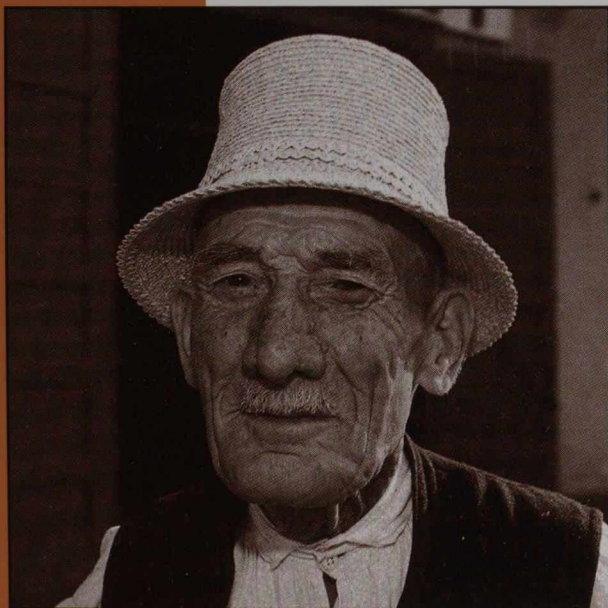


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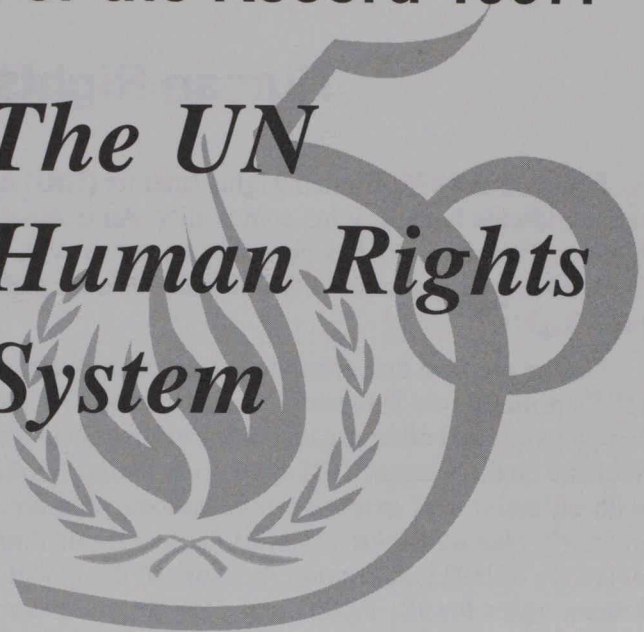
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Human Rights Internet (HRI)

Founded in 1976, Human Rights Internet (HRI) is a world leader in the exchange of information within the worldwide human rights community. An international non-governmental organization (NGO) based in Ottawa, Canada, HRI has consultative status with the Economic and Social Council (ECOSOC) of the United Nations and with UNICEF and observer status with the African Commission on Human and Peoples' Rights.

On the premise that accurate information is a precondition for the effective protection of human rights, HRI's primary role is to serve the information needs of international scholars, human rights activists, asylum lawyers, and other organizations via an extensive documentation centre, computerized databases, and a Website on the internet. HRI also serves the information needs of the international human rights community with an active and extensive publications program, which includes regular publications (such as HRI's quarterly *Human Rights Tribune*), human rights directories, and special or occasional publications. A key objective of HRI is to support the work of the global non-governmental community in its struggle to obtain human rights for all. To this end, HRI promotes human rights education, stimulates research, encourages the sharing of information, and builds international solidarity among those committed to the principles enshrined in the International Bill of Human Rights.

This report was produced by Human Rights Internet (HRI) in partnership with the Human Rights Division of the Department of Foreign Affairs and International Trade, Ottawa, Canada. The International Advisory Committee which assisted in the production of this report included: Peter Burns, Professor of Law at the University of British Columbia, a member of the UN Committee against Torture; Jane Connors, Chief of the Women's Rights Unit of the UN Division for the Advancement of Women; Osamu Shiraishi, Office of the UN High Commissioner for Human Rights; and Nicole Rivard-Royer, Policy Branch, Canadian International Development Agency (CIDA).

For further information, contact:

Human Rights Internet

8 York St., Suite 302

Ottawa, ON K1N 5S6

Canada

Tel: (1-613) 789-7407

Fax: (1-613) 789-7414

E-mail: hri@hri.ca

URL: <http://www.hri.ca>

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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

ALBANIA

Date of admission to UN: 14 December 1955.

TREATIES AND REPORTS TO TREATY BODIES

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

Economic, Social and Cultural Rights

Acceded: 4 October 1991.

Albania's initial report was due 30 June 1994.

Civil and Political Rights

Acceded: 4 October 1991.

Albania's initial report was due 3 January 1993.

Racial Discrimination

Acceded: 11 May 1994.

Albania's initial and second periodic reports were due 10 June 1995 and 1997 respectively.

Discrimination against Women

Acceded: 11 May 1994.

Albania's initial report was due 10 June 1995.

Torture

Acceded: 11 May 1994.

Albania's initial report was due 9 June 1995.

Rights of the Child

Signed: 26 January 1990; ratified: 27 February 1992.

Albania's initial report was due 27 March 1994.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Arbitrary detention, Working Group on: (E/CN.4/1997/4, paras 4 and 7; E/CN.4/1997/4/Add.1, Decision 20)

The Working Group (WG) submitted information to the government concerning four new cases but received no reply to these communications.

Decision 20 (1996) concerned four members of the Albanian Socialist Party and sympathizers of the former communist regime, who were arrested in September 1995 for having distributed pamphlets bearing the slogan "Down with the United States". Authorities described the pamphlets as anti-American, anti-national and anti-constitutional. The four were to be tried under article 225 of the Penal Code on the charge of "distributing anti-constitutional publications", an offence which carries a three-year prison sentence. The information received indicated that the pamphlets did not advocate violence. All four were found guilty of anti-constitutional activity. Sentences ranged from two to four years' imprisonment with 18 months of each sentence suspended. The WG declared the detentions to be arbitrary.

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

The report notes that the Special Rapporteur (SR) has requested an invitation to visit Albania. The report also notes that cases were transmitted to the government related to the arrest of an editor and reporter for publishing state secrets. The reporter was also accused of "slander and publication of

fallacious data". The report notes that neither the editor nor the reporter were charged or formally released. The government responded that both were eventually acquitted by the Court of Cassation as well as pardoned by the President.

Independence of judges and lawyers, Special Rapporteur on the: (E/CN.4/1997/32, paras. 10, 52-55)

The report refers to allegations previously transmitted to the government related to an action in Parliament to strip the Chairman of the Court of Cassation of his immunity. The government responded that the removal of the immunity of the Chairman and the approval of penal proceedings against him had been made in accordance with article 6 of Law No. 7561 dated 29 April 1992. The report notes that the Constitutional Court ruled on 14 February 1996 that the dismissal was legal because the Chairman had committed a serious criminal offence and that the unconstitutionality of the Chairman's actions, specifically, suspending the execution of certain decisions, was sufficient to constitute a serious criminal offence. The Special Rapporteur noted that no criminal charges were brought against the Chairman and stated that suspending the execution of certain decisions would appear to fall within the normal duties of an appellate court and cannot be considered a criminal offense. The report cites information indicating that the Chairman was removed in order to subordinate the Court to the executive, and that the government had falsified the parliamentary vote to do so.

The report welcomes information indicating that Parliament passed a law in July 1996 to establish a government-subsidized magistrate's school to ensure the professional training of judges and prosecutors. The school will include in its programme mandatory initial training of candidates for magistrate positions, as well as the continuing education of magistrates.

Religious intolerance, Special Rapporteur on: (E/CN.4/1997/91, paras. 9, 17, 23, 26, 41, 66; A/52/477, paras. 21, 25, 33, 37, 46)

The reports refer to violations of religious freedom against Christianity and the question of the restitution of goods and properties to religious communities. Reference is also made to communications sent to the government related to conscientious objection to military service and the fact that legislation does not provide for alternative service or other forms of unarmed national service. In the absence of such legislation, the report notes that conscientious objectors may be subject to judicial proceedings, fines and imprisonment. The Special Rapporteur stated that the granting of an exception from military service in return for monetary payment is a discriminatory measure.

Mechanisms and Reports of the Sub-Commission

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

The report notes that a state of emergency was proclaimed on 2 March 1997.

SECURITY COUNCIL

In resolutions adopted, (S/RES/1101, 28 March 1997; S/RES/1114, 19 June 1997) the Security Council, *inter alia*: reiterated deep concern over the deteriorating situation in

Albania; noted the need for all concerned to refrain from hostilities and acts of violence; repeated its call to the parties involved to continue the political dialogue; condemned all acts of violence and called for their immediate end; welcomed the offer made by some states to establish a temporary and limited multinational protection force to facilitate the delivery of humanitarian assistance and help create a secure environment for the missions of international organizations in Albania; called on the parties to continue the political dialogue and facilitate the electoral process; condemned all acts of violence and called for their immediate end; and, noted the electoral monitoring mission of the OSCE-Office for Democratic Institutions and Human Rights.

* * * * *

ARMENIA

Date of admission to UN: 2 March 1992.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Armenia has submitted a core document (HRI/CORE/1/Add.57) for use by the treaty bodies. The report prepared by the government includes detailed demographic and statistical data as well as descriptions of the social, economic and cultural characteristics of Armenia. The report notes that since independence in 1991 Armenia has been working to establish a democratic multiparty republic with a presidential system of government. At the time the Core document was prepared, Armenia had not yet adopted a Constitution and was operating under terms set out in the August 1990 Declaration of Independence.

In the absence of a Constitution, this Declaration and the International Covenant on Civil and Political Rights were considered the highest law and provide the framework for the protection of human rights. International legal instruments have supremacy over all provisions of Armenia's legislation. Specific laws touching on human rights have been adopted by the Parliament, including in the areas of freedom of speech and the press, religious organizations, the rights of minorities, the rights of persons with disabilities, employment, trade unions and social and political organizations. The Department for Human Rights within the Ministry of Foreign Affairs has requested assistance from the Office of the High Commissioner for Human Rights in drafting human rights legislation, holding seminars on human rights, translating human rights documents into Armenian, and establishing a human rights centre in Armenia.

Economic, Social and Cultural Rights

Acceded: 13 September 1993.

Armenia's initial report (E/1990/5/Add.36) has been submitted and is pending for consideration by the Committee at its November 1999 session; the second periodic report is due 30 June 2000.

Civil and Political Rights

Acceded: 23 June 1993.

Armenia's initial report was due 22 September 1994.

Optional Protocol: Acceded: 23 June 1993.

Racial Discrimination

Acceded: 23 June 1993.

Armenia's initial and second periodic reports were submitted as one document (CERD/C/289/Add.2) which is not yet scheduled for consideration by the Committee; the third periodic report is due 23 July 1998.

Discrimination against Women

Acceded: 13 September 1993.

Armenia's second periodic report is due 13 October 1998.

Armenia's initial report (CEDAW/C/ARM/1; CEDAW/C/ARM/1/Corr.1) was considered at the Committee's July 1997 session. The report prepared by the government includes general information on, *inter alia*: land and population; ethnic characteristics; language and religion; the political structure; economic, social and cultural characteristics; and the normative framework related to human rights. The section of the report addressing articles 1 through 16 of the Convention, includes information on, *inter alia*: constitutional and legal provisions related to non-discrimination; international instruments ratified by Armenia related to women's human rights; the Criminal and Penal Codes; special measures (affirmative action); violence against women; women's organizations; statistics on women in public life; education, employment, health and property rights; and refugees, migrants and internally displaced persons. The report also notes the national plan of action, which includes: use of the media to publicize and disseminate laws and conventions on women's human rights; media programmes to provide information and advice on legal and other aspects of women's human rights; information and counselling services; and, training for senior staff in government institutions, enterprises and other organizations.

The Committee's concluding observations (CEDAW/C/1997/II/L.1/Add.5) welcomed Armenia's accession to the Convention without reservations so soon after independence and viewed positively: the government's effort to amend its laws to bring them into line with the standards set out in international human rights instruments, including the Convention; the incorporation of the Convention in domestic law, giving it precedence over conflicting national legislation; translation of the Convention into Armenian and its wide dissemination; the government's intention to reform the criminal code in respect of violence against women and the sexual exploitation of women through prostitution and trafficking; the exceptionally high level of literacy and education in Armenia, particularly among women; the identification of four priority areas of concern in relation to women's health; and, the programme to establish a system of family planning services, including provision of contraceptives to women free of charge.

In terms of factors hindering implementation of the Convention the Committee noted that one immediate effect of the introduction of competitive politics, which accompanied democratization in Armenia, was an adverse effect on the position of women, reflected in their dramatic loss of representation at all levels of decision-making. As well, the process of transition to a market economy appears to have resulted in the economic marginalization of women, exacerbated by the economic toll of the 1988 earthquake, and the armed conflict around Nagorno Karabakh. The Committee

also noted cultural stereotypes which overemphasize the traditional role of women as mothers in a protective and restrictive way.

The principal areas of concern identified by the Committee were: the absence of specific national machinery for the advancement of women and for the elimination of discrimination against women; the failure of the government to acknowledge and address violence against women; the high rate of unemployment (over 60 per cent), the occupational segregation of women in low-paying sectors, and the small number of women in positions at the senior management level; the absence of policies and programmes to guarantee security and social benefits to women who work in the informal sector; the paternalistic restrictions imposed by labour laws aimed at protecting maternity and resulting in legally limiting women's employment opportunities and choices; increasing prostitution as a reflection of the limited economic options for women in Armenia; the fact that women engaged in prostitution lack access to appropriate health services, including services for the prevention of HIV/AIDS and the treatment of persons infected; and, the government's plan to consider proposals for privatization of the health system, noting the adverse effects this can have for women and other vulnerable groups.

The Committee recommended that the government:

- ▶ establish a national machinery for the advancement of women, fully staffed and resourced, so as to integrate the perspective of women's human rights and gender analysis into all ongoing policy making and strategic development planning activities;
- ▶ take temporary special measures to create employment opportunities for women, including special credit and loan programmes for women entrepreneurs;
- ▶ adopt temporary special measures to remedy the serious decrease in the political representation of women since independence, in order to increase their participation in all areas of public life;
- ▶ give due attention to the subject of violence against women by encouraging a public discussion of its various forms; initiating appropriate legislation; training law enforcement officers, judges and health professionals (including adequate numbers of female personnel) to identify, manage and eliminate the manifestations of violence against women; and guaranteeing that the necessary psycho-social and health services are available to victims of violence, with particular attention paid to internally displaced and refugee women;
- ▶ use the education system and the electronic media to combat the traditional stereotype of women "in the noble role of mother" and raise awareness about the role of men in caring for children and their responsibility for parenting;
- ▶ collect information and sex disaggregated data in all areas, and in particular violence against women, prostitution and health; and,
- ▶ ensure that, in the planning and implementation of privatisation, the social responsibilities and obligations under international human rights law are fulfilled so as to ensure that such policies and programmes will not deprive women and other vulnerable groups of enjoyment of their human rights, especially in the area of health.

Torture

Acceded: 13 September 1993.

Armenia's second periodic report is due 12 October 1998.

Rights of the Child

Acceded: 23 June 1993.

Armenia's initial report (CRC/C/28/Add.9) has been submitted and is scheduled for consideration by the Committee at its January 1999 session; the second periodic report is due 21 July 2000.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 16, 18, 19; E/CN.4/1997/60/Add.1, paras. 26–30)

The report refers to a case transmitted to the government regarding death in police custody as a result of injuries inflicted during a severe beating.

The government responded to information previously transmitted by the Special Rapporteur (SR). Concerning another death in custody, the government asserted that on the basis of two autopsies, it was concluded that the prisoner had died of natural causes, that he had received appropriate medical treatment, and that their investigation had established that no unlawful acts had been committed by medical personnel, officials or other persons. Concerning a case of eight prisoners of war of Azerbaijani nationality who died in the Armenian Ministry of Defence prison in Yerevan, the government stated that they had committed suicide after an unsuccessful attempt to escape from the prison. According to the government, the verdict of suicide was based on the testimonies of fellow Azerbaijani prisoners and of wardens, the findings of forensic medical and ballistic examinations, and an investigation by the Military Procurator; and these findings had been reported in the media.

Religious intolerance, Special Rapporteur on: (E/CN.4/1997/91, paras. 9, 17, 22, 24, 26, 28, 41, 66; A/52/477, paras. 21, 25, 28, 33, 37)

The reports refer to manifestations of religious intolerance and/or discrimination against Christians, Jehovah's Witnesses and members of Hare Krishna. It also mentions allegations that the authorities have exerted control over various religious activities, including a ban on proselytizing for certain religious communities and information indicating that permission for a teacher to provide religious instruction depends on the approval of the national Orthodox Church. The report notes that the government provided the Special Rapporteur with information on legislation guaranteeing religious freedom and its manifestation. The government asserted that measures sanctioning non-apostolic religious communities had restored religious stability.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, paras. 2–4)

The report notes that the Special Rapporteur (SR) had received reports of beatings and other forms of ill-treatment inflicted on detainees for the purpose of obtaining information, "confessions" or intimidation. These reports alleged that detainees are frequently denied access to family members

while their cases are being investigated and that many victims of ill-treatment are reluctant to make official complaints about the abuse for fear of reprisals. The SR concurred with concerns expressed by the Committee against Torture, doubting the effectiveness of provisions to safeguard people in police custody. The cases transmitted to the government involved individuals alleged to be members of a clandestine armed group within the opposition Armenian Revolutionary Federation party known as "DRO", as well as several lawyers involved with the "DRO". The cases involved allegations of beatings and other ill-treatment in a facility run by the Ministry of Security, for the purpose of coercing confessions during pre-trial detention, as well as beatings by persons wearing military uniforms who were either public officials or were acting at the instigation of such officials. Other cases involved 19 devotees of the Hare Krishna religious organization, including four women and four children; they were reportedly beaten, some with iron bars, at the group's premises by 20 to 25 men, some of whom were wearing military fatigues. The information indicated that the beatings were ordered by the Ministry of Defence because it had mistakenly believed that the Hare Krishna religion obliged devotees to refuse military service. Another case involved a man who had been arrested in connection with a murder and died as a result of beatings suffered at the police station.

Mechanisms and Reports of the Sub-Commission

Freedom of movement, Working Paper: (E/CN.4/Sub.2/1997/22, paras. 24, 30, 32)

The working paper comments on the emergence of new states following the break up of the Soviet Union and notes laws affecting the right to freedom of movement in the region. With regard to Armenia, the report refers to the laws on the state language and the legal status of foreigners. Reference is also made to the distinction between external and internal migrants and, in terms of the latter, that migration may be caused by natural or environmental reasons such as the earthquake in Armenia. The impact of the conflict is also noted as one of the causes of a significant wave of refugees from the country.

Other Reports

National institutions, Report of the S-G to the CHR: (E/CN.4/1997/41, para. 8)

The report of the Secretary-General summarizes the response of the government in which Armenia emphasized that the independence of national institutions was of utmost importance. It suggested that national institutions should be granted special UN consultative status to enable them to participate independently and in their own right at meetings such as those of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

* * * * *

AZERBAIJAN

Date of admission to UN: 9 March 1992.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Azerbaijan has submitted a core document (HRI/CORE/1/Add.41/Rev.2) 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 juridical framework within which human rights are protected and legal remedies for violations.

The legal framework for the protection of human rights is established by the Constitution which states that Azerbaijan subscribes to the Universal Declaration of Human Rights, the Helsinki Final Act and other generally recognized international instruments. All rights and freedoms set out in these instruments are respected and may be exercised without discrimination based on sex, race, nationality, religion, social origin, political convictions or any other ground. The protection of rights is provided through a number of legal measures, including the Criminal and Civil Codes and codes related to labour, marriage and family, housing and land. Remedies for violations may be sought through the judicial system which includes the Supreme Courts of the Azerbaijani and Nakhichevan Republics, the Baku City Court, district people's courts, military tribunals, and the High Court of Arbitration. The creation of a Constitutional Court is under way.

Economic, Social and Cultural Rights

Acceded: 13 August 1992.

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

Azerbaijan's initial report (E/1990/C/Add.30) was considered by the Committee at its November/December 1997 session. The report prepared by the government provided information, much of it of a general nature, on both legal and administrative measures related to the rights set out in the Covenant, including: employment, education, women, trade unions, children, social security, housing, poverty, and environmental safety and security. The report also includes information on the rights of foreign nationals and stateless persons in the areas addressed by the Covenant.

The Committee's concluding observations (E/C.12/1/Add.20) noted the existence of a relatively advanced industrial sector and the rich agricultural and oil resources in Azerbaijan. The Committee welcomed: progress made in developing or enacting laws, *inter alia*, in the areas of labour, social insurance, refugees and stateless persons, and education; the work by the State Employment Service to find jobs for applicants and provide counselling and vocational training; the generally high level of education; provision of ten years of free, compulsory education; the participation of women in institutions of higher learning; and, the measures being taken to provide education to members of minorities and refugees.

Among the factors hindering implementation of the Covenant, the Committee noted: rapid changes in development and socio-economic difficulties arising from an economy in transition; the dramatic decline in national production and income since 1991; and, as the government admitted, the fact that nearly the entire population is living in poverty. The Committee also referred to the fact that a large proportion of resources necessary to finance social programmes is diverted by corruption, and the flight of capital and emigration of specialists as a result of such difficulties. The effect of the armed conflict with Armenia is also noted as creating difficulty, particularly with regard to the large

number of refugees and internally displaced persons whose stay in Azerbaijan may be prolonged.

The principal subjects of concern identified by the Committee were: the lack of information concerning the status of the Covenant in domestic law; a generally low level of awareness among the general public of the emerging national legislative framework which includes provisions related to human rights; lack of an effective recourse mechanism for persons who consider that their rights have been violated; the fact that a Constitutional Court has not yet been established; the insufficient attention given to encouraging the development of small and medium sized enterprises; and, the inadequate attention paid to the adverse environmental consequences of some of the activities of the oil industry.

The Committee also expressed concern over: lack of information on the extent to which the general public is able to participate in the privatization process; the lack of detailed information in the report about the situation of refugees in Azerbaijan; the lack of sufficient information on the status of women, including in the areas of health care, professional opportunities and measured income differentials between women and men; the high level of unemployment and the fact that many people have entered the informal sector to secure sustenance; the attempts on the part of the government to eradicate the informal employment sector; the lack of detailed information on the right to form and join trade unions; the broad range of workers who are prohibited from exercising the right to strike; the reduction in the purchasing power of pensions and social insurance arising from the disintegration of public finance and the high rate of inflation; lack of effective control over intercountry adoption of children; inadequacies in medical care for women during pregnancy and childbirth; the rising level of poverty; the fact that a large proportion of the population is living without safe drinking water; the lack of affordable housing; the decline in agricultural production because of inefficiencies in the privatization process related to farms; inadequacies in food production and distribution; the declining quality of medical care and the decline in the number of persons benefiting from medical care; the fact that vulnerable groups and the homeless are not given adequate protection against forced evictions; and, the weakening of the educational system as a result of a general shortage of resources.

The Committee recommended that the government:

- ▶ grant the Covenant definitive status in domestic law so that it may be invoked in the courts and include instruction on the ICESCR in the training of lawyers, judges, social workers and other professionals relevant to economic, social and cultural rights;
- ▶ establish, as a matter of priority, the Constitutional Court;
- ▶ regulate the oil industry more effectively, particularly with regard to environmental protection;
- ▶ encourage diversification of the economy, including small and medium sized enterprises, conduct the privatization process in an open and transparent manner and ensure that the conditions under which oil concessions are granted are always made public;
- ▶ include in the next report information on the situation faced by refugees and obstacles faced by women in the protection of their economic, social and cultural rights;
- ▶ work with, and seek to regulate rather than eliminate, the informal sector, including through provision of low-interest loans and credit incentives;
- ▶ include in the next report detailed information on the right to form and join trade unions and clarify the meaning attributed to "political activities" prohibited in the 1994 Law on Trade Unions;
- ▶ address in a more efficient and focussed manner housing needs, particularly for disadvantaged groups and collect relevant information and enact appropriate legislation in the area of forced evictions;
- ▶ place effective control on inter-state adoption of children in order to prevent sexual and other forms of exploitation;
- ▶ ensure that all women receive adequate medical care during pregnancy and childbirth;
- ▶ address as a matter of utmost urgency the basic needs of the population, including safe drinking water, food, affordable housing and health care; and,
- ▶ allocate resources to ensure that national education standards are strictly observed.

Civil and Political Rights

Acceded: 13 August 1992.

Azerbaijan's second periodic report is due 12 November 1998.

Racial Discrimination

Acceded: 16 August 1996.

Azerbaijan's initial report was due 15 September 1997.

Discrimination against Women

Acceded: 10 July 1995.

Azerbaijan's initial report (CEDAW/C/AZE/1) has been submitted and is pending for consideration at the Committee's January 1998; the second periodic report is due 9 August 2000.

Torture

Acceded: 16 August 1996.

Azerbaijan's initial report was due 14 September 1997.

Rights of the Child

Acceded: 13 August 1992.

Azerbaijan's second periodic report is due 11 September 1999.

Azerbaijan's initial report (CRC/C/11/Add.8) was considered by the Committee at its May/June 1997 session. The report prepared by the government included information on: the effects of the armed conflict with Armenia; general measures on the implementation of the Convention; the legislative framework for children's rights; education, leisure and cultural activities; medical services and welfare; social problems, including crime; and, public and international organizations.

The Committee's concluding observations and comments (CRC/C/15/Add.77) noted: the comprehensive law reform currently being carried out; the establishment of the Commission on Minors' Affairs under the Cabinet of Ministers of Azerbaijan and of a Human Rights Commission in the Parliament; the steps taken by the government to publicize the

Convention; and, the emergence of non-governmental organizations and the gradual steps taken to enhance cooperation between them and the government.

Among the factors and difficulties hindering implementation of the Convention, the Committee acknowledged the serious difficulties faced by Azerbaijan, citing the fact that the transition to a market-oriented economy has had a serious impact on the population, in particular on all vulnerable groups, including children. The Committee also cited the major problems experienced as a consequence of the armed conflict, including heavy casualties, long-lasting physical, emotional and psychological effects, and the disruption of some basic services. The Committee took note of the unknown number of children who have suffered the most fundamental violations of their right to life, and of the existence of a large population of refugees and displaced persons, who are being assisted through international aid.

The principal subjects of concern identified by the Committee were: the absence of comprehensive legislation that promotes and protects the rights of the child; the failure to adopt a comprehensive policy to promote and protect the rights of the child and the absence of a National Plan of Action; the absence of a coordinating body for issues relating to children; the fact that insufficient attention has been paid by the authorities to the collection of systematic and comprehensive data and the identification of appropriate indicators and monitoring mechanisms to assess the situation of children; the inadequacy of measures to ensure the full implementation of children's economic, social and cultural rights to the maximum extent of available resources; the fact that the government officials and the general public have not yet been sensitized to the rights of the child; the fact that the child is still often perceived as a person not fully entitled to rights; the failure of the government to take fully taken into account the provisions of the Convention in its legislation, and administrative and judicial decisions, and policies and programmes relevant to children; legislative provisions relating to the definition of the child which are not in conformity with the Convention; the disparities in the marriage ages for girls and boys and disparities between the age for the end of compulsory schooling and the minimum age for employment; the lack of legislative and other types of measures to protect children from harmful information; the inadequate support given to families living below the poverty line as well as to single-parent families; the lack of comprehensive legislation on adoption and at the fact that inter-country adoption seems not to be a measure of last resort; the emergence of a population of unaccompanied children, orphans and abandoned children as a result of the armed conflict; the lack of information about ill-treatment and abuse of children within the family; the lack of information on youth suicides and accidents; the increase in the number of child prostitutes, and the absence of a clear strategy to combat the abuse and sexual exploitation of children; the general health situation of children; the impact of armed conflict on education, and the lack of measures to implement programmes to reduce the drop-out rate; the inadequate measures for the physical, psychological and social rehabilitation of children affected and traumatized by armed conflict; and, the administration of juvenile justice, particularly with regard to the lack of respect for the rights of the child in "corrective labour institutions", the lack of an

appropriate monitoring system for all types of detention centres and the inadequacy of alternative measures to imprisonment.

The Committee recommended that the government:

- ▶ harmonize its legislation relating to children with the principles and provisions of the Convention by adopting its draft Act on the Rights of the Child;
- ▶ adopt a comprehensive national policy on children as well as a National Plan of Action;
- ▶ strengthen coordination among the various governmental bodies and mechanisms involved in children's rights, at both the national and local levels and give priority to the development of a system of data collection and to the identification of appropriate disaggregated indicators with a view to addressing all groups of children;
- ▶ establish an independent monitoring body, such as an ombudsperson or a children's rights commissioner, to address children's rights violations adequately;
- ▶ 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 the most disadvantaged children;
- ▶ take all appropriate measures to integrate children with disabilities into mainstream education;
- ▶ launch an information campaign on the Convention, for both children and adults, to enable children to fully exercise their rights; consider incorporating the Convention into the curricula of educational institutions; and take appropriate measures to facilitate access by children to information on their rights;
- ▶ direct further efforts towards development of comprehensive training programmes for professional groups working with and for children;
- ▶ establish the same minimum age for marriage for girls and boys and ensure that the age of end of compulsory education is the same as the minimum age for employment;
- ▶ take all appropriate legal, administrative and other measures to protect children from harmful information, including in the audio-visual media and in media using new technologies;
- ▶ develop alternative measures to institutionalization, such as foster care, and systematically enforce the right of the child to periodic review of placement;
- ▶ consider new and creative policies and programmes adequately to support vulnerable families, particularly those living in poverty or single-parent families and regularize the status of families accommodating refugee or displaced children;
- ▶ bring into conformity with the Convention legislation on adoption and consider ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption;
- ▶ with the view to facilitating family reunification, set up a central agency to trace unaccompanied children and take appropriate measures to protect the rights of orphans and abandoned children;

- ▶ undertake a comprehensive study of child abuse, including sexual abuse, and ill-treatment in the family, as well as a study on youth suicide, and design and adopt adequate programmes to prevent sexual abuse and exploitation of children, especially child prostitution;
- ▶ adopt a strategy to tackle the problem of children working and/or living on the street and promote informal education programmes;
- ▶ adopt a comprehensive national policy to promote and advance the health of children and mothers, give particular attention to the impact of environmental pollution and undertake a study on this subject;
- ▶ promote pupil retention programmes and education on conflict resolution and education for peace, tolerance and friendship among all people in all schools;
- ▶ give special attention to refugee and internally displaced children to ensure that they have equal access to basic facilities and take all appropriate measures, including through international cooperation, if necessary, to address the physical, psychological and social reintegration needs of children affected by the armed conflict and related types of violence; and,
- ▶ consider undertaking a comprehensive reform of the juvenile justice system, with particular attention to protecting the rights of children deprived of their liberty, the establishment of an appropriate and independent monitoring mechanism, and the improvement of the quality and adequacy of alternative measures to imprisonment; organize training on the relevant international standards for all professionals involved with the juvenile justice system.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Arbitrary detention, Working Group on: (E/CN.4/1997/4/Add.1, Decision 11)

Decision 11 (1996) related to two cases of detention to which the government responded within the time period set by the Working Group (WG). The government informed the WG that the two men had been released. On that basis, the cases were filed.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras 16, 17, 18, 32; E/CN.4/1997/60/Add.1, paras. 36–40)

The report notes information indicating that a high number of deaths occurred among prisoners as a result of overcrowding and unsanitary conditions in which the spread of diseases was difficult to check-in 1994, 244 out of a total of 320 prisoners infected with tuberculosis had died and in 1995, the number of prisoners suffering from tuberculosis had reached 1,200.

The report notes that Special Rapporteur (SR) transmitted to the government one case of a death in a prison hospital due to inadequate medical treatment. In response, the government provided general information concerning the procedure for investigating deaths in custody, bringing perpetrators to justice and providing compensation. The SR informed the government that a reply of such a general nature did not meet

his request for specific information and called on the government to take all necessary measures to ensure the right to life of all persons detained or imprisoned.

Religious intolerance, Special Rapporteur: (A/52/477, paras. 25, 28, 30, 31, 33, 34, 35, 36, 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 and followers of Islam; refusal to grant official recognition to certain religious groups and communities; a climate of intolerance that adversely affects certain religious minorities and communities; imposition of controls and interference with religious activities; a prohibition on all forms of proselytizing by non-nationals; obstacles to securing places of worship for some religious minorities; and, harassment and threats against clergy and believers.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, para. 9)

The report refers to information received related to an individual who was severely beaten after being taken into police custody, with the aim of forcing him to make a confession to theft. The information indicated that the man died from injuries sustained from the beatings. The report notes that it was unclear whether any investigation had taken place.

Mechanisms and Reports of the Sub-Commission

Freedom of movement, Working Paper: (E/CN.4/Sub.2/1997/22, para. 24, 32)

The report refers to the laws in Azerbaijan on refugee status, forcible relocation and the state language. It notes that laws such as these are often inconsistent with international standards and sometimes discriminatory in their treatment of nationals, foreigners and stateless persons with respect to the right to freedom of movement and choice of residence. The report also refers to the conflict in Azerbaijan as one of the factors contributing to massive flows of refugees.

Other Reports

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

The report of the High Commissioner for Human Rights briefly refers to the UN Development Programme (UNDP) programme for reconstruction and rehabilitation of key return areas for internally displaced persons in Azerbaijan, carried out in close cooperation with the World Bank. Information from the International Monetary Fund (IMF) noted its reconstruction activities in Azerbaijan, and the creation of the Azerbaijan Resettlement and Reconstruction Agency.

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BELARUS

Date of admission to UN: 24 October 1945.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Belarus has submitted a core document (HRI/CORE/1/Add.70) for use by the treaty bodies. The report prepared by the government is entirely based on demographic data which include population figures and

information on education, characteristics of urban and rural populations, birth and mortality rates, health statistics, personal finances, housing and employment. The report does not provide information on the structure of government and the legal framework for the protection of human rights.

Economic, Social and Cultural Rights

Signed: 19 March 1968; ratified: 12 November 1973.
Belarus's fourth periodic report is due 30 June 1999.

Civil and Political Rights

Signed: 19 March 1968; ratified: 12 November 1973.
Belarus's fifth periodic report is due 4 November 1998.
Reservations and Declarations: Declaration under article 41.

Optional Protocol: Acceded: 30 September 1992.

Belarus's fourth periodic report (CCPR/C/84/Add.4, CCPR/C/84/Add.7) was considered by the Human Rights Committee at its October/November 1997 session. The report contains information on a number of provisions in the Constitution adopted on 15 March 1994, including those related to: separation of powers, elections, state structures, judicial authority, rights and freedoms, self-determination and the relationship between domestic and international law. Information is also provided on laws concerning monopolies and competition, consumer protection, religions and religious freedom, the environment, ethnic minorities, police powers and foreign citizens and stateless persons. Commentary is included on amendments to the Criminal Code and refers to, *inter alia*, the concept of crime, the death penalty, crimes against the state, criminal liability and criminal procedures. As well, summary information is provided on laws and statutes regulating the armed forces.

The Committee's concluding observations and comments (CCPR/C/79/Add.86) view positively: the steps taken to improve the situation of women; the creation of a Women's Crisis Centre to shelter women who are victims of rape or domestic violence; and the decision of the Constitutional Court declaring the retroactive operation of a criminal law invalid under article 15 of the ICCPR, thereby establishing the supremacy of the Covenant over domestic law.

