information provided by the government and 13 cases were re-transmitted on the basis of new information received from the source. In terms of human rights abuses committed by non-state actors, the report observes that allegations of disappearances imputed to such groups were received but that the WG does not consider cases of abductions which are not directly or indirectly attributable to the state.

A review of disappearances in Peru notes that the vast majority of the 3,001 reported cases occurred between 1983 and 1992 in the context of the government's fight against terrorism, and especially Sendero Luminoso, partly as a result of the generous latitude given to the armed forces counter-insurgency campaign and efforts to restore public order. The majority of reported disappearances took place in areas of the country in which a state of emergency was in force and which were under military control, but some incidents also took place in other parts of the country. Some 20 other cases reportedly occurred in 1993 in the department of Ucayali and largely concerned the disappearance of peasants.

The report addresses concerns that were expressed over the adoption of an amnesty law in Peru, which granted a general amnesty to all those members of the security forces and civilians who were the subject of a complaint, investigation, indictment, trial or conviction, or who were serving prison sentences, for human rights violations committed between May 1980 and 15 June 1995. This law resulted in total impunity for the perpetrators of disappearance and other human rights violations and contravenes articles in the Declaration on the Protection of All Persons from Enforced Disappearance. The report notes that efforts by human rights

organizations to seek a repeal of the articles of the amnesty law granting a pardon to human rights violators and the law prohibiting judges from deciding on the legality or applicability of the amnesty law have resulted in death threats against some members of these organizations.

It is acknowledged in the report that the number of disappearances in Peru has decreased but that cases reportedly still occur; the National Registry of Detainees is said to be ineffective in preventing such disappearances. There is a total of 2,371 cases of disappearance in Peru that are outstanding and remain to be clarified.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 16, 18, 19, 32, 35, 51, 52, 57, 58, 66, 95; E/CN.4/1997/60/Add.1, paras. 382-392)

The report outlines cases of death threats in Peru that were transmitted to the government and involved human rights activists, trade unionists, community workers, religious activists, writers and journalists. Cases related to deaths in custody and life-threatening conditions of detention were also transmitted as were allegations of violations of the right to life as a consequence of excessive use of force by police and security officers in various circumstances. Others related to death threats and harassment against women and, in this regard, the report notes that the under-representation of women in the political and economic life of many countries implies that they are less perceived as a threat and therefore less exposed to acts of violence by governments. The report states further, however, that in areas where women participate actively in public life, they appear to be in a similar position as their male counterparts. Still other cases involved violations of the right to life of children, including death threats and harassment, because of their link to an adult, for example, in cases in which threats directed against human rights activists, lawyers or trade unionists also included their children.

The report also refers to the concern of organizations and institutions in Peru over the possible consequences of the application of the amnesty law, and the impunity it entails and cites the importance placed on the need to shed light on the human rights violations in Peru and provide justice for the families of victims of actions by the security forces, and by Shining Path and other armed groups. Details of individual cases include references to deaths in custody, death from gunshot wounds sustained as a result of police actions during civil disturbances and random acts of violence by the armed forces.

In response to some of the cases transmitted to it, the government offered assurances that incidents involving excessive use of force by police were being investigated and that those responsible were being charged; the government also stated that investigations had been carried out in reported cases of death threats but that proceedings against some members of the military had been dropped following annulment of criminal action under the amnesty law.

The Special Rapporteur expressed continuing concern about the death threats against lawyers who represent victims of violations of the right to life and urged the authorities to take all necessary measures to ensure that all those directly involved in legal proceedings are able to perform their duties freely and, if necessary, be given state protection. In response

to the government's admission that some cases have been dropped under the provisions of the amnesty law, the report recalls to the government its obligation to investigate alleged violations of the right to life thoroughly and impartially, to identify those responsible and bring them to justice, and to provide appropriate compensation to the victims or their families.

Freedom of opinion and expression, Special Rapporteur on: (E/CN.4/1997/31, Section II)

The report on freedom of opinion and expression notes that the Special Rapporteur has requested an invitation to visit Peru and that, to date, no positive response has been received from the government.

Independence of judges and lawyers, Special Rapporteur on: (E/CN.4/1997/32, paras. 10, 12, 17, 18, 21, 25, 35-40, 148-155)

The report on the independence of judges and lawyers notes that the Special Rapporteur (SR) undertook a mission to Peru from 9 to 15 September 1996. A report of that visit will be prepared for the 1998 session of the Commission.

During 1996 the SR transmitted to the government several cases. Among them was the November 1996 attempt against the life of the President of the Constitutional Tribunal and information related to disciplinary measures taken by the Supreme Council of Military Justice against a lawyer who had made public statements concerning the composition of the Supreme Council and, in particular, the fact that some members of the Council were not lawyers and therefore not familiar with the content of the law. In response to these two communications, the government informed the SR that protection measures had been taken to ensure the safety of the President of the Constitutional Tribunal and that the lawyer against whom disciplinary actions had been taken had subsequently been appointed as a judge of the High Court of the judicial district of Puno by a resolution of the National Council of the Judiciary.

Considerable attention is given in the report to the use of "faceless" judges and secret witnesses in court proceedings in Peru. The SR acknowledged that the use of "faceless" tribunals was intended to protect the judiciary from acts of terrorism but maintained the view that these procedures violate the independence and impartiality of the justice system. The report further notes that the practice had led to trials that were conducted with disregard to the rules of due process and, in several cases, the wrongful conviction and sentencing of innocent people. The report notes that these wrongful convictions had prompted the government to set up the Ad Hoc Commission on Pardons to evaluate those cases of miscarriage of justice and to advise the President to pardon those wrongly convicted and sentenced. The SR called for the immediate abolition of the "faceless" tribunals and the transfer of all cases pending before them to the ordinary courts. In recommending abolition, the report notes that the security situation in Peru which gave rise to the creation of these courts had improved and that continuation of such tribunals made a mockery of the reforms undertaken by the government to enhance respect for human rights.

[In late September 1997 Peru's Justice Minister, Alfredo Quispe, announced that the use of "faceless tribunals" would

be discontinued as of 15 October 1997. In making the announcement Quispe stated that the system had been useful at one time but no longer made sense in light of the reduced rebel threat and, further, that "The faceless tribunals have been subject to permanent criticism. They have been accused of having committed errors and exaggerations and not fulfilling the process established in the constitution." Associated Press wire story, 30 September 1997.]

Sale of children, child prostitution, child pornography, Special Rapporteur on: (E/CN.4/1997/95, para. 65)

The report notes that in Peru boys 8 to 20 years old, known as "fleeteo", live at home but work as prostitutes to supplement the family income or buy drugs or new clothes. The report notes that some of these boys sell themselves only to men while others offer themselves as clients to either men or women.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, paras. 375-387)

The report indicates that nine new cases alleging torture were transmitted to the government as well as one case that had been updated on the basis of new information provided by the sources. In addition, urgent appeals were sent on behalf of two individuals, with one of those appeals sent in conjunction with the Special Rapporteur (SR) on the independence of judges and lawyers. The report notes that the government provided a reply to information on one case that had been transmitted to it in 1995.

