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For the Record 1997:

*The UN
Human Rights
System*



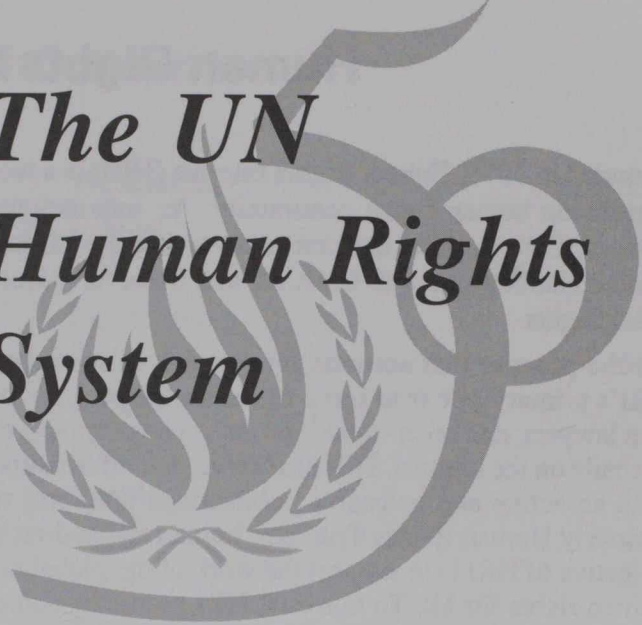
Volume 2:

AFRICA

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For the Record 1997:

*The UN
Human Rights
System*



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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).

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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

ALGERIA

Date of admission to UN: 8 October 1962.

TREATIES AND REPORTS TO TREATY BODIES

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

Economic, Social and Cultural Rights

Signed: 10 December 1968; ratified: 12 September 1989.

Algeria's second periodic report was due 20 June 1996.

Reservations and Declarations: Article 1; paragraph 3 of article 1; article 8; paragraphs 3 and 4 of article 13.

Civil and Political Rights

Signed: 10 December 1968; ratified: 12 September 1989.

Algeria's second periodic report was due 11 December 1995.

Reservations and Declarations: Articles 1; article 22; paragraph 4 of article 23; declaration under article 41.

Optional Protocol: Acceded: 12 September 1989.

Racial Discrimination

Signed: 9 December 1966; ratified: 14 February 1972.

Algeria's 13th periodic report was due 15 March 1997.

Reservations and Declarations: Declaration under article 14.

Algeria's 11th and 12th periodic reports were submitted as one document (CERD/C/280/Add.3) which was considered by the Committee at its August 1997 session. The report prepared by the government contains information related to articles 13 through 27 of the Convention. It notes that, under the Constitution, the Convention is an integral part of domestic law and is considered superior to domestic legislation; it may be invoked before the courts. The government also notes that the Constitutional Council has twice criticized actions by the President (in 1989 and 1995) for introducing a clause into the Elections Bill forbidding candidates to stand for election as President if they or their spouses were not of "original" Algerian nationality. The report includes demographic information and states that practices constituting racial discrimination are unknown in Algeria. The report refers, without providing details, to constitutional and legal provisions upholding non-discrimination, as well as to civil codes in areas such as commercial affairs, investment, medical ethics and elections. In response to the Committee's decision in 1995 to consider the situation in Algeria under special procedures, and the Committee's expression of concern about the level of violence in Algeria and its impact on implementation of article 5 (non-discrimination in civil and political rights), the government report states that the assassination of foreigners and others is not based on race or prejudice but carried out by terrorist groups seeking to cut off Algeria from the rest of the world.

The Committee's concluding observations and comments (CERD/C/304/Add.33) expressed appreciation for the effort made by the government to implement the Convention under adverse circumstances and also welcomed the fact that the provisions of the Convention have been incorporated into national law and take precedence over domestic laws. The Committee also welcomed: establishment of the National Cultural Council in 1990, the National Human Rights

Observatory and the Office of the High Commissioner on Amazighe Status; the restructuring of the Amazigh language to make instruction possible in schools and universities; and, the fact that education at all levels and health care are free.

The principal subjects of concern identified by the Committee included: insufficiency of information on the ethnic composition of the population; lack of information on judicial, administrative or other measures to give effect to the provisions of the Convention; the failure of the government to incorporate the prohibition of "racial discrimination" in domestic law; the failure to fulfil all the requirements of paragraphs (a) and (b) of article 4 of the Convention, making it a punishable offence to disseminate ideas based on racial superiority and prohibiting organizations that promote or incite racial discrimination; the lack of information on the actual status of enjoyment of civil, cultural, economic, political and social rights by members of various ethnic groups; lack of comprehensive information on instances of complaints alleging acts of racial discrimination and on compensation paid to victims; and, lack of information in the report to facilitate an evaluation of the extent and impact of programmes related to human rights training of judges and law enforcement officials and human rights education at the university level.

The Committee recommended that the government:

- ▶ describe in its next report all legislative, judicial, administrative or other measures giving effect to the Convention;
- ▶ incorporate into domestic legislation a prohibition of racial discrimination;
- ▶ provide in its next report information on the composition of the population in Algeria and social indicators reflecting the situation of ethnic groups, including the Berbers;
- ▶ comply fully with obligations under article 4 (as above) and declare illegal and prohibit any organization which promotes or incites racial discrimination;
- ▶ develop adequate indicators and other means to monitor the economic and social conditions of ethnic groups;
- ▶ provide in its next report fuller information on the protection of the rights to work, housing and education from discrimination on grounds of ethnic origin;
- ▶ include in the next report information on complaints and court cases related to acts of racial discrimination and the right of individuals to seek reparation for damages suffered; and,
- ▶ continue and strengthen human rights training activities for judges, lawyers and magistrates and place special emphasis on education and sensitization programmes about the Convention and provide the same kind training to law enforcement officials and members of the armed forces.

Discrimination against Women

Acceded: 22 May 1996.

Algeria's initial report was due 21 June 1997.

Reservations and Declarations: Article 2; paragraph 2 of article 9; paragraph 4 of article 15; article 16; paragraph 1 of article 29.

Torture

Signed: 26 November 1985; ratified: 12 September 1989.

Algeria's third periodic report is due 11 October 1998.

Reservations and Declarations: Declaration under articles 21 and 22.

Rights of the Child

Signed: 26 January 1990; ratified: 16 April 1993.

Algeria's second periodic report is due 15 May 2000.

Reservations and Declarations: Paragraphs 1 and 2 of article 14; articles 13, 16 and 17.

Algeria's initial report (CRC/C/28/Add.4) was considered by the Committee at its May/June 1997 session. The report prepared by the government sets out constitutional, legal and administrative provisions related to specific issues such as: name and nationality; freedom of expression, access to information, freedom of thought, conscience and religion, association and peaceful assembly; parental responsibility, family reunification, adoption; abuse and negligence; survival and development; the standard of living, education and health; children in detention; rehabilitation; and children belonging to minority groups.

The Committee's concluding observations and comments (CRC/C/15/Add.76) expressed appreciation that the Convention is fully incorporated into domestic law, that under article 132 of the Constitution international conventions are superior to domestic law, and that the provisions of the Convention are self-executing and may be invoked directly before the courts.

The Committee welcomed: initiatives taken by the government, such as the establishment of a National Human Rights Observatory and an Observatory of the Rights of the Mother and the Child; the creation of Directorates for social action, entrusted with the task, *inter alia*, of monitoring the implementation of policies adopted in respect of children; the adoption of the National Plan of Action for the Survival, Protection and Development of Children; the introduction of a national communication programme in the sectors of health, education, social welfare, youth, sports, information and culture with the collaboration of information bodies such as the national agency for filmed news, television, radio and the press; the fact education is free at all levels, and that attendance is nearly universal; provision of free health services for all children; development of a national programme of health care in schools; the fact that the minimum age for employment has been set at 16 years, with the only exception being apprenticeship contracts established in accordance with the law; and, the steps taken to provide special services to assist children who are victims of the violence prevailing in the country.

In terms of factors and difficulties hindering full implementation of the Convention, the Committee acknowledged the severe economic and social difficulties facing the country, including the high level of external debt, the requirements of structural adjustment programmes, the high level of unemployment and poverty, and the existence of prejudicial traditional practices and customs. The Committee also referred to the continuing violence and the negative impact it has had on the implementation of certain provisions of the Convention.

The principal subjects of concern identified by the Committee included: the interpretative declarations made by Algeria on various articles of the Convention and the possibility that they could lead to misunderstandings about the government's commitment to implementing the rights covered by these articles; the inadequacy of measures taken to harmonize national legislation with the principles and

provisions of the Convention; the fact that the Family Code does not adequately address all the rights recognized in the Convention; the fact that legal provisions related to the protection and promotion of the rights of the child are scattered throughout domestic laws, making it difficult to assess the actual legal framework for children's rights; the inadequate coordination between the various government bodies responsible for the welfare of children at the national and local levels; the insufficiency in steps taken to promote awareness and understanding of the principles and provisions of the Convention among both children and adults; and, the fact that the training on children's rights provided to members of the police and security forces and other law enforcement officials, judicial personnel, teachers at all levels of education, social workers and medical personnel is insufficient and unsystematic.