Among the subjects that the Committee viewed with concern were: the deterioration in the human rights situation since the Committee reviewed Belarus's third periodic report in 1992; the persistence of political attitudes that are intolerant of dissent or criticism and that oppose the full promotion and protection of human rights; the lack of legislative limits on executive powers; the growing concentration of powers, including legislative, in the executive and an absence of judicial control; the high number of crimes still punishable by the death penalty, decrees defining new crimes to which the death penalty applies, and the high number of death sentences actually carried out; the secrecy surrounding all stages of death penalty procedures; the numerous allegations of ill-treatment by police and other law enforcement officials during peaceful demonstrations, on arrest and in detention; the high number of cases in which police and other security officials use weapons; the failure to investigate and prosecute cases of abuse of force by police and security officials and the de facto impunity this creates; the provision allowing for pre-trial detention of up to 18 months; the provision that the Procurator and not a judge is competent to decide upon the continuance of pre-trial

detention; lack of clarity as to whether there is a right to challenge the lawfulness of detention before a court; the provision that supervision of places of detention is under the competence of the Procurator Office and lack of an independent mechanism to receive and investigate complaints by detainees; and, conditions in prisons.

The Committee also expressed concern over: the number of unreasonable restrictions imposed by law on the right to leave the country; the procedures relating to tenure, discipline and dismissal of judges at all levels; the power of the President to dismiss at will judges of the Constitutional Court and the Supreme Court; the failure of the President to respect the decisions of the Constitutional Court and observe the rule of law; the adoption of a presidential decree which gives the Ministry of Justice the power to licence lawyers and obliges lawyers to be members of a centralized Collegium, controlled by the Ministry, in order to practice; reports of arbitrary infringements on the right to privacy, in particular with regard to telephone tapping and house searches; the provision that decisions on the legality of measures such as wire tapping and searches are made by the General Procurator without court review.

The Committee expressed deep concern about numerous and serious legal infringements of the right to freedom of expression, related to: state ownership of media; the fact that editors-in-chief of state-supported newspapers are state employees; a presidential decree imposing severe restrictions on the freedom to import and export information; reports of harassment and intimidation of local and foreign journalists by the authorities; and, denial of access to public broadcasting facilities for political opponents. The Committee also expressed concern at severe restrictions imposed on freedom of assembly, including: denial of permits to hold public demonstrations; imposition of strict limits on the organization and preparation of demonstrations; and bans on the use of posters, banners or flags that "insult the honour and dignity of officials of state organs" or "are aimed at damaging the State and public order and the rights and legal interests of citizens".

The Committee also drew attention to difficulties that non-governmental organizations and trade unions encountered with the registration procedures, as well as to reports that human rights activists have been intimidated and harassed by authorities, sometimes leading to arrests and the closure of NGO offices. As well, the Committee noted with concern that there is no independent mechanism to investigate and monitor allegations of human rights violations, and that citizens have received very little information about the complaint procedure available to them under the Optional Protocol.

The Committee recommended that the government:

- ▶ restrict application of the death penalty to the most serious crimes and consider abolition of the death penalty at an early date;
- ▶ conduct a thorough review of legislation and decrees to ensure their compliance with the Covenant;
- ▶ ensure that allegations of ill-treatment and unlawful use of weapons by security and police are promptly and impartially investigated by an independent body;

- ▶ ensure that perpetrators of ill-treatment and unlawful use of weapons are prosecuted and punished and the victims compensated;
- ▶ provide appropriate instruction and training on the ban on torture and ill-treatment to all enforcement personnel, police and others involved in the custody or treatment of anyone arrested, detained or imprisoned;
- ▶ review laws and regulations related to pre-trial detention to ensure they comply with the ICCPR;
- ▶ abolish the use of punishment cells;
- ▶ take all appropriate measures to ensure that judges and lawyers are independent of any political or other external pressure and transfer to the courts competence to decide upon requests for and the legality of activities such as wire tapping and house searches;
- ▶ adopt at the earliest possible date the proposed law exempting conscientious objectors from compulsory military service and providing alternative civil service;
- ▶ take all necessary measures to remove restrictions on freedom of expression that are incompatible with article 19 of the Covenant;
- ▶ fully protect and guarantee the right to peaceful assembly and modify current restrictions to bring them into compliance with article 21 of the ICCPR;
- ▶ review without delay laws, regulations and administrative practices related to the registration of non-governmental organizations to facilitate their establishment and free operation;
- ▶ take steps to expedite the planned establishment of the Office of Ombudsman and ensure that the Office has effective powers to investigate complaints of human rights violations;
- ▶ ensure that information on the individual complaints procedure through the Optional Protocol is disseminated to the public at large and particularly among prisoners (including those on death row), other detainees and members of the legal profession; and,
- ▶ establish a mechanism to ensure the implementation of the views expressed by the Committee under the Optional Protocol to the Covenant.

Racial Discrimination

Signed: 7 March 1966; ratified: 8 April 1969.

Belarus's 15th periodic report is due 5 May 1998.

Reservations and Declarations: Paragraph 1 of article 17.

Belarus's 14th periodic report (CERD/C/299/Add.8) was considered at the March/April 1997 session of the Committee. The report prepared by the government includes demographic and statistic data as well as information on national minorities, the migration situation, measures taken to improve national legislation and practical steps taken to implement the Convention, including in the areas of education and teaching, culture and religion, health care and the mass media. Commentary on individual laws such as the Act on Public Associations and the Act on the Press and Other Mass Media as well as those on education, languages and

culture is included. The report also provides some information on the Coordinating Council for National Minorities.

The Committee's concluding observations and comments (CERD/C/304/Add.22) referred to factors that are obstacles to implementation of the Convention, including the profound economic and social changes resulting from the dissolution of the former Soviet Union and the massive inflow of immigrants and asylum-seekers.

The Committee welcomed a number of initiatives in Belarus, including: the establishment of a Coordinating Council for National Minorities within the Council of Ministers and a state committee on religious and national questions, as well as the forthcoming establishment of an Ombudsman's Office; the signing of the Commonwealth of Independent States (CIS) Convention concerning the Rights of Persons Belonging to National Minorities and the CIS Convention on Human Rights and Fundamental Freedoms in 1995; the detailed information provided in the government's report on the ethnic composition of the population; adoption in 1995 of an Act on Refugees which takes into account the provisions of the 1951 Convention relating to the Status of Refugees; and conclusion of bilateral agreements between Belarus and neighbouring countries to regulate migratory movements, as well as agreements with the CIS related to assistance to refugees and displaced persons. The Committee also welcomed the adoption of legislative measures to comply with the provisions of article 4 (racism and hate speech) including: the Act on the Press and Other Mass Media, which prohibits the use of mass media to incite national, social, racial or religious intolerance or discord; the Act on Political Parties, which prohibits the establishment and activities of parties whose aim is to carry out propaganda for national, religious or racial enmity; and, the Act on Public Associations, which prohibits the establishment of public associations which incite national, religious or racial enmity.

The Committee also noted positively the measures taken to incorporate into the school curricula courses on the purposes and principles of the UN Charter, the Universal Declaration and the principal international human rights instruments, including the Convention, and the development, in cooperation with the UNDP, of the "democracy, public administration and participation" project through which training in the field of human rights will be provided to jurists, law enforcement officials, teachers and educators.

Areas of concern identified by the Committee included: the lack of concrete information about the implementation of various laws relating to protection against racial discrimination; the lack of specific legislative provisions prohibiting racial discrimination by private groups or associations; the lack of information on the participation in public life of ethnic minorities and on their economic and social situation; the lack of clarity as to whether the Act on the Judicial System and the Status of Judges (1995) — under which the courts are required to protect social, economic and political rights and freedoms of individuals, regardless of origin, race, nationality or language — provides for the right to seek reparation or satisfaction for any damage suffered as a result of racial discrimination; the absence of cases of criminal proceedings for racial discrimination; and, the lack of information on programmes for the training of magistrates, law enforcement officials, teachers and social workers, aimed at raising their awareness of problems related to racial discrimination.

The Committee recommended that the government:

- ▶ include in its next report information on the implementation in practice of the laws relating to the prevention and elimination of racial discrimination, and in particular, reference to any relevant court cases;
- ▶ adopt specific legislation to prohibit racial discrimination by private groups or organizations;
- ▶ provide comprehensive information in its next report on the effective enjoyment by all groups of the rights related to participation in public life and economic, social and cultural rights and consult with national or ethnic minority associations in order to take into account their experiences in these areas;
- ▶ provide information in its next report on the availability of the right to seek from the courts reparation or satisfaction for any damage suffered as a result of racial discrimination as well as instances of cases where reparation was sought from the courts, together with the courts' decisions;
- ▶ provide in its next report an explanation for the absence of prosecutions relating to racial discrimination offences in order to facilitate an assessment of whether this is due to the actual non-existence of such offences, or to a lack of awareness of the population of their rights, or to a lack of effective enforcement of the relevant laws by the competent authorities;
- ▶ pay due attention to the availability of education in the Belorussian language for all students who desire to study in this language;
- ▶ provide training on the principles and rights set out in the Convention to law enforcement officials, judicial personnel, teachers and social workers; and,
- ▶ continue efforts to incorporate the principles of the Convention in school curricula at all levels.

Discrimination against Women

Signed: 17 July 1980; ratified: 10 July 1985.

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

Torture

Signed: 19 December 1985; ratified: 13 March 1987.

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

Reservations and Declarations: Article 20.

Rights of the Child

Signed: 26 January 1990; ratified: 1 October 1990.

Belarus's second periodic report was due 30 October 1997.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, para. 86)

The report notes the Special Rapporteur's concern regarding the secrecy which surrounds trials and the application of the death penalty in Belarus.

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

The report notes that the Special Rapporteur was invited by the government to visit Belarus.

Independence of judges and lawyers, Special Rapporteur on: (E/CN.4/1997/32, paras. 17, 77-78)

According to the report, the Special Rapporteur sent an appeal to the government concerning measures taken by the President to suspend the Constitutional Court. This presidential move followed a decision of the Court which favoured a draft constitution prepared by Parliament over one prepared by the President. The report notes a statement by the President that he would ignore the Court's decision. Earlier, following five Court decisions which found certain presidential decrees to be unconstitutional, the President had threatened to take decisive action against the court, and to dismiss the Court's chairman.

Religious intolerance, Special Rapporteur on:

(E/CN.4/1997/91, paras. 9, 17, 22, 23, 26, 41, 66; A/52/477, paras. 21, 25, 33, 37)

The reports note discrimination against all religions and religious groups except the official or state religion in Belarus, as well as measures such as restrictions and bans on the religious beliefs and practices of certain categories of persons, mainly aliens. Note is also made of violations of the freedom to dispose of religious property and questions related to the restitution of goods and properties to religious communities and the fact that the law in Belarus does not provide for an alternative to military service for conscientious objectors.

Mechanisms and Reports of the Sub-Commission

Freedom of movement, Working Paper: (E/CN.4/Sub.2/1997/22, para. 24)

In the section considering the emergence of new states following the break-up of the Soviet Union and laws affecting freedom of movement, the report notes laws in Belarus on: refugee status; the legal status of foreigners; national minorities; and the procedure for entry and departure of nationals.

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BOSNIA AND HERZEGOVINA

Date of admission to UN: 22 May 1992.

TREATIES AND REPORTS TO TREATY BODIES

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

Economic, Social and Cultural Rights

Succeeded: 1 September 1993.

The initial report for Bosnia and Herzegovina was due 30 June 1995.

Civil and Political Rights

Succeeded: 1 September 1993.

The initial report for Bosnia and Herzegovina (CCPR/C/81/Add.1) has been submitted but is not yet scheduled for consideration by the Committee; the second periodic report is due 5 March 2000.

Reservations and Declarations: Declaration under article 41.

Optional Protocol: Signed: 1 March 1995; ratified: 1 March 1995.

Racial Discrimination

Succeeded: 16 July 1993.

The initial report for Bosnia and Herzegovina was due 16 July 1994; the second periodic report was due 16 July 1996.

Under its early warning and urgent procedures, the Committee considered the situation in Bosnia and Herzegovina at its August 1997 session. In Decision 2(51) (CERD/C/51/Misc.37/Rev.1) the Committee noted with great concern that: Bosnia and Herzegovina remains a deeply divided country; the boundaries are not very different from the confrontation lines between entities; and, there are clear patterns of discrimination and separation based on national or ethnic origin. The Committee also expressed concern over the serious obstacles to the right of refugees freely to return to their homes of origin and noted that property laws which conflict with the Dayton Agreement remain in effect. Profound concern was also expressed over the fact that little progress is being made in apprehending people indicted by the International Criminal Tribunal for the Former Yugoslavia. The Committee urged all parties to the Dayton Agreement to comply with their obligations to cooperate fully with the Tribunal in fulfilling its task of bringing to justice all persons guilty of the serious crimes falling within its jurisdiction, execute immediately all warrants of arrests, and expedite the transfer of individuals indicted by the Tribunal.

Discrimination against Women

Succeeded: 1 September 1993.

The initial report for Bosnia and Herzegovina was due 1 October 1994.

Torture

Succeeded: 1 September 1993.

The initial report for Bosnia and Herzegovina was due 5 March 1993; the second periodic report was due 5 March 1997.

Rights of the Child

Succeeded: 1 September 1993.

The initial report for Bosnia and Herzegovina was due 5 March 1994.

Reservations and Declarations: Paragraph 1 of article 9.

COMMISSION ON HUMAN RIGHTS

Special Rapporteur on the territory of former Yugoslavia

A Special Rapporteur (SR) on the situation of human rights in the territory of former Yugoslavia was appointed in 1992, pursuant to resolution 1992/S-1/1 of 14 August 1992, adopted at the first special session of the Commission on Human Rights. Ms. Elisabeth Rehn was the Special Rapporteur during 1997.

The SR visited Bosnia and Herzegovina (B&H) from 26 to 28 June 1996 to assess the human rights situation in the context of the elections scheduled for September 1996. The report of that mission (E/CN.4/1997/5) stated that the elections would not meet all the relevant requirements of international law and the Copenhagen Declaration. [The Copenhagen Declaration was agreed at the Meeting of the Conference on the Human Dimension of the Organization for

Security and Cooperation in Europe (OSCE). This Declaration, combined with the General Framework for Peace in Bosnia and Herzegovina, charged the OSCE with supervision of the preparation for and conduct of the elections and established the rules and regulations for the elections.] The SR supported the recommendation of the Chairman-in-Office of the OSCE, that the mandates of all the authorities elected expire in two years, when new elections would take place. The rationale behind this proposal was that it would allow for further consolidation of the democratic process and provide an opportunity for a free and fair expression of the will of the people within a reasonable period of time.

Issues highlighted as requiring attention before the next elections included: obstacles to the exercise of the rights to freedom of association and assembly for political parties other than the three in power or with authority, namely the Serbian Democratic Party (SDS), the Party of Democratic Action (SDA) and the Croatian Democratic Union (HDZ); the de facto lack of freedom of movement particularly in the Republika Srpska; the need to ensure equal access to radio and television stations for politicians who do not belong to the SDS; censorship of the media in Croat-controlled areas; inter-entity distribution of newspapers and magazines; the need for inter-entity telephone contact; obstructions to the return of refugees and displaced persons to "minority areas"; and, the pervasive climate of fear and insecurity.

The report states that violations continued in B&H, particularly in the areas of freedom of association and assembly, freedom of movement for campaigners and candidates, restrictions on freedom of expression and abuses of the media, and violent attacks on politicians and their supporters. The report noted that governments, local authorities and police forces had failed to take the action necessary to counter these practices and to permit significant voluntary return to areas where returnees are now part of minority populations. Incidents of ongoing displacement were also mentioned.

This assessment of the elections was supplemented by follow-up commentary in the SR's general report to the Commission on Human Rights (of October 22, 1996) (E/CN.4/1997/9, paras. 3-37, 138-142) which reiterated that conditions for free and fair elections did not exist in September 1996 and that the elections had suffered from restrictions on free political expression, free association and free movement. The report observed that: opposition voices were rarely heard in the media; opposition party members were frequently the target of threats and discrimination; reports of intimidation were received from all areas of the country; and there were reports of persons losing their employment, especially in state enterprises, because of their political affiliations. As well, there were no reliable mechanisms to prevent the registration process from being manipulated in such a way as to encourage displaced persons and refugees to cast their votes in strategically important municipalities. However, the SR stated that small opposition parties and non-governmental organizations saw the elections as the first step towards their gaining a voice in the country's civil society.

In terms of post-election conditions, the report refers to the task of institution-building and notes that technical and political problems had led to a "blockade" on the activities of the new institutions. One example cited was the failure to

convene the new National Assembly in its entirety on 5 October 1996 because newly-elected Serb representatives declined to attend the inaugural ceremony in Sarajevo out of fears for their security. The report notes that political leaders faced security concerns throughout the country. Other problems and areas of concern noted by the SR include: restrictions on freedom of movement, including illegal police checkpoints; the absence of an organized return of large numbers of refugees and displaced persons; the fact that people living in areas dominated by members of another national group continue to face threats of harassment, assault, forcible eviction and even mortal injury because of their nationality; the increased number of evictions throughout the country; the lack of effective measures to address the question of property, with authorities in both entities of B&H continuing to authorize the occupation of property without regard to legal ownership, to the situations of the owners, or to the pertinent provisions of the Dayton Agreement; continued detention of people in B&H in violation of their human rights; the phenomenon of "silent emergencies" (described as crises which have developed from the poverty in the region, rather than the war per se, and where the victims — e.g., persons with disabilities and victims of rape — have virtually no voice with which to address the region's social problems); and, the situation of children generally, including homeless, orphaned and abandoned children.

The Special Rapporteur recommended that the government and all authorities:

- ▶ respect all the key human rights aspects of the Dayton Agreement and, in particular, provisions of annex 7 relating to the right of return of refugees and displaced persons;
- ▶ implement a system of uniform car registration plates throughout the country as a means of improving freedom of movement;
- ▶ take steps to comply fully with the Dayton Agreement;
- ▶ provide greater support to the Federation Ombudsmen, as well as to the mechanisms created by the Dayton Agreement which form the Commission on Human Rights, in order to improve the overall human rights situation and give a meaningful response to the recommendations of these institutions;
- ▶ fulfill obligations related to the apprehension and transfer to the International Criminal Tribunal at The Hague of all indicted war crime suspects;
- ▶ take steps to ensure that local war crimes trials are conducted according to internationally recognized standards, and in particular that the right to open and public trials is respected, and ensure full access for international monitors to trial proceedings;
- ▶ give immediate attention to the "silent emergencies" of Bosnia and Herzegovina and address effectively the situation of mentally disabled people and the people who have cared for them through the war as well as the victims of rape and their families.

The report also recommended that the international community undertake economic development measures in full consideration of the parties' implementation of the Dayton

Agreement's provisions promoting the tenets of a civil society and expand the International Police Task Force to allow officers directly to intervene in cases of apparent human rights violations.

The report notes that the human rights situations in the countries covered by mandate are very closely interconnected and that, for example, the policies of Croatia and the Federal Republic of Yugoslavia are of fundamental importance to developments in B&H. The report therefore emphasized:

- ▶ the need for human rights education to be included in the curricula of all schools, not as an optional subject but as a mandatory obligation of the educational system of each country;
- ▶ the responsibility of governments and international organizations to conduct their work in view of the best interests of children; and,
- ▶ the need to develop strategies in cooperation with local journalists for ensuring the democratic ideal of the free expression of opinion.

The main report of the Special Rapporteur on the situation in the whole of the former Yugoslavia contains a section on B&H (E/CN.4/1997/56, Section I) and states that a fragile peace continues to hold in the country and the parties have for the most part respected the military commitments they undertook by signing the Dayton Agreement. The report notes that there has been some progress in the implementation of the agreement's provisions affecting human rights, notably in the creation of national institutions such as the Commission on Human Rights, but that substantial progress remains to be achieved overall and particularly in key areas such as the return of refugees and displaced persons to their homes.

The report emphasizes the central role that human rights questions will play in the success or failure of the entire Dayton peace process because human rights are the foundation essential to a lasting peace. Referring to municipal elections scheduled for June 1997, the Special Rapporteur stated that without improvement in the fundamental areas of freedom of movement, expression and association, the elections' results will fairly rapidly be called into question and could further jeopardize ongoing efforts towards lasting peace.

On the question of freedom of movement the report notes that: restrictions on movement are common in B&H, particularly along the Inter-Entity Boundary Line (IEBL) but also between territories controlled by Bosniak and Bosnian Croat authorities within the Federation; Federation traffic between Sarajevo and Gorazde remained at great risk at the end of 1996; in late December 1996 there was increasing harassment of non-Serb travellers in the area of Mrkonj Grad in the Republika Srpska; obstacles to free movement have been noted in the Federation of B&H, for example along the road from Mostar to Capljina; and, travellers have been arrested for alleged complicity in war crimes, causing great fear on both sides of the IEBL and imperilled freedom of movement throughout B&H.

On the question of the right to voluntary return, the report notes that: annex 7 to the Dayton Agreement, guarantees all refugees and displaced persons the right freely to return to their homes of origin with the choice of destination being left

to the individual or family; serious obstacles remain to return to B&H and the UNHCR estimated that of more than 2 million citizens who were displaced or driven from the country only some 250,000 have returned to their homes, most in so-called "majority areas" controlled by authorities of their own national group; prospects for returns to the Zone of Separation have been seriously damaged by the wide-scale deliberate destruction of abandoned homes; and, returns have also been obstructed by the deliberate destruction of homes, particularly in Bosnian Croat-controlled territory.

With regard to personal security and freedom from discrimination, the report notes that: numerous incidents of harassment and threats on the basis both of national origin and political opinion continue; violations of the right to personal security were especially alarming in Mostar, included beatings, unlawful evictions and other forms of harassment, and showed strong evidence that soldiers of the Bosnian Croat army (the HVO) were linked to many of these acts; there was an increase in recorded incidents of arson, grenade attacks, verbal threats and physical assaults in the Teslic area; harassment of non-Bosniaks was an ongoing problem in Sarajevo, where Bosnian Serbs were pressured to abandon their properties, and in Bugojno, where local authorities fail to take action against intimidation and discrimination targeting Bosnian Croats; and, intimidation based on political opinion remains frequent in the Bihac region of north-west B&H.

On the question of property rights, the report notes that, in Bugojno, property laws are enforced in a discriminatory way, with harmful consequences especially for the Bosnian Croat minority population; and, the Real Property Commission described in annex 7 of the Dayton Agreement has begun operations and its work will be critical to the successful return of refugees and displaced persons to their homes in B&H.

Referring to issues related to detention, the SR expressed great concern about the question of detention in B&H. Information received indicated numerous instances of arbitrary and, in some cases, secret detention, lengthy pre-trial detention, detention without charge or trial, and detentions for the sole purpose of using those detained in future prisoner exchanges.

On the issue of freedom of expression the SR expressed concern over continuing restrictions on media freedom in B&H and various forms of harassment against opposition media, including frequent police visits and blocking access of opposition press to printing facilities. The report also notes several positive developments in this area, such as the launch of a new monthly magazine, *Nepitani* ("Those Not Asked"), featuring the work of Bosnian youth from both sides of the IEBL.

The report addresses the issue of impunity and notes the near-total lack of progress in 1996 in apprehending persons indicted by the International Criminal Tribunal for grave violations of humanitarian law committed during the war in B&H. The report observes that: 74 suspects have been indicted by the Tribunal; many of them are believed to be in B&H; numerous reports have been received of indicted persons moving about the country openly with no apparent fear of arrest, including Radovan Karadzic.

The report refers to progress in the establishment of national institutions and non-governmental organizations for human rights protection and notes: the accomplishments of the Office of the Federation Ombudsmen; the growing importance of the Dayton-created Commission on Human Rights (composed of the Human Rights Ombudsperson and the Human Rights Chamber); the start-up work of the Real Property Commission; the vetting process organized by the International Police Task Force (IPTF) within the police in the Federation of B&H; the creation of the University of Sarajevo Human Rights Centre and the continuation of the work of the Bosnian Helsinki Committee for Human Rights.

The report reiterated the previously stated concern over "silent emergencies" and noted specifically the situation of relatives of missing persons.

The Special Rapporteur recommended that the authorities:

- ▶ issue unambiguous instructions to local police to cease harassment and intimidation of travellers, who under no circumstance should be detained except in conformity with the strictest guidelines;
- ▶ introduce immediately uniform vehicle license plates throughout the country, to lessen the likelihood of interference with free movement;
- ▶ permit citizens to settle anywhere in the country they wish, in accordance with the law;
- ▶ pursue vigorously all efforts for safe resettlement in minority areas;
- ▶ in countries of refuge, the practice of deporting Bosnians be stopped at least through the first six months of 1997 to allow time to assess whether national mechanisms will begin to respond meaningfully to threats against personal security;
- ▶ provide all necessary resources to the Real Property Commission;
- ▶ repeal immediately laws on the allocation of abandoned property which are inconsistent with the Dayton Agreement and international law;
- ▶ pay greater attention to the proper functioning of the court system in Bosnia and Herzegovina;
- ▶ accord the highest priority to the apprehension of indicted war-crime suspects;
- ▶ with regard to media, take steps to make publications and broadcasts from both sides easily available in each entity, and improve telephone communications between the entities;
- ▶ give strong political and financial support to the work of the Office of the Federation Ombudsmen and the Dayton-created Commission on Human Rights; and,
- ▶ establish in the Republika Srpska an Ombudsman institution on human rights.

Expert for the special process dealing with missing persons in the former Yugoslavia

The special process dealing with missing persons in the territory of the former Yugoslavia was established by the Commission on Human Rights in 1994 as a joint mandate of the expert, in his capacity as member of the Working Group on Enforced or Involuntary Disappearances, and the Special Rapporteur on the situation of human rights in the territory of

former Yugoslavia. However, in 1995, in accordance with the recommendation of the expert contained in his first report (E/CN.4/1995/37), the Commission transformed the special process into an independent mandate entrusted to the expert. The expert was Mr. Manfred Nowak.

The report of the special process on missing persons in the former Yugoslavia focussed primarily on the situation in Bosnia and Herzegovina (E/CN.4/1997/55, Section IV). The expert noted that the number of missing persons remained in dispute. The State Commission on Missing Persons of B&H maintained a list of 26,887; the Office for the Exchange of Prisoners and Missing Persons of the Croatian side of the Federation of B&H maintained a list of 869 missing persons; and the State Commission of the Republika Srpska for the Exchange of Prisoners of War and Missing Persons claimed that more than 2,000 Bosnian Serbs were still missing. The report states that the actual number of missing persons is significantly lower than these official figures because the lists include persons, in particular soldiers, who are known to have died in the armed conflict and whose families do not consider them as missing. As well, the cases that have been clarified as the result of exhumations, or that have been erroneously included in the files of missing persons, have only partly been deleted. The statistics provided by the International Committee of the Red Cross (ICRC), based on official tracing requests submitted by family members, suggests that the real number of missing persons is approximately 15,000 or half that alleged by the parties. The report notes, however, that the ICRC programme to trace missing persons had not been completed at the time the report was prepared, and that new family tracing requests were still being received. On the basis of various statistics, the report concludes that not less than 20,000 persons are still missing in B&H. Of these, more than 90 percent are men, 80 to 90 percent are Bosnians of Muslim origin, and the overall majority are civilians; this latter fact indicates that most of the missing Bosnian Muslims were not victims of armed combat but of "ethnic cleansing" operations carried out by Bosnian Serb forces against the Muslim civilian population. The report states that the Bosnian Serb forces are allegedly responsible for the disappearance of the majority (between 80 and 90 percent) of the cases.

The expert welcomed the establishment of the International Commission on Missing Persons in the Former Yugoslavia (ICMP) and emphasized the need to link a solution to the missing persons issue to the overall peace process, both to the military components of the process and to economic assistance for reconstruction and development.

Resolution of the Commission on Human Rights

At its 1997 session, the Commission on Human Rights adopted by consensus an omnibus resolution on the situation in the former Yugoslavia (1997/57, Sections III and V). In the text referring to general obligations concerning Bosnia and Herzegovina (B&H), the Commission underlined that without compliance, and unless all the authorities in B&H actively participated in rebuilding a civil society and made progress towards political reconciliation, they cannot expect the international community and major donors to continue shouldering the political, military and economic burden of the implementation and reconstruction efforts.

In the text on general obligations, the Commission called on the authorities of the Federation of Bosnia and Herzegovina and the Republika Srpska to: implement fully the commitments made in the Peace Agreement to protect human rights; act to promote and protect democratic institutions of government at all levels; ensure freedom of expression and of the media; allow and encourage freedom of association, including with respect to political parties; ensure freedom of movement; cooperate fully with the international mechanisms which have mandates involving human rights; cooperate effectively with the International Tribunal; ensure full and free access to their territories and to relevant facilities for all institutions and organizations concerned with the implementation of the resolution, including non-governmental organizations; facilitate, with the assistance of the international community, the early, safe and orderly return of refugees and displaced persons to their homes of origin or, in exceptional cases, to other places of their choice; take immediate and effective steps to build confidence among people in order to foster civil society and to prevent new mass exoduses of populations; and, implement the commitments made in the Joint Statement of the B&H Ministerial Council, the B&H Federal Government and the Republika Srpska Government issued in Geneva on 21 March 1997 on the repatriation of refugees and the return of and the solution to the problem of displaced persons within B&H, in both its entities.

In the text on B&H the Commission: noted the successful holding of elections in B&H in September 1996; called on authorities to comply with human rights provisions in the Constitution, prevent violations and, in particular, address violations such as arbitrary detention and restrictions on media freedom; called on authorities to ensure freedom of movement, allow the return of refugees and displaced persons to their places of origins, cease immediately actions that undermine the right to return and end illegal evictions of persons from their homes; called on authorities to implement the laws providing for amnesty for crimes related to the conflict except for serious violations of international humanitarian law; called on authorities in Republika Srpska to amend the law to provide amnesty for persons who avoided conscription or deserted during the conflict; called for easy availability of publications and broadcasts from both sides of each entity; called on the international community to support the authority of the International Police Task Force to investigate human rights abuses committed by law enforcement personnel; and, called on the international community to continue efforts to ensure that persons who have left their territory can safely return, including those accorded temporary protection in third countries.

The Commission renewed the mandate of the Special Rapporteur for a further year but decided to discontinue the special process for missing persons.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Mercenaries, Special Rapporteur on the use of:

(E/CN.4/1997/24, paras. 11-12)

The report states that the Special Rapporteur (SR) for some time has received allegations about the presence of

mercenaries in the territory of the former Yugoslavia. While he has conducted visits to Croatia and the Federal Republic of Yugoslavia, an official mission to B&H had not yet been possible. The report emphasized the importance of a visit in order to look into allegations about the presence of foreigners, mercenaries, volunteers and Islamic fighters or mujahidin in the armed conflict. The government responded that no member of, or individual associated with, the country's armed forces could be described as a mercenary. The government was willing to continue its cooperation with the SR, however, and would, therefore, consider his request for an official visit. The government also expressed the hope that the SR would carry out his mandate in such a way as to help strengthen democratic forces fighting to preserve the multi-ethnic and multicultural character of B&H and to ensure that war criminals and those responsible for acts of genocide were brought to trial and punished.

Religious intolerance, Special Rapporteur on: (A/52/ 477, paras. 21, 25, 28, 34, 38)

The report notes that communications were transmitted to the government related to violations of religious freedom against Christianity and Islam and refers to attacks on and the destruction of places of worship.

Mechanisms and Reports of the Sub-Commission

Freedom of movement, Working Paper: (E/CN.4/Sub.2/1997/22, para. 40)

In the section considering states of the former Yugoslavia, the report cites information from the report of the Special Rapporteur (SR) on the former Yugoslavia and recalls that, while the Dayton Agreement committed the parties to ensuring freedom of movement, restrictions on movement were common in Bosnia and Herzegovina, particularly along the Inter-Entity Boundary Line (IEBL) but also between territories controlled by Bosniak and Bosnian Croat authorities within the Federation.

Other Reports

Detention of international civil servants, Report of the S-G to the CHR: (E/CN.4/1997/ 25, para. 46, Annex II)

The report of the Secretary-General notes that a national staff member of the World Food Programme (WFP) was attacked by two armed masked men in Banja Luka, who also stole the WFP vehicle he was using. The report also refers to the case of a staff member of the UN Population Fund who was shot and killed in Tuzla in November 1995.

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

The report of the High Commissioner for Human Rights summarizes information received from the World Health Organization (WHO). This pointed to obstacles to freedom of movement for both patients and health workers; it noted that few cases of cross-border referrals and service provision were rare, and that opportunities for displaced health workers to return to their original place of work were not materializing. WHO attributed the lack of movement between communities to fear, sometimes based on rumours or false assumptions, police checks, intimidation from the community, and frequent threats and acts of violence towards minorities and returnees. WHO was, nonetheless, making efforts to overcome problems related to freedom of movement by continued humanitarian assistance to needy populations, in particular

refugees and internally displaced persons, as part of the effort to ensure health to all as a fundamental human right, and by holding meetings, seminars or rehabilitation projects bringing together individuals from all sides.

The report refers to recommendation 1301 (1996) adopted by the Parliamentary Assembly of the Council of Europe on 28 June 1996: this recommendation also noted that freedom of movement between the two entities of Bosnia and Herzegovina did not exist in practice, which had a particularly grave impact on enclaves such as Gorazde. The recommendation further: noted that refugees and internally displaced persons had not yet returned in any significant numbers because guarantees for their physical and material safety were lacking; deplored in particular the complete stalemate regarding areas which had undergone ethnic cleansing; noted that, political factors notwithstanding, the total lack of housing made any large-scale return of either internally displaced persons or refugees impossible; and, cited the disastrous state of the infrastructure and the unemployment level as additional deterrent factors.

The report refers to information received from the International Monetary Fund (IMF) concerning the IMF's reconstruction activities in B&H. It emphasized the IMF's commitment, in cooperation with other international institutions and the High Representative, to support only steps that were conducive to reintegration — with disbursement of external financing depending to a considerable extent on progress in reintegration and respect for human rights.

World Public Information Campaign on Human Rights, Report of the S-G to the CHR: (E/CN.4/1997/ 36, para. 20.)

The report of the Secretary-General notes that, as part of the international operation in the former Yugoslavia, the Office of the High Commissioner for Human Rights published a Field Guide for International Police Task Force Monitors of the Peace Implementation Operation in Bosnia and Herzegovina and CIVPOL Officers of the UN Transitional Administration in Eastern Slavonia. The publication was designed to meet the specific needs of the human rights training programme for international police task force and civilian police monitors.

ECONOMIC AND SOCIAL COUNCIL

Women's human rights, Report of the S-G: (E/1997/ 64, para. 47)

The report of the Secretary-General on follow-up to the Fourth World Conference on Women notes that the resolution adopted by the Commission on Human Rights on the situation in the former Yugoslavia expressed concern for women and children, especially in Bosnia and Herzegovina, who were victims of rape used as a weapon of war. The report recalls that the Commission demanded that the perpetrators of rape be brought to justice and the victims and witnesses receive adequate assistance and protection.

GENERAL ASSEMBLY

Report of the CHR Special Rapporteur (A/52/490, Section II)

The interim report of the Special Rapporteur (SR) to the 1997 General Assembly covers a number of areas, including:

elections; legal guarantees; human rights obligations; national human rights institutions; freedom of movement; property rights; the right to life; liberty and security of person; administration of justice; law enforcement and police reform; freedom of expression; and missing persons.

The report states that the implementation thus far of the human rights provisions of the Dayton Agreement is far from satisfying. She notes that the joint institutions created remain largely paralysed mainly by the refusal of Republika Srpska (RS) delegates to participate. In spite of enormous international pressure and involvement, the joint institutions remain, to a large extent, symbolic. Referring to the entity of the Federation of Bosnia and Herzegovina ("the Federation"), the report deplores the serious delay in the creation of a coherent legal system, including reformed judicial institutions, law enforcement agencies and prisons. It also notes a continuing lack of trust between the Federation partners with the principal problem lying in the divergent views of the main political parties, the Party for Democratic Action (SDA) and the Croatian Democratic Union (HDZ), over the precise type of systems they wish to create.

With regard to the elections, the SR states that, during the period preceding the elections, participation in political life was hindered by various obstacles, notably the lack of freedom of the press. These problems prevented genuine inter-entity (as well as intra-Federation) campaigning and had a negative effect on the right of citizens to information. The report also notes irregularities in the voter registration process characterized by manipulation of voter registration, resort to fraudulent documentation, and unlawful pressure placed on displaced persons to vote in particular ways.