The incidence of allegations of torture in Peru remain a concern for the SR. With regard to abuses perpetrated against detainees, the report welcomes steps taken by the government which suggest that police officials may not enjoy impunity from criminal or disciplinary action. The report requests information from the government indicating that members of the armed forces involved in similar activities do not enjoy such impunity. On this latter point, the report notes the comment of the Human Rights Committee, following consideration of Peru's third periodic report. The Committee expressed its concern over cases of torture, ill-treatment and arbitrary arrest and detention by members of the army and security forces, and the government's failure to investigate fully these cases, to prosecute alleged offences, to punish those found guilty and provide compensation to the victims and their families (A/51/40, para. 354).

Toxic wastes and products, Special Rapporteur on: (E/CN.4/1997/19, para. 72)

The report includes information on practices by the oil industry in Ecuador that have led to the destruction of some 1 million hectares of the country's forest and affected the health of the people living in the areas of operation. The report notes that some 30,000 Ecuadorian victims sued Texaco in its home State of New York, asking it to stop dumping waste and to invest in new technology. In 1994, Texaco reached an agreement with the government of Ecuador for the company to remedy any damage caused by its drilling operations. Following this agreement, the plaintiffs' litigation team filed a complaint on behalf of approximately 25,000 Peruvians living along the Napo River. In 1995, the judge ordered consolidation of the two suits. The report does not include information on the current state of the law suit in terms of

whether it is continuing, a decision was rendered or an out-of-court settlement reached.

Violence against women, Special Rapporteur on:
(E/CN.4/1997/47, Section V)

The section of the report on violence against women migrant workers, provides brief commentary related to the fact that live-in domestic work in countries of the European Union, involving in some cases Peruvian women, is a rapidly growing area of employment that is currently developing outside of labour regulatory schemes. Note is also made of the fact that women in Peru are vulnerable to coercive practices such as the withholding of wages and the report cites a study which showed that 13 per cent of female domestic workers in Cuzco, Peru, receive no salary.

Mechanisms and Reports of the Sub-Commission

Contemporary forms of slavery, Working Group on:
(E/CN.4/Sub.2/1997/13, para. 49)

In the section dealing with bonded labour and child labour the report notes that a study conducted in a number of countries, including Peru, reported that the indigenous populations were the victims of slavery-like practices, ranging from the sexual exploitation of women and children to bonded labour and bondage.

Indigenous and tribal peoples: (E/CN.4/Sub.2/1997/25, para. 25)

A memorandum submitted by the International Labour Office (sic) refers to consultations that were conducted in Peru with a number of indigenous organizations in selected areas of the Amazon region, as well as with the various government agencies operating in the area. The purpose of the consultation was to consider devising measures aimed at mitigating the problems which the indigenous and tribal peoples confront, as a consequence of oil exploration and exploitation, and the displacement to the lowlands of highland indigenous communities because of the war. The memorandum notes that a policy workshop was scheduled to take place in mid-July 1997 to discuss the outcome and recommendations of these consultations.

States of emergency, Special Rapporteur on: (E/CN.4/Sub.2/1997/19/Add.1, Section I)

The report states that a state of emergency originally declared in 1981 remains in force in a considerable part of the territory. It also notes that Peru has periodically reported the extension of states of emergency in certain provinces and departments, and new states of emergency, such as the state of emergency declared in 14 provinces 21 February 1997.

Other Reports

Conscientious objection to military service, Report of the S-G: (E/CN.4/1997/99, paras. 6, 12)

The report of the Secretary-General refers to information provided by the government stating that, under articles 163 and 173 of the Constitution, military service is compulsory. The Compulsory Military Service Act and amendments to it require anyone over the age of 18 years to enroll in the Military Register. Following a medical examination, individuals are classified as "selected", "not selected" or "exempt". People in the "selected" category whose names are drawn by lot may then be asked to remain on call.

Detention of international civil servants, Report of the S-G: (E/CN.4/1997/25, para. 27)

The report of the Secretary-General refers to two UNICEF staff and several members of their families who were detained by police during an anti-terrorist operation.

National institutions, Report of the S-G: (E/CN.4/1997/4, para. 21)

The report of the Secretary-General includes information provided by the government on the Office of the Ombudsman which was established in September 1996. The information notes that the Office is an autonomous constitutional body with legal capacity in public law. The Office is responsible for protecting the constitutional and fundamental rights of individuals and the community and overseeing compliance by public authorities with their duties and the proper provision of public services, and proposing policies for, and implementing activities related to the promotion, dissemination of information and education about human rights. The government further indicated that special programmes and projects carried out by the Office are, among others, focussed on the areas of displaced persons, the rights of women, the rights of children and adolescents, the penal and prison systems, indigenous communities, disabled persons and other sectors in need of special protection.

Terrorism, Report of the S-G: (E/CN.4/1997/39, Section I)

The report of the Secretary-General notes information provided by the government, consisting of the texts of the "Declaration of Lima to prevent, combat and eliminate terrorism (1996)" and the "Plan of action on hemispheric cooperation to prevent, combat and eliminate terrorism (1996)". These texts were adopted at the Inter-American Specialized Conference on Terrorism, held by the Organization of American States in Lima from 26 to 28 April 1996.

Women's human rights: (E/CN.4/1997/131)

In a letter dated 21 March 1997, the Director of the UN Development Fund for Women (UNIFEM) referred to the need to ensure that monitoring of women's economic, social and cultural rights should take into account not only direct measures to respect, protect and fulfill those rights, but also action to create the enabling conditions for their realization. UNIFEM observed that women in Peru speak Spanish less frequently than men, a situation which creates for them disproportionate discrimination in their encounters with authorities or when searching for work, including domestic work and in small trading enterprises.

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SAINT KITTS AND NEVIS

Date of admission to UN: 23 September 1983.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Saint Kitts and Nevis has not submitted a core document for use by the treaty bodies.

Discrimination against Women

Acceded: 25 April 1985.

The initial and second and third periodic reports for Saint Kitts and Nevis were due 25 May 1986, 1990 and 1994 respectively.

Rights of the Child

Signed: 26 January 1990; ratified: 24 July 1990.

The initial report for Saint Kitts and Nevis (CRC/C/3/Add.51) has been submitted and is pending for consideration at the Committee's January 1999 session; the second periodic report was due 1 September 1997.

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SAINT LUCIA

Date of admission to UN: 18 September 1979.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Saint Lucia has not submitted a core document for use by the treaty bodies.

Racial Discrimination

Succeeded: 14 February 1990.

Saint Lucia's initial and second through fourth reports were due 16 March 1991, 1993, 1995 and 1997 respectively.

Discrimination against Women

Acceded: 8 October 1982.

Saint Lucia's initial and second through fourth reports were due 7 November 1983, 1987, 1991 and 1995 respectively.

Rights of the Child

Signed: 30 September 1990; ratified: 16 June 1993.

Saint Lucia's initial report was due 15 July 1995.