The Committee also expressed concern over: the fact that the principles of the best interests of the child, respect for the views of the child, and the right to participate in family, school and social life are not fully reflected in domestic legislation or implemented in practice; the lack of specific mechanisms to register and address complaints from children concerning violations of their rights under the law and the Convention; the existence of discriminatory attitudes towards girls and children born out of wedlock among some groups within the population; the lack of adequate legislative, administrative and other measures to ensure the full implementation of children's economic, social and cultural rights, in particular for the most vulnerable children; the absence of specific and adequate regulations governing the registration of children who are members of nomadic groups; the fact that the law applicable in the case of rape of a minor excuses the perpetrator of the crime from penal prosecution if he is prepared to marry his victim; the provision in the Family Code which allows judges to lower the age for marriage if the victim of rape is a minor; the lack of appropriate measures to combat and prevent ill-treatment and abuse within the family; and, the fact that disciplinary measures in schools often involve corporal punishment although it is prohibited by law.

Concern was expressed by the Committee over: the lack of information on the situation of refugee children in Algeria, especially in the areas of access to health care and education; the lack of information on programmes of education and health-care services; the inadequacy of the mechanisms to monitor the implementation of Act No. 90-11 of 21 April 1990, regulating the employment of minors in the private and agricultural sectors; the lack of information on the actual enjoyment of their rights by children involved with the administration of juvenile justice; the fact that under article 249 of the Code of Criminal Procedure, children between 16 and 18 suspected of terrorist or subversive activities are tried in criminal courts as adults; the lack of preventive measures to address the effects of violence on children; and, the failure to adopt specific measures to address the problem of the increasing number of orphans as a direct consequence of the violence now common in Algeria.

The Committee recommended that the government:

- ▶ consider reviewing its interpretative declarations to the Convention with a view to withdrawing them;

- ▶ bring existing legislation into line with the Convention and consider the possibility of enacting a comprehensive code for children;
- ▶ take further steps to strengthen coordination between the various government bodies involved in children's rights, at both national and local levels and make greater efforts to ensure closer cooperation with NGOs working in the field of human and children's rights;
- ▶ make greater efforts to ensure that the provisions of the Convention are widely known and understood by both adults and children;
- ▶ organize systematic training and retraining programmes on the rights of the child for professional groups working with and for children;
- ▶ review the system of data collection with a view to incorporating all the areas covered by the Convention and include all children, with specific emphasis on vulnerable children and children in especially difficult circumstances, and initiate further studies and follow-up surveys on vulnerable groups of children;
- ▶ set up an independent mechanism such as an Ombudsman for Children responsible for receiving and acting on complaints from children of violations of their rights under the law and the Convention;
- ▶ give priority in budget allocations to the realization of the economic, social and cultural rights of children, with particular emphasis on the enjoyment of these rights by disadvantaged children;
- ▶ give special attention to the problems of ill-treatment and abuse, including sexual abuse, of children within the family and corporal punishment in schools;
- ▶ devise information and education campaigns to prevent and combat the use of any form of physical or mental violence on children;
- ▶ adopt all necessary measures to ensure the immediate registration of the birth of nomadic children and take further steps to ensure that nomadic children have access to education and health-care services through a system of specifically targeted education and health-care schemes which will allow these children to enjoy their right, in community with other members of their group, to their own culture;
- ▶ pay further attention to the full realization of the rights of refugee children;
- ▶ adopt all necessary measures to monitor the implementation of Act No. 90-11 of 21 April 1990 (employment of minors), in particular in the private and agricultural sectors of the economy;
- ▶ with respect to the administration of juvenile justice, pay particular attention to the provisions of the Convention when implementing special rules and regulations related to terrorist and subversive activities;
- ▶ develop education and information campaigns in schools on peaceful cohabitation and peaceful resolution of conflicts; and

- ▶ take steps to address the specific problem of the rising number of children orphaned by this violence.

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

At its 1997 session the Sub-Commission considered a draft resolution on Algeria (E/CN.4/Sub.2/1997/L.3 at E/CN.4/Sub.2/1997/50, paras. 48–57). The text was intended to focus on violence by extremist religious armed groups and, *inter alia*: noted that Algeria is a party to the ICCPR; expressed concern over the numerous reports related to armed groups of religious extremists, terrorizing civilian populations in order to force them to support their cause, by resorting to, for example, summary executions characterized by, in some cases, decapitation or throat cutting; expressed increasing concern over reports indicating that violations of human rights are being committed with increasing frequency by sectors of the security forces; noted that the civilian population is forced to choose sides and is exposed to the risk of reprisals by the different actors in the conflict; severely condemned the crimes committed by terrorist groups and requested that international cooperation against their accomplices abroad be intensified; urgently called on the government to take action in the fight against terrorism in conformity with the ICCPR; called on the international community to break the silence surrounding the tragedy in Algeria and to express its solidarity with the people; and, recommended to the Commission on Human Rights that it consider at its 1998 session the question of the situation of human rights in Algeria, taking into account the exceptional seriousness of the situation.

By secret ballot, the resolution was rejected with 15 votes against, 9 in favour and 1 abstention.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Arbitrary detention, Working Group on: (E/CN.4/1997/4, paras. 3, 14, 15, 17, 21)

The report notes that two urgent appeals on behalf of two individuals were sent. The government replied that the two persons concerned had been released, as well as the 15 people named in the Working Group's 1995 Decision.

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 40–46)

The Working Group (WG) transmitted three new cases of disappearance to the government, which were reported to have occurred in 1994 and 1995 involved a university student, an engineer and a teacher. Information indicated that military security personnel and the police had conducted the arrests. The report refers to information which states that members of the security forces do not have warrants and do not wear uniforms when they carry out arrests and, in the majority of cases, detainees are not brought before courts and are therefore unaccounted for.

Referring to the 107 cases handled by the WG, the report notes that the majority of these occurred between 1993 and 1995, mainly in Algiers, and that the security forces were

alleged to be responsible for all the arrests and subsequent disappearances. The victims were from a variety of professions and included medical doctors, journalists, university professors, students, civil servants and farmers. A number of the disappeared are reported to have been members or sympathizers of the Islamic Salvation Front (FIS). One case concerned a British resident, reportedly detained upon his arrival at the airport in Algiers; another concerned a person holding dual Algerian and French citizenship.

The government provided information on 30 individual cases. It reported that: in the majority of the cases, no arrest warrants had been issued against the persons concerned; in nine of the cases, the persons had been killed; and in four of the cases, the persons were suspected of involvement in terrorist activities and were wanted by the security forces. One hundred cases of disappearance in Algeria remain to be clarified. The government assured the WG that investigations would continue to determine their fate.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 16, 22, 68; E/CN.4/1997/60/Add.1, paras. 8–13)

The Special Rapporteur (SR) reports that, as in previous years, the information received on the situation in Algeria indicates that human rights violations, and in particular extrajudicial, summary or arbitrary executions, continue to occur on an alarming scale. He has also received disturbing reports that civilian militias, formed by the Algerian government and integrated into the security forces, are involved in violations of the right to life. As well, the SR is aware of the waves of violence caused by armed opposition groups resorting to terrorism, which have led to killings of many innocent civilians.

The report notes that, in July 1994, the government was informed that 15 bodies with bullet wounds were discovered in the commune of Taghrout, and that, allegedly, no action had been taken to clarify the circumstances of death or to identify the bodies. The government responded to the SR with the following information: that because of serious mutilation, only three of the 15 bodies could be identified; that a preliminary inquiry initiated by the Public Prosecutor's Office had yielded no further information; and that a judicial inquiry had been opened and the investigation was continuing.

In 1993 the government invited the Special Rapporteur to visit Algeria. However, the government had not responded to the SR's request that he be permitted to visit in early 1997.

Independence of judges and lawyers, Special Rapporteur on: (E/CN.4/1997/32, paras. 17, 20, 56–57)

The report of the Special Rapporteur (SR) refers to an urgent appeal transmitted to the government on behalf of a lawyer and human rights defender. Information indicated that, in July 1996, the lawyer was abducted by four unknown individuals — possibly members of the security forces — for reasons related to his active involvement as a lawyer in human rights issues. In its response, the government denied that the lawyer had been abducted, stating instead that he had been interrogated by security forces in the context of cases related to terrorism and subversion. On the basis of that preliminary investigation, he had been officially accused of involvement in terrorist activities and had been placed in preventive detention.

Religious intolerance, Special Rapporteur on: (E/CN.4/1997/91, paras. 9, 17, 20, 25, 41, 66; A/52/477, paras. 21, 46)

The reports note that: Christians have been subjected to acts of religious intolerance; religious extremism in Algeria may threaten an entire society; and, the government had not responded to communications previously transmitted on cases and/or incidents.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III)

The Special Rapporteur (SR) reports that he received substantial information concerning the use of torture in the context of detention and enforced disappearances, sometimes followed by death. While time did not permit him to transmit this information to the government prior to completion of his report, the SR felt the situation serious enough to draw attention to the concerns expressed by the Committee against Torture (CAT), when it considered Algeria's second periodic report in November 1996 (CAT/C/XVIII/CRP.1/ Add.3). In particular, the CAT expressed concern about the resurgence since 1991 of torture, the possibility of extending *garde à vue* detention up to 12 days, and the possibility of ordering administrative detention without any judicial authority. The SR acknowledges that, like the CAT, he is aware of the appalling level of violence in the country, including atrocities, sometimes involving torture, perpetrated by armed opposition groups. He nonetheless urged the government to give urgent and favourable consideration to the recommendations of CAT.