On legal guarantees and human rights obligations, the report recalls that under the Dayton Agreement three national institutions were established to deal with human rights issues: the Human Rights Ombudsperson and the Human Rights Chamber (which together form the Human Rights Commission) and the Commission for Real Property Claims. The report notes that, to date, most cases taken up by the Ombudsperson have concerned property issues while others have related to independence of the judiciary, freedom of movement, effective domestic remedies, access to court, the rights of detainees and the rights to liberty and security. In principle, the Human Rights Chamber gives priority to allegations of especially severe or systematic violations and those founded on alleged discrimination on prohibited grounds. To date, cooperation by the authorities with requests from the Chamber has been inconsistent, with requests for written observations often ignored by Federation officials, while the Republika Srpska side has sometimes responded. The Commission for Real Property Claims, upon receiving a claim, is responsible for determining who the lawful owner is and the value of the property. Most of the claimants are refugees or displaced persons, and victims of "ethnic cleansing" who lost homes and property during the war. The report notes that the ability of the Commission to give compensation in lieu of return of property as provided for by the Dayton Agreement will remain a "paper promise" as long as no funds are available with which to compensate individuals. Faced with the prospect that necessary financing may never be attained, the Commission has considered alternative means of

compensation with one possibility being the issuance of certificates based on the value of the home, which could then be exchanged for other such certificates.

With regard to the Office of the Federation Ombudsmen, which is comprised of three persons — one each from the three principal national groups — the report notes that they receive allegations of human rights abuses directly from citizens or through referrals from the Ombudsperson and intervene personally with the authorities to resolve individual cases. It is stated that their reports reveal a pattern of discrimination and harassment of ethnic minorities throughout the Federation.

On specific rights issues, the report notes: freedom of movement is still violated throughout the territory by, for example, maintenance of illegal checkpoints, imposition of illegal visa fees and road taxes, demand of documents not legally required, confiscation of documents and goods, and even arrests of individuals; voluntary return continues to be hindered by ongoing security problems, administrative obstacles, excessive retroactive taxation of people who left their municipalities during the war; property rights continue to be violated because of a number of problems, including inaction by the authorities to deal with forcible evictions previously carried out and destruction of housing; the right to life continues to be threatened because of, *inter alia*, landmines throughout the territory and rulings imposing the death sentence in both entities; liberty and security of person continue to be violated through, for example, police torture and mistreatment, abuse of power by police in arresting and illegally detaining, and stopping and beating people without cause; and, the right to fair trial continues to be violated through processes such as "expedited trials" lasting only a few days and characterized by the presentation of dubious evidence and the absence of effective legal counsel. On the last point, the report also notes the virtual absence of inter-entity judicial cooperation which has caused problems in the areas of service of subpoenas and obtaining evidence across inter-entity boundary lines, as well as the admissibility of members of the bar from one entity to practice in the other; this situation has also resulted in serious violations of due process and fair trial principles.

The report states that violations of freedom of expression remain common throughout the territory and that: violations against journalists include threats of suspension, confiscation of material and beatings by police, as well as obstructions to freedom of movement; in many places, only publications presenting the political views of those holding local power are easily available; in the Republika Srpska the broadcast sector is mostly controlled by SDS supporters, while the few stations that try to remain independent are often subjected to pressure; there is, however, more pluralism in publications in the RS, with several independent magazines available, although they depend largely on aid from the international community; in Croat-controlled areas of the Federation, the media — both print and broadcast — do not enjoy much independence and are closely connected to the HDZ, and diversity only comes from publications imported from Croatia. The other areas of the Federation, including Sarajevo, are characterized by the widest diversity but this pluralism depends largely on assistance from the international community.

On the issue of missing persons the report states: the exact number of persons missing is unknown; there are approximately 400 mass graves in Bosnia and Herzegovina; the main obstacle regarding exhumations has been the lack of access by authorities of one entity to exhumation sites in territories controlled by the other; and allegations of "secret" or "hidden" detention continue to concern organizations dealing with missing persons although, in a vast majority of cases, the allegations are not well-founded. No evidence has been provided to substantiate claims that large numbers of missing persons are held in secret detention centres although there remains a need for an effective mechanism to respond to such allegations.

The report recommends that:

- ▶ the demining process be accelerated and become a part of the planning process in return projects and that mine information campaigns, specifically designed to different target groups, like children and returnees, receive additional support;
- ▶ the relevant authorities in the RS and the Federation undertake without delay legislative measures to eliminate provisions of the criminal codes providing for pronouncement and application of the death sentence;
- ▶ the relevant judicial authorities repeal all death sentences pronounced in the RS and the Federation;
- ▶ the relevant authorities comply with recommendations made by the International Police Task Force (IPTF) and, in particular, that prosecutorial offices, and the courts carry out their duty to prosecute and try police officials who, after impartial investigation, are believed to be responsible for abuses;
- ▶ the Security Council consider further strengthening of the IPTF mandate to expand its authority to impose sanctions for non-compliance with IPTF recommendations;
- ▶ the relevant authorities comply with the rules agreed upon in the Rome Agreement, the so-called "rules of the road";
- ▶ every individual detained without legal grounds be released immediately;
- ▶ noting that the right to a fair trial has not been satisfactorily observed and implemented, the relevant authorities comply with recommendations concerning trials where international observers have concluded that the rights of the defendant(s) were violated and order retrials where appropriate;
- ▶ the relevant authorities in both entities ensure that those indicted for war crimes by the International Tribunal, in particular those belonging to their own ethnic group, be arrested and extradited to The Hague;
- ▶ the International Stabilization Force (SFOR), acting in accordance with its mandate, intensify its efforts to apprehend those indicted;
- ▶ the relevant authorities in both entities cease all practices that limit freedom of movement, such as the imposition of illegal fees or taxes, illegal requests for visas and other documents, and arbitrary arrests;

- ▶ the relevant authorities in both entities adopt a uniform car registration system for use throughout the country, as stipulated in the Sintra Declaration;
- ▶ the relevant authorities in both entities abide by their obligations under the Dayton Agreement to facilitate returns on as large a scale as possible;
- ▶ international agencies persevere with their programmes to facilitate returns, such as the UNHCR Open City project, which are starting to bear positive results;
- ▶ international donors make financial aid conditional on the implementation of minority returns;
- ▶ countries that are hosting refugees from Bosnia and Herzegovina in accordance with UNHCR's recommendations not pursue forced repatriation at the present time;
- ▶ the relevant authorities in both entities amend their property laws as proposed by the Office of the High Representative to enable pre-war occupants to reclaim their properties;
- ▶ the relevant authorities in both entities put an end to various forms of pressure exerted on media and that they take steps to promote pluralism and independent voices in the channels of public communication;
- ▶ the relevant authorities in both entities broaden telecommunications links between the entities and take other measures to increase inter-entity exchange of information;
- ▶ the relevant authorities in both entities adopt an approach to the issue of missing persons based on cooperation with authorities of the other entity or other national backgrounds;
- ▶ the international community provide more support, both financial and in the form of expertise and equipment, to conduct exhumations and identifications;
- ▶ international agencies establish an efficient and transparent mechanism to respond systematically to allegations of "secret" detention and that the relevant authorities in both entities establish strict control of the prisons;
- ▶ where outstanding issues remain in the cantons of the Federation, the relevant authorities resolve them promptly so that a restructured police force can start functioning efficiently;
- ▶ the relevant authorities in the RS enter into an agreement on the restructuring of the police force with IPTF without further delay;
- ▶ the relevant authorities in both entities offer their full and unequivocal support to the human rights institutions and comply fully with their findings and recommendations; and
- ▶ the authorities in the RS consider the establishment of an ombudsman's office for that entity.

Report of the Secretary-General (A/52/497)

The report of the Secretary-General on the rape and abuse of women during the armed conflict in the former Yugoslavia refers to the resolution adopted at the 1997 session of the CHR and notes comments by the Special Rapporteur that, in situations of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict, reasons for reluctance to report wartime rape may include shame and social

stigma, fear of awakening bad memories, fear of reprisals, a lack of trust in the judicial system and the national legislature. The report notes that Office of the High Commissioner for Refugees has remained extensively involved in providing assistance and social services in the territory of the former Yugoslavia to refugees and displaced persons, giving special attention to victims of rape and abuse. However, while UNHCR has shown appreciation for the fact that women victims of violence may still be suffering from trauma or the physical effects of rape, the Office believes that, in the current context, other problems, including the reintegration of minorities and the plight of single female-headed households, have taken over in priority. Nonetheless, reference is made to the Bosnian Women's Initiative, a \$5 million UNHCR project funded by the United States which covers more than 106 micro-projects supporting communities throughout Bosnia and Herzegovina and focusing on war-affected women and their families as key participants to their rehabilitative efforts. The report also notes that the UNHCR has supported community projects in Bosnia and Herzegovina through local NGOs, to provide various types of assistance to victims of rape and sexual violence.

On the issue of the International Tribunal, the report refers to articles 2 and 5 of the Statute, under which the Office of the Prosecutor is to investigate and prosecute sexual assaults as serious violations of international humanitarian law and notes that article 5 (g) of the Statute includes rape as a crime against humanity. A summary of the activities of the Tribunal includes reference to the conclusion of the prosecution of Duško Tadic, a Bosnian Serb, in December 1996, and recalls that during the case-in-chief, the Prosecution introduced evidence of rape and sexual mutilation through witness testimonies. In May 1997, the Trial Chamber convicted Tadic, *inter alia*, of cruel treatment, a violation of the laws or customs of war, inhumane acts and crimes against humanity based upon acts of sexual violence. The report also refers to the commencement, in March 1997, of the case against four Bosnian Muslim men accused of committing serious violations of international law against Bosnian Serb civilians at the Celibici detention camp. The Prosecution has introduced testimony concerning rape and other sexual abuse inflicted upon female and male detainees to substantiate charges of rape and torture alleged in the indictment. The report notes that during 1997, the Investigation Unit of the Office of the Prosecutor has continued to amass evidence of rape, sexual torture, sexual abuse and other forms of sexual assault that occurred in the former Yugoslavia during the war and states that, although charges of sexual violence are not contained in the indictments issued between July 1996 to September 1997, the Prosecutor expects to include such evidence in future indictments.

Resolution adopted by the General Assembly

In the resolution on the situation of human rights in Bosnia and Herzegovina, Croatia and Yugoslavia (A/C.3/52/L.69/Rev.1) adopted by the General Assembly at its 1997 session, the GA, *inter alia*: expressed grave concern at the continuing evidence of violations of human rights and fundamental freedoms taking place in varying degrees in B&H; expressed concern for fostering democracy and the rule of

law in the area and noted that the recommendations made by the OSCE have not been followed; called attention to the reports and recommendations of the CHR Special Rapporteur; called for the full and consistent implementation of the Dayton Accord and its annexes; expressed serious concern about continuing human rights violations and the delays in fully implementing the human rights provisions of the Dayton Accord; condemned in the strongest terms the continued forcible expulsion of individuals from their homes and the practice of destroying the homes of those forcibly expelled; called for the immediate arrest and punishment of individuals engaged in these actions; also condemned the continuing restrictions on freedom of movement between the two entities and urged all parties to guarantee the freedom of movement of returnees and residents; urged all parties immediately to create conditions conducive to the safe and voluntary return of refugees and internally displaced persons to their pre-war homes; called upon all entities to repeal property laws which prevent pre-war residents from returning to their homes and to ensure the passage of non-discriminatory legislation as soon as possible; encouraged all parties to cooperate with and support the work of the property commission to resolve outstanding property claims; expressed concern for women and children who were victims of rape used as a weapon of war, and called for the perpetrators of rape to be brought to justice while ensuring that victims and witnesses receive adequate assistance and protection; urged all states and relevant organizations to continue to give serious consideration to the recommendation concerning provision for the continuation of necessary medical and psychological care to victims of rape; expressed its concern, in particular, for the welfare of those victims of rape who are currently among the internally displaced or otherwise affected by the war and who have experienced severe trauma and require psychological and other assistance; insisted that all parties act to promote and protect democratic institutions of government at all levels, ensure freedom of expression and of the media, allow and encourage freedom of association, including with respect to political parties, and ensure freedom of movement; insisted that the parties comply with the human rights provisions of their national Constitution; insisted that all authorities cooperate fully with the Commission on Human Rights for Bosnia and Herzegovina, in particular by providing the information and resource reports requested by the Human Rights Ombudsman and by participating in hearings before the Human Rights Chamber; demanded that the Republika Srpska cease its pattern of non-cooperation with the Commission; called on the Commission on Human Rights for Bosnia and Herzegovina to intensify its activities concerning alleged or apparent violations of human rights, or alleged or apparent discrimination of any kind; urged the parties to implement results of recent municipal elections; welcomed the easing of border crossing between Bosnia and Herzegovina and Croatia; urgently called on all parties to meet their obligations to cooperate fully with the International Tribunal; strongly condemned the continuing refusal of the authorities of the Republika Srpska to arrest and surrender indicted war criminals known to be present in the territory; welcomed the increased cooperation with the Tribunal by the central authorities of B&H which have enacted implementing

legislation and have transferred indictees to the Tribunal; called for an immediate end to illegal and/or hidden detention by all parties, and requested that the Special Rapporteur investigate allegations of hidden detainees; and, reaffirmed that major reconstruction aid must be made conditional on demonstrated respect for human rights, and emphasized in that context the necessity of cooperation with the International Tribunal.

SECURITY COUNCIL

On 11 March 1997 the President of the Security Council made a statement (S/PRST/1997/12) in which the Council, *inter alia*: referred to the violent assault, in February 1997, against a group of civilians attempting to visit a graveyard in West Mostar in the presence of the International Police Task Force (IPTF), in which one person died and others were wounded; condemned the failure of the local police to provide protection to civilians subject to inter-ethnic attacks which occurred throughout Mostar both before and after the incident; noted the announced suspension of some of the police officers identified in the IPTF report but expressed continuing deep concern over the failure of the responsible authorities to take all the necessary steps to implement the conclusions drawn from that report; condemned attempts by authorities to place conditions upon the arrest and prosecution of the police officers identified in the IPTF report; and, demanded that the responsible authorities, notably in West Mostar, immediately implement the conclusions drawn from the IPTF report, and in particular suspend all relevant police officers and arrest and prosecute them without further delay.

The reports of the Secretary-General (S/1997/224, 14 March 1997; S/1997/966, 10 December 1997) contain commentary on the IPTF and its activities related to: monitoring the activities of the police throughout the country; the return of refugees to villages in the Zone of Separation; the restructuring of the police in the Federation; establishment of an integrated Federation Ministry of the Interior involving the merger of the former separate Bosniac and Croat ministries; improvements and restructuring of police in the Republika Srpska; and, the holding of a course on executive (VIP) protection for the benefit of a multi-ethnic group of police officers from the Federation and the Republika Srpska responsible for protecting members of the Presidency of Bosnia and Herzegovina. Commentary is also included on the activities of the Civil Affairs officers of the UN Mission in Bosnia and Herzegovina (UNMIBH) as well as a summary on the Mine Action Centre, related to the organization of civilian mine clearance operations.

The report refers to activities carried out by various agencies in the UN system related to, *inter alia*: health, education, employment, agriculture; the judiciary; discrimination based on religious, ethnic and political grounds; missing persons; trial-monitoring, institution-building, repatriation and return of refugees and displaced persons; financing to rebuild hospitals, establish new small businesses, revitalize the forest sector and wood-processing industry, reconstruction of schools, housing, water and electric power infrastructure and small-scale farming.

The reports state that the two principal threats to peace were the continued friction between the Federation partners

and the friction between the entities within the joint institutions. Reference is made to: persisting tensions between the different ethnic communities, as reflected in the violence that had erupted when displaced persons attempted to return to their homes; failure of the authorities in four of the five affected jurisdictions to cooperate with the International Tribunal; and the failure of authorities to implement agreements on freedom of movement, the return of refugees and the restructuring of the police.

UN FIELD OPERATIONS

The reports of the Human Rights field operation in the former Yugoslavia (HRFOFY) for 1997 (January, April, May, July, August, October, November, December) refer to: the establishment of the Commission on Human Rights, key political institutions, and the Office of the Federation Ombudsmen; the fact that important legal reforms remained to be implemented; the need for new legislation in areas including property rights, criminal justice and citizenship; lack of improvements in freedom of movement in the country; an agreement to regulate detentions based on war crimes and common crimes and to eliminate the problem of so-called "hidden detention"; lack of progress on the return of refugees and displaced persons to their homes; trial monitoring; public information, education and other democratization initiatives; strengthening the rule of law; use of excessive and lethal force by police against civilians; the need to continue demining; the absence of judicial cooperation between the Federation and the Republika Srpska, including the failure of authorities in one Entity to recognize decisions rendered by legal bodies in the other; the lack of a functioning telecommunications system and postal service between the Federation and the Republika Srpska; the continuing predominance of an "exchange mentality" in which prisoners are viewed as media of exchange, reflecting a view that wrongs done in one entity form a justification to abuse rights in the other; the situation of minorities, including denial of humanitarian assistance, intimidation, harassment and beatings committed frequently by members of the so-called "Civil Protection Units" and failure of the local police to react; a pattern of discrimination and harassment of ethnic minorities throughout the country and the complacency of responsible authorities in the face of such abuses.

The reports note that in an effort to ensure freedom of expression and access to the media, new rules were adopted according to which: no journalist would be required to have police permission to work; journalists should be protected from police harassment, equipment confiscation, and being forced to divulge sources of information; and journalists should have the right to take photos, film or interview people without prior permission. Note is also made, however, of the absence of freedom of information and abuses by the official media in Republika Srpska.

On other issues, the reports refer to: the right to personal security-related to terrorist attacks on Catholic targets in Sarajevo and assaults by private citizens against each other; freedom of information-related in part to distortions in broadcasts by Serb Radio and Television in the eastern part of the Republika Srpska; the right to education-related to the fact

that a unified system had not been created and the Federation partners had been unable to agree on a joint curriculum; attempts in several schools to introduce parallel systems for children belonging to national groups which form minorities in given areas, and created a requirement that children identify themselves according to their nationalities; and, terrorist and criminal acts, in which people were killed, religious objects destroyed, and property stolen.

The priorities identified for 1998 were: rule of law; human rights institutions and support for NGOs; human rights aspects of the return of refugees and displaced persons, and human rights education, training and public information; continuation of the project on the appointment of judges; and, participation in an ad hoc working group considering the issue of violence against women, with the goals of influencing the training of local police, gathering information including statistics, and lobbying for improved protection for victims of domestic violence and gender-based violence in general.

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BULGARIA

Date of admission to UN: 14 December 1955.

TREATIES AND REPORTS TO TREATY BODIES

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

Economic, Social and Cultural Rights

Signed: 8 October 1968; ratified: 21 September 1970.

Bulgaria's third periodic report (E/1994/104/Add.16) is scheduled for consideration at the Committee's April/ May 1999 session; the fourth periodic report is due 30 June 1999.

Reservations and Declarations: Paragraphs 1 and 3 of article 26.

Civil and Political Rights

Signed: 8 October 1968; ratified: 21 September 1970.

Bulgaria's third periodic report was due 31 December 1994.

Reservations and Declarations: Paragraphs 1 and 3 of article 48; declaration under article 41.

Optional Protocol: Acceded: 26 March 1992.

Racial Discrimination

Signed: 1 June 1966; ratified: 8 August 1966.

Bulgaria's 15th periodic report is due 4 January 1998.

Reservations and Declarations: Paragraph 1 of article 17 and paragraph 1 of article 18; declaration under article 14.

Bulgaria's 12th, 13th and 14th periodic reports were submitted as a single document (CERD/C/299/Add.7) which was considered in March 1997. The report prepared by the government contains information related to articles 2 through 7 of the Convention. The report includes demographic data based on race or ethnicity as well as, *inter alia*: constitutional and legal provisions related to non-discrimination; reform of the judiciary; the propagation of racial or national hatred; the rights of foreign residents; freedom of thought, conscience and belief; due process and the administration of justice; and the situation of the Roma.

In its concluding observations and comments (CERD/C/304/Add.29), the Committee noted that the transition to democracy and a market-oriented economy, including a high level of external debt, were among the factors impeding implementation of the Convention. These factors had a negative impact on minorities such as Roma since they led to a high rate of unemployment and poverty, which contributed to the marginalization of a broad segment of the population.

The Committee welcomed the fact that international instruments such as the Convention are part of Bulgaria's domestic law and take precedence over norms of domestic law that contradict them. Legal reform measures were acknowledged, including the Law on Names of Bulgarian Citizens, which makes it possible for Bulgarian to use non-Slavic names; the Law on Amnesty and Restitution of Sequestered Properties; and the Law on Restoration of Property Rights and Real Estate to Bulgarian Citizens of Turkish Origin.

Areas of concern identified by the Committee included: persistent marginalization of the large Roma population; discrimination against minorities in the workplace, especially the Roma who have had relatively little training and education; difficulties encountered by the Roma in applying for social benefits; attitudes and practices which discourage rural Roma from claiming land to which they are entitled under the law disbanding agricultural collectives; the insufficiency of measures taken to guarantee the rights and freedoms of Bulgarian citizens and their integration into society regardless of race, nationality or ethnic origin; and, the persistence of expressions of racial hatred and acts of violence, particularly by neo-Nazi skinheads and others, towards persons belonging to minorities, especially Bulgarian citizens of Roma origin.

The Committee expressed alarm that the government has not been sufficiently active in effectively countering incidents of racial violence against members of minority groups and that Bulgarian police and prosecutors do not appear to have investigated acts of violence promptly and effectively. The Committee also expressed concern at information received from various sources indicating a low number of charges and convictions relative to the number of abuses reported, and the fact that acts of propagating and instigating racial and nationalistic hatred against ethnic minorities, and the perpetrators of such crimes, are not considered to pose a significant danger to the public order. Further, the report notes cases where members of security forces have harassed minorities or used excessive force against them, especially against the Roma community. The Committee expressed concern that law enforcement officials may not be receiving sufficient training on the Convention.

The Committee noted that the right to associate and to found political parties is stated as a general principle in the Constitution, but also stated its concern that the Constitution prohibits the establishment and registration of political parties formed on an ethnic, racial or religious basis.

The Committee recommended that the government:

- ▶ provide in its next report detailed information on the effective implementation of the new legislation, including on the law on restitution of confiscated immovable property or compensation for those affected;

- ▶ strengthen coordination between the various governmental mechanisms at both the national and local levels, with a view to developing a comprehensive policy on the elimination of racial discrimination and ensuring effective evaluation of the implementation of the Convention;
- ▶ pursue its efforts to establish an independent mechanism such as an ombudsman or a National Commission for Human Rights to monitor observance of human rights;
- ▶ pay more attention to the protection of the civil, political, economic, social and cultural rights of Romas and strengthen efforts to implement measures of affirmative action in that respect;
- ▶ develop adequate indicators and other means of monitoring the economic and social living conditions of Roma;
- ▶ provide, in the next report, statistical data and information on the situation of all minorities in relationship to the provisions of article 5 (non-discrimination);
- ▶ take more active steps to prevent and counter attitudes and acts of racial violence against individuals and to investigate such acts promptly and provide in the next report detailed information on the effective implementation of the provisions of the Penal Code, allegations and prosecutions of cases of acts of racial discrimination, and complaints and penalties relating to acts of racial and ethnic discrimination;
- ▶ take immediate steps to prevent and combat cases of excessive use of force by members of the security forces, including education and sensitization of law enforcement officials about the provisions of the Convention;
- ▶ prevent any de facto segregation of minorities;
- ▶ clarify its practice concerning the right of all Bulgarian citizens to participate in political life;
- ▶ launch a systematic information campaign to inform and educate all parts of society on the provisions of the Convention, provide human rights education at all levels in the educational system and provide comprehensive human rights training to all segments of the population with a view to combatting negative attitudes and prejudices towards minorities and to promote understanding, tolerance and friendship;
- ▶ make Bulgaria's declaration under article 14 of the Convention more widely known and ensure wide dissemination of both the government's report and the Committee's concluding observations and comments.

Discrimination against Women

Signed: 17 July 1980; ratified: 8 February 1982.

Bulgaria's fourth periodic report was due 10 March 1995.

Torture

Signed: 10 June 1986; ratified: 16 December 1986.

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

Reservations and Declarations: Article 20.

Rights of the Child

Signed: 31 May 1990; ratified: 3 June 1991.

Bulgaria's second periodic report is due 2 July 1998.

Bulgaria's initial report (CRC/C/8/Add.29) was considered by the Committee at its January 1997 session. The report prepared by the government contains a review of constitutional and legal provisions related to the areas and rights set out in the Convention and covers, *inter alia*: general principles (e.g., non-discrimination, the best interest of the child); name and nationality; freedom of expression, thought, conscience, religion, association and peaceful assembly; access to appropriate information; privacy; parental guidance and responsibilities; family reunification; adoption, illicit transfer and non-return; abuse and neglect, including physical and psychological recovery and social reintegration; survival and development; children with disabilities; health and social services; education, vocational training and guidance; children in emergency situations, in conflict with the law and in situations of exploitation; and children belonging to a minority or indigenous group.

The Committee's concluding observations (CRC/C/15/Add.66) welcomed various law reforms, including adoption of a new Constitution (1991), the Social Welfare Act (1991), the National Education Act (1992), and the Law on Care Centres for Homeless Children (1995), and the adoption of amendments to the Penal Code (1995) and to the recent Law for Combatting and Preventing Juvenile Justice Delinquency (1996). Note is taken of the precedence of international instruments over domestic law when those laws contradict provisions in the treaties ratified by Bulgaria. The Committee also welcomed the establishment, within the Council of Ministers, of a Youth and Children Committee (YCC) in 1995, which functions (a) to develop the state's policy towards children and young people by working to make protection of children a priority of state policy; (b) to elaborate and submit to the government draft acts and programmes for the development and protection of children; and (c) to distribute the subsidies approved by the state budget for implementing the state's policy with respect to children.

While recognizing that the transition to a market-oriented economy has had a serious impact on the population in general and on vulnerable groups, including children, in particular, the Committee identified a number of areas of concern. These include that: national laws and regulations are not fully consistent with the principles and provisions of the Convention; a law on the protection of the child has not yet been finalized and adopted; insufficient coordination among government bodies dealing with the welfare of children at the national and local levels has meant that Bulgaria has been unable to develop a comprehensive approach to the implementation of the Convention; Bulgaria lacks both an integrated strategy on children and a systematic mechanism to monitor progress in all areas covered by the Convention, and in relation to all groups of children, in urban and rural areas, and especially those affected by the consequences of the economic transition; the government's capacity to produce statistical data needs strengthening, as does its capacity to evaluate progress and assess the impact of policies adopted on children, in particular the most vulnerable groups of children.

The Committee expressed concern that there was no independent body to monitor observance of human rights, particularly the rights of the child. In terms of article 4 (economic, social and cultural rights), the Committee felt that the

measures taken to ensure the implementation of children's economic, social and cultural rights to the maximum were not adequate and that existing bodies, including the Youth and Children Committee, did not have adequate capacity to address these issues. The Committee also referred to an insufficiency in policies, measures and programmes for the protection of the rights of the most vulnerable children.

Concern was expressed that the general principles of the Convention, are not being fully applied and integrated into the implementation of all articles of the Convention. Particular concern was expressed that the measures to prevent and combat discrimination practised against Roma children, disabled children and children born out of wedlock were insufficient. Of equal concern to the Committee was the fact that, when tackling situations of detention, institutionalization, abandonment of children and the right of the child to testify in court, insufficient consideration was given to the principle of the best interests of the child.

Acknowledging the initiatives already undertaken by the authorities, the Committee stated its continuing concern that the measures taken to inform and educate all parts of society, adults and children alike, on the provisions and principles of the Convention were insufficient, as was the training on the Convention provided to professional groups, such as lawyers, judges, law enforcement personnel, teachers, social workers and civil servants. The Committee also noted with concern the reported ill-treatment of children in the family and in institutions, and the lack of adequate measures for the psycho-social recovery from such abuses. Cases of ill-treatment of children by law enforcement personnel, in or outside detention centres, were noted as well as a recent rise in child prostitution, and the production and dissemination of child pornography. On the last point the Committee expressed its serious concern that no specific and appropriate legislation and programmes exist to prevent and combat sexual abuse and exploitation.

In the area of adoption, recent changes in the legislation regulating the practice were acknowledged but shortcomings were seen to include a lack of compatibility of the current legal framework with the principles and provisions of the Convention, especially with regard to the principle of the best interests of the child. The Committee also stated that it was worried about the insufficient measures taken to tackle the issues of child malnutrition, disability, mental health, early pregnancies, cases of early marriage, and the problem of youth suicide. Other areas of concern included: the school drop-out rate and insufficient alternative educational programmes; insufficiencies in the measures taken to ensure that the school curricula is guided by the principles and provisions of the Convention, especially with regard to human rights education; the absence of legal safeguards to protect children employed in the informal sector; incompatibilities in the area of the administration of juvenile justice and articles in the Convention, as well as other international standards; inadequacies in implementation of the rights of a child to legal assistance and judicial review, and the stipulation that deprivation of liberty be used only as a last resort; and, stigmatization of the most vulnerable categories of children, including those belonging to the Roma minority.

The Committee recommended that the government:

- ▶ undertake a comprehensive review of the national legislation to bring it fully into conformity with the principles and provisions of the Convention, especially in the areas of labour, adoption, the administration of juvenile justice and domestic violence;
- ▶ consider, on an urgent basis, the adoption of a law on the protection of the child;
- ▶ strengthen coordination between the various governmental 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 the implementation of the Convention;
- ▶ 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 use the data collected as a basis for the design of programmes to improve the situation of children, particularly those belonging to the most disadvantaged groups;
- ▶ consider establishing an independent mechanism to monitor observance of children's rights, such as an Ombudsperson or a National Commission for Children's Rights;
- ▶ take all necessary measures to take fully into account the principle of the best interests of the child for every decision related to the child's right to give testimony before a court;
- ▶ launch a systematic information campaign, for both children and adults, on the Convention and consider incorporating it in school curricula;
- ▶ take appropriate measures to facilitate access by children to information about their rights;
- ▶ develop a comprehensive training programme for professional groups working with and for children;
- ▶ ensure to the extent possible that social services have sufficient financial resources to meet the needs of children, paying particular attention to the protection of children belonging to vulnerable and marginalized groups;
- ▶ develop appropriate alternatives to institutional care and, in cases where the placement of children in institutions is necessary, adopt measures to ensure periodic review of the treatment provided to those children and all other circumstances relevant to their placement;
- ▶ consider establishing a system of "guardian ad litem" (court appointed guardian);
- ▶ adopt measures to provide appropriate assistance to the family to meet child-rearing responsibilities, including parental guidance and counselling with a view, *inter alia*, to preventing domestic violence and abuse, abandonment and institutionalization;
- ▶ strengthen sex education to prevent early pregnancies and launch information campaigns concerning family planning;
- ▶ undertake a national and comprehensive study on suicide among youth to enable the authorities to improve their

understanding of this phenomena and take appropriate measures to reduce the suicide rate;

- ▶ take all appropriate measures to prevent and combat corporal punishment, sexual abuse and exploitation and ill-treatment of children, including in institutions and in detention centres;
- ▶ by civil legislation, prohibit corporal punishment, ensure that appropriate legal measures be taken to combat sexual abuse and exploitation of children, ensure that cases of abuse are properly investigated, sanctions applied to perpetrators and publicity given to the decisions taken in those cases;
- ▶ take further measures to ensure the physical and psychological recovery and social reintegration of the victims of abuse, neglect, ill-treatment, violence or exploitation;
- ▶ take steps to harmonize fully law and procedures on adoption on both the national and international levels;
- ▶ take appropriate measures to prevent drop-outs and reinforce the current programmes to keep children in schools;
- ▶ review school curricula with a view to promoting respect for the Convention and develop vocational training on the Convention on the Rights of the Child;
- ▶ adopt all necessary legal and other appropriate measures to protect children from economic exploitation through labour, including in the informal sector;
- ▶ consider undertaking a comprehensive reform of the system of juvenile justice and pay particular attention to the right of children to prompt access to legal assistance and to a judicial review;
- ▶ organize training programmes on relevant international standards for all professionals involved with the juvenile justice system; and,
- ▶ establish specialized courts as a matter of priority.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 16, 18, 19, 32, 33, 57, 58, 59; E/CN.4/1997/60/Add.1, paras. 71–78)

The Special Rapporteur (SR) noted that, in May 1995, Bulgaria's Minister of the Interior stated that 17 people had died in suspicious circumstances in police custody during the previous 14 months. The SR also noted that no information was given on how many of these deaths were reportedly investigated or on the results of such investigations. The SR was also informed that official statistics on deaths in custody are not made public. The SR transmitted allegations of deaths in custody concerning five identified persons.

The government replied to most of the cases transmitted by the SR during 1995 and 1996. The explanations provided indicated that: in the case of the individual who had died from traumatic shock as a result of receiving multiple traumas on the head, torso and limbs, the preliminary proceedings had not been completed and the perpetrator of the crime not yet been identified; concerning a case where a detainee was shot to death by a police officer, the police officer had fired a

warning before shooting at the suspect in self-defence; in other cases, investigations and prosecutions had resulted in the conviction of the police officers responsible and prison terms of 18 and 20 years; and with respect to still other cases, investigations were proceeding.

The SR stated his concern that, in most of the cases brought to the attention of the government, the perpetrators had not yet been brought to justice. He called on the government to take all necessary measures to reduce the number of deaths occurring in custody and to make every effort to ensure full respect for international norms and principles which prohibit any form of cruel, inhuman, or degrading treatment. The SR also urged the government to provide adequate compensation to the families of the victims.

Racial discrimination, Special Rapporteur on: (E/CN.4/1997/71, para. 28)

The Special Rapporteur (SR) notes that street children in Bulgaria, most of them Romany, often fall prey to attacks by skinheads. They may be called "dirty Gypsies" and beaten with chains or baseball bats under the indifferent gaze of the police, who sometimes ill-treat the children themselves.

The SR's interim report to the General Assembly (A/52/471, paras. 22, 25) refers to information received related to acts of violence and atrocities against Roma as well as newspaper reports on the deaths of three Roma children from starvation in the town of Stara Zagora. The report states that in February 1997, following an increase in the price of bread, 2,000 Roma demonstrated in the centre of the town of Pazardzhik in protest against the "discriminatory policies of the central government and the local authorities".

Religious intolerance, Special Rapporteur on: (E/CN.4/1997/91, paras. 9, 17, 19, 23, 26, 30, 41, 66)

The report notes that religious discrimination in Bulgaria is evident with regard to Christians and Jehovah's Witnesses. Authorities may refuse to grant official recognition to religious groups such as the Bulgarian Evangelical Alliance, Christian missions, independent churches and theological institutes and they may close down places of worship.

Information provided by the government refers to legislation and policy, with the emphasis placed on the conformity of national legislation with international human rights law. On the subject of the registration of religious communities, the government pointed out that, by the end of August 1996, 30 denominations and some 70 religious communities and foundations were registered, compared to four denominations and no foundations in 1989. The government also reported that 22 communities and foundations had not been approved for registration, including the Jehovah's Witnesses, on the grounds that the prohibition of blood transfusion represented a danger to health and the refusal to swear allegiance to the national flag infringed national security and the law on military service. According to the government, it was essential that the religious communities not be at variance with national legislation.

The Special Rapporteur's interim report to the General Assembly (A/52/477, paras. 21, 25, 28, 31, 33, 34, 36, 38) notes that communications were sent to the government related to violations of religious freedom against Jehovah's

Witnesses, including: an atmosphere of intolerance; imposition of controls and interference with religious activities; and, expulsion, arrest, detention, mistreatment or conviction arising from proselytizing.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, paras. 21-41)

The Special Rapporteur (SR) received information alleging that torture and other ill-treatment against criminal suspects occurred on a widespread basis in Bulgaria. Victims were reportedly tortured or beaten to coerce the signing of "confessions" or to elicit other information in connection with criminal investigations. In a number of cases, victims of ill-treatment were apparently not provided with adequate medical treatment and most victims were said not to make official complaints for fear of further harassment or because they did not believe that such action would result in the punishment of the perpetrator.