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SAINT VINCENT AND THE GRENADINES

Date of admission to UN: 16 September 1980.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: The core document for Saint Vincent and the Grenadines (HRI/CORE/1/Add.36) provides demographic and statistical data as well as a political history and information on the structure of government and the general legal framework for the protection of human rights. Specific areas covered in the report include descriptions of the legislative and executive branches of government, the Magistrate's Court, the Eastern Caribbean Supreme Court and the Court of Appeal.

The commentary on the legal framework for the protection of human rights reviews constitutional provisions related to rights set out in the international human rights instruments and specifically the ICCPR. The report notes that the provisions of the Covenant may not be invoked before or directly enforced by the courts, other tribunals or administrative authorities.

Economic, Social and Cultural Rights

Acceded: 9 November 1981.

The initial and second periodic reports of Saint Vincent and the Grenadines were due 30 June 1990 and 1995 respectively.

At its November/December 1997 session, the Committee reviewed implementation of the Covenant in the absence of a report from the government. The Committee's concluding observations (E/C.12/1/Add.21) recalled that Saint Vincent and the Grenadines has been a party to the ICESCR since 9 November 1981 and has not submitted a single report. The Committee emphasized that the non-performance by Saint Vincent and the Grenadines of its reporting obligations was not only as a violation of the Covenant, but also a grave impediment to the adequate application of the Covenant. Based on information received, the Committee noted among the factors and difficulties impeding implementation of the ICESCR: continuing problems arising from a lack of diversification in the economy and dependency on banana production earnings; a ruling by a Dispute Settlement Body of the World Trade Organization in mid-1997 which ended the preferential banana trade regime between the Windward Islands and the European Union; and, frequent natural disasters, such as volcanic eruptions and hurricanes with significant economic and social costs.

The Committee viewed positively: that fact that, according to the UNDP Human Development Report, Saint Vincent and the Grenadines has achieved satisfactory economic and social indicators; efforts have been made to diversify sources of revenue, e.g. to tourism, light manufacturing, construction, and retail, with a view to reducing its vulnerability to international market fluctuations; numerous initiatives undertaken by the Department of Women's Affairs in the field of educational and other programmes aimed at promoting family life and the respective roles of women and men in society, as well as at addressing the problem of teenage pregnancies; the establishment of a family court under the Domestic Violence Act of 1995 to deal specifically and speedily with cases of domestic violence; adoption of an Equal Pay Act and the setting up of a Land Reform Programme to assist rural women to have access to more land and to broaden their economic base; the increase in expenditures on social security; efforts made to develop the health-care system throughout the country and, in particular, the development of local health systems through the establishment of district health teams and health committees in all geographical areas of the country; developments related to ante-natal and post-natal health care, prevention and information programmes on AIDS, and family planning; and, the fact that immunization coverage is nearly 100 per cent.

The principal subjects of concern identified by the Committee were: the fact that the rights enshrined in international human rights instruments cannot be directly invoked before or interpreted by the courts but can only be enforced where they are incorporated in comparable provisions of the Constitution or a statute; the lack of means of redress or remedy in case of violation of rights; the failure to ratify any ILO Convention since becoming a member in 1995; occurrences of racial discrimination and the fact that members of certain minorities, such as the Amerindians and Asians, form a disproportionate part of the lower-income levels; the fact that persons with disabilities are effectively discriminated against

by the absence of specific legislation to respond to their needs and to provide them with appropriate facilities; the fact that, despite efforts by the government, discrimination against women is still a major problem, as seen by the low wages paid, low status and little opportunity for developing themselves economically; the fact that obstacles remain for women at the tertiary education level, that occupational segregation in the labour market persists, in particular at the decision-making level and in the public sector, and that women have limited access to credit and land ownership; the incidence of domestic violence which, according to information received, seemed to be on the rise; the high official rate of unemployment; the fact that legislation in respect of occupational safety and health is significantly outdated; inefficiencies and irregularity of labour inspections and conditions in which employers do not always report accidents and occupational diseases as required; the fact that the current minimum wage is insufficient to provide a decent standard of living, and the Wages Council has not reviewed the minimum wage for more than seven years despite its legal obligation to do so every two years; the absence of a law to recognize the right of workers to form and join trade unions and to organize and strike; the fact that employers do not comply with their legal obligation to send information and contributions for their employees to the National Insurance Scheme (NIS); the high incidence of failure of employers to register domestic workers under the scheme; the absence of provision for registration of self-employed persons under the NIS; the lack of a provision for compensation in case of workplace accidents; the lack of social protection of working minors due to the discrepancy between the minimum age for employment (16) and the minimum age to receive a national insurance card (18) under the NIS; the absence of a comprehensive scheme for maternity leave, with the result that not all female workers benefit from such leave; the growth in the number of squatter households; the absence of a national housing policy and the halt of all public housing construction; occurrences of forced evictions; the sharp rise in the cost of food and rent; the absence of a scheme for unemployment benefits; the high incidence of pregnancies among females of school age; the absence of a legal requirement that children attend school; the lack of teachers and teaching materials, notably at the primary level; the significant increase in educational fees; the insufficiency of facilities at the post-secondary level of education; and, the lack of literacy programmes for adults.

The Committee reiterated its request that the government actively participate in a constructive dialogue with the Committee on how the obligations arising from the Covenant could be fulfilled in a more adequate manner. The Committee recommended that the government avail itself of the advisory services of the Office of the High Commissioner for Human Rights in terms of preparing and submitting as soon as possible a comprehensive report on the implementation of the Covenant. The Committee encouraged the Office of the High Commissioner for Human Rights to make expert assistance available to the government for the purpose of formulating policies on economic, social and cultural rights and developing the implementation of coherent and comprehensive plans of action for the promotion and protection of human rights, as well as for developing adequate means of evaluating and monitoring their realization.

Civil and Political Rights

Acceded: 9 November 1981.

The second and third periodic reports of Saint Vincent and the Grenadines were due 31 October 1991 and 8 February 1993 respectively.

Optional Protocol: Acceded: 9 November 1981.

Racial Discrimination

Acceded: 9 November 1981.

The second through eighth periodic reports of Saint Vincent and the Grenadines (for the period 1984–1996) have not been submitted; the eighth periodic report was due 9 December 1996.

Discrimination against Women

Acceded: 4 August 1981.

The fourth periodic report of Saint Vincent and the Grenadines was due 3 September 1994.

At its January 1997 session the Committee considered the combined initial, second and third periodic reports of Saint Vincent and the Grenadines (CEDAW/C/STV/1-3; CEDAW/C/STV/1-3/Add.1) Taken together, the reports prepared by the government address the main areas set out in the Convention, including: elimination of discrimination; special measures; stereotyping; traffic in women and prostitution; women in public and political life; nationality, education, employment, health; rural women; and, equality before the law. The reports provide information on, *inter alia*: the Women's Affairs Department within the Ministry of Tourism, Information, Culture and Women's Affairs; violence against women and measures to address and eradicate it; the lack of legal redress in cases of discrimination against women; sexual abuse of children; statutory measures to address the wage gap in the earnings of women and men; persistence of sex role stereotyping in curricula; and, the functional illiteracy of women. The addendum to the report includes a number of tables providing statistic data in areas such as: the labour force and participation rates by sex; participation in statutory boards, public corporations and other government bodies; enrolment in pre-primary schools; teachers in primary and secondary schools; maternity benefits paid under national insurance; the number of births by age group of mothers; and, employees registered by industry.