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 on 7 February 1993 the state of emergency in Algeria was extended indefinitely.

Other Reports

National institutions, Report of the S-G to the CHR: (E/CN.4/1997/41, para. 22)

The report of the Secretary-General summarizes comments received from the National Observatory for Human Rights of Algeria in which it is stated that the Observatory: is based on the principle of institutional and cultural pluralism; has been in operation since 1992 in a socio-political context of rising armed terrorist violence; has focussed efforts on the human rights implications of security measures and on the basic issue of the right to life, but was trying also to pay attention to other human rights matters; and, investigated the security forces whenever there were complaints of human rights violations attributed to them, including complaints of arbitrary detention.

Periodic and genuine elections, Report of the S-G to the GA: (A/52/474, para. 28, Annex)

The report of the Secretary-General notes that a team of seven international observers was sent to Algeria to observe the final stages of the November 1995 electoral campaign and election day. In February 1997, the government invited the UN to send observers to follow the June 1997 Parliamentary elections. Based on an assessment of the situation, the UN

sent a coordinator to Algeria in April 1997 to coordinate and support the activities of some 100 international observers provided by states.

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

The Secretary-General's report notes that Algeria contributed to the Fund in 1996.

* * * * *

ANGOLA

Date of admission to UN: 1 December 1976.

TREATIES AND REPORTS TO TREATY BODIES

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

Economic, Social and Cultural Rights

Acceded: 10 January 1992.

Angola's initial report was due 30 June 1994.

Civil and Political Rights

Acceded: 10 January 1992.

Angola's initial report was due 9 April 1993.

Optional Protocol: Acceded: 10 January 1992.

Discrimination against Women

Acceded: 17 September 1986.

Angola's initial, second and third periodic reports were due 17 October 1987, 1991 and 1995 respectively.

Rights of the Child

Signed: 14 February 1990; ratified: 5 December 1990.

Angola's initial report was due 3 January 1993.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 47-50)

No new cases of disappearance in Angola were reported but four cases remain pending on the books of the Working Group (WG). These concern four men who were allegedly arrested in 1977 by Angolan security forces, two because they were suspected of supporting UNITA. The government informed the WG that it had exhausted all avenues of inquiry and had found no new information on these cases. Therefore, it hoped the WG would consider these cases closed. The government noted that the task of clarifying cases of disappearances was made more difficult by several factors: first, limited resources to respond to the thousands of requests received to trace those who disappeared as a result of the war; second, many bodies had been buried during the fighting, making it impossible to locate the remains; and third, many of the Angolans who had died a violent death had no identity papers. The WG has referred the four cases to the Special Representative of the Secretary-General in Angola, with the hope that new information may be uncovered and/or the cases clarified.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, para. 16; E/CN.4/1997/60/Add.1, paras. 14-18)

The Special Rapporteur (SR) has continued to receive allegations that both the security forces and the National Union for the Total Independence of Angola (UNITA) were responsible for numerous extrajudicial, summary or arbitrary executions. The SR also received information about death threats against journalists who had criticized the government, and about incidents where police officers shot at suspects on sight rather than trying to arrest them. The report notes a lack of significant progress in judicial investigations involving the security forces; the few cases where investigations had been started had not led to many practical results. The SR expressed regret that the government had not sent him information on the cases transmitted. The SR also suggested that the government, together with UN Angola Verification Mission (UNAVEM III), should undertake a large-scale de-mining operation to rid the country of the millions of anti-personnel mines scattered throughout Angola which have already killed or maimed large number of civilians.

Mercenaries, Special Rapporteur on the use of: (E/CN.4/1997/24, para. 23)

In its reply to the Special Rapporteur's request for information on national legislation on mercenaries, the government stated that the use of mercenaries is no longer a problem in Angola. It also indicated that, where UNITA was concerned, it is the responsibility of the UN Angola Verification Mission (UNAVEM III) to provide the SR with information on the mercenary situation.

Racial discrimination, Special Rapporteur on: (E/CN.4/1997/71, paras. 43-46)

The report notes that the press and other media in Angola have reported on the repatriation, mainly to Mali, of foreigners living in Angola, an action said to have been motivated by xenophobia. Among those expelled were foreigners who were living legally in Angola. The government did not reply to the questions sent by the Special Rapporteur.

Religious intolerance, Special Rapporteur on: (A/52/477, paras. 28, 36, 38)

The Special Rapporteur's report to the 1997 General Assembly refers to violations of religious freedom against Christians, including arrests and detentions of clergy and believers. The report notes that the government had not responded to communications transmitted.

Sale of children, child prostitution, child pornography, Special Rapporteur on: (A/52/482, para. 18)

The Special Rapporteur's interim report to the General Assembly notes that both the government and UNITA forces have begun to demobilize an estimated 8,000 child soldiers in a campaign initiated by the Ministry of Social Integration.

Toxic wastes and products, Special Rapporteur on: (E/CN.4/1997/19, para. 26)

Angola referred to the difficulties it faced in trying to prevent its sea coast and river banks from being used as dumping sites for toxic wastes. The government requested technical assistance in implementing an environmentally sound policy.

Other Reports

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

The report of the Secretary-General notes that conscription into military service exists in Angola.

Detention of international civil servants and their families, Report of the S-G to the CHR: (E/CN.4/1997/25, paras. 25, 42-45, 73)

UNICEF reported that, in one year, staff in Angola had been robbed four times at gunpoint by men who were either police or wore police uniforms. The World Food Programme (WFP) reported that staff in Angola have been killed by land mines and fired upon by persons who were never identified. In another attack, 20 armed men looted WFP trucks and robbed those in the convoy of their personal possessions. In addition, in late 1996, while on a mission to coordinate information on tracing families of child soldiers, a WFP staff member was fatally shot by four men dressed in military uniforms. The UN envoy to Angola condemned the attack and called on the authorities to conduct a full inquiry into the murder.

SECURITY COUNCIL

Reports of the Secretary-General: (S/1997/115, 7 February 1997; S/1997/248, 25 March 1997; S/1997/304, 14 April 1997; S/1997/438, 5 June 1997; S/1997/640, 13 August 1997; S/1997/741, 24 September 1997; S/1997/807, 17 October 1997; S/1997/959, 4 December 1997)

The reports of the Secretary-General review the progress made in the peace process in Angola and the difficulties encountered. In addition to sections on the political, military and police aspects of conditions in Angola, comments are included on the human rights situation and note: the Joint Commission overseeing the transition had decided to establish a working group to examine numerous complaints about alleged violations of human rights; the UN Angola Verification Mission (UNAVEM III) was requested to intensify its efforts to reinforce the Angolan judicial system and seminars on human rights had been organized; there were widespread reports of disappearance, arbitrary arrest, denial of fair trial, forced conscription and violations of humanitarian law; humanitarian efforts were concentrated on agricultural services, delivery of basic health services, and tracing the families of under-age soldiers; humanitarian work was hindered by some restrictions on the free movement of people and goods in several provinces, persistent acts of banditry and ongoing security concerns; the promotion of women's rights was encouraged through seminars in schools and churches as well as for police officers in various provinces; the continuing need for normalization of state administration throughout the country, completion of the unified armed forces and the national police, demobilization of the excess UNITA military personnel, resolution to the question of the status of the UNITA's radio Vorgan into a non-partisan station; disarmament of the civilian population, and the dismantling of illegal command posts and checkpoints; the civilian police had investigated a considerable number of individual cases involving allegations of abuse by the national police as well as allegations of human rights abuses; the Human Rights Unit of MONUA (the UN Observer Mission in Angola) continued to promote human rights education in collaboration with

national and international non-governmental organizations; the need to continue efforts to ensure the true transformation of UNITA into a political party; a new practice by UNITA of disseminating hostile propaganda from its offices abroad, especially those based in Bonn, Lisbon and Paris; the National Commission for the Reform of the Penal Code had been established; continuing acts of banditry and troop movements by UNITA; impediments to freedom of movement for both MONUA military and civilian police observers; harassment and physical attacks; resumption of mine-laying activities by UNITA and its supporters as well as by the Angola National Police.

Resolutions of the Security Council: (S/RES/1098, S/RES/1102 and S/RES/1106, S/RES/1129, S/RES/1135)

The resolutions adopted by the Security Council referred to: the mandate of UNAVEM III; the establishment of the UN observer mission in Angola (MONUA) with a human rights component; the lack of cooperation of UNITA in the continuing the peace process; the imposition of restrictions on the movement of UNITA officials into and from other countries; the imposition of a ban on the sale, loan or provision by other means of aircraft to UNITA or passage of UNITA officials by air; and the postponement of restrictions pending renewed cooperation by UNITA in the peace and normalization processes.