The SR was concerned by the frequency of such allegations, the rarity of any disciplinary measures and investigations leading to criminal prosecutions, as well as the virtual absence of successful prosecutions of those responsible, and noted that the failure to investigate and prosecute creates a climate of impunity. He recommended that the government take measures to ensure the independent monitoring, on a sustained basis, of the arrest, detention and interrogation practices of the relevant law enforcement agencies.

In replies to the cases transmitted by the SR, the government noted that some cases were still under investigation and that, in others, the investigations had failed to produce sufficient evidence for proceedings to be initiated against the police. The government also discounted a number of the allegations of ill-treatment and excessive use of force on the grounds that the suspect was injured while resisting arrest, that only reasonable force had been used, that the injuries were incurred prior to arrest, that the injuries had been caused by persons unknown, or that the death had been caused by a beating carried out by the victim's cell mate.

Other Reports

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

The report of the Secretary-General includes a summary of information provided by Human Rights Watch condemning the treatment by the police of Roma (Gypsy) street children and the confinement of children in labour education schools in Bulgaria.

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CROATIA

Date of admission to UN: 22 May 1992.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Croatia has submitted a core document (HRI/CORE/1/Add.32) for use by the treaty bodies. The report prepared by the government contains demographic and statistical data as well as information on the creation of an independent state, the constitutional definition of the

Republic, the organization of government and the general legal framework for the protection of human rights.

Article 3 of the Constitution sets out the framework for rights and specifically refers to freedom, equality under the law, national equality, peace, social justice, respect for human rights, inviolability of ownership, conservation of nature and the human environment, rule of law and a democratic multi-party system. The protection of the rights of minorities is established in the Constitutional Law on Human Rights and Freedoms and Rights of Ethnic and National Communities or Minorities (Law on Minorities). Legal remedies for violations of human rights may be sought through appeal, and Croatians have the right to initiate an administrative dispute, a constitutional complaint, or a complaint to the Ombudsman or to the Parliamentary Commission for Human Rights. Compensation and rehabilitation are provided through the Criminal Procedure Act for wrongful conviction, custody without prosecution or for a period longer than the sentence, acquittal on appeal, or deprivation of liberty because of an error or unlawful act of the authorities. Material damages are adjudicated in procedures initiated by legal remedies. International human rights instruments ratified by Croatia are self-executing as an integral part of the internal legal order and have force above domestic law. The provisions of these instruments may be invoked and must be enforced by the judicial authorities or other agencies.

Economic, Social and Cultural Rights

Succeeded: 12 October 1992.

Croatia's initial report was due 30 June 1993.

Civil and Political Rights

Succeeded: 12 October 1992.

Croatia's initial report was due 7 October 1992 [*sic*]; the second periodic report was due 7 October 1997.

Reservations and Declarations: Declaration under article 41.

Optional Protocol: Succeeded: 12 October 1995.

Reservations and Declarations: Paragraph 2 (a) of article 5.

Second Optional Protocol: Succeeded: 12 October 1995.

Racial Discrimination

Succeeded: 12 October 1992.

Croatia's third periodic report was due 8 October 1996.

Discrimination against Women

Succeeded: 9 September 1992.

Croatia's initial report (CEDAW/C/CRO/1) has been submitted and is pending for consideration at the Committee's January 1998 session; the second periodic report was due 9 October 1997.

Torture

Succeeded: 12 October 1992.

Croatia's second periodic report was due 7 October 1996.

Rights of the Child

Succeeded: 12 October 1992.

Croatia's second periodic report is due 7 October 1998.

Reservations and Declarations: Paragraph 1 of article 9.

COMMISSION ON HUMAN RIGHTS

Special Rapporteur on human rights in former-Yugoslavia

The Commission established the mandate of the Special Rapporteur (SR) on human rights in the former-Yugoslavia at its August 1992 special session. The SR in 1997, Ms. Elisabeth Rehn, assumed her post in September 1995. From that time until the preparation of this report, she undertook nine missions to the territory. For the 53rd session of the CHR, she prepared two reports, one of which focussed on the situation of minorities in the former Yugoslavia (E/CN.4/1997/8, Section III). The section dealing with minorities in Croatia includes information on the background to the situation, national and international legal provisions, the situation of Serbs currently in Croatia, and the situation of other minorities in Croatia.

The report notes that, according to the 1991 census, Croats constituted some 84 per cent of the total population, followed by Serbs (12 per cent), Muslims (0.9 per cent), Slovenians (0.5 per cent), Hungarians (0.5 per cent), Italians (0.4 per cent), Czechs (0.3 per cent) and smaller numbers of Montenegrins, Albanians, Germans, Romany and other groups. The report notes that the size of Serb population changed dramatically in the summer 1995, when nearly one third (between 150,000 and 200,000) of the pre-war total (some 581,000 persons) fled from Croatia to neighbouring countries.

Commentary is provided on a number of issues that affect minority rights including citizenship and personal security. The report recommends that:

- ▶ the government immediately reinstate constitutional provisions that were suspended, to address the fact that many of the law's beneficiaries are persons eligible for Croatian citizenship but who are currently refugees in the neighbouring Federal Republic of Yugoslavia;
- ▶ Croats and Serbs alike seize the opportunity provided by peace to re-evaluate their relationship — with the Serbs accepting that redress for their grievances can be sought through the legal structures of the Croatian state, and the government ensuring that these structures function in an impartial and effective manner;
- ▶ the government take the opportunity provided by the recent agreement on normalization of relations with the Federal Republic of Yugoslavia to use the agreement to facilitate the return to Croatia of Serbs with valid claims to Croatian citizenship;
- ▶ confidence-building measures be undertaken with an emphasis on community life in order to reinforce peace between national groups; and,
- ▶ human rights courses be included in curricula.

The Special Rapporteur's reports on the general situation in the former Yugoslavia include separate commentary on Croatia.

The SR's first report (E/CN.4/1997/9, Section II) contains observations and information on: personal security; humanitarian and social issues; the return of Croatian Serb refugees; the question of amnesty; the practice of illegal and forcible

evictions; the situation of the media; and measures for the protection of human rights. The report recommends that:

- ▶ in the former Sector South, additional reinforcement of the professional police presence should be provided to alleviate difficulties and provide greater security for the remaining population;
- ▶ in the former Sector North, steps be taken to remedy the lack of a transparent policy for the reconstruction of destroyed houses, the discrepancy between different areas concerning the restoration of public services in general and the inadequate resolution of important matters, particularly regarding properties considered as abandoned;
- ▶ effective measures be taken to combat incitement to hatred, particularly in the fields of education and the media;
- ▶ the return of both refugees and displaced persons be dealt with as a matter of the utmost priority with due respect for individual rights and freedoms;
- ▶ bearing in mind the Law on Amnesty, the re-arrest of Croatian Serb detainees only days after release under the terms of the amnesty be stopped;
- ▶ the problem of missing persons be dealt with as a matter of the highest priority so as to avoid any impediment to the future coexistence of the different ethnic communities; and,
- ▶ referring to the efforts of local human rights organizations to promote human rights and fundamental freedoms, the implementation of various projects aimed at strengthening the development of the social sphere be encouraged by the Croatian authorities as well as by the international community.

The second report of the SR (E/CN.4/1997/56, Sections II and III) includes information on: personal security in the former Sectors; humanitarian and social issues; the return of Croatian Serb refugees; the right to a nationality; the question of amnesty; freedom of expression; the judiciary; illegal and forcible evictions; measures for the protection of human rights; and, additionally with regard to the situation in Eastern Slavonia, Baranja and Western Sirmium, the process of reintegration and elections.

Commentary on personal security notes continuing incidents of looting, arson, bomb attacks, theft, and intimidation. It also notes that: the government had not provided much information on arrests or prosecutions related to incidents in which Croatian Serbs were victims; and, no progress had been reported on investigations of grave violations of humanitarian law committed in the former Sectors following Croatia's recovery of control over the region in August 1995. On humanitarian and social issues, the report welcomed measures taken by the government, with the cooperation of international agencies and NGOs, to rebuild health-care facilities, to provide social documentation to elderly Croatian Serbs who remained in former Sector North, and to improve medical care, educational facilities and other services for children living in difficult conditions. The SR expressed concern, however, about reported discrepancies in reconstruction assistance provided to Croat and Croatian Serb communities: she cited reliable information which indicated that public

services, including electricity and water supplies, were being denied to certain Croatian Serb villages, while towns being resettled by Croat refugees and displaced persons benefited from the investment of substantial resources. With regard to freedom of expression, the SR expressed concern about freedom of the media and abuse of this freedom. Referring to the independence of the judiciary, the SR expressed concern about the dismissal, in 1996, of many long-time judges since the basis for the dismissals seemed to be the national backgrounds and political views of the judges, not their professional qualifications.

In addition to the recommendations contained in the first report, the second report recommends that:

- ▶ the independence of the office of the Croatian Ombudsman be rigorously maintained;
- ▶ steps be taken to ensure full freedom of expression, especially in light of the relative availability of independent media voices in Croatia, and decisions and public statements of government officials which indicate an underlying hostility to alternative points of view;
- ▶ the government refrain from retribution against competent judges solely on the basis of their political opinion or national background;
- ▶ training programmes for new judges and continuing judicial education for experienced judges be provided to strengthen the judiciary; and,
- ▶ a fair and impartial local judiciary be established in the region of Eastern Slavonia, Baranja and Western Sirmium, with proportional participation of Croatian Serb jurists.

Expert for the special process on missing persons in the former Yugoslavia

The report of the special process on missing persons in the former Yugoslavia (E/CN.4/1997/55, Section III), includes commentary on the situation of missing persons in Croatia. The report notes that in 1995 and 1996, the expert transmitted to the government lists of 2,973 missing persons of Serb origin; they allegedly disappeared subsequent to the Croatian offensives, "Flash" and "Storm", launched in May and August 1995 to recapture territories of the UN Protected Areas (UNPA) West, South and North. After the Operations, the Commission for Detained and Missing Persons carried out a number of excavations of mass graves in the former UNPAs West, South and North. The report notes that as of 27 August 1996, a total of 553 bodies, including 212 women, had been discovered in these graves as well as in individual graves. The report cites information indicating that some 2,000 persons of Serb origin are still missing subsequent to the operations "Flash" and "Storm". The report also refers to efforts to secure substantive cooperation between the Croatian Government Commission for Detained and Missing Persons and the Federal Republic of Yugoslavia (FRY) Government Commission for Humanitarian Issues and Missing Persons. It states that, despite the normalization of relations between the two countries, the bilateral Commission has not functioned effectively. Further, clarification of the fate and whereabouts of missing persons in Croatia has been linked to the resolution of missing persons in Bosnia and Herzegovina. The report

expresses the hope that the International Commission on Missing Persons in the Former Yugoslavia (ICMP), in which high-level representatives of the FRY, Croatia and the three parties of Bosnia and Herzegovina participate, will be able to exert more pressure on all parties concerned to disclose all the relevant information they possess.

Resolution of the Commission on Human Rights

At its 1997 session, the Commission adopted an omnibus resolution on the situation in the territory of the former Yugoslavia (1997/57). In addition to points raised in sections on violations of human rights, general obligations and the International Tribunal, the Commission specifically: called on the government to make a greater effort to adhere to democratic principles and to respect the protection of free and independent media; called for continued cooperation with the UN Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES), in particular in respect of property rights and the right to remain, leave or return, and to prevent new flows of refugees from Eastern Slavonia, and restoration of the multi-ethnic character of Eastern Slavonia; called on the government to pursue prosecutions against those suspected of past violations of international humanitarian law and human rights while ensuring the right to fair trial and legal representation; called on the government to prevent harassment, looting and physical attacks against Croatian Serbs; called for guarantees of freedom of the press, including independent television, radio and print media in all parts of the country; called for the government to guarantee local Serb community representation and voice at various levels of local, regional and national government; and called on the government to implement the Amnesty Law enacted in September 1996.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

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

The Special Rapporteur notes that, with regard to conscientious objection to military service, there have been reported cases of imprisonment for refusal to perform military service.

Mechanisms and Reports of the Sub-Commission

Peace and security, Report of the S-G to the Sub-Commission: (E/CN.4/Sub.2/1997/27, paras. 8-10)

The report by the Secretary-General refers to information provided by the government on the question of the use, possession and deployment of nuclear weapons, chemical weapons, fuel-air bombs, napalm bombs, cluster bombs and biological weapons. The government noted the risks that arise from the deployment, possession and use of such weapons for the full enjoyment of human rights and freedoms of all individuals and groups, especially the right to life and the right to security of person. The government noted the prohibition under international humanitarian law on the use of such weapons and stated that there is a need to study the impact of the deployment and use of these weapons and its full support of the disarmament process at both the global and regional levels. The government noted that Croatia does not possess any of these weapons.

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 refers to information received from the government, stating that: children and juveniles are recognized by legislation as vulnerable groups and are therefore protected by laws on criminal procedure; during custody, juveniles must be separated from adult detainees and the treatment of juveniles is carried out with the aim of protecting and helping them to develop their sense of responsibility and enable them to integrate into society; in addition to a network of social work centres which covers the entire country, there are 11 establishments for the education of children and young people with behavioural problems, including delinquency; between 1990 and 1996, there were 97 cases of detained juveniles; in that same period, there were two reported cases of police officials attempting to extract statements from youth by duress and five registered cases of official mistreatment of youth — criminal proceedings were initiated against the police officials involved; and, as of 1 January 1996, the government established special groups of police officials to deal with juveniles.

Decade for Human Rights Education, Report of the HCHR: (E/CN.4/1997/46, para. 23)

The report of the High Commissioner for Human Rights notes that a National Committee for Human Rights Education has been established as a consultative body headed by the Minister of Education. The Committee's task is to promote human rights education by suggesting amendments and addenda to the national curricula, from primary schools through to universities. The report also notes that a project has been started with UNESCO entitled "Peace and human rights education for Croatian primary schools" which incorporates field research and the publication of textbooks. Finally, the report recalls that the government has requested technical assistance from Office of the High Commissioner for Human Rights in the drafting of the National Plan for Human Rights Education.

Disappearance, 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 implementation of the Declaration on the Protection of All Persons from Enforced Disappearance was a priority for Croatia and, to that end, a number of legislative and administrative measures had been taken at the national level; it pointed out that the main problem concerning enforced disappearances remained the tracing of persons missing as a result of the armed conflict.

Environment, Report of the S-G to the CHR: (E/CN.4/1997/18, Section I)

The report of the Secretary-General refers to information provided by the government, noting: the Constitution proclaims the protection of nature and environment as one of the fundamental values of the constitutional order; the Declaration on the Protection of the Environment proclaims Croatia's commitment to the achievement of sustainable development in accordance with the concept and the standards set by the international community; the Law on the Protection of the

Environment calls for the adoption of the National Strategy for the Protection of the Environment being drafted by the State Division for the Protection of the Environment; the Constitution provides for the right of every person to a healthy life and environment and stresses the obligation of all citizens and of public or private bodies to undertake measures to protect the environment; and, environmental protection is a subject of the rules of criminal law which stipulates penalties for pollution of the human environment.

Foreign debt, Report of the S-G to the CHR: (E/CN.4/1997/17, Section I)

The report of the Secretary-General refers to information provided by the government stating that: there is a need to bring together creditor and debtor countries as well as multi-lateral financial institutions and UN specialized agencies; foreign debt, particularly if followed by an obligation of payment of high interest rates, seriously impedes the possibility of enjoyment of both economic and political development; and, the support of the World Bank and the Group of 24 in respect of the Initiative for Heavily Indebted Poor Countries is welcome.

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

The report of the Secretary-General refers to information provided by the government citing constitutional provisions related to non-discrimination and equality before the law as well as provisions on restrictions on rights during a state of war or proclamation of a state of emergency. The government noted that, in the case of public emergency declared by Parliament or the President, limits may be placed on the freedom of movement of certain individuals by decision of the Minister of the Interior, or require them to report their whereabouts to the competent police authority. Such decision is subject to review by the Supreme Court which must make the decision within 48 hours.

Minorities, Report of the S-G to the CHR: (E/CN.4/1997/82, para. 41 in Section III)

The report of the Secretary-General cites information received from the Civic Committee for Human Rights of Croatia, about the Constitutional Law on Human Rights and Freedoms and Rights of Ethnic and National Groups or Minorities. This law reportedly protects the identity and existence of minorities and guarantees the rights of persons belonging to minorities to enjoy their own culture, practise and profess their own religion and speak their own language. It was noted that key provisions of the Law were suspended in September 1995. The government has resisted international pressure to reinstate these provisions, arguing that minority rights are adequately protected by other provisions of law.

World public information campaign on human rights, Report of the S-G to the CHR: (E/CN.4/1997/36, para. 20)

The report of the Secretary-General notes that the Office of the High Commissioner for Human Rights published a *Field Guide* for the International Police Task Force Monitors of the Peace Implementation Operation in Bosnia and Herzegovina and CIVPOL Officers of the UN Transitional Administration in Eastern Slavonia. This publication was designed to fulfill the specific needs of the human rights

training programme for the international police task force and civilian police monitors in the former Yugoslavia.

GENERAL ASSEMBLY

Report of the CHR Special Rapporteur

The section on Croatia in the Special Rapporteur's two reports to the General Assembly (A/52/490, Section III) contains information on, *inter alia*: constitutional provisions; human rights treaty obligations; national institutions; the rights to life and personal security; the right to property; the right to return; the courts; detention and the Law on General Amnesty; cooperation with the International Tribunal; religion; missing persons; freedom of expression and association; and, the situation in the region of Eastern Slavonia, Baranja and Western Sirmium.

Referring to national institutions, the report notes: the institution of the Ombudsman, established in 1992; the Constitutional Court, established in December 1991, which has made numerous important rulings affecting human rights; proposed changes to the procedure for the appointment of the President of the Constitutional Court and initiatives to limit the Court's activity and autonomy; and the Governmental Office for Ethnic and National Minorities which was established in 1991 to facilitate development of government policy and help promote harmonious inter-ethnic relations in Croatia but remains without a strong public presence.

On violations of various rights, the report cites, *inter alia*: the use of explosive devices and other acts causing death and serious injury; the fact that unmarked landmines continue to inflict suffering on innocent civilians, particularly in rural areas; widespread looting in some areas; escalating harassment and violent assaults committed against local Croatian Serbs; obstacles and violent incidents impeding or discouraging the return of Croatian Serbs and difficulties encountered in settling property claims; the lack of effective guarantees for an independent judiciary; improper pressures exerted for the appointment or dismissal of judges and prosecutors; war crimes trials in which, despite a lack of credible evidence, defendants have been convicted; significant shortcomings in the government's cooperation with the International Tribunal; continued criticism by the government of the Tribunal for allegedly blaming all sides equally; acts of vandalism against religious sites and discriminatory treatment against members of the Islamic community; attempts by the government to silence its critics in the print media by levying exceedingly high taxes in some cases; the fact that during the presidential election of June 1997 state media, particularly television, showed favouritism toward the HDZ; continuing publication of materials advocating nationality-based hatred; the fact that under the new Law on Association, which came into force on 15 July 1997, the work of persons involved with NGOs could be jeopardized; and, the fact that the draft Law on Public Gatherings would impose restrictive conditions on public gatherings and protests.

In the section related to the region of Eastern Slavonia, Baranja and Western Sirmium the report notes: the fact that while local Serbs have demonstrated a general willingness and determination to assume their rights and responsibilities as Croatian citizens, deep apprehensions also remain;

continuing reports of harassment and attacks on both displaced Serbs and Croatian Serb displaced persons; continuing tensions between the region's original inhabitants and Serb displaced persons from other areas now living in the region; discrimination against ethnic Serbs by Croatian authorities; the plight of members of families of mixed origin who have long resided in the region and remained there during the war and the fact that these people are not being duly represented in negotiations for the reintegration of the public sector, which concentrate mainly on the "pure ethnic groups"; the fact that the records of persons who were amnestied have not yet been cleared from police records; and, ongoing obstacles to the reintegration of the local judiciary.

The report recommends that the government:

- ▶ increase police activity further in the former sectors, since measures taken to date have not yet succeeded in restoring an environment of law and order;
- ▶ take affirmative steps to ensure that reconstruction and employment opportunities benefit Croats and Serbs equally;
- ▶ suspend the Law on the Temporary Takeover and Administration of Specific Properties, which continues to result in properties of Croatian Serbs being handed over to newly resettling Croats;
- ▶ improve channels for dialogue with national and international human rights NGOs and continue to pay close attention to their recommendations as independent observers;
- ▶ deal with the problem of missing persons as a priority to avoid an impediment to the future coexistence of ethnic communities and for peaceful reintegration of Eastern Slavonia;
- ▶ take effective measures, including legal action by the competent authorities, to combat incitement to hatred in the media;
- ▶ show clearer support for social reconciliation in its statements made to the press and broadcast media;
- ▶ take steps to ensure that persons coming to Eastern Slavonia, Baranja and Western Sirmium, including members of the Transitional Police Force, respect the rights of local residents at all times; and
- ▶ fully implement legislation regarding the reintegration of the local judiciary in Eastern Slavonia, Baranja and Western Sirmium

Resolution of the General Assembly

The General Assembly adopted an omnibus resolution by consensus (A/C.3/52/L.69/Rev.1) on the situation in the territory of the former Yugoslavia. In text related to Croatia, the GA: called for the full and consistent implementation of the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium by all parties; called on the government to undertake greater efforts to strengthen its adherence to democratic norms, especially in regard to the promotion and protection of free and independent media; called on the government to strengthen and to take continuing measures to end all forms of discrimination by Croatian authorities in the areas of employment, promotion, education, pensions and health

care, among others; called for the continuing implementation of the general amnesty law, enacted in September 1996 and intended in part to promote confidence on the part of the local Serb population; welcomed the signing of cross-border agreements between the Federal Republic of Yugoslavia (FRY) and Croatia and the easing of border crossing between Bosnia and Herzegovina and Croatia; strongly urged the government to resolve in the framework of the rule of law, in conformity with international standards, the issue of property rights; called on the government to investigate and arrest those responsible for acts of violence and intimidation aimed at driving people away; welcomed the measures taken to facilitate the voluntary return of ten persons indicted by the International Tribunal and the increased cooperation with the Tribunal by the government; and, welcomed Croatia's adherence to and firm and formal commitment to abide by the European Convention on Human Rights, its additional protocols, and other European instruments.

SECURITY COUNCIL

The reports of the Secretary-General (S/1997/487, June 1997; S/1997/767, October 1997) provides an overview of the activities of the UN Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) and describe the humanitarian and human rights situation in Croatia. The reports include commentary on political aspects, displaced persons, civilian aspects, reintegration of institutions, economic activities, police and military aspects, UN military observers and the border regime.

In terms of the humanitarian and human rights situation the reports note, *inter alia*: continuous reports of harassment, intimidation, killings and physical assault of Serbs and continuous looting, particularly in areas where ethnic Croats have resettled; the restrictive conditions imposed on the return of Croatian Serbs who have a valid Croatian citizenship certificate; problems associated with acquiring travel documents; continuing problems related to questions of property; uncertainties and widespread concern arising from the application of the amnesty law; limited cooperation with the International Tribunal and increasing signs that Croatian implementing legislation will restrict the Prosecutor's activities rather than facilitate them; and, reports that the Croatian press had produced a number of articles, often carrying statements from official sources, designed to damage the credibility of the Tribunal; outbursts of ethnic violence against Serbs in Kostajnica and elsewhere in Croatia; increased harassment and intimidation of Serbs inside the region by Croat extremists who abuse the transit procedures and more liberal access regime; continued hostile propaganda in the Croatian media; and, an increase in the number of abusive and threatening telephone calls telling Serbs to leave; unfair trial procedures in war crimes cases; prolonged pre-trial detention; discrimination against Serbs in areas such as education, employment, pensions and health care; the lack of an attempt by the government to lead and support a national programme of reconciliation and confidence-building; the failure of the political leadership to prepare the population, at a minimum, to coexist peacefully and to begin to rebuild functioning multi-ethnic communities in the region; and, the need for such a programme to avoid ethnic harassment in the region and throughout Croatia as displaced persons return home.

In resolutions and a statement by the President (S/RES/1120, 14 July 1997; S/PRST/1997/48, 20 October 1997; S/RES/1145, 19 December 1997) the Council, *inter alia*: emphasized the importance of the obligation of the government to allow all refugees and displaced persons to return safely to their homes throughout the country and the importance of the two-way return of all displaced persons in the country; expressed concern over continuing human rights violations, including the rights of persons belonging to minorities, and deplored incidents of ethnically-motivated violence; called on the government to create the necessary conditions of security, safety, and social and economic opportunity for those returning to their homes in Croatia, including the prompt payment of pensions; urged the government to eliminate ambiguities in implementation of the Amnesty Law; noted positively actions by the government including agreements relating to education, progress on the reintegration of the judiciary, the law on convalidation, moves towards recognition of pensioner service, assistance to local governments and municipalities, and provision of documentation to the UNTAES on 25 war crimes cases and, the increased cooperation with the International Tribunal; called on the government to curb media attacks on ethnic groups; underlined the importance of the removal of all legal and administrative barriers to allow the accelerated voluntary two-way return of displaced persons; and established, with effect from 16 January 1998, a support group of 180 civilian police monitors, for a period of up to nine months, to continue to monitor the performance of the Croatian police in the Danube region, particularly in connection with the return of displaced persons.

FIELD OPERATIONS

The Human rights field operations in the former Yugoslavia (HRFOFY) of the Office of the High Commissioner for Human Rights has headquarters in Sarajevo and field offices in Banja Luka (Bosnia and Herzegovina), Zagreb and Vukovar (Republic of Croatia) and Belgrade (Federal Republic of Yugoslavia).

The Field Operation reports for 1997 (January, April, May, August, October, November, December) contain commentary related to, *inter alia*: looting of abandoned properties of the former South Sector; interference in the operation of independent media; the sanctioning of the President of the Supreme Court by the State Judicial Council and dismissal because of questions raised about the propriety of the procedure initiated against him; denial of citizenship; instances of ethnic tensions which escalated into violence; misconduct by officers of the Transitional Police Force (TPF); re-arrest of persons benefiting from the Amnesty Law; inconsistencies and discrimination in the handling of applications for Croatian citizenship by applicants of non-Croat background; cases of evictions, beatings, threats, harassment and damage to Croatian Serb property; graffiti inciting hatred with messages such as "Death to the Serbs" and "Serbs out"; lapses in the procedures for voter registration prior to the mid-1997 elections; the desecration of a Jewish cemetery with fascist graffiti; continuation of the practice of verbal denials and rejections of passport applications without explanation; indictments against and arrest of persons wanted by the International Tribunal; cases of prolonged detention without trial

and difficulties encountered in the reintegration of the region's judiciary; deaths of returnees under suspicious circumstances and murders; the proposed law on peaceful assembly and problems related to its provisions; the fact that judges in the functioning courts did not have copies of the Croats laws under which cases were to be tried; the persistence of serious irregularities in war crimes trials; and, the failure of recent agreements to take into account the situation of members of mixed families and other minorities who had often lost their jobs under the "Krajina" authorities.

The reports note that the activities of the Field Operation included: a focus on war crimes prosecutions, including through trial monitoring, participation in meetings, and contacts with judicial authorities, legal professionals and non-governmental organizations; the training of the Civilian Police of UNTAES and newly-recruited members of the Transitional Police Force; provision of assistance to help residents gain access to pensions to which they are entitled; participation in activities related to the rights to a home and to peaceful enjoyment of property; interventions to the government to resolve individual complaints related to legal documentation and denial of Croatian citizenship; and, submission of cases of possible human rights violations to the Office of the Croatian Ombudsman.

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CZECH REPUBLIC

Date of admission to UN: 19 January 1993.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: The Czech Republic has submitted a core document (HRI/CORE/1/Add. 71) for use by the treaty bodies. The report prepared by the government notes that upon admission to the UN the Czech Republic succeeded to all human rights instruments binding on the former Czechoslovakia.

The Constitution which was adopted in December 1992 includes a Charter of Fundamental Rights and Freedoms and international treaties ratified by the Republic are immediately binding and superior to law. In addition, the Czech Republic has incorporated into domestic law most of the civil and political rights set out in the ICCPR.

Economic, Social and Cultural Rights

Succeeded: 22 February 1993.

The Czech Republic's initial report was due 30 June 1995.

Reservations and Declarations: Article 26

Civil and Political Rights

Succeeded: 22 February 1993.

The Czech Republic's initial report was due 31 December 1993.

Reservations and Declarations: Article 48; declaration under article 41.

Optional Protocol: Succeeded: 22 February 1993.

Racial Discrimination

Succeeded: 22 February 1993.

The Czech Republic's initial and second periodic reports have been submitted as one document (CERD/C/289/ Add.1)

which has not yet been scheduled for consideration by the Committee; the third periodic report was due 1 January 1998.

Reservations and Declarations: Articles 17 and 22.

Discrimination against Women

Succeeded: 22 February 1993.

The Czech Republic's initial report (CEDAW/C/CZE/1) has been submitted and is pending for consideration by the Committee at its July 1998 session; the second periodic report is due 24 March 1998.

Torture

Succeeded: 22 February 1993.

The Czech Republic's second periodic report is due 31 December 1997.

Reservations and Declarations: Declarations under articles 21 and 22.

Rights of the Child

Succeeded: 22 February 1993.

The Czech Republic's second periodic report is due 31 December 2000.

Reservations and Declarations: Paragraph 1 of article 7.

The initial report of the Czech Republic (CRC/C/11/Add.11) was considered by the Committee at its September/October 1997 session. The report prepared by the government includes information on: measures taken to harmonize national law and policy with provisions of the Convention; mechanisms for coordinating policies related to children; measures taken to make the principles and provisions of the Convention widely known; the definition of the child; the general principles of non-discrimination, best interests of the child, the 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. Much of the information refers to laws relevant to areas covered by the Convention, such as the Law on the Family (1963, and 1992 amendment), the Foster Care Act (1992), the Code of Civil Procedure, the Criminal Code, and the Labour Code. Information is also provided on Commission for the Family which is mandated: in the area of education, to propose and promote comprehensive education in elementary and secondary schools on the values of life, partnership relations and responsible parenthood; in the area of legislation, to formulate back-up material for the amendment of the Family Act and identify arguments for discussions on fundamental social security legislation; and, to initiate the establishment of regional crisis centres aimed at the prevention of crime and pathological addictions.

The Committee's concluding observations and comments (CRC/C/15/Add.81) acknowledged that the transition to a market economy has caused higher rates of unemployment, poverty and other social problems and has had a serious impact on the general welfare of vulnerable groups including children.

The Committee viewed positively a number of developments in the Czech Republic, among them comprehensive law reform which included the drafting of new legislation, such as the proposed Law on Social and Legal Protection of Children, and proposals to amend the Law on the Family, the

Criminal Code and the Code of Criminal Procedures. The Committee welcomed the establishment of a training programme for judges, the police and government officials dealing with children's rights and the establishment of a "Crisis Line for Children" which provides them with a means to report cases of sexual abuse and domestic violence.

Among the areas of concern addressed by the Committee were: the lack of an integrated strategy for children as well as the absence of a mechanism to systematically monitor progress in all areas covered by the Convention; the need to strengthen the government's capacity to develop disaggregated indicators to evaluate progress and assess the impact of existing policies on all children, especially children belonging to minority groups; the need to improve coordination between government bodies dealing with child welfare at the national and local levels; failure to integrate fully the principles of the Convention on non-discrimination, best interests of the child and respect for the views of the child into legislative policies and programmes; lack of adequate measures to protect children belonging to minorities, including Roma children, and to ensure their full access to health, education and other social services; denial of citizenship to children who were not registered for lawful permanent residence and failure to inform children and their caretakers in such situations about procedures for applying for citizenship; lack of sufficient mechanisms to protect children from harmful information, including violence and pornography in the media; continued use by parents of corporal punishment and failure to prohibit corporal punishment in schools; the harmful impact on children's health of environmental degradation; insufficient measures to ensure for children with disabilities effective access to health, education and social services and to facilitate their full inclusion in society; the insufficiency of measures to address issues of reproductive health and the incidence of early pregnancies; insufficiencies in the measures taken to address the problems of child abuse, sexual abuse within the family, the sale and trafficking of children, child prostitution and child pornography; inadequate measures to deal with the problem of children working and/or living on the street; and, the rising incidence of gambling addiction, alcohol consumption and drug abuse among children.

The Committee also expressed concern about deficiencies in the system of administration of juvenile justice, particularly in the areas of the right to legal assistance and judicial review, the need to ensure that deprivation of liberty is used only as a measure of last resort, and the stigmatization of the most vulnerable categories of children, including those belonging to the Roma minority.

The Committee recommended that the government:

- ▶ review its reservation to article 7 of the Convention;
- ▶ strengthen coordination between various governmental mechanisms involved in children's rights at both the national and local levels;
- ▶ develop a comprehensive policy on children and ensure effective evaluation of its implementation;
- ▶ continue and strengthen its efforts to develop close partnerships with NGOs working in the area of children's rights;

- ▶ continue to consider establishment of an independent mechanism to monitor children's rights, such as an Ombudsman or national commission for children's rights;
- ▶ make further efforts to ensure that national laws conform fully with the Convention;
- ▶ consider incorporating the Convention into the curricula of all educational institutions;
- ▶ take measures to facilitate access by children to information about their rights;
- ▶ make further efforts to provide comprehensive training programmes for professional groups working with children, including judges, lawyers, law enforcement personnel, army officials, teachers, school administrators, social workers and personnel in child-care institutions;
- ▶ undertake major efforts to reduce discrimination against the Roma population;
- ▶ consider establishment of special programmes to improve the standard of living, education and health of Roma children;
- ▶ take measures to facilitate applications for citizenship so as to resolve the situation of stateless children and children placed in institutions;
- ▶ consider acceding to the 1954 Convention related to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;
- ▶ adopt reproductive health measures aimed at reducing the incidence of pregnancies among teenage girls;
- ▶ strengthen information and prevention programmes to combat HIV/AIDS and other sexually transmitted diseases;
- ▶ take measures, including provision of support services to needy families, to prevent the abandonment of children and protect single poor mothers from child traffickers;
- ▶ develop a broad public information campaign to protect children from abuse and mistreatment, including the prevention of corporal punishment at home, at schools or in other institutions;
- ▶ take appropriate steps to ensure the entry into force of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption;
- ▶ develop early identification programmes to prevent disabilities, implement alternative measures to the institutionalization of disabled children, and prepare information campaigns to reduce discrimination against children with disabilities and encourage their inclusion in society;
- ▶ undertake more comprehensive research on the possible effects of environmental pollution on the health of children;
- ▶ undertake a comprehensive study of child abuse and ill-treatment in the family;
- ▶ reinforce policies and programmes to combat and prevent all forms of sexual abuse, including domestic violence and incest;

- ▶ consider ratifying ILO Convention No. 138 (minimum age of employment);
- ▶ strengthen efforts to provide social support to children living and/or working on the street;
- ▶ undertake a comprehensive reform of the system of juvenile justice with particular attention to access to legal assistance;
- ▶ organize training programmes on relevant international standards for all professionals involved with the juvenile justice system; and,
- ▶ establish special courts for juvenile justice.

COMMISSION ON HUMAN RIGHTS

At its 1997 session, the Commission on Human Rights considered the situation in the Czech Republic under the confidential 1503 procedure. The Commission decided to discontinue consideration; the situation is therefore not formally on the agenda for the Commission's 1998 session.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Racial Discrimination, Special Rapporteur on: (E/CN.4/1997/71, para. 30)

The report notes that, in 1995, there were 181 reported attacks on Romanies. The Special Rapporteur (SR) refers to the fact that the Roma are "at the bottom of the social ladder" and daily face discrimination in housing, education and employment, are often segregated in special schools, denied residency permits and refused jobs solely because of their ethnicity. The report also notes that, following the split of Czechoslovakia, the Czech citizenship law left a large number of Roma without citizenship even though they are long-term or life-long residents of the Republic; as a consequence, some of the Roma are now stateless, while others have been deported to Slovakia. The SR refers to evidence which suggests that the law was drafted with the specific intent of removing Roma from the country.