The Committee's concluding comments (CEDAW/C/1997/L.1/Add.4) noted that under the legal system of St. Vincent and the Grenadines, the Convention is not self-executing and it is necessary to enact legislation to give it full effect. Pervasive traditional, social and cultural values, as well as generally accepted behaviour patterns were also seen as hindering the advancement of women. The Committee expressed appreciation, however, for the government's efforts to conform to the provisions of the Convention by introducing several legal reforms.

The principal subjects of concern identified by the Committee were: the fact that the legal measures taken did not address all aspects of the Convention, some existing domestic laws contravened the Convention, and the absence in the Constitution of a specific reference to the equality of women; the fact that the Convention had never been cited in any legal proceedings; the failure to use affirmative action measures to accelerate the equal status of women, particularly in the areas

of employment and public service; the non-availability of shelters for women which also provide victims with counselling services; the persistent traditional, stereotyped roles and attitudes towards women and girls; the fact that domestic violence is rampant; the lack of research on the real situation concerning prostitution and trafficking in women; the low participation of women in political parties and as candidates for election; the failure to include women's human rights in the school curriculum; the very high rate of teenage and pre-teen pregnancy, which sometimes forced children to be mothers with very serious, negative consequences for their future, in particular, the interruption of their education; the very high rate of unemployment among women, which increased their vulnerability to domestic violence, and the failure to make use of affirmative action to redress the problem; the feminization of migration; the fact that women must seek spousal consent for tubal ligation; provisions in law that preclude safe abortion and prevent women from taking control of their reproductive health; and, the high rate of female migration outside Saint Vincent and the Grenadines and the consequences it creates in the society.

The Committee recommended that the government:

- ▶ review all domestic laws with the aim of identifying those in need of amendment and areas where new laws need to be enacted to ensure that women fully enjoy all the rights provided for under the Convention;
- ▶ provide in future reports information on the implementation of the Committee's general recommendations and on the concluding observations of the Committee as well as follow-up programmes for implementation of the Beijing Platform for Action;
- ▶ indicate in the next report any special measures that have been taken by the government and political parties to close the gap between *de jure* and *de facto* equality, particularly in the area of political decision-making and employment;
- ▶ provide in the next report more detailed information on prostitution and trafficking;
- ▶ introduce gender-sensitive reproductive and sexual health education, information and counselling in order to curb the very high rate of pre-teen and teenage pregnancy and integrate reproductive and sexual health services, including family planning, into primary health care;
- ▶ review the law on abortion with a view to removing the penal provisions and guarantee safe abortion and safe motherhood; and,
- ▶ work towards creating job opportunities to help keep women in Saint Vincent and the Grenadines so that they can better contribute to the development of the society in general.

Rights of the Child

Signed: 20 September 1993; ratified: 26 October 1993.

The initial report of Saint Vincent and the Grenadines was due 24 November 1995.

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SURINAME

Date of admission to UN: 4 December 1975.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Suriname has submitted a core document (HRI/CORE/1/Add.39) for use by the treaty bodies. The report prepared by the government contains demographic data and information on the economy, literacy, religion, Suriname's history, the general political structure and the legal framework for the protection of human rights.

The framework for the protection of human rights is set out in the Constitution and responsibility for ensuring respect for human rights is placed with the High Court of Justice, the Public Prosecutor's Office and other judicial bodies and officials. Remedies for violations are stipulated in the Penal Code, the Code of Criminal Procedure, the Civil Code and the Code on Civil Procedure. The enjoyment of human rights can be limited only by the Constitution itself and in exceptional cases where public order is jeopardized. Most human rights instruments are incorporated into national legislation and there is a National Institution for Human Rights which is a semi-governmental body.

Economic, Social and Cultural Rights

Acceded: 28 December 1976.

Suriname's second periodic report was due 30 June 1995.

Civil and Political Rights

Acceded: 28 December 1976.

Suriname's second through fourth periodic reports were due 2 August 1985, 1990 and 1995 respectively.

Optional Protocol: Acceded: 28 December 1976.

Racial Discrimination

Succeeded: 15 March 1984.

Suriname's initial and second through seventh periodic reports were due 14 April 1985, 1987, 1989, 1991, 1993, 1995 and 1997 respectively.

At its August 1997 session the Committee reviewed implementation of the Convention in the absence of a report from the government. The Committee's concluding observations (CERD/CRP.1/Add.19) noted the internal difficulties in Suriname and referred to the fact that the multi-ethnic composition of the population, and the existence of indigenous communities, make implementation of the Convention particularly important. The Committee suggested that the government may want to request technical assistance from the Office of the High Commissioner for Human Rights for the drafting and submission of its initial report.

Discrimination against Women

Acceded: 1 March 1993.

Suriname's initial report was due 31 March 1994.

Rights of the Child

Signed: 26 January 1990; ratified: 1 March 1993.

Suriname's initial report was due 31 March 1995.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Violence against women, Special Rapporteur on: (E/CN.4/1997/47, Section IV)

In the section dealing with trafficking in women and forced prostitution, the report notes information received indicating that club owners in Suriname pay women US\$ 500 for every Brazilian recruit. The report further notes that Suriname is one of only a small number of places where work permits are issued to migrant prostitutes so that they can legally enter the country to work temporarily as prostitutes. The application process is handled by the local immigration and police and is free of charge to the women applying, but the existence of exploitative middlemen has been documented.

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TRINIDAD AND TOBAGO

Date of admission to UN: 18 September 1962.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Trinidad and Tobago has not submitted a core document for use by the treaty bodies.

Economic, Social and Cultural Rights

Acceded: 8 December 1978.

Trinidad and Tobago's second periodic report was due 30 June 1993.

Reservations and Declarations: Paragraphs (1) (d) and (2) of article 8.

Civil and Political Rights

Acceded: 21 December 1978.

Trinidad and Tobago's second and third periodic reports were due 20 March 1990 and 1995 respectively.

Reservations and Declarations: Paragraph 2 of article 4; paragraphs 2 (b) and 3 of article 10; paragraph 2 of article 12; paragraph 5 of article 14; paragraph 6 of article 14; paragraph 1 of article 15; article 21; and article 26.

Optional Protocol: Acceded: 14 November 1980.

Racial Discrimination

Signed: 9 June 1967; ratified: 4 October 1973

Trinidad and Tobago's 11th and 12 periodic reports were due 3 November 1994 and 1996 respectively.

Discrimination against Women

Signed: 27 June 1985; ratified: 12 January 1990.

Trinidad and Tobago's initial and second periodic reports were due 11 February 1991 and 1995 respectively.

Reservations and Declarations: Paragraph 1 of article 29.

Rights of the Child

Signed: 30 September 1990; ratified: 5 December 1991.

Trinidad and Tobago's second periodic report is due 3 January 1999.