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BENIN

Date of admission to UN: 20 September 1960.

TREATIES AND REPORTS TO TREATY BODIES

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

Economic, Social and Cultural Rights

Acceded: 12 March 1992.

Benin's initial report was due 30 June 1994.

Civil and Political Rights

Acceded: 12 March 1992.

Benin's initial report was 11 June 1993.

Optional Protocol: Acceded: 12 March 1992.

Racial Discrimination

Signed: 2 February 1967.

Discrimination against Women

Signed: 11 November 1981; ratified: 12 March 1992.

Benin's initial and second periodic reports were due 11 April 1993 and 1997 respectively.

Torture

Acceded: 12 March 1992.

Benin's initial and second periodic reports were due 10 April 1993 and 1997 respectively.

Rights of the Child

Signed: 25 April 1990; ratified: 3 August 1990.

Benin's initial report (CRC/C/3/Add.52) has been submitted and is pending consideration at the Committee's January 1999 session; the second periodic report was due 1 September 1997.

THEMATIC REPORTS

Mechanisms and Reports of the Sub-Commission

Traditional practices affecting the health of women and children, Special Rapporteur on: (E/CN.4/Sub.2/1997/10, paras. 15)

The report notes information indicating that the practice of "Trocosi" girls, or those delivered into the "slavery of God", exists in Benin.

Other Reports

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

The report of the Secretary-General notes that, in February 1996, the government requested the UN to send observers to the March 1996 Presidential elections; the UN was unable to respond positively to the request because of lack of lead time to plan the mission.

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BOTSWANA

Date of admission to UN: 17 October 1966.

TREATIES AND REPORTS TO TREATY BODIES

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

Racial Discrimination

Acceded: 20 February 1974.

Botswana's 12th periodic report was due 22 March 1997.

Discrimination against Women

Acceded: 13 August 1996.

Botswana's initial report was due 12 September 1997.

Rights of the Child

Acceded: 14 March 1995.

Botswana's initial report was due 12 April 1997.

Reservations and Declarations: Article 1.

COMMISSION ON HUMAN RIGHTS

The situation in Botswana was considered at the 53rd session of the CHR under the confidential 1503 procedure. At the session, the Commission decided to discontinue consideration of Botswana and took no action to move discussions into public meetings.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, para. 18; E/CN.4/1997/60/Add.1, para. 60)

Both reports concern the case of an individual who was killed on 19 February 1995 in Mochudi and about which the Special Rapporteur was seeking clarification.

Independence of judges and lawyers, Special Rapporteur on: (E/CN.4/1997/32, paras. 17, 18, 20, 85-87)

The Special Rapporteur referred two cases to the government, one as an urgent appeal. The appeal related to a senior

magistrate who had been removed from the Office of Senior Magistrates with immediate effect, allegedly with no reasons given for the dismissal. The reply from the government: detailed constitutional provisions concerning removal proceedings and criteria; stated that the senior magistrate had been dismissed for "inadequate behaviour" on the basis of a decision of the Judicial Service Commission, an independent body; and noted that the dismissal had been carried out after a hearing and that the senior magistrate had been transferred to a new post "of a less sensitive nature" at the same salary level.

Mechanisms and Reports of the Sub-Commission

Traditional practices affecting the health of women and children, Special Rapporteur on: (E/CN.4/Sub.2/1997/10/Add.1, para. 20)

The report refers to information provided by the government, noting that a draft national plan of action on this issue includes a section on the elimination of discrimination against girls in health and nutrition. Under the plan, the government and international and non-governmental organizations are to take appropriate measures to abolish traditional practices prejudicial to the health of children.

Other Reports

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

The government stated that, by legislation, a Commissioner of Child Welfare had been appointed for each district in the country and special courts have been established to deal with children and juveniles. The law stipulates that children and juveniles may not be sentenced to imprisonment but may, if necessary, be taken to a place of safety or a school of industry. The intention is to ensure that children or juveniles are not treated like ordinary criminals and are afforded every opportunity to stay in society and be brought up as respectable citizens. The legislation also provides that any parent or any person who has custody of a child and neglects or ill-treats the child is guilty of an offence, on the reasoning that negligence or ill-treatment eventually leads into juvenile delinquency.

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BURKINA FASO

Date of admission to UN: 20 September 1960.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Burkina Faso has submitted a core document (HRI/CORE/1/Add.30) for use by the treaty bodies. The report prepared by the government includes demographic and statistical data on, *inter alia*, languages, ethnic groups, religion, employment, income and public finance, as well as information of a historical nature and the framework for the protection of human rights.

The Constitution establishes the responsibility of the judiciary for guaranteeing fundamental human rights and citizens' rights. Remedies for violations may be sought through: the court of first instance, competent in civil, commercial and criminal matters; the Labour Tribunal, with competence to hear individual disputes between employers and employees; a specialized division of the Supreme Court,

which deals with administrative matters; the Court of Appeal; and the Supreme Court. National legislation is largely based on the international human rights instruments and the provisions of these instruments may be invoked directly before the courts or administrative authorities. Under the heading, "National machinery," the report lists the following national non-governmental bodies as responsible for overseeing the observance of human rights: the Burkina Faso Human and Peoples' Rights Movement (MBDHP), the Burkina Faso Association for the Promotion of the Rule of Law and the Defence of Freedoms (APED Libertés), and the Study and Research Group on Democracy and Economic and Social Development in Burkina Faso (GERDES-Burkina).

Racial Discrimination

Acceded: 18 July 1974.

Burkina Faso's 12th periodic report is due 17 August 1999.

Burkina Faso's sixth through 11th periodic reports were submitted as one document (CERD/C/279/Add.2) and considered by the Committee at its August 1997 session. The report prepared by the government covers three areas: the transition from the state of emergency to rule of law with an emphasis on respect for human rights and establishment of peace and stability; legislative, judicial, administrative and other measures covering the Constitution, the personal and family code, the criminal code; and, measures implementing the Convention, including initiatives related to women and educational development.

The Committee's concluding observations and comments (CERD/C/304/Add.41) welcomed: the government's active policy of equality and non-discrimination; the process of democratization; the fact that provisions of the Convention take precedence over national legislation and can be invoked before the courts; the constitutional prohibition of discrimination on any ground; recent enactment of provisions in the Criminal Code making racial discrimination a criminal offence; measures taken to favour the use of and instruction in national languages in education and media; and, the establishment of the office of Mediator to consider complaints by any individual against arbitrary acts of the administration.

The principal subjects of concern identified by the Committee were: lack of legal provisions to implement fully article 4 of the Convention (racist organizations, hate speech, incitement to racial violence); the lack of data on the demographic composition of the population and representation of ethnic groups at various levels in public life; and, absence of data on the enjoyment of economic, social and cultural rights by different sectors of the population and their access to development projects.

The Committee recommended that the government provide more information in its next report on:

- ▶ provision 132 of the Criminal Code related to freedom of association and whether and how the law prohibits all acts of racial discrimination and organizations promoting racial discrimination;
- ▶ the composition of the population, representation of ethnic groups at various levels of public life and their enjoyment of economic, social and cultural rights;

- ▶ the promotion of national languages and the education of all the population; and,
- ▶ the powers and functioning of the office of Mediator and other institutions promoting respect for human rights and multicultural and multi-ethnic understanding.

Discrimination against Women

Acceded: 14 October 1987.

Burkina Faso's second and third periodic reports were due 13 November 1992 and 1996 respectively.

Rights of the Child

Signed: 26 January 1990; ratified: 31 August 1990.

Burkina Faso's second periodic report was due 29 September 1997.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 76–78)

No new cases of disappearance were transmitted by the Working Group (WG) to the government. The three outstanding cases of disappearance concern two soldiers and a university professor, all reportedly arrested in 1989, together with 27 other persons, on charges of having participated in an alleged conspiracy against the government. The report notes that the government has not provided any information on these cases and they therefore remain to be clarified.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 16, 18; E/CN.4/1997/60/Add.1, paras. 79–80)

The report notes information received indicating that a number of people had been executed by members of the security forces in March 1996. Reference is also made to an incident in 1995, when more than 100 people were arrested, and members of the armed forces were deployed to assist the police in restoring order. The report notes that one of those arrested was reported to have died in detention.

Independence of judges and lawyers, Special Rapporteur on: (E/CN.4/1997/32, paras. 32, 91–92)

The report notes that in March 1996 the Special Rapporteur (SR) participated in the Tenth International Commission of Jurists Workshop on NGO participation in the African Commission on Human and Peoples' Rights, held in Burkina Faso. At that time, the SR also met with the Minister of Justice and received information about constitutional guarantees for the independence of judges and lawyers, as well as information about recent legislation, including modifications to provisions intended to increase the independence and impartiality of the judiciary and to improve the implementation of human rights.

Mechanisms and Reports of the Sub-Commission

Contemporary forms of slavery, Working Group on: (E/CN.4/Sub.2/1997/13, para. 74)

The report notes that information concerning trafficking in children in West Africa was submitted by a non-

governmental organization active in Togo, indicating that children from Togo are being trafficked to Burkina Faso.