Religious intolerance, Special Rapporteur on: (A/52/477, paras. 25, 33, 37)

The Special Rapporteur's interim report to the General Assembly notes that cases have been transmitted to the government and states that in the Czech Republic there is a legal time limit within which conscientious objectors must declare their refusal to undertake military service or apply to do non-military national service.

Sale of children, child prostitution, child pornography, Special Rapporteur on: (E/CN.4/1997/95, para. 57; E/CN.4/1997/95/Add.1)

The Special Rapporteur (SR) visited the Czech Republic from 20 to 25 May 1996. The decision of the SR to visit the Republic was based in part on a recognition that the political and economic transition still underway there is having an impact on children, and that this impact is not always positive. The report refers to the substitution of a market economy for a rigidly planned economy, increased unemployment, substantial social adjustment, and economic and political transformations which have affected, more or less drastically,

health, education and social welfare systems as factors in making children more vulnerable and contributing to an increase in the number of street children.

The report outlines issues of concern which include: a gambling addiction — brought about by the opening of casinos and the proliferation of gambling machines, which has led to an increase in child prostitution, especially among boys, to sustain their gambling habit; criminality of children — which rose to 20 per cent in 1995, up from 12 per cent in 1989, and involves increased brutality and criminality in gangs; drug addiction — in part a consequence of greater freedom to abuse drugs, which may contribute to the rise in child prostitution in order to financially support the drug addiction; greater transborder freedom of movement — enabling children, especially boys, to enter the Czech Republic and possibly resort to prostitution as a means of securing an income; the free market economy — with greater involvement of parents in market activities intended to raise their standard of living, but leaving less time to supervise and attend to their children; changes in the educational system — which has reduced or eliminated planned activities after classroom hours, leaving children more free time without school or parental supervision and vulnerable to questionable influences; and sexual freedom — considered one of the new attractions offered by the market economy, with the result that boys and girls become more easily involved in prostitution and/or pornography, "most of the time without really knowing what it is all about".

The SR considers a number of constitutional and legal protections related to the situation of children and notes that prostitution is not a crime. Each region and municipality is left to determine its own policy. Note is made of the fact that, under Czech law, child prostitution refers to children under 15. At the age of 15, a child receives an identity card and becomes qualified for many things, including sexual consent. A consequence of this provision is that a prostitute between 15 and 18 years of age is not considered as a child prostitute under the law. The SR also notes that criminal culpability also attaches to a child from the age of 15.

Within the three areas of the mandate, the report provides commentary on issues such as legal adoptions, trans-border adoptions, trafficking in organs, transborder and internal trafficking in children, child prostitution, boy prostitution, child sexual exploitation, child sex tourism, prosecution of child sexual exploitation, self-regulation by the media in terms of programming likely to have a negative impact on children and child pornography. The report concludes with a number of recommendations arising from consideration of these subjects. The recommendations include that the government:

- ▶ create a focal point to coordinate the concerns of children, including ethnic minorities, with activities of various agencies in the country;
- ▶ revise national laws to eliminate any possibility of children belonging to minority groups being deprived of citizenship and thereby placed outside the protection of the law;
- ▶ amend national laws to adopt a non-punitive approach to children involved in prostitution, including children between the ages of 15 and 18;

- ▶ ensure that, especially in Prague, law enforcement officials are always visible around known places of operation involving boy prostitution to act as a deterrent toward the boys and their clients;
- ▶ conduct "sting operations" at known places of boy prostitution in Prague and give resulting arrests wide publicity to send a strong message to prospective clients;
- ▶ impose a strict ban on children under 18 entering casinos or places where gambling machines are available;
- ▶ conduct periodic checks of video and amusement arcades to ensure that betting does not occur among children;
- ▶ institute better control measures to prevent an increase in and proliferation of pornographic materials involving children;
- ▶ place restrictions on children's access to pornographic materials;
- ▶ establish greater control and monitoring mechanisms in border regions to address the issue of transborder adoptions and trafficking in children;
- ▶ impose closer supervision on government agencies involved in the operation of child care institutions to ensure that children are not re-victimized in these facilities and therefore likely to run away; and
- ▶ review programmes and initiatives addressed to problems related to children to ensure that they do not have unforeseen effects.

On the last point, the report refers to two documentary films dealing with boy prostitution and boy pornography. The purpose of these documentaries was to denounce such practices. However, the boys who were featured in the films attained instant stardom and were thus able to command higher prices in the sex market. The report notes that, although the names of the boys were not given in the documentaries, their faces were not disguised and the places where they operated were identified in detail.

The SR concluded that the general situation in the Czech Republic was more encouraging than expected, and that the government is committed to continuing to adopt measures to deal more effectively with problems related to the sale of children, child prostitution and child pornography. The report also noted, as a priority, the need for amendments to laws to establish an age of majority and remove the present contradiction affecting the rights and accountability of children between the ages of 15 and 18.

The Special Rapporteur's interim report to the General Assembly (A/52/482, para. 57) reiterated regret that the two documentary films on boy prostitution and pornography had resulted in an increased demand for the services of the boys featured.

Other Reports

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

The report of the Secretary-General refers to activities by the UN Information Centre in Prague, including participation in a round table discussion on ways to prevent the media from being misused as a promoter of child pornography. The report notes that channels of communication were established to keep the media aware of UN policy and procedures.

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ESTONIA

Date of admission to UN: 17 September 1991.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Estonia has submitted a core document (HRI/CORE/1/Add.50) for use by the treaty bodies. The report provides demographic and statistical data, information on the government, the separation and balance of powers, and the judicial system.

The universally recognized principles and norms of international law are an inseparable part of the Estonian legal system. If cases where domestic law or other acts contradict the provisions of treaties ratified by the Parliament-including international human rights treaties — the provisions of the international treaty are applied. Every person has the right to bring a case before the courts if any rights or liberties have been violated. On 10 December 1992, the Estonian Institute for Human Rights was established as a public body to monitor the protection of human rights.

Economic, Social and Cultural Rights

Acceded: 21 October 1991.

Estonia's initial report was due 30 June 1994.

Civil and Political Rights

Acceded: 21 October 1991.

Estonia's second periodic report was due 20 January 1998.

Optional Protocol: Acceded: 21 October 1991.

Racial Discrimination

Acceded: 21 October 1991.

Estonia's initial, second and third periodic reports were due 20 November 1992, 1994 and 1996 respectively.

Discrimination against Women

Acceded: 21 October 1991.

Estonia's initial report was due 20 November 1992; the second periodic report was due 20 November 1996.

Torture

Acceded: 21 October 1991.

Estonia's initial report was due 19 November 1992; the second periodic report was due 19 November 1996.

Rights of the Child

Acceded: 21 October 1991.

Estonia's initial report was due 19 November 1993.

COMMISSION ON HUMAN RIGHTS

At its 1997 session, the Commission on Human Rights considered the situation in Estonia under the confidential 1503 procedure. The Commission decided to discontinue consideration of Estonia under 1503.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 17, 18, 28, 77; E/CN.4/1997/60/Add.1, paras. 170-171)

The report notes that information received by the Special Rapporteur (SR) referred to amendments to the Estonian Criminal Code which added two offences to the list of criminal acts punishable by death: violence against a police officer or a person equal to a police officer and crimes against humanity. The amendments reportedly entered into force on 11 March 1994 and 9 December 1994, respectively. The SR expressed concern about the extension of the scope of the death penalty, noting that the action runs counter to the international trend towards abolition of the death penalty and is in clear violation of article 6 of the International Covenant on Civil and Political Rights, ratified by Estonia.

Racial Discrimination, Special Rapporteur on:
(E/CN.4/1997/71, para. 37)

The report cites information provided by the government which calls attention to Estonia's ratification, in April 1996, of the European Convention on Human Rights and of its optional protocols 4, 7, 10 and 11, and to Estonia's acceptance of the right of individual petition to the European Commission on Human Rights.

Sale of children, child prostitution, child pornography, Special Rapporteur on the: (E/CN.4/1997/95, para. 51)

The report refers to child sex exploitation in Central and Eastern Europe and notes that Estonia has an estimated 1,500 child prostitutes.

Mechanisms and Reports of the Sub-Commission

Contemporary forms of slavery, Report of the S-G:
(E/CN.4/Sub.2/1997/11, Estonia)

The report of the Secretary-General on implementation of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography includes information provided by the government, noting that Estonia's criminal code was upgraded in 1995 and now contains tough laws for the protection of minors. The law specifically prohibits: the trafficking of minors and child prostitution; production, possession, and distribution of child pornography; persuading a person to engage in prostitution; and the use of minors as objects of erotic or pornographic activity for the production of erotic and pornographic publications. It was noted that a working group is studying proposals aimed at improving the effectiveness of the implementation of the law.

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 included information provided by the government referring to adoption of the Law on Protection of Children for persons under the age of 18. The government stated that, under this law, minors cannot be arrested "unless absolutely necessary". In Estonia, children and juvenile offenders can be placed in special educational institutions or rehabilitation centres.

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

The report of the Secretary-General includes views provided by the government, noting that the Turku Declaration [of Minimum Humanitarian Standards, 2 December 1990] combines elements of both humanitarian law and human

rights law and sets out basic standards that should be applicable in all situations, during peacetime as well as wartime. The government noted that the standards should be respected by, and applied to all persons, groups and authorities while at the same time not be interpreted as restricting or impairing the provisions of any existing international humanitarian or human rights instrument. The government welcomed the Turku Declaration and considered the points set out in it to be an appropriate basis for a further elaboration by the Commission on Human Rights, in order to draft a UN declaration on minimum humanitarian standards. The government also referred to a new law in Estonia, the Law on the Situations of Public Emergency, which came into effect in February 1996. The Law specifies the situations during which a state of emergency may be proclaimed, which rights can be restricted, and what obligations can be imposed upon people.

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GEORGIA

Date of admission to UN: 31 July 1992.

TREATIES AND REPORTS TO TREATY BODIES

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

Economic, Social and Cultural Rights

Acceded: 3 May 1994.

Georgia's initial report (E/1990/5/Add.37) has been submitted and is yet scheduled for consideration by the Committee at its November/December 1999 session; the second periodic report is due 30 June 2001.

Civil and Political Rights

Acceded: 3 May 1994.

Georgia's second periodic report is due 2 August 2000.

Georgia's initial report (CCPR/C/100/Add.1) was considered by the Committee at its March/April 1997 session. The report prepared by the government includes information on: principal ethnic and demographic characteristics; organs of government; legislative and other human rights instruments; and, the situation in Abkhazia. The report reviews laws and measures related to each of the rights set out in the articles of the ICCPR, including but not limited to: right to remedy, equality of women and men, the death penalty, health care, forced labour, alternative service to military service, freedom of expression and hate speech, due process, and public emergencies.

The Committee's concluding observations (CCPR/C/79/Add.75) acknowledged the negative effect on implementation of the Covenant of the conflicts in South Ossetia and Abkhazia, both of which have involved serious violations of human rights and massive population displacements. The Committee also acknowledged that the government continues to have difficulty exercising its jurisdiction in those areas in terms of the protection of human rights.

The Committee viewed positively: the entry into force of the 1995 Constitution, notwithstanding the fact that it does not fully reproduce the rights in the Covenant; the establishment of the Constitutional Court; the abolition of the system of internal passports; the reform of the Criminal Code and the

Criminal Procedure Code; the restructuring of the Prokuratura so as to limit its role to that of a prosecuting body, stripping it of prerogatives formerly used to interfere in judicial decisions; the decrease in discrimination against women before the law and in education; and, the efforts made to give minorities more active human rights protection aimed at guaranteeing them free expression for their cultures and the use of their languages.

The principal subjects of concern identified by the Committee were: the absence of remedies which would enable victims of the events of 1992, 1993 and 1994 to seek redress for violations they suffered; the fact that the ICCPR cannot be invoked before the courts; the failure to nominate anyone to the post of Ombudsman, created in May 1996; the fact that women continue to be the victims of unequal treatment and discrimination in the political, economic and social spheres; the difficulty in obtaining methods of contraception other than abortion; the broad range of crimes for which the death penalty remains applicable; the fact that some capital sentences were imposed in cases where confessions were obtained under torture or duress or following trials where various due process rights were violated, including the right to appeal; the fact that torture is still used, particularly to secure confessions, and perpetrators go unpunished; abuse of pre-trial detention and police custody; the disastrous prison situation including overcrowding, poor sanitary conditions and lack of medical care; the continuing close relationship between the procurator and the judges, impeding guarantees of the independence of the judiciary; continuing obstacles to freedom of movement and the corruption in this area; the fact that vague and overly general characterizations of crime have allowed political opponents of the government to be prosecuted; the absence of legislation on freedom of association which has made it impossible to establish trade unions; and, the increase in the number of children affected by poverty and social dislocation, which has resulted in an increase in the number of street children, delinquents and drug addicts.

The Committee recommended that the government:

- ▶ provide all individuals under its jurisdiction with an effective remedy and compensation for violations that have occurred since 1991;
- ▶ appoint an ombudsman as soon as possible and establish procedures to give effect to the decisions of the Human Rights Committee under the Optional Protocol;
- ▶ ensure the legitimacy and authority of the Committee for Human Rights and Ethnic Relations and define its relationship with the Ombudsman;
- ▶ continue the moratorium on executions and efforts towards abolition of the death penalty;
- ▶ undertake systematic and impartial investigations into all complaints of torture and ill-treatment; bring to trial those charged and compensate the victims;
- ▶ exclude confessions obtained under duress from judicial proceedings and review all past convictions based on confessions allegedly made under torture;
- ▶ ensure that all persons arrested have immediate access to counsel, are examined by a doctor without delay, and are

able to submit promptly an application to a judge to rule on the legality of the detention;

- ▶ take urgent steps to improve the situation in prisons, cut down on the use of imprisonment as punishment for minor violations, and reduce pre-trial detention for excessive periods;
- ▶ end, once and for all, restrictions on freedom of movement within the country and on the right to leave the country;
- ▶ enact a law guaranteeing the independence of the judiciary and providing total autonomy vis-à-vis the procurator and executive;
- ▶ remedy deficiencies in the protection of the right to defence and the right to appeal and create an independent legal profession;
- ▶ repeal provisions in the Penal Code which make it possible, under cover of upholding the law, to prosecute political opponents for their beliefs;
- ▶ enact laws to permit the establishment and free functioning of trade unions;
- ▶ draw up education and training programmes aimed at developing a culture of respect for human rights for all sectors of the population, including, for example, for judges, the security forces and prison personnel; and,
- ▶ ensure that education and training programmes emphasize that women are entitled to full enjoyment of their fundamental rights.

Optional Protocol: Acceded: 3 May 1994.

Discrimination against Women

Acceded: 26 October 1994.

Georgia's initial report was due 25 November 1995.

Torture

Acceded: 26 October 1994.

Georgia's second periodic report is due 24 November 1999.

Rights of the Child

Acceded: 2 June 1994.

Georgia's initial report (CRC/C/41/Add.4) has been submitted and is pending for consideration at the Committee's May/June 1999 session; the second periodic report is due 1 July 2001.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

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

The report notes that an urgent appeal was sent to the government, concerning two persons, but provides no details on the cases.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 15, 28; E/CN.4/1997/60/Add.1, para. 181)

The report refers to an urgent appeal sent to the government related to a former commander of the pro-Gamsakhurdia troops, who was reportedly sentenced to death for treason by the Supreme Court in June 1996. The information received

indicated that he had had no right of appeal and his only recourse against execution was to petition the President for clemency.

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

The report refers to violations of religious freedom against Christianity and incidents of ill-treatment, arrest and detention.

The Special Rapporteur's interim report to the General Assembly (A/52/477, paras. 25, 28, 30, 31, 33, 34, 38, 46) notes that communications were transmitted to the government related to: violations of religious freedom against Christians and Jehovah's Witnesses; refusal to grant official recognition to certain religious groups and communities; attempts by the Orthodox Church to restrict the activities of other Christian organizations; the closure of Armenian Orthodox churches; the question of restitution of goods and properties confiscated under the former regime; and, confiscation of literature of the Jehovah's Witnesses.

Sale of children, child prostitution, child pornography, Special Rapporteur on the: (A/52/482, para. 29)

The Special Rapporteur's interim report to the General Assembly notes a growing number of street children and children in prostitution, with estimates of some 1,000 street children in Tbilisi at risk of being forced or recruited into child prostitution.

Mechanisms and Reports of the Sub-Commission

Freedom of movement, Working Paper: (E/CN.4/Sub.2/1997/22, paras. 24, 32)

The report refers to the new states that emerged following the breakup of the Soviet Union and cites laws in Georgia which have an impact on freedom of movement, including the laws on: the legal status of foreigners; the procedure for entry and departure of foreigners (temporary entry, residence and departure); and, emigration and immigration. The report refers to the conflicts in various countries, including Georgia, and notes that they have generated a massive flow of refugees.

SECURITY COUNCIL

The reports of the Secretary-General (S/1997/47, 20 January 1997; S/1997/340, 25 April 1997; S/1997/558, 18 July 1997; S/1997/827, 28 October 1997) on the situation in Abkhazia include commentary on *inter alia*: key issues of the peace process, including the future political status of Abkhazia and the return of refugees and displaced persons; humanitarian assistance related to food, medicine and clothing, emergency repairs to schools and hospitals; the marked increase in acts of violence, which involved especially the indiscriminate laying of mines; murders, kidnappings, attacks, explosions and acts of looting; the creation of a grass-roots organization for human rights and democracy in Abkhazia, and the establishment of a human rights commission within the administration of the Abkhaz leader; the beginning of a basic but systematic monitoring of human rights violations by the UN office with a focus on compliance by the Abkhaz authorities with international human rights standards; the reactivation of the peace process without

visible progress on the key issues, namely the future political status of Abkhazia and the permanent return of refugees and displaced persons; the dramatic psychological impact on children and adults alike from the strains of war and subsequent isolation, including post-traumatic stress disorders such as violent behaviour; and, hostage-taking incidents against personnel of aid agencies.

The resolutions adopted by the Security Council (S/RES/1096, 30 January 1997; S/RES/1124, 31 July 1997) *inter alia*: noted with deep concern the failure by the parties to resolve their differences due to the uncompromising position taken by the Abkhaz side; reaffirmed the need for the parties strictly to respect human rights; reaffirmed the right of all refugees and displaced persons to return to their homes in secure conditions in accordance with international law; condemned the continued obstruction of that return, and stressed the unacceptability of any linkage between the return of refugees and displaced persons with the question of the political status of Abkhazia; reaffirmed the unacceptability of the demographic changes resulting from the conflict; condemned killings, particularly those ethnically motivated, and other ethnically related acts of violence; condemned the continued laying of mines, including new types of mines, in the Gali region; expressed deep concern at the continuing unstable and tense security conditions in the Gali region, characterized by acts of violence by armed groups, by armed robbery, and other common crime and, most seriously, by the laying of mines, including new types of mines; and, reiterated its full support for the implementation of a concrete programme for the protection and promotion of human rights in Abkhazia.

FIELD OPERATIONS

The UN Human Rights Field Office was opened on 10 December 1996 in Sukumi, Abkhazia. The office is part of the implementation mechanism of a programme for the protection and promotion of human rights in Abkhazia, Georgia which is carried out by the Office of the High Commissioner for Human Rights in cooperation with the OSCE and the government of Georgia. The objectives of the programme are: to protect the human rights of the population of Abkhazia, Georgia; to contribute to a safe and dignified return of refugees and internally displaced persons through improvement of the human rights situation; and, to report on human rights developments. A sub-office was opened in Sukhumi in July 1997.

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HUNGARY

Date of admission to UN: 14 December 1955.

TREATIES AND REPORTS TO TREATY BODIES

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

Economic, Social and Cultural Rights

Signed: 25 March 1969; ratified: 17 January 1974.

Hungary's third periodic report was due 30 June 1994.

Reservations and Declarations: Paragraphs 1 and 3 of article 26.

Civil and Political Rights

Signed: 25 March 1969; ratified: 17 January 1974.
Hungary's fourth periodic report was due 2 August 1995.
Reservations and Declarations: Paragraphs 1 and 3 of article 48; declaration under article 41.

Optional Protocol: Acceded: 7 September 1988.

Second Optional Protocol: Acceded: 24 February 1994.

Racial Discrimination

Signed: 15 September 1966; ratified: 4 May 1967.
Hungary's 14th periodic report was due 4 January 1996.
Reservations and Declarations: Paragraph 1 of articles 17 and 18.

Discrimination against Women

Signed: 6 June 1980; ratified: 22 December 1980.
Hungary's fourth periodic report was due 3 September 1994.

Torture

Signed: 28 November 1986; ratified: 15 April 1987.
Hungary's third periodic report was due 25 June 1996.

Rights of the Child

Signed: 14 March 1990; ratified: 7 October 1991
Hungary's initial report (CRC/C/8/Add.34) has been submitted and is pending consideration at the Committee's May 1998 session; the second periodic report is due 5 November 1998.

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, paras. 51, 55, 56)

In comments on child sex exploitation the report refers to information indicating that an estimated 500 young girls work in Budapest and an unknown number work along the main road between Vienna and Budapest. The report notes that under the communist system the authorities were accused of interfering too much in people's private life and, as a result, there is now an exaggerated fear of becoming involved, even in cases where serious crimes have been committed against children in the private sphere. The report also notes that women and girls are being trafficked from Russia, Ukraine and Belarus to Hungary where they remain in prostitution.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, paras. 189-192)

The Special Rapporteur transmitted several cases to the government related to reports of three police officers beating a Romanian national in an underground station; a beating by three police officers following a traffic accident involving an off-duty police officer; and, an incident involving Romanian and Italian nationals who did not cooperate with police and were punched, kicked, handcuffed and subjected to ethnic slurs.

The government replied that the first case had been referred to the Public Prosecutor's Investigation Office; the second case had been investigated and the complainant had been charged for violence against the authorities but noted that the measures by police were unprofessional and that use

of other means by the officers would have avoided violence against authorities; and in the third case the investigating officer had qualified the use of coercive measures by the police as lawful and professional.

An urgent appeal was also sent to the government on behalf of Somalian asylum-seekers who were detained at the airport in Budapest and faced deportation to Syria. Concern for their well being was based on reports of other asylum-seekers returned to Syria who had been detained and subjected to torture or ill-treatment.

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LATVIA

Date of admission to UN: 17 September 1991.

TREATIES AND REPORTS TO TREATY BODIES

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

Economic, Social and Cultural Rights

Acceded: 14 April 1992.
Latvia's initial report was due 30 June 1994.

Civil and Political Rights

Acceded: 14 April 1992.
Latvia's second periodic report was due 14 July 1998.

Optional Protocol: 22 June 1994.

Racial Discrimination

Acceded: 14 April 1992.
Latvia's initial, second and third periodic reports were due 14 May 1993, 1995 and 1997 respectively.

Discrimination against Women

Acceded: 14 April 1992.
Latvia's initial and second periodic reports were due 14 May 1993 and 1997 respectively.

Torture

Acceded: 14 April 1992.
Latvia's initial and second periodic reports were due 13 May 1993 and 1997 respectively.

Rights of the Child

Acceded: 14 April 1992.
Latvia's initial report was due 13 May 1994.

COMMISSION ON HUMAN RIGHTS

At its 1997 the Commission considered the situation in Latvia under the 1503 procedure and decided to discontinue consideration.

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

Religious intolerance, Special Rapporteur on: (A/52/477, paras. 21, 25, 28, 30, 38)

The Special Rapporteur's interim report to the General Assembly refers to communications transmitted to the government related to violations of religious freedom against

Jehovah's Witnesses and refusal to grant official recognition to certain religious groups and communities.

Sale of children, child prostitution, child pornography, Special Rapporteur on the: (E/CN.4/1997/95, para. 51)

The report notes that in Riga there are 462 registered sex clubs and that there was an estimated 40 to 50 per cent increase in child prostitution in the last six months of 1995.

Mechanisms and Reports of the Sub-Commission

Freedom of movement, Working Paper: (E/CN.4/Sub.2/1997/22, para. 24)

The working paper refers to the emergence of new states following the breakup of the Soviet Union and notes that in Latvia the laws on refugee status, the legal status of foreign nationals and residence laws for foreigners, national minorities and emigration affect freedom of movement and choice of residence.

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LITHUANIA

Date of admission to UN: 17 September 1991.

TREATIES AND REPORTS TO TREATY BODIES

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

Economic, Social and Cultural Rights

Acceded: 20 November 1991.

Lithuania's initial report was due 30 June 1994.

Civil and Political Rights

Acceded: 20 November 1991.

Lithuania's second periodic report was due 19 February 1998.

Lithuania's initial report (CCPR/C/81/Add.10) was considered by the Committee at its October/November 1997 session. The report prepared by the government summarizes steps taken since independence to establish a system of government based on rule of law and human rights. The constitutional provisions and laws related to the rights set out in the Covenant are noted and cover areas such as, but not limited to: non-discrimination, states of emergency, due process, crimes and responsibility, the administration of justice, conditions of detention, personal freedom and security of person, freedom of expression and the mass media, non-governmental organizations and the right of association, children's rights, the family, the popular participation, religious freedom and the rights of minorities.

The Committee's concluding observations (CCPR/C/79/Add.87) noted that Lithuania is still in a transition from authoritarian rule to a democratic system and that there remains outdated legislation and a number of institutions which may be detrimental to the implementation of human rights and will take time to reform.

The Committee welcomed: the drafting of a new Criminal Code which contains no provisions for the death penalty; the repeal of preventive detention laws; abolition of the Press Control Board; enactment of new laws on privacy, media and broadcasting, freedom of information, non-refoulement, child

welfare and the integration of persons with disabilities; new legislation requiring judicial authorization for pre-trial detention; establishment of human rights institutions such as the Committee on Human and Civil Rights and Ethnic Minorities Affairs, the Department of International and Human Rights, and the Seimas Ombudsman's Office; and the development of programmes for human rights education.

The principal subjects of concern identified by the Committee were: the unclear legal status of the Covenant within the domestic legal order and the apparent lack of opportunity to invoke the ICCPR in the courts; the fact that women still suffer discrimination, especially in the area of employment and access to leadership positions in politics and society; the failure to enact the proposed law on gender equality; despite measures to address the issue, the extent of violence against women and forced prostitution; child abuse, including sexual abuse; report of harassment and excessive use of force by members of the army against conscripts; police brutality against detainees; the power of police to detain people for up to five hours, which could be used to harass or intimidate detainees; the overcrowding in most prisons, especially in places of pre-trial detention; the possible restriction on freedom of movement of foreign nationals and provisions restricting the right to leave on the basis of employment which may involve state secrets; restrictions imposed on the freedom of movement of asylum-seekers with temporary refugee status, and the fact that failure to observe such restrictions may result in rejection of their claim for asylum; the fact that District Court judges must undergo a review process by the executive after five years of service in order to secure permanent appointment; the extensive powers of immigration officers with regard to illegal immigrants in border areas; the registration requirements for religious organizations and distinctions made between religious groups; lack of clarity in provisions related to alternative service for conscientious objectors; the registration requirements for associations and organizations and widely defined prohibitions on their activities; and the fact that certain rights set out in the Constitution are limited to citizens.

The Committee recommended that the government:

- ▶ ensure that the Covenant rights are not restricted by legislation and take steps to allow the provisions of the ICCPR to be invoked directly in the courts;
- ▶ take concrete measures to eliminate discrimination against women and provide legal remedies for discrimination in all areas, especially employment and commercial advertising;
- ▶ establish mechanisms to monitor non-discrimination laws, receive and investigate complaints from victims, and award compensation where appropriate;
- ▶ take additional measures to prevent, investigate and prosecute cases of violence against women, including domestic violence and abuse of children, including sexual abuse;
- ▶ promote the right of women and children to personal security;
- ▶ develop programmes for the rehabilitation of traumatized children and adequate legal and social procedures and mechanisms to deal with complaints of both physical and mental ill-treatment;

- ▶ establish an independent mechanism to inquire into all cases of police and army brutalities;
- ▶ provide intensive human rights training and education programmes for members of the army and law enforcement officials;
- ▶ review provisions on police detention and bring them into conformity with provisions of the ICCPR;
- ▶ ensure that conditions of detention comply with provisions of the ICCPR;
- ▶ repeal provisions restricting freedom of movement and ensure that persons are not deported to states where they may face a real risk of torture and violations of the right to life;
- ▶ limit reviews of judges to questions of judicial competence and ensure the reviews are conducted by an independent professional body;
- ▶ clearly define and judicially control the powers of entry and search by immigration officers;
- ▶ ensure no difference in law or practice with regard to different religions;
- ▶ clarify the grounds of and eligibility to perform alternative service on grounds of conscientious objection to ensure that right to freedom of conscience and religion is respected; and,
- ▶ ensure that there is no arbitrary discrimination against aliens in violation of articles 2 and 26 of the ICCPR.

Optional Protocol: Acceded: 20 November 1991.

Discrimination against Women

Acceded: 18 January 1994.

Lithuania's initial report was due 17 February 1995.

Torture

Acceded: 1 February 1996.

Lithuania's initial report was due 1 March 1997.

Rights of the Child

Acceded: 31 January 1992.

Lithuania's initial report was due 28 February 1994.

COMMISSION ON HUMAN RIGHTS

At its 1997 session the Commission reviewed the situation in Lithuania under the confidential 1503 procedure and decided to discontinue consideration under 1503.

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. 51)

The report cites information from 1996 indicating that in Vilnius there were about 300 child street prostitutes and 20 escort agencies that provided minors.

Other Reports

Conscientious objection to military service, Report of the S-G to the CHR: (E/CN.4/1997/99, paras. 2, 10, 17, 21, 27, 40, 42)

The report of the Secretary-General refers to information provided by the government citing constitutional and legal provisions related to the obligation of citizens to perform military or alternative service. In addition to regulations related to conscription and enlistment of men, the government noted: women between 19 and 45 years who have special education may be enrolled on the active list with their consent and serve in auxiliary or special services; anyone who has graduated from a higher educational institution and completed a course in military education may be released from military; and, individuals who have been convicted to more than three years of imprisonment cannot be called for active military service. The government stated that the law does not define the status of individuals who cannot serve in the active military forces because of conscientious objection and there is no detailed list of convictions on the grounds of which a person might be released from active service because of conscientious objection.

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MACEDONIA

(The Former Yugoslav Republic of)

Date of admission to UN: 8 April 1993.

TREATIES AND REPORTS TO TREATY BODIES

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

Economic, Social and Cultural Rights

Succeeded: 18 January 1994.

The initial report of the FYR Macedonia was due 30 June 1993.

Civil and Political Rights

Succeeded: 18 January 1994.

The initial and second periodic reports of the FYR Macedonia were due 16 September 1992 (*sic*) and 1997 respectively.

Optional Protocol: Succeeded: 12 December 1994.

Second Optional Protocol: Acceded: 26 January 1995.

Racial Discrimination

Succeeded: 18 January 1994.

The fourth report of the FYR Macedonia is due 17 September 1998.

The initial, second and third periodic reports of The Former Yugoslav Republic of Macedonia were submitted as one document (CERD/C/270/Add.2) which was considered by the Committee at its August 1997 session. The report prepared by the government contains information on constitutional and legal provisions related to non-discrimination and the rights set out in articles 2 to 7 of the Convention. Areas considered include but are not limited to: state administration, tribunals, education, culture and information, equality before the law and security of person. Commentary is also provided on economic, social and cultural rights and provisions for the awarding of compensation to victims of racial violence or discrimination.

The Committee's concluding observations and comments (CERD/C/304/Add.38) acknowledged that economic

difficulties, arising in part from hostilities in the Balkan region, have hindered implementation of the Convention. The Committee commended the government for the adoption of a number of laws in order to comply with the Convention, including: the Act on Public Information and the Act on Telecommunications, which prohibits the use of mass media to incite national, racial or religious hatred or intolerance; the Act on Political Rights, which prohibits the establishment of parties whose aim is to incite hatred and intolerance; and, the Act on Social Organizations and Citizens' Associations, which prohibits activities that violate human rights or encourage hatred or intolerance.

The principal subjects of concern identified by the Committee were: the fact that representation by various ethnic groups in the judiciary, Parliament and other public bodies and agencies of government is less than their respective percentages in the population; the lack of sufficient information on the participation of ethnic minorities in public life; the lack of information on the economic and social situation of ethnic minorities, particularly with regard to access to employment, health, education and housing; the fact that it is impossible to conduct a census in the whole territory; the low levels of participation, in particular in secondary and higher education, of certain minorities, notably Roma children and Albanian girls in rural areas; and, the fact that there is little or no reference to the Convention in human rights educational programmes.

The Committee recommended that the government:

- ▶ provide more information in the next report on the participation of various minorities in public life and the implementation and enjoyment by them, on a non-discriminatory basis, of the human rights set out in various laws;
- ▶ continue programmes of affirmative action in order to increase the representation of ethnic minorities in public life, including in the civil service, army and police;
- ▶ provide information in the next report on whether the Convention is directly applicable before the courts, the effectiveness of remedies in cases of racial discrimination, the number of complaints of racial or racially motivated offences, and judicial action taken on complaints, redress or compensation;
- ▶ continue efforts to facilitate the participation of different ethnic minorities in the educational system, especially at the secondary and higher education levels;
- ▶ provide for the training of teachers for minority languages in public establishments;
- ▶ consider incorporating the Convention into human rights programmes in school curricula; and,
- ▶ provide greater educational and cultural opportunities to the Albanian minority.

On the last point regarding the Albanian minority, the Committee expressed the view that this minority should see its future as lying with the FYR Macedonia.

Discrimination against Women

Succeeded: 18 January 1994.

The initial report of the FYR Macedonia was due 17 February 1995.

Torture

Succeeded: 12 December 1994.

The initial report of the FYR Macedonia was due 11 December 1995.

Rights of the Child

Succeeded: 2 December 1993.

The initial report of the FYR Macedonia (CRC/C/8/Add. 36) has been submitted and was pending for consideration at the Committee's January 1998 session; the second periodic report is due 16 September 1998.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Religious intolerance, Special Rapporteur on: (A/52/ 477, paras. 21, 33, 37)

The Special Rapporteur's interim report to the General Assembly notes, with regard to conscientious objection to military service, that the duration of alternative service is such as to make it appear a form of punishment.

SECURITY COUNCIL

The 20 November 1997 report of the Secretary-General (S/1997/911) contains information on, *inter alia*, the activities of UN organizations, agencies and programmes; inter-ethnic tensions, arising in part from incidents of incitement to national, racial and religious hatred; socio-economic difficulties; strains between the ruling coalition and opposition parties; and, abuse of police authority. The report refers to efforts undertaken by the Office of the High Commissioner for Human Rights aimed at defining a technical cooperation project focussing on human rights. Elements under consideration for the project were incorporation of human rights education into school curricula, development of human rights documentation resources and special programmes to strengthen the Office of the Ombudsman. Consideration was being given to enabling the participation of the academic community, non-governmental organizations and groups in civil society in the project.

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MOLDOVA

(Republic of)

Date of admission to UN: 2 March 1992.

TREATIES AND REPORTS TO TREATY BODIES

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

Economic, Social and Cultural Rights

Acceded: 26 January 1993.

Moldova's initial report was due 30 June 1995.

Civil and Political Rights

Acceded: 26 January 1993.

Moldova's initial report was due 25 April 1994.

Racial Discrimination

Acceded: 26 January 1993.

Moldova's initial report was due 25 February 1994; the second periodic report was due 25 February 1996.

Discrimination against Women

Acceded: 1 July 1994.

Moldova's initial report was due 31 July 1995.

Torture

Acceded: 28 November 1995.

Moldova's initial report was due 27 December 1996.

Rights of the Child

Acceded: 26 January 1993.

Moldova's initial report was due 24 February 1995.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60/Add.1, paras. 347-348)

The report notes that on 8 December 1995, by a unanimous vote in Parliament, Moldova abolished the death penalty for all crimes and removed the death penalty from the Penal Code. It is also noted that the government has not responded to cases previously transmitted by the Special Rapporteur.