Trinidad and Tobago's initial report (CRC/C/11/Add. 10) was considered by the Committee at its October 1997 session. The report prepared by the government includes information on: general measures for implementation; the definition of the

child; the general principles of non-discrimination, the best interest of the child, right to life, survival and development and respect for the views of the child; civil rights and freedoms; family environment and alternative care; basic health and welfare; education, leisure and cultural activities; and, special protection measures. This information covers articles 1 through 41 of the Convention.

The Committee's concluding observations (CRC/C/15/Add.82) welcomed: the proposal to incorporate the National Plan of Action on Children (NPA) into the general development framework of the country; the establishment of the Inter-Ministerial Committee to implement the NPA; establishment of the National Family Services Division within the Ministry of Consumer Affairs and Social Services to monitor children at risk; the low levels of child mortality and under-five mortality rates; and, the positive indicators in the field of education.

In terms of factors and difficulties hindering implementation of the Convention, the Committee noted severe economic constraints, partly as a result of structural adjustment programmes, social difficulties and poverty, an economic recession, and an acute increase in unemployment.

The principal subjects of concern identified by the Committee were: the fact that the Convention is not an integral part of national legislation and the insufficiency of measures to harmonize national laws with the Convention; the fact that a number of legal provisions contrary to the CRC are still in force, including in the areas of administration of juvenile justice, minimum age of access to employment and minimum age for marriage; lack of a comprehensive approach to implementation of the CRC; the lack of specific mechanisms to register and address complaints from children concerning violations of their rights under the law; the fact that insufficient attention has been paid to the training of all professional groups working with or for children, such as judges, lawyers, magistrates, law enforcement personnel, police officers, army officers, health professionals, teachers, social workers and personnel in child-care and detention institutions; the fact that no adequate efforts exist to protect children from exposure to harmful information, including violence, especially on television; the insufficient awareness and information on ill-treatment and abuse of children, including sexual abuse, both within and outside the family and the lack of appropriate mechanisms to prevent and combat them; the lack of special structures for child victims of such abuse; the use of corporal punishment within the family, at school and in care institutions; the absence of a law that clearly prohibits the use of both mental and physical torture or other cruel treatment or punishment against children; the lack of qualified staff working in care institutions and the persistence of reported cases of abuse; the high maternal mortality rate; the spread of HIV/AIDS and its impact on children; the insufficiency of measures to prevent early pregnancy; the shortage of trained teachers and the high pupil-to-teacher ratio; the new phenomena of homelessness and children living and/or working on the streets; the increase in the economic exploitation of children, particularly those who work as street vendors; the low minimum age of access to employment, set at 12; the low minimum age of criminal responsibility; and, a number of problems in the administration of juvenile justice and conditions in detention facilities.

The Committee recommended that the government:

- ▶ take steps fully to harmonize national legislation with the Convention and, in particular, address the areas of administration of justice and the minimum ages for access to employment, marriage and criminal responsibility;
- ▶ continue efforts to strengthen the institutional framework to promote and protect human rights in general and the rights of the child in particular;
- ▶ conduct awareness-training programmes on children's rights for members of Parliament to assist them in incorporating the principles and provisions of the CRC in legislative reform;
- ▶ consider establishment of an independent mechanism, such as an Ombudsperson, for the rights of the child;
- ▶ pay particular attention to full implementation of economic, social and cultural rights;
- ▶ make greater efforts to ensure that the provisions of the CRC are widely known and understood by both adults and children, particularly in rural areas;
- ▶ organize systematic training and in-service training programmes on the rights of the child for professional groups working with and for children;
- ▶ take all appropriate measures, including legal ones, to protect children from harmful information, including in audio-visual media such as television;
- ▶ strengthen efforts to prevent and combat ill-treatment and sexual abuse of children, within and outside the family;
- ▶ initiate a comprehensive study on abuse, ill-treatment and domestic violence to improve the understanding of the nature and scope of the problem;
- ▶ strengthen law enforcement against perpetrators of abuse, including sexual abuse;
- ▶ develop adequate mechanisms and procedures to deal with complaints of child abuse, such as the establishment of a family court;
- ▶ prohibit by law corporal punishment within the family, at school and in care institutions;
- ▶ bring legislation on adoption into conformity with the Convention and consider ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption;
- ▶ adopt further measures to raise awareness on pre-natal services for women;
- ▶ promote adolescent health by strengthening reproductive health education and services to prevent and combat HIV/AIDS;
- ▶ develop measures to better include children with disabilities in society;
- ▶ direct greater efforts to training teachers and improving the school environment;
- ▶ conduct research to determine the extent of the problem of child economic exploitation and its causes;
- ▶ increase poverty alleviation programmes and schemes and strengthen further the social welfare system;

- ▶ continue legal reform in the area of administration of juvenile justice, including with regard to the minimum age of criminal responsibility, alternatives to detention, and special facilities for girl offenders; and
- ▶ abolish corporal punishment as a means of discipline and flogging as a means of punishment.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60/Add.1, para. 477)

The report notes that various reports were received relating to the Constitution (Amendment) Bill 1996, which, if passed by Parliament, would allow Trinidad and Tobago to carry out executions currently deemed unconstitutional. The information received indicated that article 2 of the Constitution Bill 1996 stipulates that delay in the execution of a death sentence does not constitute cruel and unusual punishment, while article 3 seeks to withdraw from persons sentenced to death the right to a remedy for violations of the right to be free from cruel and unusual punishment and is moreover retroactive in application. The report states that the Bill would, in essence, overturn the 1993 ruling of the Judicial Committee of the Privy Council (JCPC), the highest court of appeal for Trinidad and Tobago, as well as for various other Caribbean countries, stating that the execution of prisoners who have been on death row for more than five years constitutes inhuman or degrading punishment or treatment.

Religious intolerance, Special Rapporteur on: (A/52/477, paras. 25, 28, 37)

The Special Rapporteur's interim report to the General Assembly notes that communications were sent to the government related to violations of religious freedom against Christians.

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URUGUAY

Date of admission to UN: 18 December 1945.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Uruguay has submitted a core document (HRI/CORE.1/Add.9/Rev.1) for use by the treaty bodies. The report prepared by the government contains demographic and statistical data as well as information on the political and economic history, the structure of government, the authorities responsible for overseeing implementation of human rights, remedies for violations and the role of international cooperation in implementation of the International Covenant on Economic, Social and Cultural Rights.

The general legal framework for the protection of human rights is established in the Constitution, as well as laws, decrees and administrative acts and decisions. Habeas corpus and *amparo* protect personal freedom and address acts of omission or commission by the state, its agents and authorities and individuals that damage, restrict, alter or threaten in a clearly illegal way any of the rights or freedoms set out in the Constitution. Remedy for violations may be sought through

the courts at all levels. The rights set out in international human rights treaties have been incorporated into the Constitution. There is no specific legal norm on the direct applicability under domestic law of an international instrument but Uruguayan legal practice accepts this principle without dispute. A treaty ratified by Uruguay is directly implemented under domestic law and may be invoked before the national courts unless otherwise specified by the treaty itself or unless the nature of the treaty makes this impossible.

Economic, Social and Cultural Rights

Signed: 21 February 1967; ratified: 1 April 1970.