Traditional practices affecting the health of women and children, Special Rapporteur on: (E/CN.4/Sub.2/1997/10, paras. 60-77)

The report summarizes information provided by the government, indicating that: harmful traditional practices are so common, and so completely integrated into the systems of beliefs and values, that they affect millions of women. On the issue of female genital mutilation (excision) the report notes that, since 1975, efforts have been made to combat the practice, including activities such as radio broadcasts on the issue. In 1990, of an institutional framework was created the "National Committee for Combatting the Practice of Excision" (CNLPE) as an inter-ministerial structure acting under the Ministry of Social Action and Family Matters, directly answerable to the Minister's Office, but with administrative freedom. It comprises representatives of other Ministries, NGOs, professional women's associations, youth movements, traditional and religious authorities and the human rights and peoples' movement. In December 1996, CNLPE was given a permanent secretariat to handle daily business, implement the Three-Year Plan of Action adopted by the Council of Ministers, co-ordinate with other parties active in the sector, and follow up and evaluate the work being done. Much of the work is actually decentralized to 30 provincial committees and includes: integrating information, education and communication activities for all social classes; working with all institutions that can help in combatting the practice of excision and keeping in regular touch with their members; conducting research into the problems of excision; and, supervising follow-up and evaluation activities. The government also noted difficulties encountered in combatting the practice of excision, including: socio-cultural obstacles; the negative action of health workers who perform excisions; the behaviour of intellectuals who have excision performed on their daughters; and the inadequacy of the resources available to provincial committees and the mobility of their members. On the positive side the report notes: broad and improved information for communities about the ills of excision; the total commitment of the traditional and religious authorities to the struggle; the involvement of ever-more young persons and women in the struggle; and, the permanent support and backing for the work of the Committee by both the Burkinabé authorities and development partners.

Other Reports

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

The report of the Secretary-General notes a request from the government in August 1996 for UN assistance in organizing the legislative and Presidential elections scheduled for 1997 and 1998 respectively. The UN conducted a needs assessment mission and on the basis of the findings of the mission provided assistance, mainly in the form of training, for the electoral authorities.

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 notes that the UN Information Centre in Burkina Faso provided a lecture on

children's rights to 10 officers of the Ministry of Social Affairs and devoted one of its weekly television programmes to a local NGO "Clubs UNESCO du Burkina Faso" and to the UNESCO contribution to the protection of human rights and the fight against discrimination.

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BURUNDI

Date of admission to UN: 18 September 1962.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Burundi has submitted a core document (HRI/CORE/1/Add.16) for use by the treaty bodies. The report prepared by the government, dated October 1993, includes demographic and statistical data related to population, ethnic characteristics, and social and economic indicators. The information on the general political structure includes a historical overview of the pre-colonial, the colonial and trusteeship period, the period of the monarchy, and the establishment of a republican form of government following independence.

The report states that the principle of respect for individual freedom and human rights has been affirmed through, *inter alia*: normalization of relations between church and state; the creation of the National Security Council; the ratification of a number of international human rights instruments; approval by the government of independent associations for the protection of human rights; recognition of a multi-party political system; and the establishment of the Centre for the Promotion of Human Rights. Information on the general legal framework for the protection of human rights is mainly confined to a listing of the competent authorities and various courts and tribunals through which remedies for violations may be sought. Administrative mechanisms related to human rights are noted as including the Economic and Social Council, the National Security Council, the National Children's and Young People's Council and the Refugee Return and Reintegration Commission. The rights set out in the various international human rights instruments to which Burundi is a state party are protected by the Constitution and their provisions may be invoked before the courts or administrative authorities.

Economic, Social and Cultural Rights

Acceded: 9 May 1990.

Burundi's initial report was due 30 June 1992; the second periodic report was due 30 June 1997.

Civil and Political Rights

Acceded: 9 May 1990.

Burundi's second periodic report was due 8 August 1996.

Racial Discrimination

Signed: 1 February 1967; ratified: 27 October 1977.

Burundi's 11th periodic report is due 26 November 1998.

Burundi's seventh to 10th periodic reports were submitted as one document (CERD/C/295/Add.1) which was considered at the Committee's August 1997 session. The combined report contains demographic data as well as information on efforts by the government to restore order and peace to the

country. Brief comments on laws related to non-discrimination and national institutions for the protection of human rights are included, as is a list of citations from a number of laws and decrees that relate to equality and non-discrimination. In its report, the government stated (in para. 5): "Burundi has no races or ethnic groups in the strict sense of the word, as the Hutus, Tutsis and Twas who make up its population do not possess distinctive territories, cultures, languages or religions."

The Committee's concluding observations and comments (CERD/C/304/Add.42) refer to factors and difficulties hindering implementation of the Convention, including: the violent ethnic conflict in the states of the Great Lakes region, including in Burundi; the civil conflict plaguing the country; the massive displacements of populations and flows of refugees within the region, as well as the numerous internally displaced persons; the political instability; and the very difficult economic and social situation, aggravated by the imposition of an economic embargo against Burundi in July 1996.

The Committee welcomed: the declared willingness of the government to restore peace and security through political dialogue and the declared policy to end impunity for perpetrators of human rights violations; the establishment of a Ministry responsible for human rights and a National Centre for Human Rights; the fact that the government encourages the establishment of independent leagues and associations for the promotion and protection of human rights; legal provisions that penalize racial or ethnic discrimination and hatred; and, the fact that the Political Parties Act prohibits discrimination based on ethnic grounds and makes it an offence.

The principal subjects of concern identified by the Committee were: the continuation of acts of violence and killing between people of different ethnic background; the understanding of the notions of "race" and "ethnic origin" by the government; failure to clarify the status of Decree-Law No. 1/001 of 13 September 1996, which regulates the transitional institutional system, the current powers and activities of the National Assembly, and the functions and powers of the National Centre for Human Rights and the Abashingantahe Council; insufficient information concerning article 3 (racial segregation and apartheid); reports of delays in the prosecution of those responsible for the assassination of President Ndadaye; the slow progress in prosecuting and punishing perpetrators of mass killings and disappearance; the absence of specific legislation to implement fully the provisions of article 4 (racist organizations, incitement to racial violence) and lack of information in the report on the implementation of this article in practice; the lack of information on the enjoyment by the various groups within the population of all the rights set out in article 5 (generally, civil and political rights); the insufficiency of information received on regroupment camps in general, and, in particular, on the ethnic composition of the people in the camps and the situation and conditions of life prevailing in them; reports that people, mostly of Hutu origin, are forced by the police to leave their homes and settle in regroupment camps, which are kept under the control of the army; the lack of information on measures taken to ensure the repatriation and safe return of refugees; the lack of information on the situation of refugees living in Burundi; and, the

lack of legislative provisions to implement the right to just and adequate reparations or satisfaction for any damage suffered as a result of acts of racial discrimination. The Committee noted that the absence of complaints of acts of racial discrimination raised doubts as to the extent of the publicity given to, and the effectiveness of, available remedies for victims of racial discrimination.

The Committee recommended that the government:

- ▶ include in the next report information on the representation of members of the Tutsi, Hutu and Twa ethnic groups in the government, administration, judiciary, police and army;
- ▶ provide in its next report information on the place of Decree-Law No. 1/001/96 in the domestic legal order, on the situation with respect to the current powers and activities of the National Assembly, as well as on the respective powers and functions of the National Centre for Human Rights and the Abashingantahe Council;
- ▶ provide comprehensive information in the next periodic report on measures taken to prevent, prohibit and eradicate all practices of racial segregation in Burundi;
- ▶ further its efforts to bring to an end the impunity of perpetrators of human rights violations and to accelerate the procedures currently under way, emphasizing the need for the investigation, prosecution and punishment of those found guilty of such crimes, in order to restore confidence in the rule of law and as an indication that their recurrence will not be tolerated by the authorities;
- ▶ take action at the legislative, administrative and judicial levels to protect the right of everyone, without discrimination, to enjoy their rights;
- ▶ provide further information on the situation prevailing in the regroupment camps, as well as on the ethnic composition of people settled in them and the possibility for people freely to leave or settle in the camps;
- ▶ provide information in the next report on measures taken to ensure the safe repatriation of refugees to Burundi, and to protect from violence refugees living within Burundi;
- ▶ ensure protection against any acts of racial discrimination through the competent courts, by, *inter alia*, strengthening the court system, the independence of the judiciary and the confidence of the population therein;
- ▶ guarantee in law and practice the right to seek just and adequate reparation for victims of acts of racial discrimination; and
- ▶ take all necessary measures to provide training and education to law enforcement officers, civil servants, magistrates and lawyers, as well as teachers and students, at all levels of education, in the field of human rights and prevention of racial discrimination.

Discrimination against Women

Signed: 17 July 1980; ratified: 8 January 1992.

Burundi's initial report was due 2 February 1993; the second periodic report was due 7 February 1997.

Torture

Acceded: 18 February 1993.

Burundi's initial report was due 19 March 1994.

Rights of the Child

Signed: 8 May 1990; ratified: 19 October 1990.

Burundi's initial report was due 17 November 1992.