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

The report simply notes that the government has not responded to cases previously transmitted by the Special Rapporteur.

The Special Rapporteur's interim report to the 1997 General Assembly (A/52/477, para. 46) simply notes that a reminder was sent to the government on those previous cases.

Mechanisms and Reports of the Sub-Commission

Freedom of movement, Working Paper: (E/CN.4/Sub.2/1997/22, paras. 24, 32)

The report refers to the states that emerged following the breakup of the Soviet Union and refers to laws impeding freedom of movement, including those in Moldova on: the state language and language generally; the legal status of foreign nationals and stateless persons; nationals and foreigners; and, migration. The report also notes that the conflict in Moldova contributed to waves of migration and the massive flows of refugees.

POLAND

Date of admission to UN: 24 October 1945.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Poland has submitted a core document (HRI/CORE/1/Add.25) for use by the treaty bodies. Much of the report prepared by the government is dedicated to demographic data and statistical information on areas related to the national economy (e.g., consumer prices, goods and services, employment and earnings). Information is also provided about the political system and the judicial system.

Human rights are protected through the functions of the Ombudsman and the Prosecutor's Office. Codes of criminal, administrative and correctional procedures provide the legal guarantees of rights set out in the Constitution, including non-discrimination, equality between women and men in all areas of public, political, economic, social and cultural life, freedom of conscience and worship, freedom of speech, freedom of the press, freedom to assemble and demonstrate, the right of association and integrity of person.

Economic, Social and Cultural Rights

Signed: 2 March 1967; ratified: 18 March 1974.

Poland's third periodic report (E/1994/104/Add.13) has been submitted and is scheduled for consideration by the Committee at its November/December 1998 session; the fourth periodic report is due 30 June 1999.

Civil and Political Rights

Signed: 2 March 1967; ratified: 18 March 1977.

Poland's fourth periodic report (CCPR/C/95/Add.8) has been submitted but is not yet scheduled for consideration by the Committee; the fifth periodic report is due 27 October 1999.

Reservations and Declarations: Declaration under article 41.

Optional Protocol: Acceded: 7 November 1991.

Reservations and Declarations: Paragraph 2 (a) of article 5.

Racial Discrimination

Signed: 7 March 1966; ratified: 5 December 1968.

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

Reservations and Declarations: Article 22; paragraphs 1 of articles 17 and 18.

Poland's 13th and 14th periodic reports were submitted as one document (CERD/C/299/Add.10) and considered by the Committee at its August 1997 session. The report prepared by the government includes information on constitutional provisions related to non-discrimination and equality, the Convention within the framework of domestic law, human rights and demographic data. Specific commentary is provided on, *inter alia*: the Criminal Code and offences related to discrimination; integrationist movements and organizations; measures to guarantee the equal rights of minorities; the Bureau for the Culture of National Minorities; control of associations or assemblies in order to counter discrimination; the Act on Association 1989 and 1990; equal treatment before the courts; the right to security; elections rights and citizenship; the Labour Code and trade unions; the Civil Code and remedies; education and teaching; and, the media, both print and broadcasting.

The Committee's concluding observations (CERD/C/304/Add.36) note that the economic changes that are still place in Poland may affect the enjoyment of economic, social and cultural rights, especially by persons belonging to minority groups.

The Committee viewed positively: adoption of a new Constitution which entered into force in October 1997 and provides that the Convention will be directly applicable by the courts; the bilateral treaties concluded with neighbouring countries containing specific provisions on protection against racial discrimination and guarantees of equal rights for minorities; measures to promote minority rights in the

electoral process; and agreements with various churches and the Jewish community recognizing ownership of property appropriated by the state after the Second World War.

The principal subjects of concern identified by the Committee were: the absence of specific legislative measures to enforce some of the provisions in the Convention; occurrence of several serious acts of violence arising from racial discrimination, particularly against Jews and Roma minorities; insufficiencies in the legal framework related to declaring illegal and prohibiting non-political groups and associations that disseminate ideas based on racial superiority or hatred; insufficient protections from racial discrimination particularly in the areas of housing and employment; and, lack of access to education in their own language for children belonging to minority groups.

The Committee recommended that the government:

- ▶ clarify in its next report the status of the Convention in relation to domestic law and provide examples of court decisions, if any, arising from application of the provisions of the Convention;
- ▶ take all measures required to prohibit non-political groups and associations that disseminate ideas based on racial superiority or hatred, incitement to racial discrimination and acts of violence or incitement to such acts against any race or group of persons;
- ▶ compile more precise information on minorities and include that data in the next report;
- ▶ take measures more fully to guarantee economic, social and cultural rights for minority groups, including the rights to housing and employment;
- ▶ adopt a comprehensive programme of action to promote and protect the rights of the Roma population;
- ▶ increase efforts to give children belonging to minorities fuller access to education in their own languages;
- ▶ take appropriate measures to meet the specific educational needs of Roma children; and,
- ▶ include in the next report detailed information on prosecutions for acts of racial discrimination.

Discrimination against Women

Signed: 29 May 1980; ratified: 30 July 1980.

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

Torture

Signed: 13 January 1986; ratified: 26 July 1989.

Poland's third periodic report is due 24 August 1998.

Rights of the Child

Signed: 26 January 1990; ratified: 7 June 1991.

Poland's second periodic report is due 7 July 1998.

THEMATIC REPORTS

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60/Add.1, para. 399)

The report notes that in October 1996 the Parliament rejected a draft law aimed at lifting the moratorium on death penalty executions which has been in force since July 1995.

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

The report notes that the government has invited the Special Rapporteur to visit Poland.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, paras. 392-393)

The two cases referred to the government involved allegations of police brutality. In the first, an investigation was conducted by the District Prosecutor's Office which concluded that the accusations against the police officers were unfounded. In the second case, the government responded that the person involved had been stopped for a speeding violation and become abusive towards the police officer who then used force. A medical doctor examined the man before he was taken to the police detention room and found nothing to substantiate the allegations of ill-treatment.

Sale of children, child prostitution, child pornography, Special Rapporteur on the: (E/CN.4/1997/95, para. 56, 57)

Referring to women and girls trafficked from Russia, Ukraine and Belarus, the reports notes that some remain in prostitution in Poland. The report also refers to trafficking in boys that includes large numbers of Polish boys.

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

In the section dealing with rape and sexual violence against women and sentencing practices, the report notes that in Poland, although national legislation prescribes a penalty of one to ten years' imprisonment for rape, in practice: over 50 per cent of those convicted of rape are sentenced to one to two years' imprisonment; 30 per cent are sentenced to two to five years; and a mere 21 per cent are sentenced to a prison term of over 5 years. Furthermore, 30 per cent of all sentences are suspended. The report also notes that, even though Polish law treats rape as a crime against personal freedom, both the police and the judiciary generally minimize the significance of the crime by blaming the victim. The report states that such discriminatory attitudes of the judiciary compelled the Supreme Court of Poland, in 1979, to issue a directive calling on the lower courts to apply the letter of the law. In comments on trafficking in women and forced prostitution, the report notes that in Poland there are legal proscriptions on leaving the country without permission or valid documents, with the result that undocumented migrant women are subjected to punishment both in the destination country and their home countries upon return.

The Special Rapporteur on violence against women visited Poland from 24 May to 1 June 1996. The main focus of the visit was to study in depth the issue of trafficking and forced prostitution of women as one aspect of violence against women. The report of the visit (E/CN.4/1997/47/Add.1) gives information on the general political background in Poland and the position of women in Polish society. Commentary is also provided on the socio-economic factors that contribute to trafficking, the structure of trafficking and forced prostitution, recruitment methods, the international and national legal frameworks, the police and judiciary, countries of destination, rehabilitation, health, institutions

concerned with women's affairs, international and regional cooperation and the role of non-governmental organizations.

In terms of the factors contributing to trafficking and forced prostitution, the report observes that policemen, legislators and researchers had the impression that unemployment resulting from economic reforms had led to the growth of trafficking and prostitution in Poland with many women victims coming from areas with low industrialization that had previously been dominated by the state-owned farming system. The report notes the general view that as the Polish agricultural sector is streamlined according to European Union agricultural policies, the problem will be exacerbated and the problem of trafficking and prostitution will continue to be a major area of concern for policy makers. The report also refers to the opinion of experts that cultural factors also contribute to the problem of trafficking and forced prostitution because of the culture and history of migration during times of hardship which has become coupled with the present situation of open borders and greater ease of migration since 1989. The report further notes the contention that economic liberalization brought with it organized enterprises involved in sex and pornography, and states that such an organized industry, sometimes linked to organized crime, has established itself and expanded rapidly in Poland and other countries of Central and Eastern Europe, to the extent that trafficking and prostitution have developed into viable commercial enterprises. And finally, the report notes that the freedom to travel across boundaries without many restrictions has also significantly contributed to the internationalization of the sex industry and that the minds of young women are filled with myths of becoming millionaires overnight if they sell their bodies.

In consideration of the structure of trafficking and prostitution a number of types of prostitution are identified as most common in both countries of origin and destination. They include: escort services involving well-educated women for wealthy foreign businessmen; restaurant or hotel prostitution in which the prostitutes are known to hotel staff; fitness or massage parlour, club, peep-show prostitution; street prostitution; telephone sex; and "window-prostitution".

The report notes that women victims of trafficking are mainly used to work in the first three areas and describes trafficking in Poland as having acquired the character of an organized crime functioning according to the same principles and methods of work as traffic in weapons, nuclear material, cars and drugs, albeit on a smaller scale. Criminal rings of four to five traffickers with German-Polish cross-border links are sometimes also operated on the side by bigger trafficking rings. The report states that it is the increasingly organized character of the crime that makes traffickers powerful and life for women victims, even upon return, dangerous and/or difficult; further, it is these factors which largely account for the acute lack of witnesses in cases involving trafficking in women, allowing traffickers to act with virtual impunity. Following on this point, the report notes that, despite a national legal framework in Poland for combatting trafficking and prostitution, only a few cases come before the courts, and in even fewer cases are the perpetrators convicted because in many if not most cases women victims fear reprisals against them or their family if they testify.

The theme of fear is also found, by implication, in the section of the report on the role of the police in combatting prostitution and trafficking. The report states that non-governmental organizations and women's groups confided in the SR that women victims of trafficking and prostitution do not entirely trust the police and that the lack of trust is a major obstacle, especially in countries of destination. Police are considered to be tough on illegal immigrants, such as women trafficked for forced prostitution, and police raids on brothels were seen in a negative light. Living on the margins of society, women victims do not naturally consider the police as friendly and supportive. The SR also stated that there is a belief that the police often collude with the agents of prostitution and trafficking, and that women's groups working with prostitutes argued that their research showed that police officials and local government officials facilitated and profited from the trade in women and girls. As a result, abuses of women victims were ignored and traffickers and middlemen protected. Further, the culture of impunity of traffickers stems from their collusion with the police. The report notes that police officials with whom the SR met strongly refuted this perception and insisted that not a single case of collusion between police and traffickers existed.

The section of the report dealing with recommendations is extensive and addresses concerns at the international and national levels. Among the recommendations made, are that:

- ▶ a fuller discussion of international standards related to trafficking and prostitution be held, including consideration of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, with reference not only to legal issues but also monitoring and implementation;
- ▶ Interpol set up a special unit specifically designed to meet the problem of international trafficking and facilitate increased data-sharing on a systematic basis;
- ▶ cooperation among police forces in different countries include sharing of information on training, police practice and evidence-gathering;
- ▶ an exchange of information among members of the judiciary in different countries be established, related to interpretation of substantive law, evidentiary practice and sentencing;
- ▶ the immigration policy of countries of destination be revised to protect the rights of women victims of trafficking and ensure procedures through which traffickers can be brought to trial;
- ▶ international research be conducted on the effects of structural adjustment policies on women and that international regulations be devised to ensure social justice for women within the national context;
- ▶ there be a concerted national effort in Poland to collect information, data and statistics on violence against women in general and prostitution and trafficking in particular;
- ▶ recognition be given to the fact that present social and economic policies directly perpetuate a crisis in the form of increased forced prostitution and trafficking;

- ▶ social policies be constructed to ensure that marginalized women in Poland are given alternative avenues for employment and livelihood;
- ▶ the government establish a separate ministry for women's affairs with an independent operational budget;
- ▶ the Ministry of Labour establish a specialized unit to address the problem of migrant women workers in the areas of domestic service and the entertainment industries;
- ▶ employment agencies for migrant workers be registered and Polish women going abroad as migrant workers be advised of their rights;
- ▶ consideration be given to amending the Penal Code to update provisions related to trafficking and prostitution to address new developments such as fake marriages, false employment abroad, sex tourism and false domestic labour;
- ▶ a comprehensive programme on police training be initiated, with one element focussed on the elimination of forced prostitution and trafficking;
- ▶ guidelines for police be formulated regarding the treatment of women victims;
- ▶ border officials be given special training on international cooperation in combatting trafficking;
- ▶ training and gender-sensitization programmes be provided to the judiciary with a view to establishing guidelines on sentencing of perpetrators of trafficking and forced prostitution;
- ▶ services such as medical and legal aid for women victims of trafficking and prostitution be provided, as well as shelters and refuges for victims;
- ▶ vocational training, counselling and guidance be provided to victims;
- ▶ the government strengthen programmes related to health and sex education and ensure an effective awareness-raising programme on the issue of women and HIV/AIDS; and,
- ▶ a programme be devised and implemented to raise awareness among teenage girls so that they do not become caught up in the activities of international middlemen and traffickers.

Other Reports

Detention of international civil servants, Report of the S-G to the CHR: (E/CN.4/1997/25, para. 3)

The report of the Secretary-General notes that a Polish member of the Department of Humanitarian Affairs/UN Guards Contingent in Iraq was killed in an explosion in December 1995 while working in Iraq.

Minorities, Report of the S-G to the CHR: (E/CN.4/1997/82, paras. 3, 5)

The report of the Secretary-General summarizes information received from the government. On the question of the rights of religious minorities, the government stated that, in public elementary and secondary schools, religious instruction shall be organized for pupils whose parents or legal

guardians want them to attend such instruction or classes and, additionally, in secondary schools where the students themselves state that they want this instruction. The government noted that: participation or non-participation in religious instruction in schools may not be a reason for discrimination; schools are under an obligation to organize religious instruction for groups of at least seven; for fewer pupils, and if required, the school must organize religious instruction in an inter-school group or at a place of religious instruction outside the school; and, religious instruction shall take place on the basis of programmes approved by the authorities of the Catholic Church, the Polish Independent Orthodox Church and authorities of other churches and associations of creeds, respectively.

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ROMANIA

Date of admission to UN: 14 December 1955.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Romania has submitted a core document (HRI/CORE/1/Add.13) for use by the treaty bodies. The report prepared by the government contains demographic data and information on the general political structure, the organization of judicial power, the structure and jurisdiction of various judicial bodies, respect for human rights in the administration of justice and the legal framework for the protection of human rights.

The Constitution establishes a number of principles, including: equality of rights; supremacy of law; free access to justice; the right to life and physical and mental well being; individual freedoms and security of person; the presumption of innocence; the right to defence counsel; the public nature of court sessions; the right to contest a court decision; and the right to compensation for damage suffered at the hands of a public authority. Rights are protected through the Constitutional Court, the Ombudsman and the Prosecutor's Department and promoted through the activities of a number of non-governmental organizations, including the League of Human Rights, the Association for the Defence of Human Rights, the Romanian Helsinki Committee and the Romanian Amnesty International Committee. The Constitution stipulates that its provisions will be interpreted and applied in accordance with the Universal Declaration and, further, that should there be a lack of conformity between human rights covenants and treaties to which Romania is a party and domestic law, the international legislation shall have priority. The provisions of relevant international treaties can be invoked directly before the courts and administrative authorities.

Economic, Social and Cultural Rights

Signed: 27 June 1968; ratified: 9 December 1974.

Romania's third periodic report was due 30 June 1994.

Reservations and Declarations: Paragraph 1 of article 26; paragraph 3 of article 1 and article 14.

Civil and Political Rights

Signed: 27 June 1968; ratified: 9 December 1974.

Romania's fourth periodic report (CCPR/C/95/Add.7) has been submitted but is not yet scheduled for consideration by the Committee; the fifth periodic report is due 31 December 1999.

Reservations and Declarations: Paragraph 1 of article 48 and paragraph 3 of article 1.

Optional Protocol: Acceded: 30 July 1993.

Reservations and Declarations: Paragraph 2 (a) of article 5.

Second Optional Protocol: Signed: 15 March 1990; ratified: 27 February 1991.

Racial Discrimination

Acceded: 15 September 1970.

Romania's 12th periodic report was due 15 October 1995.

Reservations and Declarations: Article 22; articles 17 and 18.

Discrimination against Women

Signed: 4 September 1980; ratified: 7 January 1982

Romania's fourth periodic report was due 6 February 1995.

Torture

Acceded: 18 December 1990

Romania's second periodic report was due 16 January 1996.

Rights of the Child

Signed: 26 January 1990; ratified: 28 September 1990

Romania's second periodic report was due 27 October 1997.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Extrajudicial, summary or arbitrary execution, Special

Rapporteur on: (E/CN.4/1997/60, paras. 16, 18, 32;

E/CN.4/1997/60/Add.1, paras. 400-401)

The report refers to a case previously transmitted to the government in which ill-treatment in custody was alleged. The government informed the Special Rapporteur that an official autopsy, which was ordered following the opening of an investigation by the Bucharest public prosecutor, found that the body bore no traces of violence and that death was due to cardio-respiratory failure.

Racial discrimination, Special Rapporteur on:

(E/CN.4/1997/71, para. 29)

The report refers to information received indicating that in Bucharest, Romanies suffer violence at the hands of individuals and that the police are complicit in attacks. The report refers to an attack on a Romany community in the Curtes Ages district in June 1996, in which a house was set ablaze and five others damaged by a group of people while in full view of the police.

Religious intolerance, Special Rapporteur on:

(E/CN.4/1997/91, paras. 9, 17, 22, 26, 37, 41, 66)

The report refers to violations of religious freedom against Christianity and a ban on public manifestations. The report notes that the government disputed allegations of discrimination against the Romanian Evangelical Alliance, particularly with regard to the procedures for approving construction permits for places of worship. The report notes that the government claimed that the two "Voice of Gospel" radio stations had received authorization from the National Radio and Television Council to broadcast, but on another

frequency. Responding to questions related to the disposition of church property, the government outlined for the Special Rapporteur (SR) legislation and policy in that area, which sought to identify the most appropriate measures for preserving the current social usefulness of the property in question without creating privileges for certain religions to the detriment of others.

The SR's interim report to the General Assembly (A/52/477, paras. 21, 25, 28, 33, 34, 36, 38, 42-43) notes that communications were sent to the government related to: violations of religious freedom against Christians and Jehovah's Witnesses; information indicating that the national Orthodox Church had tried to restrict the activities of other religions and religious groups and communities; the problem of restitution of goods and properties confiscated by the former regime; and mistreatment of clergy and believers. The government replied to information previously transmitted stating that: resolute measures had been taken to overcome past injustices and guarantee freedom of religion; the process of restitution to the Greek Catholic church had been accelerated; necessary measures were being taken in response to all displays of intolerance; and the Jehovah's Witnesses were recognized by law and their activities protected against any act violating human rights.

Sale of children, child prostitution, child pornography, Special Rapporteur on the: (E/CN.4/1997/95, paras. 56, 57)

The report notes that Romanian girls are engaged in prostitution in northern Europe but that the traffic in Romanians is generally towards Cyprus, Italy and Turkey. The report refers to the fact that Romanian boy prostitutes are not only the majority in cities in Western Europe, but also in cities such as Budapest, and that the youngest boys are transported by adults while teenage boys often travel alone or with a group of friends. The Special Rapporteur's interim report to the General Assembly (A/52/482, para. 28) notes and welcomes the fact that the issue of sexual exploitation of children has attracted domestic media attention.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, paras. 405-416)

The report of the Special Rapporteur (SR) refers to information received indicating that: torture and ill-treatment have taken place during detention, usually at police stations; police officers used force during interrogations in order to obtain confessions; lawyers were unable to have confidential discussions with their clients during their detention by the police, since a police officer was always present during their conversations; the provision in the Criminal Code stipulating that a member of the accused's family or a designated person should be informed within 24 hours of arrest was not always respected; during pre-trial detention, the right to correspondence and visits was used as a means of bringing pressure on the accused, and was granted in exchange for a confession; investigations initiated as a result of a complaint were rarely carried out thoroughly or impartially, and were often delayed or prolonged without reason; police officers are held accountable for their acts only before the military courts; and, there was no procedure enabling the civilian victim to appeal to an independent court against the conclusions of a military prosecutor, the only recourse being to lodge a complaint with a higher military prosecutor.

The SR transmitted eight newly reported cases to the government, all of them related to excessive use of force by police, involving beatings with iron bars and rubber truncheons, blows to the head and nape of the neck, and beatings resulting in multiple contusions and fractures. The government informed the SR that four of the cases had either been investigated or were under investigation by the Military Prosecutor's Office; that in one a case, a trial had been ordered for the police officers responsible; and that in another case, four officers had been charged with illegal arrest and investigation. The government also provided the SR with information on four cases that had been previously transmitted which had resulted in prosecution of the police officers responsible; in one of these cases, two officers were sentenced to one and two years' imprisonment respectively.

Other Reports

Conscientious objection to military service, Report of the S-G to the CHR: (E/CN.4/1997/99, paras. 2, 6, 13, 29)

The report of the Secretary-General notes that there is conscription in Romania and that the Constitution makes military service compulsory for all men 20 years old except where otherwise provided for by law. Information provided by the government referred to a draft law prepared by the Ministry of National Defence of Romania which stipulates that anyone refusing to perform combat military service on the ground of religious beliefs must perform alternative military service. Pending adoption of the draft bill, the Ministry of National Defence implemented an administrative decision which established a temporary framework covering the issue of conscientious objection through which anyone refusing combat military service was to be registered and required to perform alternative military service following adoption of the bill.

UN Decade for Human Rights Education, Report of the S-G to the GA: (A/52/469, para. 42)

The report of the Secretary-General notes that a national committee for human rights education was established in Romania in February 1996; its secretariat is housed at the Romanian Institute for Human Rights, and its members are representatives of relevant ministries and non-governmental organizations.

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

The report of the Secretary-General refers to activities of UN Information Centres and Services and notes that the S-G's message for Human Rights Day was translated into Romanian and disseminated as a press release to the media and educational institutions. The message was published in several newspapers and some excerpts were read on the television evening news. Assistance was also provided to the Human Rights Committee of the Ministry of the Interior with the publication of a booklet entitled "Human rights and the activity of the public order forces" and of a poster on "The Code of Conduct for Law Enforcement Officials".

RUSSIAN FEDERATION

Date of admission to the UN: 24 October 1945. [The Union of Soviet Socialist Republics was admitted in 1945. The Russian Federation assumed the USSR's membership in UN bodies on 24 December, 1991.]

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Russia has submitted a core document (HRI/CORE/1/Add.52/Rev.1) for use by the treaty bodies. The report prepared by the government contains demographic data in areas such as education and economy and information on the structures of government and the legal framework for the protection of human rights.

The legal framework for the protection of human rights is based on constitutional provisions establishing: equality of rights, the inalienability and direct effect of human rights, defence of life and personal dignity, legal protection, presumption of innocence, access to the courts and compensation for loss and damage. The Supreme Court is the highest legal body for civil, criminal, administrative and other cases and for trial courts of general jurisdiction. Protection for human rights is provided through courts of general jurisdiction, military courts (military offences, disciplinary proceedings, civilian cases referred to them), the Constitutional Court, the High Court of Arbitration, the Procurator's Office and the Court of Appeal of the President. There is also a Presidential Human Rights Committee and a Citizenship Board. Primacy of international law is guaranteed in the Constitution and legislation of Russia and may be invoked in courts and administrative bodies, mainly in the areas of civil, family and criminal cases and largely addressing procedural issues.

Economic, Social and Cultural Rights

Signed: 18 March 1968; ratified: 16 October 1973.

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

Reservations and Declarations: Paragraph 1 of article 26.

Russia's third periodic report (E/1994/104/Add.8) was considered at the Committee's April/May 1997 session. The report prepared by the government contains extensive information on the right to work, the Labour Code, conditions of work and work safety, difficulties arising from an economy in transitions, minimum wage and the protection of the workers' rights, the tax system and trade union rights. The report also refers to the Basic Social Policy Concepts for 1994, social security and pensions, protection of the family and the Code on Marriage and the Family. Statistical and narrative information is provided related to the persons living at or below the subsistence level. The report also covers such areas as: the Federal Child Protection Program; the retail trade system; the right to food and housing; health protection and health care guarantees in the Constitution; information generated by the work of the Health and Epidemiological Supervisory Committee; Law No. 3266-1 1992 on education; measures related to vocational training; religious freedom and instruction within the education system; institutions related to the functioning of the media; the Russian Intellectual Property Agency and a draft law on scientific research and work.

The Committee's concluding observations and comments (E/C.12/1/Add.13) welcomed efforts to develop a state based on the rule of law as well as the planned reform of a whole range of institutions which are engaged in the delivery of social welfare services.

The Committee viewed positively: the substantial decrease in the rate of inflation; the fact that the decline in gross domestic product appears to have been stopped and some sectors of the economy are beginning to grow again; the efforts under way to improve the system of taxation and tax collection; the fact that the new Labour Code was inspired directly by provisions of the Covenant, as well as other international instruments, including those of the International Labour Organization (ILO); reform of the Judicial Branch and the 1997 bill to strengthen support to the judiciary; the bill to establish a human rights ombudsman, inasmuch as the protection of economic, social and cultural rights is enhanced; the granting of tax incentives to employers for the hiring of disabled persons to facilitate their access to gainful employment; the development of pluralism in the trade union movement, while recognizing that there are many practical problems to be resolved to enable the new trade unions to function effectively; the assurances given that psychiatric institutions are no longer used abusively; the present official policy of family planning that has led to a decrease in abortions; the efforts undertaken to educate students as to legal remedies available for violations of human rights; and, Russia's support for an optional protocol to the Covenant.

In terms of factors and difficulties impeding implementation of the Covenant the Committee recognized that the government inherited from the former regime an unfavourable framework for the promotion of economic, social and cultural rights and noted with apprehension that the process of transition to a democratic country with a market-based economy is being undermined by the development of corruption, organized crime, tax evasion and bureaucratic inefficiency which has resulted in inadequate funding for social welfare and payment of wages in the state sector.

The principal subjects of concern identified by the Committee were: the indigenous peoples, noting that many of them live in poverty and have inadequate access to food supplies, causing malnutrition; the situation of people for whom the food supply is based on fishing and an adequate stock of reindeer, and who are witnessing the destruction of their environment by widespread pollution; and, reports that the economic rights of indigenous peoples are exploited with impunity by oil and gas companies which sign agreements under circumstances which are clearly illegal, and that the government has failed to take adequate steps to protect the indigenous peoples from such exploitation.

The Committee also expressed concern over: the fact that women appear to be disproportionately affected by unemployment and that little concrete action has been taken by the government to discourage discriminatory dismissal or hiring on the basis of sex or to provide meaningful remedies to the victims of such discrimination; the significant level of domestic violence against women and the hesitation of the police in intervening to protect women or in bringing charges against their aggressors, despite the fact that the criminal law against violence against persons applies to violence against a woman

by her husband; the rapid development of prostitution and the growing phenomenon of street children and their exploitation for criminal and sexual activities; and, the rate of increase in criminal acts by juvenile offenders.

The Committee observed with concern the numerous problems regarding labour regulation and the failure of the government to take adequate steps or devote sufficient funding to find a way of addressing the issues of: dangerous working conditions in many enterprises; use of dangerous and out-of-date technology; lack of protection for workers; excessively long hours of work; the high rate of serious industrial accidents, including an excessive number resulting in death; refusal by some enterprises to compensate workers in cases of workplace injuries; an inadequate system for reporting unsafe conditions and accidents; the absence of a legal framework which protects workers, whether unionized or not; inadequate funding for the labour inspectorate to conduct sufficient labour inspections to deter and sanction non-compliance by employers; the large number of illegal dismissals which in practice are without remedy; the development of large-scale child labour; the refusal of some employers to recognize or deal with new "alternative" unions and the fact that some employers take adverse action, up to and including dismissal, against union activists.

The Committee expressed concern over: the fact that the government is ill-equipped to deal with the problem of unemployment (affecting between three to seven million people); the criteria for eligibility for unemployment benefits, the system for detecting fraudulent benefits applications, and the low amount of such benefits; the failure to develop more fully services to assist the unemployed to obtain employment, including information and retraining services; the non-payment or late-payment of wages, which has led to a large number of strikes, particularly in the state sector; the payment of wages in kind by some employers; the development of poverty, estimated to affect at least 30 per cent of the population; the inability of the government to provide adequate social services and a reasonable subsistence-level revenue to those living in poverty; the lack of financial resources to pay pensioners; impairment of the funding of pensions by the failure of enterprises to make their legal contributions to the pension fund; the fact that the diet of the Russian population, on average, is deteriorating; development of malnutrition and hunger among the poorer segments of the population; the plight of the homeless, families without income, large families, and indigenous people in the northern part of the country where the infrastructure for food delivery is inadequate; and, the high rate of contamination of both domestically produced and imported foodstuffs which, for domestic production, appears to be caused by the improper use of pesticides and environmental pollution through, for example, the improper disposal of heavy metals and oil spills and, for imported food, by the illegal practices of some food importers.

The Committee expressed alarm at: the extent of the environmental problems in Russia; the fact that industrial leakage of harmful waste products is such a severe problem in some regions that they could be correctly declared environmental disaster areas; the curtailment of funds to modernize an out-of-date water delivery system which adversely affects the access of the population to clean water; the re-emergence of

tuberculosis in Russia, particularly in prisons, where the health and social conditions of detention are unacceptable; the eightfold increase, in 1996, in the rate of HIV-infection, which is reported to be due to increased drug use; the growing and major problem of drug addiction among the young; the inadequate funding of hospitals; the non-availability of drugs for the treatment of illness, particularly for those who cannot afford these medicines; the deterioration of the educational system and its effects on school achievement; and, the figures for school attendance and the drop-out rates of the young at all levels.

The Committee recommended that the government:

- ▶ take action to protect the indigenous peoples from exploitation by oil and gas companies and, more generally, ensure their access to traditional and other sources of food;
- ▶ take vigorous steps to ensure the protection of women against sex discrimination in employment, and that victims of sex discrimination may receive compensation from employers who act illegally;
- ▶ adopt legislation to protect women victims of domestic violence;
- ▶ put in place specific programmes to assist such victims of domestic violence and bring to justice the perpetrators of such acts;
- ▶ take comprehensive measures to ensure safety and health in the workplace;
- ▶ increase funding of the labour inspectorate;
- ▶ develop a framework to encourage and protect workers who report inadequate conditions of work;
- ▶ take steps to accelerate further the development of trade unions by, *inter alia*, removing the practical constraints to the right to freedom of association, ensure that management is separated from official unions as part of a bargaining unit and, generally, enable the unions to function more effectively;
- ▶ develop a comprehensive strategy to combat child labour;
- ▶ develop and improve its policy, perhaps with assistance from the ILO, for assisting the unemployed to find work and to receive unemployment benefits;
- ▶ take immediate steps to ensure the payment of wages by both the state and private enterprises, and to punish those who have illegally diverted these funds for other purposes;
- ▶ increase assistance to those who live in poverty and make available to them adequate financial resources so that they can live in dignity;
- ▶ increase efforts to secure the well being of pensioners;
- ▶ make greater efforts to target social welfare expenditure to the truly needy sectors of the population;
- ▶ adopt a plan of action for food subsidies for the poor;
- ▶ try to resolve problems of legal title to land, the financing of supplies and equipment to farm areas, and transportation to markets as soon as possible to stimulate domestic food production;
- ▶ examine linkages between an acceptable and adequate food supply and questions related to a seriously polluted environment and the lack of investment in infrastructure for the maintenance and improvement of the water supply;
- ▶ take appropriate action to clean up the environment and prevent enterprises from engaging in further pollution, especially that which contaminates the food chain;
- ▶ undertake as a matter of priority the maintenance and improvement of the water supply system;
- ▶ take vigorous action against enterprises which have been found to have imported contaminated food;
- ▶ take immediate action to improve the health conditions in prisons, especially with regard to the rise in the rate of tuberculosis among prisoners and detainees;
- ▶ address the eightfold increase in HIV-infection in 1996 as a health question of the utmost importance through, for example, an information campaign in the mass media which explains the nature of the disease, the modes of transmission, including sexual modes of transmission, and prevention techniques, adopt laws and take all necessary measures to prevent discrimination against persons who are HIV-positive;
- ▶ increase funding of hospitals and make available medicines and medical attention to those who cannot afford them;
- ▶ continue and intensify efforts to treat drug addiction and to apprehend and punish drug dealers; and,
- ▶ adopt stronger and more effective measures to reinforce the educational system, reduce the rate of school drop-out, and enhance the protection of children against illegal employment and other abuses.

Civil and Political Rights

Signed: 18 March 1968; ratified: 16 October 1973.

Russia's fifth periodic report is due 4 November 1998.

Reservations and Declarations: Paragraph 1 of article 48 of the ICCPR; declaration under article 41.

Optional Protocol: Acceded: 1 October 1991.

Reservations and Declarations: Article 1.

Racial Discrimination

Signed: 7 March 1966; ratified: 4 February 1969.

Russia's 15th periodic report was due 6 March 1998.

Reservations and Declarations: Paragraph 1 of article 17.

Discrimination against Women

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

Russia's fifth periodic report is due 3 September 1998.

Torture

Signed: 10 December 1985; ratified: 3 March 1987.

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

Reservations and Declarations: Declarations under articles 21 and 22.

Rights of the Child

Signed: 26 January 1990; ratified: 16 August 1990.

Russia's second periodic report was due 14 September 1997.

COMMISSION ON HUMAN RIGHTS

Report of the S-G on the situation of human rights in Chechnya

The report of the Secretary-General (E/CN.4/1997/10) on the situation of human rights in Chechnya contains summary information from the High Commissioner for Human Rights, the Commission's thematic mechanisms, the Sub-Commission, the treaty bodies and other organizations such as the OSCE and the ICRC as well as the Russian government, non-governmental organizations and UN humanitarian agencies.

In its introduction, the report notes the signing of the Khasavyurt Agreement on 31 August 1996 and cites two main elements in the Agreement: an undertaking by Russia to withdraw federal forces from Chechnya, and an agreement by both sides to hold further discussions on how Chechnya will be administered in the future. The report recalls that, with the end to armed conflict, presidential and legislative elections were held in Chechnya on 27 January and 15 February 1997 and were declared by the OSCE to have been free and fair with only minor procedural problems.

The information given in summary form on initiatives and actions taken by various mechanisms in the UN system as well as other groups and entities notes that:

- ▶ information on cases referred to the Russian government is contained in the reports of the Special Rapporteurs on the question of torture and summary/arbitrary executions;
- ▶ at its August 1996 session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted a decision on the humanitarian situation (E/CN.4/1997/2-E/CN.4/1996/Sub.2/41, reference no. 1996/108);
- ▶ the Committee against Torture recommended the establishment of an independent committee to investigate allegations of torture, inhuman and degrading treatment committed by Russian military forces and Chechen separatists with the goal of bringing to justice those responsible.
- ▶ The report reproduces *in extenso* an assessment provided by the OSCE of the situation of human rights in Chechnya after August 1996. Key points in the information provided are:
 - ▶ gradual abolition of checkpoints and, thus, restoration of freedom of movement in the Republic;
 - ▶ continuing detention of Chechens arbitrarily taken by Russian forces during the war;
 - ▶ no apparent official policy of Chechen authorities supporting or facilitating discrimination against minorities, viz. the Russian-speaking population;
 - ▶ apparent cessation of the use of torture against political opponents or other people arrested by Chechen official services;
 - ▶ apparent cessation of persecution of individuals for their views;
 - ▶ continuation of the practice of arbitrary detention, including by the Chechen Security Service;

- ▶ reports of a serious crime wave arising, in part, from the large numbers of unemployed former fighters and the weakness of law enforcement and judicial structures, including kidnapping for ransom mainly of persons in the non-Chechen population who are not protected by traditional family or clan ties;
- ▶ the large number of reports of missing persons, arising in part from the failure of Russian authorities fully to honour the agreement on an exchange of prisoners; and
- ▶ the large but undetermined number of mines and other unexploded ordnance, most of which was deployed by Russian federal forces.