Uruguay's third periodic report is due 30 June 2000.

Uruguay's second periodic report (E/1990/6/Add.10) was considered by the Committee at its November/December 1997 session. The government report is detailed and contains information on: foreign trade policy; employment, labour standards and conditions of work, wages, equal pay for work of equal value, occupational health and safety, trade unions and the right to strike; social benefits; the family; the age of majority and provisions related to marriage; measures to protect children and young people; poverty, food and housing; health care programmes; education, the mass media and professional education; and, the right to culture.

The Committee's concluding observations (E/C.12/1/Add.18) welcomed: the high rate of literacy; the steps taken to ensure free primary education and make secondary and higher education free; the establishment of programmes for less favoured children such as the Programme of School Meals; the fact that the rights set out in the Covenant can be invoked before the courts; the employment policies adopted for young and rural workers; and, the measures taken to provide further training for the unemployed.

The principal subjects of concern identified by the Committee were: the fact that a high percentage of the population continues to live below the poverty line, in particular, the black minority; information suggesting continued prejudice against the black minority; the substantial decrease in the number of people affiliated to trade unions; the fact that a minimum wage was established unilaterally only for the agricultural sector and that the minimum wage is totally insufficient; the inadequate allocation of governmental resources to public health and education; the very low wages paid to nurses leading to a ratio of one nurse for every five doctors; the deterioration of teachers' salaries in terms of purchasing power; the increase in labour related accidents because of non-compliance with security measures particularly in the construction sector; the fact that child labour continues to be a serious problem; the incidence of obesity and suicide among the young; the fact that the civil code retains a distinction between legitimate children and children born out of wedlock; continuing discrimination in salaries for equal work between women and men; the insufficiency in information provided by the government related to the status of women generally and domestic violence in particular; the large number of persons with disabilities and the problem of alcoholism leading to a high rate of accidents and traffic fatalities; and, the shortage of housing, high levels of rent and forced evictions.

The Committee recommended that the government:

- ▶ provide information on the steps taken to ensure the enjoyment of economic, social and cultural rights by the black minority and their right to protection against discrimination;
- ▶ take steps to fix a national minimum wage indexed to the cost of living;
- ▶ ensure full implementation of existing legislation on occupational safety and health of workers and strengthen the labour inspection system;
- ▶ adopt legislative and economic measures to protect the rights of persons with disabilities and street children;
- ▶ repeal all discriminatory provisions in the civil code or family law related to children born out of wedlock;
- ▶ take measures to increase the real salaries of teachers and nurses;
- ▶ take steps to improve health care in rural areas;
- ▶ increase efforts to implement a policy on adequate housing and provide in the next report more information on forced evictions; and,
- ▶ give greater attention to the problem of de facto discrimination against women, implement programmes to eradicate inequalities between women and men in both the public and private sectors, and undertake appropriate legal measures to address crimes of violence against women within or outside the family.

Civil and Political Rights

Signed: 21 February 1967; ratified: 1 April 1970.

Uruguay's fourth periodic report (CCPR/C/95/Add.9) has been submitted but is not yet scheduled for consideration by the Committee; the fifth periodic report was due 21 March 1998.

Optional Protocol: Signed: 21 February 1967; ratified: 1 April 1970.

Second Optional Protocol: Signed: 13 February 1990; ratified: 21 January 1993.

Racial Discrimination

Signed: 21 February 1967; ratified: 30 August 1968.

Uruguay's 12th through 14th periodic reports were due 4 January 1992, 1994 and 1996 respectively.

Reservations and Declarations: Declaration, article 14.

Discrimination against Women

Signed: 30 March 1981; ratified: 9 October 1981.

Uruguay's second, third and fourth periodic reports were due 8 November 1986, 1990 and 1994 respectively.

Torture

Signed: 4 February 1985; ratified: 24 October 1986.

Uruguay's third periodic report was due 25 June 1996.

Reservations and Declarations: Declaration under articles 21 and 22.

Rights of the Child

Signed: 26 January 1990; ratified: 20 November 1990.

Uruguay's second periodic report was due 19 December 1997.

Reservations and Declarations: Paragraphs 2 and 3 of article 38.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 8, 362–365)

No new cases of disappearance were transmitted by the Working Group (WG) to the government. The majority of the 36 cases of disappearance reported to the WG, of which 28 remain unclarified, occurred between 1975 and 1978 under the military government, in the context of its fight against alleged subversion. The report notes that no reports of disappearance in Uruguay were received after 1982. The government declared its willingness to try to determine the fate and whereabouts of the persons reported as disappeared.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60/Add.1, paras. 552–553)

The report notes that the government provided information concerning the case of a man who died during a demonstration in Montevideo in August 1994. At the time that the government's reply was received, the results of the administrative investigation were still pending. However, the government stated that, in accordance with the order of the court of first instance, prosecution proceedings, without detention, were brought against four police officers, two on charges of repeatedly and wrongfully failing to prevent the offence of causing bodily harm, and two for repeatedly and wrongfully failing to prevent the offences of causing serious bodily harm and grievous bodily harm. The Special Rapporteur requested the government to keep him informed of procedural developments in the case.

Other Reports

Women's human rights, Report of the S-G to the CHR: (E/CN.4/1997/40, para. 63)

The report of the Secretary-General on the integration of women's human rights throughout the UN system refers to the government report submitted to the Committee on the Rights of the Child. In its report, the Committee had expressed concern over the high rate of early pregnancy which had negative effects on the health of the mothers and the babies, and on the mothers' enjoyment of their right to education, hampering the school attendance of the girls concerned and causing high numbers of school drop-outs. The report notes that the Committee recommended that measures be adopted to provide appropriate family education and services for young people within the school and health programmes implemented in the country.

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VENEZUELA

Date of admission to UN: 15 November 1945.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Venezuela has not submitted a core document for use by the treaty bodies.

Economic, Social and Cultural Rights

Signed: 24 June 1969; ratified: 10 May 1978.

Venezuela's second periodic report was due 30 June 1991; the third periodic report was due 30 June 1996.

Civil and Political Rights

Signed: 24 June 1969; ratified: 10 May 1978.

Venezuela's third periodic report was due 31 December 1993; the fourth periodic report was due 1 November 1995.

Reservations and Declarations: Paragraph 3 (d) of article 14.

Optional Protocol: Signed: 15 November 1976; ratified: 10 May 1978.

Reservations and Declaration: Same as for article 14 (3) (d) of the ICCPR.

Second Optional Protocol: Signed: 7 June 1990; ratified: 22 February 1993.

Racial Discrimination

Signed: 21 April 1967; ratified: 10 October 1967.

Venezuela's 14th periodic report was due 4 January 1996.

Discrimination against Women

Signed: 17 July 1980; ratified: 2 May 1983.

Venezuela's fourth periodic report was due 1 June 1996.

Venezuela's third periodic report (CEDAW/C/VEN/3) was considered by the Committee at its January 1997 session. The Committee's concluding observations and comments (CEDAW/C/1997/L.1/Add.6) noted that Venezuela's report had not been prepared according to the Committee's guidelines and did not include statistics on problems related to each article of the Convention or a detailed, factual description of the policies and programmes being carried out and their success in meeting the de facto needs of Venezuelan women. The report did, however, include a significant amount of data on the *de jure* situation of women.