COMMISSION ON HUMAN RIGHTS**Special Rapporteur on the human rights situation in Burundi: (E/CN.4/1997/12)**

At its 1995 session, the Commission on Human Rights appointed a Special Rapporteur (SR) on Burundi. The SR's report to the 1997 session of the Commission, by Mr. Paulo Sérgio Pinheiro, provides commentary on: the evolution of the conflict in the last three months of 1996; continuing stagnation in Burundi; violations of the right to life and physical integrity and enforced disappearances; obstacles to the right to freedom of movement and freedom to choose one's residence; obstacles to freedom of expression and freedom of the press; violations of the right to an adequate standard of living and the right to health; and violations of the right to education.

The SR noted that fighting intensified in November and December 1996 fuelled by the constant stream of killings and massacres, targeted assassinations, arbitrary arrests, enforced disappearances, looting and acts of banditry, and the destruction of private property by both parties to the conflict. His report states that, while final responsibility for gross violations of human rights very often devolved on the armed forces, it was also clear that the rebels were frequently implicated.

The SR characterized the situation in the country as one of a democracy in neutral gear. Following the July 1996 coup, Burundi experienced a radicalization in the positions of extremist groups and increased militarization of society. The de facto authorities refused to revert to the March 1992 constitution as the basis of law and authority. The regime imposed compulsory national civic service on all citizens in the form of unpaid services in areas of public utility or development (education, national defence, health, social work, environment, reconstruction), and obligated all "physical and legal persons" to contribute financially to the war effort. The de facto authorities also decided to withdraw from all negotiations with the rebels until the embargo was lifted.

The report drew attention to the continued exclusion of the National Assembly from substantive debate on the nature of a transitional regime, and to the insecurity faced by members of Parliament who were subjected to searches of their homes, legal proceedings, and assassination and death threats. On the system of justice in Burundi, the SR noted the unmanageable workload and the under-resourcing in the system; the lack of trained or qualified personnel; improperly executed arrests; a lack of access to legal counsel; the prevalence of torture and ill-treatment in prisons and places of detention; and deaths in detention. In his discussion of problems in the economy, the SR noted hyper-inflation arising from the sanctions and the embargo, increased transportation costs for available commodities, and a shortfall in agricultural production.

The SR did not hold out much hope for the establishment of a representative, democratic and rights-oriented government in Burundi in the absence of a regional approach taking into account the situations in neighbouring countries. The SR

warned the governments of the Great Lakes region and the international community that a crisis similar to the one that occurred in the DR Congo could well recur. The report set out a series of measures that, in the view of the SR, had to be undertaken on a regional basis, including: reform of the administration of justice and introduction of effective mechanisms for the protection and promotion of human rights; development of regional agreements on nationality, citizenship, refugee status and the question of domicile, and migration for economic reasons; eradication of poverty through economic measures; rehabilitation of inhabitants to facilitate a return to stability, and living and security conditions acceptable to all; limitations on the consequences of the weapons build-up and of armed groups bent on destabilizing neighbouring territories; and formulation of state policies that do not perpetuate previous forms of exclusion.

The report concluded with a number of recommendations addressed to the national de facto authorities and included that they should:

- ▶ take steps to institute power-sharing between the minority and majority;
- ▶ end the violence and massacres occurring throughout the country and find and prosecute those responsible;
- ▶ prevent the army and security forces from carrying out extrajudicial, summary or arbitrary executions, disappearances, arbitrary arrests, torture and other forms of ill-treatment;
- ▶ instruct general staff of the army and security forces to end immediately massacres of unarmed civilians;
- ▶ inform members of the armed forces that they have a right to refuse to carry out orders that will result in slaughter;
- ▶ establish a firm chain of command within the army and security forces;
- ▶ ensure freedom of movement for human rights observers;
- ▶ provide non-governmental organizations with the necessary security to carry out assistance programmes to vulnerable groups in society;
- ▶ provide returnees with guarantees against any attempt at murder or summary execution or other threat to physical integrity;
- ▶ negotiate without delay a cease-fire with other parties to the conflict;
- ▶ protect the physical integrity of Parliamentarians and halt criminal proceedings against some of them;
- ▶ lift restrictions on political freedoms and take adequate measures to prevent violations of the right to life, physical integrity and freedom of opinion, with no discrimination whatsoever;
- ▶ in the absence of appropriate judicial guarantees, defer death sentences and sentences of life imprisonment which were handed down by sessions of criminal chambers in February, March, June and November of 1996; and
- ▶ take steps to ensure the right to fair trial, access to legal assistance and other requirements for a properly functioning system of due process.

The addendum to the SR's main report (E/CN.4/1997/12/Add.1) is divided into two sections, the first contains observations on developments in the crisis in Burundi and the

second provides a list of the most significant allegations made concerning violations of the right to life and to physical integrity.

The observations on developments in the crisis note that: the situation in Burundi and its influence on the human rights situation were closely linked to the resurgence of rebel movements in eastern DR Congo (then Zaire) and to the return of Burundi and Rwandan refugees to their countries of origin; despite all the statements made by the *de facto* government of its intention to work towards negotiations between all the parties to the conflict in Burundi, its actual political decisions seemed to be war-oriented; during the last quarter of 1996 and in January and February 1997, there was a revival of military operations by the army; the weakening of the rebel forces formerly based in DR Congo enabled the Burundi army to secure its control over a major portion of Burundian territory and to assert that the security situation was considerably improved; the improvement in the country's security situation was more the result of the hurdles faced by the rebel forces in the field than of greater success by the army in its clashes with the rebels; and, while maintaining a war mentality in the vain hope of crushing the rebels in the field, the *de facto* authorities are systematically resettling rural populations using an outdated strategy of forced "villagization". The SR expressed vigorous disapproval and condemnation of the forced resettlement of rural populations as a manifest violation of the relevant provisions of the ICCPR, as well as of other international human rights instruments to which Burundi is a party. The report also stated that the practice led to a marked deterioration of respect for human rights, if not an extremely serious aggravation of violations of the human rights of both the populations resettled under military threat and those who refused to obey and were immediately suspected of supporting the rebels. There was the additional risk that they would become targets in clashes between the army and the rebels and be slaughtered or massacred.

Referring to the marked improvement in freedom of movement and freedom to travel in a number of provinces, the report points out that freedom to move about in reasonable safety was ultimately acquired at the expense of the enjoyment of human rights by the vast majority of the rural population, as seen in the fact that: the women and men who were forcibly resettled in camps, frequently far from their homes, were only able to visit their fields for a short part of the day and under military supervision; because of insecurity or the long distances to travel, children were unable to attend school; there were no proper sanitary facilities; and there was a rising level of malnutrition in several regions and the risk of epidemics.

The section dealing with violations of the right to life and physical integrity is intended to underscore the SR's deep concern over the endless cycle of clashes and violence attributable to either the Burundi army or the rebel forces.

The report cites a number of incidents that were attributed to the army characterized by, *inter alia*: attacks by soldiers accompanied by civilians; the burning down of houses; murder of civilians during military operations to disarm people;

murders during military operations to overcome attackers who had previously taken some families hostage; massacres of civilians during military operations to hunt down rebels; massacres carried out by soldiers, sometimes with the participation of civilians, followed by summary burial of the victims in mass graves; arrest by the army of significant numbers of people on suspicion of collusion with the rebels, removal to a military base and subsequent mass execution; and murders during reprisal attacks by the army against rebels.

The section of the report dealing with acts of violence attributed to the rebel forces characterizes the acts as including, *inter alia*: deaths during rebel attacks on communes and in commercial districts; deaths and theft of considerable sums of money during attacks; ambush of military vehicles; attacks on public transport; burning down of houses and slaughter of cattle during rebel incursions; damage to hospitals and health centres and looting of pharmacies; rebel incursions into, for example, a tea plant and take-overs of military posts; murder of displaced persons, the killing of livestock, looting of property belonging to displaced persons and the burning down of houses; and, attacks on displaced persons living in camps.

Resolution of the Commission on Human Rights

The 1997 session of the Commission adopted a resolution by consensus on the situation in Burundi (1997/77).