The summary of information received from the Russian government notes continuing problems in Chechnya related to an upsurge in criminal activities — including incidents of hostages taken for ransom, threats, physical attacks and killings — against local citizens, officials, visiting national and foreign journalists and humanitarian workers in the region. This rise in criminality was considered partly responsible for a continuing outflow of people from Chechnya, despite the fact that Russian troops had been withdrawn from the area.

Unlike the 1995 and 1996 sessions, the Commission did not adopt a resolution or Chairman's statement on Chechnya at the 1997 session.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Arbitrary detention, Working Group on: (E/CN.4/1997/4, paras. 4, 5)

The report notes that one case was transmitted and the government responded. No details of the case or the government's response were provided.

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 294–299)

The Working Group (WG) transmitted, for the first time, 160 cases of disappearance to the government of the Russian Federation, two of which reportedly occurred in 1996 and were transmitted under the urgent action procedure. The information received indicated that the two cases concerned ethnic Chechens who were arrested by OMON, the Special Forces of the Russian Ministry of the Interior, during an early morning raid on the settlement of Dolinskoye, some 20 km. west of Grozny in August 1996. One hundred and fifty other cases concerned persons of ethnic Ingush origin who reportedly disappeared in 1992 during the fighting between the ethnic Ossetians and the Ingush and eight other cases concerned persons who reportedly disappeared in 1994 in the Ingush Republic.

The response of the government referred to a conflict in the Prigorodny district and in part of the town of Vladikavkaz in North Ossetia arising from a deterioration of inter-ethnic relations between Ossetians and Ingush. The government acknowledged that the conflict had led to large-scale disorder and violence, including disappearances and stated that: an investigation into the incidents was conducted by a joint task force of the Procurator-General's office, the Ministry of Internal Affairs and the Federal Security Service of the Russian Federation; criminal proceedings were instituted in each case

where persons were taken hostage or died; a search for the missing persons continued; and, efforts have been made to establish the criminal liability of, and bring to court, those involved in the reported incidents.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 15, 16, 17, 18, 28, 38, 39, 46, 54, 56, 60, 61, 64, 76, 96; E/CN.4/1997/60/Add.1, paras. 402–419)

The Special Rapporteur (SR) notes that information continued to be received about systematic violations of human rights and international humanitarian law by Russian forces in Chechnya and indicating that least 30,000 civilians had been killed in the conflict. The report notes a number of practices including: systematic targeting of civilians and civilian installations such as hospitals, schools and mosques; failure to allow civilians sufficient time to leave towns via the so-called "humanitarian corridor"; failure to inform civilians of the existence of the corridor and/or its location; widespread use of violence against non-combatants in the conflict zone; impunity for Russian troops responsible for violations of human rights and humanitarian law; and, proscription on involvement by the judiciary and/or police of the Chechen administration in Grozny in the investigations and prosecution of local complaints against Russian troops. The report does acknowledge attacks on the right to life by Chechen forces but does not contain any details. Urgent appeals sent to the government related to the situation in Chechnya and were transmitted on behalf of: an unknown number of civilians killed when Russia forces entered the town of Sernovodsk; 50,000 civilians in the town of Shali; the civilian population in Grozny; and, generally two specific individuals and about 500 unidentified persons who were killed in the fighting.

The SR also expressed concern about the application of the death penalty in Russia. He noted that, when Russia joined the Council of Europe in 1996, the government undertook to impose an immediate moratorium on executions and to abolish the death penalty within three years.

The government response to the civilian deaths during the conflict in Chechnya were characterized as the tragic consequence of military operations and that the towns subject to operations by the Russian forces were strongholds for illegal armed groups.

Racial Discrimination, Special Rapporteur on: (E/CN.4/1997/71, para. 93)

The report refers to information transmitted to the government on discrimination against the Meskhetian Turks in Krasnodar Territory. The report notes that: the Meskhetians in Krasnodar comprise the significant part of the forced migrants who arrived in the territory of Russia from other Union Republics before the breakup of the Soviet Union; Russia has not given any legal status to these people; the Meskhetians were a "repressed" people during the years of Soviet power and are trying to solve the difficult and painful problem of returning to the place from which they were expelled; and, authorities in the Krasnodar Territory are conducting a severe policy aimed at moderating by various means the immigration inflow from outside. The government has not replied to the information sent by the Special Rapporteur.

Religious intolerance, Special Rapporteur on: (E/CN.4/1997/91, paras. 9, 17, 21, 26, 39, 41)

The report notes that there is intolerance and discrimination against Buddhists in Russia as well as the fact that there have been reported cases of imprisonment for refusal to perform military service and the law does not provide for alternative service. The government informed the Special Rapporteur that a conscientious objector had been released from prison.

The Special Rapporteur's interim report to the General Assembly (A/52/477, paras. 25, 30, 33, 34, 36, 37, 38) notes that communications were sent to the government related to provincial legislation and regulations imposing restrictions on religious minorities and cases of harassment and threats against and disappearances of clergy and believers.

Sale of children, child prostitution, child pornography, Special Rapporteur on the: (E/CN.4/1997/95, paras. 27, 41, 51, 56, 58)

The report notes that Russia has proposed the creation of a network of specialized services and institutions in Russia to focus on the specific problems of children. The report also notes that the estimates of street children in Saint Petersburg alone range from 6,000 to 15,000 and that Russia is one of the source countries for women and girls being trafficked to the west. Reference is also made to the fact that, in Moscow, girls as young as 8 years sell themselves for food, cigarettes, or a miniature of vodka, and more and more young boys are being taught and forced to work as girls with clients. In terms of these young boys, in 1992 there was an estimated 500 to 600 young transsexuals, and the "sexual re-profiling" of young boys is becoming more frequent in the Moscow area because of their cheaper availability as compared to the capitals and major cities in a number of industrialized countries.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, paras.417-433)

The report notes that information continued to be received related to torture or ill-treatment during the course of military operations in the Chechen Republic. The Special Rapporteur (SR) transmitted 25 individual cases and made an urgent appeal jointly with the SR on extrajudicial, summary or arbitrary executions and the Special Representative of the Secretary-General on internally displaced persons, concerning the situation in the Chechen Republic.

The report notes that the SR visited Russia in 1994. Since that time the government has reported on measures taken to implement the recommendations arising from that visit. The SR noted that: initial steps had been taken to make state enterprises and institutions, which applied criminal penalties in the form of deprivation of freedom, state unitary enterprises (federal state-funded enterprises); the Steering Committee on reform of the custodial detention system continued to address issues such as personnel involved in the enforcement of penalties, reducing the number of inmates in prison institutions and conditions in which prisoners are held and the working conditions of staff in places of detention in order to raise the entrance requirements for work in those institutions; initial proposals for legislation aimed at strengthening human rights safeguards and reinforcing legality in the Russian penal system; the declaration in June 1996 by the Constitutional Court

that provision in the Russian Code of Criminal Procedure on the time within which persons deprived of their freedom must be acquainted with the material relating to their cases was unconstitutional and the ruling that the decision must be implemented within six months; and, introduction of a new criminal code in January 1997 stipulating that neither punishment nor other measures under criminal law undertaken against a person who has committed a crime shall have as their purpose causing physical suffering or the degradation of human dignity.

The SR acknowledged the positive measures to address the problems identified in the report on the 1994 visit but expressed concern at the continuing torturous conditions in some remand prisons and referred to the concern expressed by the Committee against Torture at its November 1996 session regarding the overcrowding in prisons which is exacerbated by poor and unsanitary conditions. The SR repeated his call for urgent measures to be taken to bring immediate relief, such as releasing at once all first-time, non-violent suspected offenders. The SR also cited the Committee's concern about widespread allegations of torture and ill-treatment of suspects and persons in custody with a view to secure confessions, especially in Chechnya.

The cases transmitted to the government related to actions by Russian soldiers against people in Chechnya which included beatings, detentions, death threats, electric shocks during interrogation by masked officials, cuts with knives, cigarette burns, kicking and punching, hanging by handcuffs, blows with rifle butts, rape and use of various forms of force to get detainees to sign "no-grievance" statements prior to release. The government response to allegations of torture and ill-treatment was generally to deny all statements and to claim, to the contrary, that no human rights violations or violations of the law had come to light and that no complaints or declarations of mistreatment of detainees had been made. Nonetheless, the government informed the SR that on a number of the cases investigations had been initiated and some were still proceeding.

Violence against women, Special Rapporteur on:
(E/CN.4/1997/47, Sections III, III.B, III.C)

In the section dealing with rape and sexual violence, including sexual harassment, the report refers to legal frameworks and notes that, in the Russian Criminal Code, "ordinary rape" is defined as "sexual intercourse by use of force or threats or by taking advantage of the helpless state of the victim". "Aggravated rape" is "rape accompanied by threat of murder or by serious injury or committed by a person with a record of previous rape conviction" and "especially aggravated rape" is "rape accomplished by a group of persons or by an especially dangerous recidivist or entailing especially grave consequences and also rape of a minor". On sexual harassment, the report notes that, although the Criminal Code proscribes sexual harassment, job advertisements continue to request that women employees be "without inhibitions". Despite the prohibition on sexual harassment, the report notes that only 20 cases of sexual harassment per year are filed under the Russian statute.

Referring to the lack of statistical data on rape and stating that existing statistics are under-representative but nonetheless indications of the scope of sexual violence, the report

notes that according to the Ministry for Social Protection of the Russian Federation, out of the 331,815 reported crimes against women in the Russian Federation in 1993, 14,000 of them were rapes. The report observes that Russian non-governmental organizations working with women victims believe the number to be significantly higher.

Mechanisms and Reports of the Sub-Commission

Freedom of movement, Working Paper: (E/CN.4/ Sub.2/1997/22, paras. 22, 24, 32, 37, 38)

The report refers to states that emerged following the break up of the Soviet Union and laws subsequently adopted affecting freedom of movement. The report notes that the conflict in Chechnya generated a massive flow of refugees and cites information in the Russian media indicating that there are some 500,000 illegal migrants living in Russia. Reference is made to the 1993 law "On the right of citizens of the Russian Federation to freedom of movement and to choose their place of residence and abode within the Russian Federation" as well as laws on refugee status and forcible relocation. In terms of the 1993 law, the report cites information asserting that it is without effect because throughout Russia, as before, the police continue to insist that citizens comply with the registration requirements regarding residence. The report notes an order signed by the Mayor of Moscow related to a "special residence regime" which requires all citizens of countries of the near abroad staying in the capital for more than 24 hours to register and pay a fee equivalent to 10% of the Russian minimum wage. Anyone failing to register may be ordered to pay a fine of three to five times the minimum wage with 50 times the minimum wage for repeat offenders plus expulsion from Moscow, either at their own expense or at the expense of Moscow Police Headquarters. Similar measures have been introduced in Saint Petersburg and a number of other administrative units. The report notes that all of these orders are contrary not only to the federal law on freedom of movement but also to article 27 of the Constitution.

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

The report notes that technical assistance has been provided to Russia to reform domestic legislation governing rights and declarations of states of emergency.

Traditional practices affecting the health of women and children, Special Rapporteur on: (E/CN.4/Sub.2/ 1997/10/Add.1, para. 21)

The report notes Russia's recognition of the need to conduct an information and education campaign designed to change traditional stereotypes based on the supremacy of one sex over the other in order to eliminate violence against women.

Other Reports

International Decade of the World's Indigenous People, Report of the HCHR to the CHR: (E/CN.4/1997/ 101, paras. 29)

The report of the High Commissioner for Human Rights refers to an initiative by the ILO in September 1995 involving a meeting organized with Russia's Ministry of Nationalities aimed at securing international technical assistance for the indigenous peoples in Russia and discussing ratification of ILO Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries.

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

The report of the High Commissioner for Human Rights includes summaries of responses from governments and notes the value Russia attached to the CIS Conference to address problems of refugees, displaced persons, other forms of involuntary displacement and returnees in the countries of the Commonwealth of Independent States and relevant neighbouring States (Geneva, 30 and 31 May 1996). Russia referred to the Programme of Action that has been adopted to address modern forms of involuntary and enforced migration, including forcibly displaced persons, and pointed out that the Programme laid a solid foundation for more active cooperation among the states and humanitarian organizations in protecting and assisting refugees and forcibly displaced persons and in mobilizing the efforts of the international community to tackle the problems associated with forced population displacements in the post-Soviet region. Note was made of the consensus that had been achieved on the judicial, institutional and material dimensions of the migration situation in the region, where action to deal with the consequences of the massive exodus in the 1990s went hand-in-hand with effective preventive measures. Russia also noted adoption of clarifications to the federal migration programme and the outline of the state's nationality policy, as well as the approval of a series of basic documents on social questions, such as the federal employment promotion programme for 1996/97, the Fundamentals of States' Family Policy and the outline of action to improve the status of women in the Russian Federation.

Restitution, compensation, rehabilitation: (E/CN.4/1997/29, para. 4)

The report of the Secretary-General referred to the texts of various laws, provided by the government, related to rehabilitation of victims of political repression and the June 1996 Order of the President on the peasant uprisings of 1918–1922.

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SLOVAKIA

Date of admission to UN: 19 January 1993.

TREATIES AND REPORTS TO TREATY BODIES

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

Economic, Social and Cultural Rights

Succeeded: 28 May 1993.

Slovakia's initial report was due 30 June 1995.

Reservations and Declarations: Article 26.

Civil and Political Rights

Succeeded: 28 May 1993.

Slovakia's second periodic report is due 31 December 1998.

Reservations and Declarations: Article 48

Optional Protocol: Succeeded: 28 May 1993.

Slovakia's initial report (CCPR/C/81/Add.9) was considered by the Human Rights Committee at its July/August 1997 session. The report prepared by the government

provides extensive information on constitutional and legal provisions related to the rights set out in the Covenant and notes the adoption of the Charter of Fundamental Rights and Freedoms. The report covers a number of areas, including but not limited to: equality rights for women; abolition of the death penalty; the Code of Criminal Procedure and the Penal Code; citizenship and aliens; due process and the rights of the accused; the right to privacy and protection from unlawful interference; conscience, religion and belief; freedom of expression, access to information, television and radio broadcasting; the rights to assembly and association and trade unions; the Family Act; and the rights of national minorities, including language rights.

In its concluding observations and comments (CCPR/C/60/SLO/3) the Committee expressed regret that the report did not provide specific information on the implementation of the Covenant in practice while containing comprehensive information on prevailing constitutional and legislative norms. Among the factors and difficulties affecting implementation of the ICCPR, reference is made to the fact that Slovakia is still in a period of transition from an authoritarian to a democratic system and that it recently acquired its independence after the dissolution of Czech and Slovak Federation. Following on this, the Committee commented that remnants of the former totalitarian system have not yet been completely overcome and that further steps remain to be undertaken in consolidating and developing democratic institutions and strengthening the implementation of the Covenant. The Committee also noted persistent political and social attitudes in the country that are adverse to the promotion and full protection of human rights, and the lack of clarity in the delimitation of the competences of the executive, legislative and judicial authorities. The Committee considered that this lack of clarity could endanger the implementation of the rule of law and a consistent human rights policy.

Among the factors viewed positively by the Committee were: the preferential status given to international treaties, including the ICCPR, over domestic laws; the inclusion of an extensive and elaborate catalogue of fundamental rights, including minority rights, in the Constitution; the enactment of the Charter of Fundamental Rights and Freedoms; and, the application by the Constitutional Court of provisions of the Covenant, including reference to the Committee's General Comments. The Committee also welcomed Slovakia's succession to the Optional Protocol. The establishment of institutions to deal with human rights issues, such as the Commission for Minorities, the Coordinating Commission on the Status of Women, and the Special Representative for persons in need of particular assistance was noted by the Committee and it welcomed adoption of measures aimed at redressing past injustices. Among them were provisions related to reclamation by former owners or their descendants of properties confiscated by the former Communist regime, and mitigation of certain property injustices done to churches and religious societies (between 1945 and 1990) and to synagogues and Jewish societies (between 1939 and 1990). The Committee commended the abolition of the death penalty in 1990 and welcomed: the establishment of special units within the Slovak police to deal with crimes against women and children; the enactment of new laws to deal with violence against women and the sexual exploitation of children; and, the

adoption of a new law on citizenship, which protects all children born in Slovakia from being stateless.

In terms of areas of continuing concern, the Committee noted: the absence or inadequacy of laws relative to implementation of article 4 of the Covenant (states of emergency and derogation), article 14 (appointment of members of the judiciary), article 18 (conscientious objection to military service) and article 25 (right to vote and stand for election, access to public service); lack of clarity regarding the relationship between the Slovak Constitution and measures to ensure compliance by central or local governments with the Constitution and international treaties such as the ICCPR; substantiated reports of discrimination, particularly against women; lack of independent complaint mechanisms for victims of all forms of discrimination; reports that Roma people are often victims of racist attacks and do not receive adequate protection from law enforcement officers; cases of excessive use of force by law enforcement officials as well as mistreatment of detainees during police custody; restriction on the right to free legal assistance only to cases for which the maximum penalty is over five years' imprisonment; failure of police to respect the law providing for the assistance of a lawyer immediately after arrest; and, provisions allowing civilians to be tried by military courts in certain cases, including betrayal of state secrets, espionage or state security.

The Committee also expressed concern that the legislation on freedom of religion, the status of churches and religious societies, and the association of citizens require that churches, religious societies, associations and non-governmental organisations be registered in order to function freely and/or to receive subsidies from the state. The Committee noted that the prerequisites to this registration are very restrictive and have led to some churches and religious or other associations being excluded from legal recognition. With respect to freedom of expression, the Committee noted that provisions in the Penal Code make it an offence to disseminate false information abroad which harms the interest of Slovakia. In the Committee's view, the broad phrasing and lack of clarity in this provision carry the risk of restricting freedom of expression beyond the limits allowable under article 19 of the ICCPR. Concern was similarly expressed over government interference with the direction of its State-owned television and lawsuits for defamation resulting from expressed criticism of the government. The Committee also noted with concern the absence of judicial guarantees related to telephone-tapping during the pre-trial investigation of crime.

Additional concerns specifically raised by the Committee included the lack of legislation to implement the provisions of the Constitution on minority languages, which has meant that the use of minority languages in official communications is not secured, and insufficient provision of resources in the field of educational and cultural rights for the benefit of the Hungarian minority.

The Committee recommended that the government:

- ▶ give priority to establishing measures to address discrimination, in particular through training and education campaigns;

- ▶ establish on an urgent basis mechanisms to monitor non-discrimination laws and to receive and investigate complaints from victims;
- ▶ establish appropriate training programmes intended for law-enforcement and custodial personnel in the field of human rights, as well as for professional groups such as judges, lawyers and public servants;
- ▶ provide human rights education in schools at all levels, in order to develop a culture of human rights within society;
- ▶ undertake a comprehensive analysis on compliance of legislation and practice related to administrative detention;
- ▶ adopt, as a matter of priority, laws regulating the appointment, remuneration, tenure, dismissal and disciplining of members of the judiciary in order to guarantee the independence of the judiciary and protect judges from any form of political influence;
- ▶ review legislation regulating the provision of free legal assistance to ensure that it conforms with the Covenant;
- ▶ monitor closely implementation of laws and regulations governing the presence and assistance of lawyers;
- ▶ amend the Criminal Code to prohibit the trial of civilians by military tribunals in any circumstances;
- ▶ take all necessary measures in order to amend the relevant legislation on freedom of religion and association so as to bring it into conformity with articles 18 and 22 of the Covenant;
- ▶ review the three concerns related to freedom of expression noted above and adopt necessary legislation to eliminate any inconsistencies with the Covenant;
- ▶ ensure control, by an independent judicial authority, of the interception of confidential communications-related to, for example, wire-tapping and protection of the right to privacy; and,
- ▶ adopt legislation rapidly to secure language rights for minorities.

The Committee requested that the government, in its next report, include additional information on: Constitutional provisions related to human rights and institutions designed to protect human rights; the right to free legal assistance; measures related to all forms of detention, including detention of asylum-seekers; and, actions taken to ensure that school textbooks do not contain material tending to promote anti-Semitic and other racist views.

Racial Discrimination

Succeeded: 28 May 1993.

Slovakia's initial report was due 28 May 1994; the second periodic report was due 28 May 1996.

Reservations and Declarations: Articles 17 and 22.

Discrimination against Women

Succeeded: 28 May 1993.

Slovakia's initial report (CEDAW/C/SVK/1) has been submitted; the second periodic report is due 27 June 1998.

Torture

Succeeded: 28 May 1993

Slovakia's initial report was due 27 May 1994.

Reservations and Declarations: Declaration under articles 21 and 22.

Rights of the Child

Succeeded: 28 May 1993

Slovakia's initial report was due 31 December 1994.

Reservations and Declarations: Paragraph 1 of article 7.

THEMATIC REPORTS***Mechanisms of the Commission on Human Rights*****Mercenaries, Special Rapporteur on the use of:**

(E/CN.4/1997/24, para. 20)

Information provided to the Special Rapporteur (SR) by the government states that Slovakia's legal system does not permit either the existence of mercenary units in the country or any activities related to the operation of mercenary groups abroad. The Penal Code prohibits service in foreign armed forces, regular armed forces or foreign legions. Anyone charged and found guilty under this provision will be sentenced to three to eight years' imprisonment. The government informed the SR that no activities related to recruitment into foreign armed forces were registered in Slovakia.

Racial Discrimination, Special Rapporteur on:

(E/CN.4/1997/71, para. 30)

In summarizing the situation of the Romanies in Czechoslovakia, the report notes that provisions in the Czech citizenship law has resulted in a number of Roma being deported to Slovakia.

Religious intolerance, Special Rapporteur on: (A/52/477, paras. 21, 25, 28, 33, 37, 38)

The Special Rapporteur's interim report to the General Assembly notes that communications were transmitted to the government related to violations of religious freedom against Jehovah's Witnesses. Reference is made to the fact that there is a legal time limit within which conscientious objectors must declare their refusal to undertake military service or apply to do non-military national service and, further, that the duration of alternative service is such as to make it appear a form of punishment. The report cites information indicating that there have been cases of conscientious objectors being sent to prison.

Sale of children, child prostitution, child pornography, Special Rapporteur on the: (A/52/482, para. 28)

The Special Rapporteur's interim report to the General Assembly notes that the authorities in Slovakia are cooperating with their Austrian and Belgian counterparts in investigations into alleged paedophile rings.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, para. 446)

The latter report summarizes one case involving a photographer who was approached by several police officers while photographing a student demonstration in Bratislava in September 1995. The information alleges that the photographer was kicked, beaten and had a breathalyser forced into his mouth against his will. The government reply stated that the photographer had refused to show police his identification and was therefore taken to the police station where, in response to his aggressiveness, he was handcuffed, and police used self-defence grips against him. An investigation into the incident was conducted and the government provided the SR

with a copy of the report of the psychiatrist who examined the photographer and diagnosed him with acute stress disorder.

Toxic wastes and products, Special Rapporteur on: (E/CN.4/1997/19, para. 31)

The report includes information provided by the government on measures taken to protect the environment and the health and safety of citizens. Among those cited were laws prohibiting the import of toxic waste, requiring consent of the state to import waste for recycling, setting out procedures for controlling waste disposal, classifying waste and establishing procedures for the treatment of wastes. The government also noted that Slovakia has ratified the Basel Convention and is in charge of a subregional training centre for the implementation of the Basel Convention for Central and Eastern Europe.

Other Reports**Conscientious objection to military service, Report of the S-G to the CHR:** (E/CN.4/1997/99, paras. 6, 30, 37)

The report of the Secretary-General notes that there is conscription in Slovakia and that conscientious objection is recognized. Anyone refusing military service on that basis must perform civil service for a period twice as long as the basic military service which is 12 months. Since adoption, in 1990, of the Act on Civil Service No. 73/1990 almost 30,000 individuals have legally refused to perform military service and all based their refusal on religion or belief. Of this number, approximately 25,000 declarations of refusal of basic military service were revoked.

Terrorism, Report of the S-G to the CHR: (E/CN.4/1997/39, Section I)

The report of the Secretary-General summarizes information provided by the government that states that the security situation in Slovakia was marked by both the increasing brutality and aggression of criminal perpetrators, and qualitative changes in the structure of criminal activity. The information indicated that the authorities had also dealt with atypical forms of terrorism — e.g., discovery of explosive materials — which were characterized by the motives or symptoms of "typical" terrorism. The government suggested that because of its geographical position, Slovakia could become a centre of international terrorism through the activities of terrorist groups expelled by their own countries. Measures anticipated by the government to offset this possibility include establishment of a system of control over the borders, systematic control of the activities of possible terrorist groups within Slovakia, creation of a system of information collection and distribution concerning terrorist actions, an extension of powers and improvements in the technical equipment of the police, and cooperation between the police and other authorities responsible for judicial trials. The report notes that there is no special law in Slovakia to combat terrorism.

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SLOVENIA

Date of admission to UN: 22 May 1992.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Slovenia has submitted a core document (HRI/CORE/Add.35) for use by the treaty bodies. The

report prepared by the government contains demographic and statistical data, information on the political structure and an overview of the legal framework for the protection of human rights.

The Constitution determines not only individual human rights and freedoms but also the instruments which are available to individuals for the protection of their rights. The primary instruments are judicial protection, right to appeal, the right to payment of damages and the right to constitutional complaint at the Constitutional Court. At the time the report was prepared, the Constitution provided for the establishment of an office of the ombudsman assigned the task of safeguarding human rights and basic freedoms in relation to state bodies, the bodies of local self-government and those holding public authority. The Law on the Human Rights Ombudsman had not yet been adopted by the Parliament and, in the interim, the implementation of human rights was entrusted to the Council of Human Rights and Fundamental Freedoms which was elected prior to the adoption of the new Constitution.

Economic, Social and Cultural Rights

Succeeded: 6 July 1992.

Slovenia's initial report was due 30 June 1994.

Civil and Political Rights

Succeeded: 6 July 1992.

Slovenia's second periodic report was due 24 June 1997.

Optional Protocol: Acceded: 6 July 1992.

Reservations and Declarations: Article 1 and paragraph 2 (a) of article 5.

Second Optional Protocol: Signed: 14 September 1993; ratified: 10 March 1994.

Racial Discrimination

Succeeded: 6 July 1992.

Slovenia's initial and second and third periodic reports were due 6 July 1993, 1995 and 1997 respectively.

Discrimination against Women

Succeeded: 6 July 1992

Slovenia's second periodic report was due 5 August 1997.

Slovenia's initial report (CEDAW/C/SVN/1) was considered by the Committee at its January 1997 session. The Committee's concluding observations and comments (CEDAW/C/1997/L.1/Add.3) noted the difficulties arising from the transition to democracy and a social-market economy and the need to build a different civil society, and the fact that many of these difficulties can and do have a negative impact on the situation of women and hinder the legal and practical implementation of the Convention. The Committee also noted that sex-role stereotypes relating to the nature of women and men and the "appropriate" work for the sexes were pervasive in Slovenian society and had not been questioned under the former political system, despite its adherence to formal equality between women and men.

The Committee welcomed the sensitivity towards gender issues expressed by the government and by certain sectors of the newly emerging civil society, in particular in the number of non-governmental organizations for women. It welcomed: the extensive human rights guarantees in the Constitution and, in particular, those relating to women's human rights; the

fact that the Convention took precedence over national legislation; the immediate effect of the Convention in the legal system and legislation providing women with *de jure* equality; the integration of human rights principles into the ongoing process of legislative reform and into newly formulated policies; the active role of the Office for Women Policy, founded in 1992, which operates as an independent government advisory service, advising on legislation, policies and programmes and, through campaigns and programmes, seeks to improve gender sensitivity in the population; and, the efforts of the government to eliminate stereotyped images of women in the media and in advertising, as well as the National Programme for Households, which aims at helping young women and men to share work and family responsibilities in a non-stereotyped way.

The Committee also noted positively: the awareness of the government of the widespread violence against women in the private sphere, and that it was developing measures to combat that violence and to assist victims; the steps taken towards new legislation to protect prostitutes; the temporary special efforts of the Office for Women's Policies to raise public awareness and to introduce measures to increase women's representation in parliament; the high number of women in the judiciary and the promising figures of women's enrolment in faculties of law; the significant representation of women in high-level administrative jobs; the fact that a large number of non-governmental organizations for women had been formed in a relatively short time and the cooperation fostered by the Office for Women's Policies with NGOs, in particular during the preparation of the report and in the formulation of the National Platform of Action, which seeks to implement the Beijing Platform for Action; the high level of women's education in Slovenia; the efforts made to include human rights education at various levels of the school curriculum; the fact that courses in women's studies were offered at some universities and that research on the impact of the depiction of women in textbooks was being carried out.

The Committee further welcomed: the existence of a formal day-care system that provides day care to slightly more than 50 per cent of children up to the age of 6; the revision of the existing labour legislation and the formulation of new equality provisions in this area; the fact that the principle of "equal pay for equal work" and for "work of equal value" will be considered in labour legislation; the fact that a high percentage of women are employed; the envisioned provisions against sexist language in job classifications and advertisements and the discussion of a legislative proposal on parental leave that would give a greater share of responsibility to fathers; and, inclusion of the right of abortion in the Constitution.

The areas of concern identified by the Committee were: the fact that the Office for Women's Policies had an advisory role only and, therefore, was dependent on the political will of the government; the insufficient resources, human and financial, allocated to the Office considering the tasks it has to tackle; the pervasiveness and entrenched nature of sex-role stereotypes and the risk that such stereotypes might be strengthened because of the difficult economic, social and cultural changes the population was facing; the fact that the real extent of violence against women may not have been

uncovered and the possibility that current measures were insufficient not only to combat it, but also to assist its victims; the need for the government to ensure that victims of violence receive support from the police, understanding of the dynamics of violence against women from judges, counselling and placements in shelters and, in particular, assistance to rebuild their lives; the decrease in the numbers of women represented in politics; the clustering of female students in certain disciplines, both at schools and universities, which did not provide optimum employment opportunities; the fact that less than 30 per cent of children under 3 years and slightly more than half of all children between three and six years were in formal day care, and that the remaining number of children, although cared for by family members and other private individuals, may miss out on educational and social opportunities that are offered in formal day care; the fact that women were clustered in certain jobs and professions and at certain job levels; the feminization of the medical profession and the low wages in that sector; the high number of young unemployed women who were looking for a first job and the fact that failure to find such employment might confine women to the role of homemaker; the unfortunate fact that market economies tend to favour male employees who were seen to be unencumbered by family responsibilities; the fact that temporary work for women might be institutionalized, marginalizing women in the labour market and making them victims of indirect discrimination; the prospect of occupational health standards for women resulting in discrimination against women in employment; the very high number of abortions and the corresponding low use of contraception; and, the large numbers of single-parent families, usually headed by women.

The Committee recommended that the government:

- ▶ ensure that the ongoing revision of laws take account of hidden, indirect and structural discrimination and pay sufficient attention to the formulation of temporary special measures in the fields of politics, education, employment and the implementation of *de jure* and *de facto* equality for women;
- ▶ ensure that the judiciary is made aware of the meaning of indirect and structural discrimination, *de facto* equality and the concept of temporary special measures;
- ▶ take cognizance of the fact that the concept of privacy of family life and the reproductive role of women can be used to hide violence against women and reinforce sex-role stereotypes;
- ▶ establish the proposed gender equality ombudsperson;
- ▶ establish a formal complaint procedure and a formal evaluation board outside the Chamber of Commerce, which includes all sectors of society, to address sexist advertisements and incorporate sanctions against offending advertising agents;
- ▶ make new efforts directed at the political education of women and men and of political parties in order to ensure more effective temporary measures to increase the representation of women at all levels of political life;
- ▶ make systematic efforts to ensure that women students are encouraged to enter diverse disciplines so as to overcome the clustering of women students in certain

disciplines at schools and universities, including through special counselling and gender-specific temporary measures with numerical goals and timetables;

- ▶ establish women's studies programmes at all universities and make them part of the school curriculum;
- ▶ review its gender-neutral educational framework and develop positive measures to counteract hidden sex-stereotypical educational messages and practices;
- ▶ establish more formal and institutionalized child-care places for children under 3 years as well as for those of 3 to 6 years;
- ▶ ensure that revised labour legislation contains equality and anti-discrimination provisions and strong sanctions for non-compliance;
- ▶ establish temporary special measures with concrete numerical goals and timetables in order to overcome employment segregation and adopt parental leave legislation in which part of the leave is mandatory for the father;
- ▶ create assistance programmes for women who wish to start their own businesses and educate banks and other relevant institutions about women's capacities in that area;
- ▶ create specific government-subsidized employment opportunities for young women and address their unemployment with specific measures, including quotas related to their percentage of the unemployed population;
- ▶ put in place measures to expedite the collection of data in the health sector so as to provide the basis for legislation, policies and programmes;
- ▶ ensure that the financial systems underlying health care and social security benefits, including pensions, are designed to avoid detrimental effects on women as wage earners and beneficiaries in these sectors;
- ▶ undertake an analysis of the reasons for the high rate of abortion, provide education for women and men on the full range of safe and reliable contraceptive methods, stressing the mutual responsibility of both sexes for family planning, and ensure wide availability of these methods of contraception;
- ▶ include in training gender relations and the subject of violence against women and ensure that health care professionals are trained to identify cases of violence against women and treat them appropriately; and,
- ▶ increase measures for the early detection and the preventive treatment of breast cancer.

Torture

Acceded: 16 July 1993.

Slovenia's initial report was due 14 August 1994.

Reservations and Declarations: Declarations under articles 21 and 22.

Rights of the Child

Succeeded: 6 July 1992.

Slovenia's second periodic report is due 24 June 1998.

Reservations and Declarations: Paragraph 1 of article 9.

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UKRAINE

Date of admission to UN: 24 October 1945.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Ukraine has submitted a core document (HRI/CORE/1/Add.63) for use by the treaty bodies. The report prepared by the government contains information on the territory and population, social and economic indicators, a brief historical review and information on the state organization, political regime and form of government.

The legal framework for the protection of human rights is established by the Constitution which sets out the full range of social, economic, political and personal rights and freedoms as well as such principles as equality before the law, the right to defence counsel and open and public trials. The trend in Ukraine has been towards a more widespread use of judicial proceedings in the protection of citizens' rights and a more limited recourse to administrative discretion. Remedies for violations may be sought through both civil and criminal proceedings. In addition to remedies through the courts, the draft Constitution (as of 28 November 1995) provided for the establishment of the Plenipotentiary Supreme Court on Human Rights to strengthen extra-judicial protection of human rights and there was a proposal to set up an interdepartmental commission for human rights to coordinate the activities, ministries, departments and institutions related to human rights. In cases where there is an inconsistency between domestic legislation and international treaties to which Ukraine is a party the provisions of the international treaty apply.

Economic, Social and Cultural Rights

Signed: 20 March 1968; ratified: 12 November 1973

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

Reservations and Declarations: Paragraph 1 of article 26.

Civil and Political Rights

Signed: 20 March 1968; ratified: 12 November 1973

Ukraine's fifth periodic report is due 18 August 1999.

Reservations and Declarations: Paragraph 1 of article 48; a declaration under article 41.

Optional Protocol: Acceded: 25 July 1991.

Racial Discrimination

Signed: 7 March 1966; ratified: 7 March 1969

Ukraine's 13th and 14th periodic reports were submitted as one document (CERD/C/299/Add.14) which has not yet been scheduled for consideration by the Committee: the 15th periodic report was due 6 January 1998.

Reservations and Declarations: Paragraph 1 of article 17.

Discrimination against Women

Signed: 17 July 1980; ratified: 12 March 1981

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

Torture

Signed: 27 February 1986; ratified: 24 February 1987

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

Reservations and Declarations: Article 20.