Among the factors and difficulties affecting implementation of the Convention in Venezuela the Committee identified: the poverty facing a large percentage of the population (77 per cent of the urban population and 75 per cent of the rural population); economic measures taken by the government to control inflation and balance the budget, resulting in severe restrictions on social spending that has primarily affected women and the most vulnerable population groups and led to the "feminization of poverty"; the lack of a successful state plan to combat poverty and mitigate the social costs of economic adjustment; the persistence of entrenched patriarchal patterns and stereotypes and prejudices against women; reinforcement of such patterns and attitudes by laws that require amendment; lack of continuity in state policies and programmes for women, leading to constant changes in the concepts, methods and mechanisms for solving problems and implementing the Convention coherently and systematically; the difficulty in securing passage by the legislative branch of proposals for combatting discrimination against women; and, inadequate resources, lack of decision-making power, and lack of influence for the National Women's Council, which has impeded the Council's ability to introduce a gender perspective in the various government bodies.

The Committee commended a number of developments in Venezuela, including: the proposal to introduce a Penal Code Reform Bill and the Sexual and Domestic Violence Bill as well as the Equal Opportunities for Women Act, under

which an Independent Women's Institute and a National Office for the Defence of Women's Rights were to be established; incorporation of a gender perspective in the Eighth National Plan, and the preparation of a national programme for women with that perspective; promulgation of legislation guaranteeing that pregnant teenagers can complete their education and can not be withdrawn from school because of their pregnancy; and, the cooperation initiated by the National Women's Council with non-governmental organizations and the creation of seven national women's networks.

Principal subjects of concern addressed by the Committee related to: the absence of any policies and programmes at the grass-roots level for promoting women's interests, and the fact that it was difficult to secure passage of legislative proposals for meeting women's needs; minimal real progress and lack of an effective response to problems such as domestic violence, prostitution, early pregnancy, female illiteracy, discrimination in the workplace in terms of how much women were paid, the high percentage of women receiving less than the minimum wage, and the elimination of stereotypes; failure of the government to make the necessary changes to its legal system to address patriarchal patterns of behaviour; failure to set up a national programme for implementing the strategies set out in the Beijing Platform for Action and lack of strategies even in such urgent priority areas as poverty eradication; reduction in health budgets, the rise in the maternal mortality rate, the lack of and limited access to family planning programmes (especially for teenagers), the lack of statistics on AIDS, and women's limited access to public health services; and a law which continues to criminalize abortion even in cases of incest or rape.

The Committee also expressed concern that: employment opportunities for women had been lost as a result of cutbacks in the state employment sector and that, as a consequence, women were being forced into the informal economy and into low-paid service jobs; the government had not given priority to the allocation of financial resources to social programmes; and, a man has the right to confer his nationality on his wife on marriage, but a woman does not have the right to confer her citizenship on her husband;

On the basis of these observations, the Committee recommended that the government:

- ▶ implement effective programmes for combatting poverty, bearing in mind the disproportionate impact of poverty on women;
- ▶ adopt proposed amendments to the Penal Code and the Sexual and Domestic Violence Bill, and repeal the article of the Civil Code concerning citizenship;
- ▶ prepare and implement a programme to meet its commitments under the Beijing Platform for Action;
- ▶ undertake policies and programmes to halt the rise in the maternal mortality rate and develop family planning programmes for teenagers both in the urban and rural areas;
- ▶ undertake broad-based programmes, directed at the entire population, through the mass media and other possible channels, to combat gender stereotypes;
- ▶ pay particular attention to removing obstacles arising from stereotypes that result in women being paid 25 per

cent less than men for their work, despite the protection afforded by labour law, which recognizes the principle of "equal pay for equal work"; and,

- ▶ include in its next report statistical data disaggregated by sex with regard to all areas in the Convention.

Torture

Signed: 15 February 1985; ratified: 29 July 1991.

Venezuela's initial report was due 27 August 1992; the second periodic report was due 27 August 1996.

Rights of the Child

Signed: 26 January 1990; ratified: 13 September 1990.

Venezuela's initial report (CRC/C/3/Add.54) has been submitted and is pending for the May/June 1999 session of the Committee; the second periodic report was due 12 October 1997.

Reservations and Declarations: Paragraphs (b) and (d) of article 21 and article 30.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Arbitrary detention, Working Group on: (E/CN.4/1997/4, paras. 4, 5, 17; E/CN.4/1997/4/Add.1, Decision 26)

The main report notes that six cases and an urgent appeal on behalf of two persons were transmitted. The government responded to some of the cases but no details of the cases or responses were provided.

The case addressed by the Working Group (WG) concerned six individuals who had been detained but were released. The WG considered that no further action was necessary.

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 369-371)

No new cases of disappearance were transmitted to the government by the Working Group (WG). Of the 10 cases previously reported, four were clarified. Three of the six outstanding cases occurred in December 1991 and concern student leaders who had reportedly been intercepted by security forces during a commercial fishing expedition. A fourth case concerned a businessman arrested in February 1991 by the police. A fifth case concerned a 14 year-old girl who was allegedly abducted in March 1993 following a military raid on her house in a peasant community. The last outstanding case relates to a person who was allegedly detained in February 1995 in the vicinity of Puerto Ayacucho, by members of the Navy Infantry, following incidents in which eight Venezuelan soldiers were reportedly ambushed and killed by Colombian guerrillas. The information provided by the government on the cases from 1993 and 1995 did not meet the criteria needed to consider them clarified. The WG requested the authorities to provide more precise information on these cases. The WG therefore considers all six cases still to be outstanding.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 15, 16; E/CN.4/1997/60/Add.1, paras. 555-558)

The Special Rapporteur (SR) transmitted an urgent appeal to the government requesting that the necessary

measures be taken to protect the life and physical safety of an individual who had been arrested, threatened and beaten by two police officers. The report indicates that the threats and intimidation were in reprisal for the victim's demands for justice, following the murder of his brother in June 1995 by members of the State of Sucre municipal police.

The SR also sent information to the government related to reports that, in October 1996, at least 27 prisoners in the El Paraíso craft work and rehabilitation centre, known as La Planta prison, in Caracas, died after an attack by members of the National Guard. The information received by the SR indicated that members of the National Guard, supposedly without any provocation, fired tear-gas and bullets into some of the cells. Following the attack a fire broke out and spread rapidly. The prisoners had reportedly been shut in their cells at a time when the cells should have been unlocked. At least three of the victims, including a minor, were said to have died of bullet wounds. Some of the injured prisoners with second- and third-degree burns were taken to local hospitals. The SR called on the authorities to take urgent measures to prevent a recurrence of such incidents and to carry out thorough investigations into this case and other complaints of violations of the right to life, and to ensure that the security officers involved are held accountable for their actions.