The main elements in the text: expressed concern about the coup of July 1996; recognized the role women can play in the reconciliation process and urged the government to ensure equal participation by women in society and to improve their living conditions; encouraged countries that imposed sanctions to continue to evaluate the effects of them on the situation; condemned the massacres of civilians, extrajudicial, summary and arbitrary executions, disappearances, arbitrary arrests, and restrictions on movement committed by all parties; urged all parties to end the cycle of violence and indiscriminate violence against refugees, women, children and the elderly; expressed concern at the involuntary resettlement of rural populations in camps; characterized the change in government as unconstitutional; condemned the murder of three ICRC workers; called on the government to ensure that established legal standards and international human rights standards are fully respected; requested the government to do everything possible to eradicate impunity; called for the prosecution of those responsible for human rights violations and violations of international humanitarian law; expressed abhorrence for radio stations broadcasting racial or ethnic hate messages/programming; called on the government to continue cooperation with the UN Human Rights Field Operation and provide access throughout country; requested states not to allow their territory to be used as bases for incursions or attacks against another state; condemned the illegal sale and distribution of weapons and materiel; invited international financial support for projects for the reconstruction of Burundi; welcomed the technical assistance programme agreed to by the government and High Commissioner for Human Rights; extended the mandate of the Special Rapporteur for another year and requested that he provide an interim report to the 1997 session of the General Assembly and a final report to the 1998 session of the Commission.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 79–85)

The Working Group (WG) transmitted two newly reported cases of disappearance to the government under the urgent action procedure. The 45 previously-reported cases of disappearance in Burundi occurred in Bujumbura between November and December 1991, following attacks against the government in the capital and the north-western provinces of Cibitoke and Bubanza, as well as in September 1994, in Kamenge and Cibitoke, suburbs of Bujumbura. Thirty-one of the disappeared persons were reportedly arrested by members of the security forces. The report notes that the more recent cases allegedly concern Hutus, most of whom had been assembled and held by members of the security forces on suspicion of possessing weapons. Another case of disappearance concerned a colonel, responsible for military schools and the Training Centre of the Burundese Army; he was reportedly abducted as he was coming out of the house of one of his colleagues where he had gone to collect documents before leaving for a seminar abroad. The two new cases of disappearance concern one person who was allegedly arrested by gendarmes at a military check-point in Bujumbura, and another, also arrested by gendarmes at a road check on the outskirts of the capital, who was then detained at the Special Investigations Brigade. The report notes the WG has received no information from the government in response to the cases transmitted. Forty-seven cases of disappearance remain to be clarified.

Following observations on the overall climate of fear and insecurity in Burundi, the WG reports that information of a general nature that it has received indicated a growing number of disappearances and arbitrary arrests, as well as targeted assassinations of intellectuals, provincial governors, merchants and local administrators among the Hutu community.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 15, 31, 41, 43, 54, 56, 60, 61, 96, 101, E/CN.4/1997/60/Add.1, paras. 81–89)

The report noted that, as in previous years, the Special Rapporteur (SR) had received numerous allegations of attacks on the right to life, in particular massacres or serial killings. The majority of the violations were attributable to elements of the Burundian army, while a fairly large number of incidents and massacres were attributed to Hutu rebel groups and Tutsi militias. The report referred to information received concerning the forcible expulsion of 392 Burundian refugees in Rwanda to the province of Cibitoke on 30 September 1996 by soldiers of the Rwandan Patriotic Army, at a time when numerous human rights violations had been reported in that region. An urgent appeal was sent by the Special Rapporteur related to the cases of 89 persons who had been sentenced to death by criminal courts.

Following the murder of the three ICRC workers in June 1996, the President and Prime Minister of Burundi, in response to a joint urgent appeal by the SR on extrajudicial executions and the SR on the situation in Burundi, deplored

the incident and informed the Special Rapporteurs that they had recommended a neutral inquiry to identify the perpetrators. This reply is noted as being the only one received from government. The SR expressed regret that the government had not commented, to date, on the report of the visit made to Burundi in 1995. Concern was expressed at the deterioration in the human rights situation throughout in the country and, in particular, at the massacres of civilians, including women, children and elderly people. The SR acknowledged the implications of the situation in Burundi for the Great Lakes region and recommended that the three Special Rapporteurs on the situations in Burundi, Rwanda and the Democratic Republic of Congo (Zaire) energetically pursue their efforts to devise an integrated approach to the common problems facing those three countries.

Religious intolerance, Special Rapporteur on:

(E/CN.4/1997/91, paras. 9, 17, 24, 25; A/52/477, paras. 51, 52)

The reports briefly note information indicating incidents of religious intolerance against Christians in Burundi and the murder of members of the clergy and believers. The government's responded by stating that many of the murders of clergy and believers in Burundi had nothing to do with religious intolerance.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, para 42)

The report notes that the Special Rapporteur transmitted an urgent appeal, jointly with the Special Rapporteur on the situation in Burundi, on behalf of 15 people allegedly arrested in February 1996, following an exchange of gunfire between government forces and an armed group. The information upon which the appeal was based indicated that the 15 had been detained at the headquarters of the Special Investigations Brigade.

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 simply notes that there is a state of civil war with violence and unrest prevailing throughout the country and that a curfew has been imposed.

Other Reports

Detention of international civil servants, Report of the S-G to the CHR: (E/CN.4/1997/25, para. 21)

The report of the Secretary-General notes that three delegates from the International Committee of the Red Cross (ICRC) were killed in Burundi. As well, it reports that there were difficulties with the authorities in Burundi failing to respect a UN certificate as a valid identity document for a consultant. A summary of information provided by the World Food Programme (WFP) related to threats by members of the group, *Sans échec*, that attacks against WFP staff and property, and possibly killing, would continue until all WFP international staff left Ngozi.

Women's human rights, Report of the S-G to the CHR:

(E/CN.4/1997/40, para. 101)

The report of the Secretary-General on the integration of women's human rights throughout the UN system

summarizes information on the violations of women's rights as recorded in the reports of various human rights mechanisms. Within the context of heightened risk faced by women in situations of armed conflict, the report notes that 1996 report of the Special Rapporteur on the situation in Burundi referred to abuses committed by soldiers in the commune of Gasorwe, particularly in the Kizi sector, leading to the death of approximately 200 civilians, most of whom were women and children. There is also a reference to military operations where the population of Kamenge and Kinama was hunted down and more than a hundred people, again mostly women and children, were slaughtered.

ECONOMIC AND SOCIAL COUNCIL

The report of the Secretary-General on the follow-up to the Fourth World Conference on Women (E/1997/64, para. 47) referred to resolutions adopted at the 1997 of the Commission on Human Rights and noted that the resolution on Burundi; urged all parties to the conflict to end the cycle of violence and killing notably, the indiscriminate violence against refugees, women, children and the elderly — and requested the Special Rapporteur to apply a gender perspective in his work.

GENERAL ASSEMBLY

Report of CHR Special Rapporteur: (A/52/505)

The report, covering the period from 15 April to 31 August 1997, is based on recent developments in the crisis in Burundi and, in its introduction, cites media accounts stating that the government had asked the representative of the High Commissioner for Human Rights to end the mandate. The report notes that the mandate was established by the Commission on Human Rights and remains the prerogative of the Chairman of the Commission.

A review of the overall situation in Burundi since mid-April 1997 confirmed the trend described in the addendum to the main report to the 1997 session of the Commission. Specific elements in the general situation were identified as, *inter alia*: the fact that the government had had to meet challenges on various fronts, including by relying on the armed forces, negotiating with representatives of the Conseil national pour la défense de la démocratie (CNDD), and coming to terms with the demands of neighbouring countries such as Rwanda and Uganda; a new impetus to political life, although not a restoration of democracy, as a result of the partial lifting, in April 1997, of some of the sanctions against Burundi; the launch by the government of a wide-ranging awareness and information campaign, via television, to try to convince various sectors of civil society throughout the country of the validity of the negotiations undertaken with the CNDD and of the need to pursue them; focus in the information campaign on three main elements — pursuit of the national debate within the country with a view to the rapprochement and reconciliation of the people of Burundi, organization of peace conferences involving nationals of Burundi from both inside and outside the country, and early initiation of negotiations open to all parties concerned with the Burundi conflict in the

Great Lakes region; in May, the second hearing before the Supreme Court of Bujumbura, in the trial of the 53 military officers accused of having participated in the failed coup d'état of 1993; the fact that the willingness of the government to hold peace negotiations with all parties to the conflict, including armed factions, and the talks subsequently held, set off a wave of discontent and protest, especially among the students of the University of Burundi in Bujumbura; clashes between rebels and soldiers in several provinces resulting in civilian deaths; relocation of tens of thousands of people to regroupment camps where they were cut off from all humanitarian assistance and exposed to cholera, malaria and dysentery epidemics; in June, conclusion of the parliamentary session of the National Assembly without having been able to pass a single law for lack of a quorum; an apparent lessening of intensity in the confrontations between soldiers and rebel groups in June 1997 in some areas; an announcement by the government that the regroupment camps would be dismantled and the launch by the authorities of an initial operation to return displaced populations to their *collines* of origin; in July 1997, the reopening of the frontier between Burundi and the DR Congo as a first step in normalizing relations between the two countries; the fact that the country's main political forces, FRODEBU and UPRONA, were still torn by internal divisions, while the extremist groups at both ends of the political spectrum were extending their influence; the fact that the same kinds of internal divisions existed among rebel groups, as demonstrated by frequent confrontations between members of the Front pour la défense de la démocratie (FDD), the armed wing of CNDD, and the Parti pour la libération du peuple hutu (PALIPEHUTU); in July, the execution by hanging of six people sentenced to death following trials in which basic rights — such as that of the presence of a lawyer — had not been respected; serious breaches of the right of prisoners to physical integrity; and, reports of enforced disappearances.

Commentary in the report on the effects of the war and the embargo notes: some 600,000 Burundians were displaced; more than 100,000 displaced children were receiving no assistance whatsoever; the vast majority of these populations do not have the minimum foodstuffs to avoid malnutrition and diseases; in some areas the lack of security has forced many undernourished people to turn to public health outlets for medical assistance and food aid, often after hiding for months in the forests; the average cost of foodstuffs has risen by 40 to 50 per cent as compared to the beginning of 1996; the most serious typhus epidemic to hit Burundi since the Second World War has been detected; the most tangible effect of the sanctions can be seen in the substantial overall increase in the prices of goods and services, which vary from one region of the country to another; the sanctions have affected all sectors, including education, agriculture, light industry and health services; the country's balance of payments has shown an increase of about 20 per cent in the deficit, although the government continued to pay its foreign debt servicing, thus reducing the country's hard currency reserves.