Ukraine's third periodic report (CAT/C/34/Add.1) was considered by the Committee at its April/May 1997 session. The government's report outlines a number of initiatives taken in the area of constitutional protections and law, related to: limitation of the death penalty to assassination attempts against a figure of state or representative of a foreign state, willful homicide in aggravating circumstances and an attempt on the life of a militiaman, national guardsman or member of the armed forces in connection with efforts to maintain law and order; costs of in-patient treatment for crime victims; pre-trial detention; right to defence counsel; the status of judges; bodies and services dealing with minors; and, the Ukrainian Security Services.

The Committee's concluding observations and comments (CAT/C/XVIII/CRP.1/Add.4) welcomed the constitutional provision prohibiting torture and the fact that Ukraine has signed and intended to ratify the European Convention on Human Rights and its 11 protocols. The Committee also welcomed the incorporation in its legislation provisions on the activities of law enforcement bodies, ensuring respect by personnel for human rights and freedoms and on the obligation to comply with them.

The principal subjects of concern identified by the Committee were: the large number of reports by non-governmental organizations of cases of torture and violence committed by officials during preliminary investigations, causing suffering, bodily injury and, in a number of cases, death; the lack of a sufficiently effective system of independent bodies capable of successfully investigating complaints and allegations of the use of torture, preventing and putting an end to torture and ensuring that the perpetrators of such acts are held fully responsible for them; failure of legislation in force to provide any effective judicial control of the lawfulness of arrests; failure in criminal legislation to define torture as a distinct and dangerous crime; lack of provisions on criminal responsibility for the imposition of inhuman and degrading punishment; the scale on which the death penalty is applied and lack of conformity in this regard with the European Convention on Human Rights and the European Convention on the prevention of torture and inhuman or degrading treatment or punishment; the large number of provisions in the present Criminal Code that envisage the imposition of the death penalty (including an attempt on the life of a militiaman); the systematic mistreatment and beating of recruits in the armed forces; the prevailing conditions in custodial facilities and prisons which may be described as inhuman and degrading, causing suffering and the impairment of health; the difficulty experienced by accused persons in gaining access to a lawyer of their choice in cases where the lawyer's participation in the proceedings depends on presentation of an authorization to act as defence counsel; in the government's report, lack of statistical data on the number of persons serving custodial sentences or arrested as a preventive measure, on the number of complaints made regarding the use of torture or on the number of persons prosecuted for that offence; insufficient information about conditions of detention and lack of details with regard to compensation for persons subjected to torture or their rehabilitation; and, the lack of an independent body for monitoring compliance with all aspects of the Convention.

The Committee recommended that the government:

- ▶ draft and adopt directly enforceable regulatory instruments to ensure that the provisions of the Convention, and the relevant constitutional provision, are applied in practice;
- ▶ give priority to the adoption of a new Criminal Code defining torture as a punishable offence, and of a new Code of Criminal Procedure guaranteeing in practice the right of an accused person to counsel at all stages of criminal proceedings, as well as to effective and practical supervision by the courts of preliminary confinement to preclude any use of torture at that stage of detention or arrest or at subsequent stages of criminal proceedings;
- ▶ extend supervision by the judicial and civil authorities over the work of the law enforcement agencies and establish a system of independent institutions for rapid and effective follow-up of complaints regarding the use of torture and other degrading treatment or punishment;
- ▶ give the widest possible publicity to the main provisions of the Convention through the press and other media and make available practical training in the rules and standards of the Convention for investigators and the staff of penal institutions;
- ▶ prohibit by law the interrogation of any person detained or arrested without the participation of defence counsel or when the person is being held incommunicado;
- ▶ reduce the time during which an accused person may be held in custody from the present maximum of 18 months;
- ▶ undertake a radical reform of correctional institutions (colonies, prisons) and places of pretrial detention to ensure full compliance with the provisions of the Convention, particularly with regard to use of solitary confinement and conditions of imprisonment;
- ▶ give permanent effect to the moratorium on the application of the death penalty;
- ▶ organize special training for the personnel of correctional institutions, and especially doctors, in the principles and standards of the Convention; and,
- ▶ establish by law a procedure for providing redress for injury caused to victims of torture (including compensation for moral injury) and to define the arrangements, amount and conditions for such compensation.

Rights of the Child

Signed: 21 February 1990; ratified: 28 August 1991
Ukraine's second periodic report is due 26 September 1998.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 15, 17, 18, 19, 28, 76, 86; E/CN.4/1997/60/Add.1, paras. 514–522)

The report cites information indicating that: Ukraine is among the countries with the highest annual number of executions in the world; there is great official reluctance to reveal statistical information on the death penalty, which is regarded as a state secret; this secrecy extended to relatives, who are

not informed in advance of the date of a prisoner's execution and are not, after the execution, entitled to the body, which is buried in an unmarked grave in a location not revealed to the family; despite the moratorium on executions, death sentences have been imposed and a number of executions might have been carried out; and, the authorities have not informed local officials and bodies that a moratorium is in force, as a result of which persons continued to be at risk of execution.

Three urgent appeals were sent to the government involving persons facing imminent execution after appeals for clemency were denied. The government responded to the information and stated that in the cases where ill-treatment had been alleged records of the cases contained no indication of use of physical violence or use of unauthorized methods of investigation.

Mercenaries, Special Rapporteur on the use of: (E/CN.4/1997/24, paras. 17, 22)

The report refers to information provided by the government on criminal legislation currently in force which makes mercenary activity a criminal offence. Various provisions in the Criminal Code were cited addressing the recruitment, financing, maintenance and training of mercenaries and participation for payment without permission from the appropriate state authorities in the armed conflicts of other countries. The government also noted that the Ukrainian Citizenship Act stipulates that citizenship shall not be granted to anyone who has carried out crimes against humanity or genocide, or perpetrated acts of violence against national statehood and, further, that citizenship shall be forfeited by any person entering military service, the security service or the police without the agreement of the Ukrainian authorities.

Racial discrimination, Special Rapporteur on: (A/52/471, para. 23)

The Special Rapporteur's interim report to the General Assembly refers to a resurgence of police brutality against Roma, including arrest and ill-treatment in detention. The report also refers to a case in January 1997 in which police officers invaded the homes of two Roma families on the pretext that they were looking for a thief. Information related to the case indicated that the police officers struck the adult members of the two families and forced two children aged 16 and 10 to stand and recite "Gypsies are bastards, the best place for them is in the graveyard."

Sale of children, child prostitution, child pornography, Special Rapporteur on: (E/CN.4/1997/95, para. 56)

The report notes that Ukraine is one of the country's from which the largest number of women and girls are being trafficked from the East to the West.

Mechanisms and Reports of the Sub-Commission

Freedom of movement, Working Paper: (E/CN.4/Sub.2/1997/22, para.24, 30, 35)

The working paper refers to laws on refugee status, language, national minorities and the entry and departure of nationals. The paper also refers to internal migration as a result of the Chernobyl disaster as well as reports in the Ukrainian media that, in 1995, 18.2 million foreigners entered Ukraine while only 17.4 million left. The report notes that in 1995 administrative proceedings were taken against 70,000

foreigners from more than 100 countries with one in every seven expelled from the country for crossing the border illegally.

Reference is made to the development of illicit businesses such as fake travel agencies, joint enterprises, commercial establishments and limited-liability companies such as a Ukrainian-Pakistani firm registered in Kiev which specialized in preparing false travel documents for foreigners and sending them to the West. The report also refers to an Israeli firm that transported illegal migrants whom it passed off as students at a Ukrainian educational institution. By 1994 the number of such businesses had risen to 78 and, in 1995, 91 were uncovered in the first six months alone. The working paper notes that in transporting foreigners across the border, the criminal groups show less concern for them than they would for a load of goods and refers to a case, in 1996, in which a refrigerator truck transporting Chinese nationals was stopped at the border between Ukraine and Slovakia. Out of the 40 people detained 10 were suffering from severe frostbite and needed resuscitation.

The working paper states that the right to freedom of movement is more than just the right to cross the border and includes the right to normal living conditions in the country of residence. Information from the Committee of Afghan Emigrants in the Ukraine is cited to illustrate this point.

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 refers to information provided by the government citing a constitutional provision which establishes the creation of reception centres for minors and the creation of medical and social rehabilitation centres for minors. The government also stated that the courts consider the cases related to: minors who committed a criminal offence; minors aged 16 to 18 who committed an administrative offence; placing juvenile delinquents in centres for minors; parents' or tutors' administrative responsibility concerning the education and teaching of children; restriction or deprivation of parents' rights; restoration of parents' rights and settlement of disputes between parents concerning the place of residence of minors; and, issues concerning the personal and property rights of minors. The government referred to the Institute of Judicial Educators which was established by the court to execute the court's decision concerning minors and assigned the main tasks of: participation in the execution of the court's decisions; elimination of the reasons and conditions promoting the commission of illegal activities; education or re-education of minors; and, assisting parents in the re-education of minors. Additional information provided by the government related to the criminal liability of juveniles, coercive measures of a correctional nature, the conditions of juveniles in special educational institutions, educational labour colonies, which can be of general or tightened regime, conditional sentencing, probation and reprieve, and the prohibition on the death penalty for anyone who was less than 18 at the time the capital offence was committed.

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

The report of the High Commissioner for Human Rights summarizes a response received from the government,

referring to the Regional Conference on the problems of refugees, displaced persons, other forms of involuntary displacement and returnees in the countries of the Commonwealth of Independent States and neighbouring States (CIS Conference), which was held in Geneva in May 1996. The government emphasized the need for innovative approaches to address the complex and specific migratory flows that were taking place in the CIS States and highlighted the specific international standards that had been developed under the Programme of Action to address modern forms of involuntary and enforced migration, including forcibly displaced persons. The government noted its lack of resources to address migration problems on its own, including problems related to refugees and deported persons, and underscored the need to cooperate with international organizations, principally UNHCR and IOM. With regard to internal measures, the government cited the establishment of the Ukrainian Ministry of Nationality and Migration Affairs (now the Ukraine State Committee on Nationality and Migration Affairs), and of local agencies of the migration service, as well as preparations for the opening of a regional centre to provide temporary accommodation for refugees. The government expressed the view that the most important tasks in developing state migration policy were: elaboration of an outline of a state migration policy; accelerating the adoption of immigration legislation and the setting up of practical machinery for solving humanitarian and legal problems facing migrants; and coordinating the efforts of various state bodies and targeting their activities within the framework of a single state migration policy.

In the section dealing with early warning, emergency preparedness and response, the report notes the government's emphasis on the need to expand the efforts for preventive measures, in order to identify and forestall the main causes of mass exoduses and the emergence of new refugee and migrant populations, including through the establishment of efficient rapid response and early-warning mechanisms to deal with crisis situations.

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 refers to information provided by the government, stating that the problem of national minorities and their integration in society is of paramount importance for Ukraine's future development and for maintaining stability and a crises-free situation. The government referred to the advisability of considering a review of national legislation related to situations of public emergency with a view to ensuring that it meets the requirements of the rule of law and does not involve discrimination on the grounds of race, colour, sex, language, religion or social origin. The government expressed its willingness to draft new laws and noted initial work that had been undertaken to draft a law on the indigenous people of the Crimea, with the goal of harmonizing inter-ethnic relations.

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

The report of the Secretary-General refers to information provided by the government citing constitutional and legal provisions on: protection by the courts; appeal against decisions and acts (or inaction) of state bodies, civil servants and officials; the right of appeal to relevant international legal

bodies or organs of international organizations of which Ukraine is a member or in which it participates; the right to compensation arising from any material or moral injury caused by the state or its agents; the right of all citizens to know their rights and duties; the obligations of investigating bodies, official investigators, the public prosecutor and the courts in taking action to provide compensation for the injury caused to citizens by illegal acts; the reimbursement of the cost of in-patient treatment of victims of offences; with regard to unlawful acts of bodies conducting investigations or preliminary investigations, the public prosecutor's office and the courts, the entitlement of compensation for injury to be paid in full, regardless of the liability of the officials, bodies conducting investigations or preliminary investigations, the public prosecutor's office or the courts; rehabilitation; and compensation for moral or material injury caused by the activities of human rights protection bodies, for example, the Ukrainian Security Services.

YUGOSLAVIA

(Federal Republic of)

Date of admission to UN: 24 October 1945.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Yugoslavia has submitted a core document (HRI/CORE/1/Add.40) for use by the treaty bodies. The report prepared by the government (22 July 1994) provides basic demographic, economic and social data and information on the general political structure as well as the general legal framework for the protection of human rights.

The federal Constitution and the Constitutions of Serbia and Montenegro establish the framework of rights and guarantee a wide range of individual, political, social, economic and cultural freedoms and rights, as well as the rights of national minorities derived from those guaranteed by international law. In addition to regular judicial protection, the legal system enables every person to begin legal proceedings before the Federal Constitutional Court against any document or act which violates the rights and freedoms guaranteed in the federal Constitution. All three constitutions stipulate that abuses of the rights and freedoms set out are unconstitutional and punishable and that all rights and freedoms enjoy the protection of the courts. The Federal Ministry for Human and Minority Rights was established in July 1992 and is generally responsible for monitoring human rights. The federal legislative assembly has a Commission for the Freedoms, Rights and Duties of Man and the Citizen which has the authority to consider issues concerning the exercise of human rights and adopt positions and reach conclusions. Similar commissions exist in the assemblies of Serbia and Montenegro and, in Montenegro, the Republic Council for the Protection of National and Minority Rights has been established. International human rights treaties ratified by Yugoslavia become a component part of the legal system and, as such, are directly implemented.

Economic, Social and Cultural Rights

Signed: 8 August 1967; ratified: 2 June 1971.

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

Civil and Political Rights

Signed: 8 August 1967; ratified: 2 June 1971.

Yugoslavia's fourth periodic report was due 3 August 1993.

Optional Protocol: Signed: 14 March 1990.

Racial Discrimination

Signed: 15 April 1966; ratified: 2 October 1967.

Yugoslavia's 11th through 14th periodic reports were submitted as one document (CERD/C/299/Add.17) which is scheduled for consideration at the Committee's March 1998 session; the 15th periodic report was due 4 January 1998.

Discrimination against Women

Signed: 17 July 1980; ratified: 26 February 1982.

Yugoslavia's third periodic report was due 29 March 1991; the fourth periodic report was due 28 March 1995.

Torture

Signed: 18 April 1989; ratified: 10 September 1991.

Yugoslavia's initial report was due 9 October 1992; the second periodic report was due 9 October 1996.

Reservations and Declarations: Declarations under articles 21 and 22.

Rights of the Child

Signed: 26 January 1990; ratified: 3 January 1991.

Yugoslavia's second periodic report was due 1 February 1998.

COMMISSION ON HUMAN RIGHTS

Special Rapporteur on the former Yugoslavia

The Special Rapporteur (SR) on the former Yugoslavia prepared a special report on minorities (E/CN.4/1997/8) which includes information on national and international legal standards, the situation in Kosovo, Vojvodina, the situation in Sandzak, the Bulgarian community, and the situation of minorities in the Republic of Montenegro.

In establishing the context for consideration of the situation of minorities the Special Rapporteur (SR) stated that one cause of the many-sided war in the former Yugoslavia was the failure of the political leadership to meet the challenge of governing populations which do not share the nationality, ethnicity, religion or language of their region's dominant national group. The report notes that these smaller populations persistently voiced resentment, fear and anger over the policies of the region's governments which did not, in their view, respect the right of all people to express and sustain their group identities. The report asserts that the aspirations of minorities and the reactions of governments to them led to much of the violence and many of the human rights violations that took place in the territory of the former Yugoslavia.

In the section of the report dealing with the situation in Yugoslavia (FRY) note is made of constitutional provisions for the protection of minority rights, including the right to preserve, develop and express ethnic, cultural and linguistic characteristics. This basic provision is noted as being supplemented by national legislation in areas such as language of education and citizenship. Extended commentary is provided on the situation of ethnic Albanians in Kosovo, with note made of numerous violations against ethnic Albanian residents, including arbitrary arrest, torture, harassment and the arbitrary and violent search of homes for weapons.

Information is also included on the situation in Vojvodina related to the rights of the Hungarian and Croat communities, the situation in Sandzak and actions against the local Muslim population, the situation of the Bulgarian community which makes up about 0.3 per cent of the total population of Serbia and the situation of minorities in Montenegro.

The report concludes with several recommendations, including that:

- ▶ international monitors be posted in Kosovo and the Sandzak region;
- ▶ the FRY government establish an ombudsman-type institution at the national level to assist in the resolution of human rights problems, including those related to minority rights;
- ▶ human rights courses be included in curricula throughout the territory of the former Yugoslavia; and,
- ▶ the international community give stronger support to local non-governmental organizations, including through the Office of the High Commissioner for Human Rights and the programme of confidence-building measures developed by the Council of Europe.

The Special Rapporteur's general reports on the situation in the former Yugoslavia (E/CN.4/1997/9, Section IV; E/CN.4/1997/56, Section IV) include information related to legal guarantees for the protection of human rights, security of the person, the right to life, freedom of expression and the media, the situation of refugees, the Law on Citizenship, the situation of minorities, non-governmental organizations, avenues for redress, the right to free elections and, in Kosovo, police abuse, torture and arbitrary detention, the return of asylum-seekers and education.

The reports recommend that the government:

- ▶ give a commitment not to take action against any electronic or print media which provide news that might be seen as critical of the government;
- ▶ permit an independent television channel to operate nationwide;
- ▶ take prompt action against any person or institution that incites hostility and violence;
- ▶ enable an independent authority to investigate promptly allegations of ill-treatment or torture;
- ▶ ensure that no person is convicted on the basis of statements extracted by torture or other forms of cruel and inhuman treatment or punishment;
- ▶ take effective steps to halt police abuses in Kosovo;
- ▶ permit international and regional human rights monitors to establish a presence in Kosovo;
- ▶ review legal provisions to ensure that all arrested persons are allowed prompt access to a lawyer of choice; and,
- ▶ ratify the Optional Protocol to the International Covenant on Civil and Political Rights.

The report on the special process related to missing persons

The report on the special process related to missing persons (E/CN.4/1997/55) contains information related to, among other things, communications on individual cases of missing persons, facilitation of the exhumation of mortal

remains and the root causes of the disappearances. The report focusses on the situation of missing persons in Croatia and Bosnia and Herzegovina and notes that the continuing non-cooperative attitude of the FRY government was a serious obstacle to efforts to clarify the fate of the missing persons in Croatia. The report states that although the government has officially accepted responsibility for the cases of missing persons which occurred during the armed conflict in 1991 between the Yugoslav National Army (JNA) and the Croatian forces, it has never responded to any of the cases which were transmitted by the expert during the past years and notes that 128 more cases of missing persons of Croat origin were transmitted to the government, the majority of them having occurred in 1991 and 1992, and for which the JNA and the Serb paramilitary groups were allegedly responsible. The report reiterated a request to the government to cooperate fully with the special process and to disclose all information related to the fate and whereabouts of missing persons, whether alive or dead.

Resolution of the Commission on Human Rights

At its 1997 session, the Commission adopted an omnibus resolution on the situation in the territories of the former Yugoslavia (1997/57). In addition to points raised in sections on violations of human rights, general obligations and the International Tribunal, the Commission specifically: called on the FRY government to make greater efforts to institute democratic reforms, expand opportunities for independent media, institute non-partisan management of state-owned media and cease efforts to restrict press and broadcast journalism; called on the government to cease torture and ill-treatment of persons in detention; called on the government to revoke discriminatory legislation and prevent arbitrary evictions and dismissals and discrimination against any ethnic or national, religious or linguistic group; called for respect of the rights of persons belonging to minorities; called for an immediate end to continuing repression in Kosovo, including harassment, beatings, torture, searches without warrant, arbitrary detention, unfair trials, arbitrary evictions and dismissals; called for the release of all political detainees and the lifting of restrictions on the return of ethnic Albanians to Kosovo; and, called on the government to allow establishment of democratic institutions in Kosovo.

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 on behalf of six persons was sent to the government. No details of the appeal were provided.

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, para. 33)

The report refers to the special process on missing persons in the territory of the former Yugoslavia which was established by the Commission on Human Rights in 1994.

Religious intolerance, Special Rapporteur on: (E/CN.4/1997/91, paras. 9, 17, 21, 25, 66)

The report notes violations of religious freedom against Jehovah's Witnesses and, on the question of conscientious

objection, the fact that in Yugoslavia conscientious objectors are liable to prosecution.

The Special Rapporteur's interim report to the General Assembly (A/52/477, paras. 21, 51, 61) notes that the government responded to previous communications related to discrimination against Jehovah's Witnesses and the conviction of conscientious objectors by providing a detailed outline of legal provisions guaranteeing freedom of religion and emphasizing that intra-religious tolerance was satisfactory despite a few isolated incidents.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, paras. 567-571)

The report of the Special Rapporteur (SR) notes information received indicating that ethnic Albanians continued to be subjected to ill-treatment and torture, including severe beatings and electric shocks, by police officers in Kosovo. Eight individual cases were transmitted to the government and related to a number of individuals who were questioned by police about their political and educational activities. Those involved included a member of the Lidha Demokratike ë Kosovës (LDK) as well as religious leaders and students. Also two urgent appeals were sent. The first, sent jointly with the Chairman of the Working Group on Arbitrary Detention, related to the arrest of more than 60 ethnic Albanians in timlje (sic) following four separate incidents that led to the deaths of five and the wounding of four ethnic Serbs. The second, sent jointly with the SR on the situation in the former Yugoslavia, related to alleged ill-treatment by police of a number of ethnic Albanians who returned to Kosovo from Germany following unsuccessful attempts to receive asylum in Germany.

The SR on torture supported the recommendation of the SR on the situation of human rights in the territory of the former Yugoslavia that provisions permitting suspects to be held for 72 hours in police custody without judicial supervision should be brought into line with the narrower limits set in international standards, notably in the International Covenant on Civil and Political Rights.

Other Reports

Minimum humanitarian standards, Report of the S-G to the CHR: (E/CN.4/1997/77/Add.1, para. 2, Section I)

The report of the Secretary-General refers to information received from the government citing various provisions in the federal Constitution related to declarations of war and states of emergency, provisions in the Serbian constitution related to defence and security in the Republic, and the constitution of Montenegro related to restrictions on the right to own property and earn a living and states of emergency.

Women's human rights, Report of the S-G to the CHR: (E/CN.4/1997/40, para. 96)

The report of the Secretary-General on the integration of women's human rights throughout the UN system refers to the 1996 report of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia and the situation in the region of Banja Luka citing information indicating that childless women were subjected to unpaid forced labour.

GENERAL ASSEMBLY

The Special Rapporteur's interim report to the General Assembly (A/52/490) includes information on, *inter alia*:

legal guarantees and institutional mechanisms; liberty and security of person; ill-treatment, torture and impunity; the right to life; the right to fair trial; freedom of expression and the media; the situation of minorities in Kosovo and the Sandzak; and, the humanitarian situation, refugees and citizenship.

On legal guarantees, the report notes that there are three constitutions currently in force in the FRY which, adopted at different times, contain different human rights provisions. The important human rights provisions of the 1992 Federal Constitution, which the government states must be applied throughout the country, largely meet the standards of the ICCPR although there are gaps and discrepancies. The SR notes the government's assertion that there are no essential differences among the three constitutions but points out that there are major differences between them in areas such as the right to life and application of the death penalty as well as in provisions related to the period of detention allowed without judicial order or access to a lawyer. In terms of institutional mechanisms, the report refers to the fact that there is no easily accessible, independent and impartial supervisory body such as an ombudsman from which citizens can obtain redress and that the Parliamentary Committee on Internal Affairs is not known to have taken up human rights cases.

Areas of concern identified were, *inter alia*: article 196 of the Code of Criminal Procedure which permits, in exceptional circumstances, arrested persons to be kept in police custody for a maximum of 72 hours, without access to a lawyer or judicial supervision; use of torture and ill-treatment and deaths in custody; that prosecution against police for practices such as torture and ill-treatment are extremely rare, except in Montenegro; that fair trial standards are particularly at risk in cases connected with political activities; that Radio Television Serbia, which is state run remains under tight government control; that TV Montenegro remains under the firm control of the government; the provision in the new public information law, presented to Parliament in August 1997, requiring state bodies to provide free access to information in their charge, unless it is officially secret; and, that the draft media law contains several articles that can be used to restrict the rights of editors and journalists by, for example, prohibiting media from publishing and even reproducing information offending the honour or respectability of a person, or containing offensive formulations or indecent expressions", requiring the media to provide "true information" and not to publish or transmit "false information on [a] person's life, knowledge and capabilities".

On the situation of minorities in Kosovo, the SR notes: reports continued to be received of serious ill-treatment and torture committed against persons in police custody, mainly but not exclusively in connection with police raids and arrests taken as a response to violent attacks against the Serbian police and private individuals in the region during the last year; the practice of so-called "hostage" arrests, in which the police detained relatives or family members of persons whom they were seeking to arrest; violent attacks against Serbian police and persons employed by the local authorities, for which, in most cases, the Liberation Army of Kosovo, a previously unknown organization, claimed responsibility; the communiqué issued by the Liberation Army of Kosovo

threatening to carry out more strikes against persons who "collaborated with the Serbian authorities"; that no concrete steps have been taken to implement the agreement signed in September 1996 on the normalization of education; and cases of discrimination against Albanians and the Turkish minority in Prizren, related to property rights. Referring to the situation of minorities in the Sandzak, the report notes: the order from the government of Serbia to dissolve the town administration and assembly and bring the functions of local administration under the control of a new municipal council composed of the local branches of the Socialist Party (SPS) and the Yugoslav Left (JUL)-the ruling government coalition in Serbia; the banning of a congress of the coalition List for the Sandzak, by order of the Serbian Ministry of Interior; violent attacks against Muslims, including bombings and vandalism; and failure of the Serbian authorities to take adequate measures to ensure the safe return of internally displaced persons.

The report describes the humanitarian situation as including, *inter alia*: delays in payments of salaries and wages to educational, health and other public sector staff as well as private sector workers; delays in payments of pensions and social benefits; a sharp deterioration in basic health care; lack of funding to provide adequate food aid to refugees; no substantive progress on issues such as the free and safe return of refugees and the return of their property or a just compensation; and, ongoing security concerns and lack of adequate housing, affecting the return of refugees.

The Special Rapporteur recommended that the government of Serbia permit all major political parties proper access to state-run television and provide balanced reporting of their activities and that the federal government:

- ▶ review and implement the recommendations in previous reports, notably to take measures to strengthen legal and other guarantees for the protection of human rights and ratify the Optional Protocol to the ICCPR;
- ▶ create an accessible, independent and impartial supervisory institution like an ombudsman and, if such a body cannot immediately be created at the federal level, it could first be established by one of the Republics, such as Montenegro;
- ▶ remove from the draft media law broadly phrased formulations that can be used to inhibit legitimate criticism or scrutiny of the conduct of public persons, as well as other provisions that could limit enjoyment of the right to freedom of expression;
- ▶ establish a programme of human rights education in schools, academic and legal institutions as well as in police training institutions; encourage wider and deeper knowledge of the human rights treaties to which Yugoslavia is a party as well as their direct application in court proceedings; and undertake to translate, into Serbian and Albanian, and distribute widely those human rights treaties as well as other relevant UN standards;
- ▶ take prompt steps to eliminate the discrepancies between the human rights standards provided in the ICCPR and those of the Federal and republican Constitutions, as well as the Criminal Code and Code of Criminal Procedure, with particular attention to the areas of judicial supervision of police detention and prompt access of arrested persons to lawyers and the right to life;
- ▶ create an effective mechanism to ensure that procedural requirements in criminal and administrative law are enforced and that breaches of the rules by responsible officers are met with appropriate sanctions;
- ▶ ensure that those responsible for torturing or ill-treating persons in custody and those who ordered or participated in the use of force against peaceful demonstrators in early 1997 are brought to justice;
- ▶ take immediate steps to end continuing police abuse and ill-treatment in Kosovo; order an impartial investigation into the deaths of the two men who died in the custody of police in Kosovo during 1997; and end discrimination against ethnic Albanians in the fields of education and employment, among others;
- ▶ take immediate steps to investigate acts of violence or vandalism directed against the Muslim community in the Sandzak and ensure full respect for democratic principles and other human rights in its relations with the local political leadership in the Sandzak; and,
- ▶ take all necessary measures to create conditions for the free and safe return of refugees.

The General Assembly adopted an omnibus resolution on the human rights situation in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) (A/C.3/52/L.69/Rev.1). In text related to Yugoslavia, the GA, *inter alia*: called on the government to undertake substantially greater efforts to institute democratic norms, especially in regard to the promotion and protection of free and independent media; called on the government to ensure the speedy and consistent investigation of acts of discrimination and violence against refugees, and to ensure the arrest and punishment of those responsible for those acts; called on the government to allow for the return of FRY citizens and refugees currently outside its territory; demanded that the authorities take immediate action to put an end to the repression of, and prevent violence against, non-Serb populations in Kosovo, including acts of harassment, beatings, torture, warrantless searches, arbitrary detention and unfair trials, and also to respect the rights of persons belonging to minority groups in the Sandjak and Vojvodina and of persons belonging to the Bulgarian minority; called on the government to act immediately to allow freedom of expression and assembly and full and free participation by all residents in Kosovo in the political, economic, social and cultural life of the region; urged the government to revoke all discriminatory legislation, apply all other legislation without discrimination and take urgent action to prevent arbitrary evictions and dismissals and discrimination against any ethnic or national, religious or linguistic group; called on the government to undertake a consistent border regime with all neighbouring countries; and, strongly condemned the continuing refusal of the authorities to arrest and surrender indicted war criminals known to be present in their territories.

The General Assembly also adopted a resolution on the situation of human rights Kosovo (A/C.3/52/L.61) in which the GA, *inter alia*: called for full and immediate implementation of the memorandum of understanding on the education

system in Kosovo, signed in 1996; noted with concern the use of force by Serbian police against peaceful Kosovo Albanian student protesters on 1 October 1997 and the failure of the FRY government to make reasonable accommodation to address the legitimate grievances of the students; expressed deep concern about all violations of human rights and fundamental freedoms in Kosovo, in particular the repression of the ethnic Albanian population and discrimination against it, as well as acts of violence in Kosovo; called on the FRY authorities to: (a) take all necessary measures to bring to an immediate end all human rights violations against ethnic Albanians in Kosovo, including, in particular, discriminatory measures and practices, arbitrary searches and detention, the violation of the right to a fair trial, and the practice of torture and ill-treatment, and revoke all discriminatory legislation; (b) release all political prisoners, and cease the persecution of political leaders and members of local human rights organizations; (c) allow the return in safety and dignity of Albanian refugees from Kosovo to their homes; (d) allow the establishment of genuine democratic institutions in Kosovo, including the parliament and the judiciary, and respect the will of its inhabitants; and, (e) allow the reopening of the educational, cultural and scientific institutions of the ethnic Albanians; urged the authorities to pursue a constructive dialogue with the representatives of the ethnic Albanians of Kosovo; emphasized the importance of laws and regulations concerning citizenship being in accordance with the standards and principles of non-discrimination, equal protection before the law and the reduction and avoidance of statelessness, as set out in the relevant international human rights instruments; and, emphasized that improvements in the promotion and protection of human rights and fundamental freedoms in Kosovo will assist the Federal Republic of Yugoslavia (Serbia and Montenegro) to establish the full range of relations with the international community.

FIELD OPERATIONS

The 1997 reports of of the human rights field operation in the former Yugoslavia (HRFOFY: January, April, May, July, August, October, November, December) provide an overview of leading human rights concerns in Yugoslavia and summarize difficulties arising following the second round of local elections on 17 November 1996, noting the massive daily protests held throughout Serbia by the opposition and, separately, by students. The reports refer to, *inter alia*: the use of unnecessary force involving security personnel from the Ministry of the Interior and police, some operating in plain clothes; preparation of a new Penal Code which will no longer provide for the death penalty and the new Code of Criminal Procedure which should contain improved provisions for early access to lawyers and limit the 72-hour period during which suspects may be held in police custody without judicial supervision or access to lawyers; serious concerns related to the freedom of the media, especially the electronic media; a draft Public Information Law which, while prohibiting censorship of public information services, contains various proposals which appear to contravene important human rights guarantees protecting the right to freedom of expression and the media; in Montenegro, the postponement of the trial of Nebojsa Ranisavljevic, who is the only person to have been arrested

for alleged involvement in the February 1993 abduction and subsequent "disappearance" from Strpci station of 19 passengers, nearly all Muslims, travelling on the Belgrade-Bar train; preparations for the September and October elections as well as ongoing difficulties related to forced evictions, court-ordered evictions to facilitate the return of the rightful owners and incidents involving bombings; and, the Presidential elections in Montenegro and Serbia.

With regard to the situation in Kosovo, the reports note, *inter alia*: widespread police abuse or torture and the situation of rejected asylum seekers returning mainly from Western European countries to Kosovo; violent attacks against the local Serb authorities and their alleged Albanian collaborators, which contributed to increasing tensions in the region; the signing of the Memorandum of Understanding on the normalization of education in Kosovo, in September 1996, and the fact that six months after the signing neither side had moved closer to putting it into effect; the trial of 20 Kosovo Albanians — two of them in absentia — accused of forming an illegal organization called the "National Movement for the Liberation of Kosovo" and charged with threatening the constitutional and territorial integrity of the Federal Republic of Yugoslavia (FRY); police abuses, "hostage" arrests, repatriation of rejected asylum seekers from other areas of Europe, and student demonstrations and protests over failure to implement the memorandum related to normalization of education; ill-treatment and harassment by the police and security services in Kosovo, including arbitrary detention and ill-treatment of journalists and political activists; and the failure to implement the memorandum on education in Kosovo; the start and continuation of the trial, in Pristina, of 19 Kosovo Albanians accused of terrorist activities; and, the emergence of the organization calling itself "the Liberation Army of Kosova" (UCK) and its call for armed resistance as the only solution for the Kosovo Albanian people to gain independence.

Appendix

Human Rights Treaty Bodies

Draft Schedule for Consideration of State Reports

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>18th Session: 27 April-15 May 1998</i>	Poland	3 rd periodic report	E/1994/104/Add.13
<i>20th Session: 26 April-14 May 1999</i>	Bulgaria	3 rd periodic report	E/1994/104/Add.16
<i>21st Session: 15 November-3 December 1999</i>	Armenia	Initial report	E/1990/5/Add.36
	Georgia	Initial report	E/1990/5/Add.37

Committee on the Elimination of Racial Discrimination (CERD)

<i>52nd Session: 2-20 March 1998</i>	Armenia	Initial & 2 nd periodic reports	CERD/C/289/Add.2
	Bosnia/Herzegovina	Without report	
	Czech Republic	Initial & 2 nd periodic reports	CERD/C/289/Add.1
	Russia	14 th periodic report	CERD/C/299/Add.15
	Ukraine	13 th & 14 th periodic reports	CERD/C/299/Add.14
	Yugoslavia	11 th -14 th periodic reports	CERD/C/299/Add.17

Committee on the Elimination of Discrimination against Women (CEDAW)

<i>18th Session: 19 January-6 February 1998</i>	Azerbaijan	Initial report	CEDAW/C/AZE/1
	Bulgaria	2 nd & 3 rd periodic reports	CEDAW/C/BGR/2-3
	Croatia	Initial report	CEDAW/C/CRO/1
	Czech Republic	Initial report	CEDAW/C/CZE/1
<i>19th Session: 22 June-10 July 1998</i>	Belarus	3 rd periodic report	CEDAW/C/BLR/3

Committee on the Rights of the Child (CRC)

<i>18th Session: 19 May-5 June 1998</i>	Hungary	Initial report	CRC/C/8/Add.34
<i>21st Session: May/June 1999</i>	Armenia	Initial report	CRC/C/28/Add.9
	Russia	2 nd periodic report	CRC/C/65/Add.5
	Macedonia	Initial report	CRC/C/8/Add.36
<i>22nd Session: September/October 1999</i>	Georgia	Initial report	CRC/C/41/Add.4

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