A third case transmitted to the government involved a Colombian fisherman who had reportedly been killed by members of the Venezuelan National Guard who fired at his canoe on the Arauca river.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Sections II & III; E/CN.4/1997/7/Add.1, paras. 545-564)

Thirty-seven newly reported cases of incidents of torture were transmitted to the government. A number of the cases involved students. The arrests were conducted by a variety of authorities, including metropolitan police, judicial police, the National Guard, state police, officials of the Directorate of Intelligence and Prevention Services and investigatory police.

During the visit of the Special Rapporteur (SR) to Venezuela in June 1996, the Attorney-General's office provided information on 20 of the cases. The government's information indicated that a number of cases were still under various procedures for investigation, including, judicial and a regional military court and a pre-trial phase. The information also indicated that, in a number of cases, the persons did not appear as scheduled at the Institute of Forensic Medicine or the Office of the Public Prosecutor and the cases could not, therefore, be pursued. It was noted that in several cases, proceedings could not be instituted because a complaint had not been made. In three cases, formal charges against members of the police had been filed and in one case, in which torture had resulted in death, three officials in the metropolitan police force had been dismissed and sentenced to prison terms of seven-and-a-half years. The government indicated that, on appeal, a higher court suspended the sentences.

The Special Rapporteur (SR) visited Venezuela from 7 to 16 June 1996. In the report of his visit (E/CN.4/1997/7/Add.3), the SR expressed a number of concerns about the legal protections against torture, including that: judicial police may hold a suspect for up to eight days before bringing the person before the Examining Tribunal; police often fail to

hand a suspect over to the criminal investigations police within the specified 72-hour time limit; incommunicado detention remains a concern; visits with family members and lawyers are often not held in private; detainees released without charge have been forced by police to sign a statement attesting that they have not been ill-treated; disproportionate emphasis is given in trials to confessions rather than detailed investigations by police and collection of evidence; police do not always respect the requirement that a detainee must be examined by a forensic physician; the Institute of Forensic Medicine is attached to the police and therefore does not have the independence needed to gain the confidence and respect of the public; the office of the Attorney-General is either poorly represented or does not exist at all in remote areas of the country, leading to lack of control over the work of public prosecutors; police do not always provide prosecutors with the information requested; police sometimes hinder access for prosecutors to police premises; victims of torture remain reluctant to lodge complaints either because of threat of reprisal or lack of confidence in the system; lawyers do not appear to contribute much to the effort to bring and move cases of victims of torture before the courts; and, most victims of torture do not have the assistance of a lawyer in the hours or days following arrest.

The report recalls that article 60 (3) of the Venezuelan Constitution prohibits torture and incommunicado detention and article 182 of the Penal Code provides for a prison sentence of three to six years for anyone accused and found guilty of having inflicted any suffering, offences against human dignity, harassment, torture or physical or moral attacks on a detained person. The report acknowledges that the authorities in Venezuela are concerned about police practices and treatment in detention and prison and recommended that the government:

- ▶ reduce to four days the period of time before a detainee must be brought before a judge;
- ▶ guarantee access to independent legal counsel to all persons deprived of liberty within 24 hours of detention;
- ▶ ensure that interviews between counsel and the detainee are conducted in conformity with international standards;
- ▶ guarantee detainees access to their families;
- ▶ take steps to ensure that judicial complaints against police officers are investigated by an independent body;
- ▶ take steps to ensure that the Legal Medical Institute is independent of any authority responsible for investigation or prosecution of crime;
- ▶ disallow extrajudicial confessions as evidence;
- ▶ draw up a code of conduct of interrogations by law enforcement officials;
- ▶ make torture and similar behaviour a criminal offence when inflicted on any person deprived of liberty and not just on those in prisons;
- ▶ take steps to disallow an absence of marks consistent with allegations of torture to be treated by prosecutors and judges as proof that the allegations are false;
- ▶ institute a system of rotation for prosecutors so that they do not become overly identified with law enforcement or military personnel in a particular locality or place of detention;

- ▶ take measures to reduce the number of pre-trial detainees;
- ▶ separate convicted prisoners from those awaiting trial; and,
- ▶ take steps to ensure that children are held in facilities entirely separate from adult prisons or detention centres.

Violence against women, Special Rapporteur on:
(E/CN.4/1997/47, Section IV)

The report simply refers to the fact that trafficking in women and forced prostitution occur not only from South to North but also within regions and states. Reference is made to networks for prostitution in Colombia that, in part, traffic women to Venezuela.

Appendix

The following schedules of the treaty bodies was prepared after the country profiles were completed. This accounts for any discrepancies that may appear between information in the profiles, related to consideration of state reports, and the information contained below. Please note: the following schedule was compiled at the beginning of February 1998 and is subject to change at short notice.

Committee on Economic, Social and Cultural Rights (CESCR)

<i>21st Session: 15 November-3 December 1999</i>	Argentina	2 nd periodic report	E/1990/6/Add.16
	Mexico	3 rd periodic report	E/1994/104/Add.18

Human Rights Committee (HRC or CCPR)

<i>62nd Session: 23 March-9 April 1998</i>	Ecuador	4 th periodic report	CCPR/C/84/Add.6
	Uruguay	4 th periodic report	CCPR/C/95/Add.9

Committee on the Elimination of Racial Discrimination (CERD)

<i>52nd Session: 2-20 March 1998</i>	Antigua & Barbuda	Without report
	Costa Rica	Without report
	Haiti	Without report
	Saint Lucia	Without report
	Uruguay	Without report

Committee on the Elimination of Discrimination against Women (CEDAW)

<i>18th Session: 19 January-6 February 1998</i>	Dominican Republic	4 th periodic report	CEDAW/C/DOM/2-3;
			CEDAW/C/DOM/4
	Mexico	3 rd & 4 th periodic reports	CEDAW/C/MEX/3-4
<i>19th Session: 22 June-10 July 1998</i>	Belize	Initial & 2 nd periodic report	CEDAW/C/BLZ/1-2
	Panama	2 nd & 3 rd periodic reports	CEDAW/C/PAN/2-3
	Peru	3 rd & 4 th periodic reports	CEDAW/C/PER/3-4

Committee against Torture (CAT)

<i>Scheduled for consideration in 1998</i>	Guatemala	2 nd periodic report	CAT/C/29/Add.3
	Panama	3 rd periodic report	CAT/C/34/Add.9

Committee on the Rights of the Child (CRC)

<i>19th Session: 21 September-9 October 1998</i>	Bolivia	2 nd periodic report	CRC/C/65/Add.1
	Ecuador	Initial report	CRC/C/3/Add.44
<i>20th Session: January 1999</i>	Barbados	Initial report	CRC/C/3/Add.45
	Belize	Initial report	CRC/C/3/Add.46
	Honduras	2 nd periodic report	CRC/C/65/Add.2
<i>21st Session: May/June 1999</i>	Nicaragua	2 nd periodic report	CRC/C/65/Add.4
	St. Kitts & Nevis	Initial report	CRC/C/3/Add.51
<i>22nd Session: September/October 1999</i>	Grenada	Initial report	CRC/C/3/Add.55
	Mexico	2 nd periodic report	CRC/C/65/Add.6
	Venezuela	Initial report	CRC/C/3/Add.54

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