The section of the report dealing with the human rights situation provides some detail on: violations of the right to life and physical integrity related to massacres, looting, arson,

the deaths of civilians caught in the cross-fire between government forces and rebels, destruction of houses, attacks on public markets; arbitrary arrest and detention arising from identity checks and arrests on suspicion of involvement in the 1993 massacres; and, torture and cruel, inhuman or degrading treatment — related to detentions by the military, denial of needed medical treatment, beatings and use of electric shocks.

The recommendations in the report address needs at the national and international levels. The report recommended that the government:

- ▶ carry out, as previously recommended, an independent, neutral, objective and complete investigation into the exact circumstances of the murder of three delegates of the ICRC in June 1996, to establish clearly who was responsible, to publish the results without further delay, and ensure that those responsible are prosecuted and appropriately punished;
- ▶ provide, as previously requested, accurate information on the circumstances surrounding the murder of the Archbishop, in September 1996, and of the two nuns accompanying him, and ensure that those responsible are found and arrested without delay;
- ▶ provide, as previously requested, the results of the investigation into allegations of the expulsion *manu militari* of 392 Burundian refugees in Rwanda to Cibitoke province, in September 1996, by soldiers of the Rwandan Patriotic Front;
- ▶ carry out an impartial investigation into the attack committed by rebel elements on the small seminary at Buta, in Bururi province, at dawn in April 1997, so that those responsible for the massacre of some 40 students and 7 members of the staff are prosecuted and brought to justice;
- ▶ open an investigation into the death of Colonel Pascal Ntako, who died in May in Muyinga prison, after having been accused of participating in a plot to assassinate Major Buyoya, and who was denied drugs for the treatment of his diabetes;
- ▶ implement the reforms set out in previous reports concerning the reconstruction of the country's judicial apparatus and the formulation of adequate strategies for putting an end to impunity; the reorganization of the functions of the army and security forces along quite separate lines; and unimpeded access by the majority of the people, who are currently excluded from the country's elite, to the major state institutions such as education, justice and the army;
- ▶ defer the 38 death sentences and 19 sentences of life imprisonment handed down during the February–March, April–May and July–August sessions of the criminal chambers, as well as the previous 133 death sentences and 54 sentences of life imprisonment, at least until the peace negotiations have been completed and a reformed judicial system, capable of playing its role with complete independence and impartiality, has been established;
- ▶ respect articles 10 and 11 of the Universal Declaration, which stipulate that every accused person is entitled to a

fair trial, including the right to be guaranteed legal assistance for his defence, and comply with articles 6 (2), 14 and 15 of the ICCPR which stipulate that a sentence of death may be imposed only for the most serious crimes, and pay all necessary attention to UN resolutions establishing guarantees for the protection of the rights of persons liable to the death penalty;

- ▶ agree to participate in the next peace talks meeting and to refrain from any step which might delay the peace process which has been initiated;
- ▶ suspend the opening of new regroupment camps and take appropriate measures without delay to enable the population gathered in those camps to return to their homes without hindrance;
- ▶ protect the physical security of those regrouped, refrain from using constraints against them, ensure that they are treated with humanity and respect, and prevent them from being subjected to enforced or involuntary disappearances, arbitrary detention or extrajudicial or summary execution;
- ▶ undertake independent investigations into all allegations of violations of human rights committed during the process of regroupment, in particular into cases brought to light to date by the UN human rights observers;
- ▶ afford to the UN observers all the freedom of movement they need to have access to all the regroupment camps and displaced persons camps and to investigate, with full independence, the alleged incidents reported to them; and
- ▶ ensure that respect for human rights is at the heart of the peace talks and of any settlement reached.

The report addresses comments to the rebel groups, including that they:

- ▶ must ensure that their armed forces fully respect the principles of international humanitarian law and, in particular, article 3 common to the Geneva Conventions, with particular attention to be paid to the provisions relating to the physical security of the civilian population, non-combatants and prisoners; and,
- ▶ refrain from perpetrating attacks against civilians both within and outside the regroupment camps or displaced persons camps and to give instructions to that effect to their forces.

The recommendations to the international community include that:

- ▶ ease the economic sanctions as soon as the government provides tangible proof that it is committed to effective negotiations with a view to achieving peace and national reconciliation;
- ▶ do not support the regroupment of the population along the main road routes but help them to reach their homes;
- ▶ adopt a clear position firmly linking the question of humanitarian aid to the regrouped population to an explicit undertaking and a specific plan on the part of the authorities to introduce a policy for the proper reintegration of that population;

- ▶ support reintegration strategies which promote the reconstruction of housing in the places of origin of the population, provided that those strategies form part of a well-planned effort on the part of the authorities;
- ▶ the programmes of the UN agencies should continue their support for the local communities through revenue-generating activities, increased participation of women in the economic and social life of their communities, and increased food security;
- ▶ provide support for the legal assistance programme established under the auspices of the High Commissioner for Human Rights, with the participation of the Burundian Bar and authorities, intended to assist those suspected of participation in the attempted putsch; assiduously pursue and expand this programme to remedy the deficiencies in the judicial system and to eradicate impunity in the country once peace has been restored;
- ▶ immediately implement the embargo on the sale of arms to Burundi;
- ▶ take strong measures against those who ordered the crimes and those who benefit from the arms traffic, including action to freeze their bank accounts abroad, withhold fellowships from members of their families and refuse visas for travel abroad; and
- ▶ UN members should take legal measures against their citizens who are involved in the arms traffic, in violation of the embargo declared by the UN, even when such individuals are operating in a third country.

Following presentation of the report the General Assembly did not adopt a resolution on the situation in Burundi.

SECURITY COUNCIL

On 30 May 1997, the President of the Security Council issued a statement (S/PRST/1997/32) in which the Council, *inter alia*: expressed concern at the continuing instability in Burundi; welcomed the decision of the regional leaders to ease sanctions in order to alleviate the suffering of the people; welcomed the commitment of the government to the comprehensive political dialogue among all the parties; urged all the parties in Burundi to continue to pursue a negotiated settlement and to refrain from actions which are detrimental to such dialogue; and, expressed its deep concern at the involuntary resettlement of rural populations and called on the government to allow the people to return to their homes without any hindrance.

The report of the Secretary-General (S/1997/547, 15 July 1997) is focused on the steps that had been taken to encourage a negotiated and peaceful settlement of the ongoing conflict in Burundi.

Commentary is provided on the political situation, noting: deep divisions within and between the country's leading political movements; the polarizing influence of militant extremist groups at both ends of the political spectrum; the adverse effects on the security situation of events in DR Congo; the lack of an agreed mechanism for negotiations acceptable to all the principal actors; the fact that divisions within the two main political parties, their rivalry and the constraints imposed on their work by the government, continued

to feed animosities; the fact that extremists on both sides continued to disrupt reconciliation efforts by threatening and undermining the President; the fact that restoration of the National Assembly in September 1996 had increasingly provided a forum for more regular political activity and dialogue among politicians of the different factions; and, the need to put an end to the judicial harassment of the Speaker and provide the Assembly with the necessary financial and logistical support for its regular work.

Referring to human rights, the report includes extended commentary on problems related to: the arrest and trials of people suspected of involvement in massacres and of supporting the armed Hutu rebels; the fact that most of those suspected of collaboration or participation in the October 1993 coup remain free continue to go about their usual business with apparent impunity; and, the public call by the President for the establishment of an international criminal tribunal for Burundi, in order to try the instigators and perpetrators of acts of genocide that followed the October 1993 coup.

The report describes the humanitarian situation, noting that: extensive fighting in the north and south of the country displaced a significant proportion of the population; landmines were an increasingly pervasive source of danger to aid workers and civilians alike; outbreaks of cholera had been recorded; the high degree of insecurity in the country and the concentration of the rural population from conflict-prone areas into regroupment camps has exacerbated the problems related to humanitarian conditions and needs; the number of people displaced by fighting and insecurity was more than 350,000 and the number of vulnerable people in rural areas totalled some 700,000; out of a population of an estimated 6 million, approximately one out of nine Burundians lived in a camp, often in poor sanitary conditions; the negative impact on agricultural production has been made worse through incidents resulting in the deliberate destruction of fields and livestock by the warring protagonists; and, significant environmental damage had occurred in some areas as a result of deforestation by refugees and displaced persons, and acts of sabotage.

The report notes that both parties to the conflict agreed, in March 1997, to an agenda for a negotiated settlement focused on: the restoration of constitutional and institutional order; issues related to the Burundi armed forces and police; the suspension of hostilities; the administration of justice, including the creation of an international criminal tribunal to try acts of genocide and political crimes; the identification and involvement of other parties in the negotiation process; a permanent ceasefire; and, guarantees for the respect and implementation of the agreement.

FIELD OPERATIONS

The Field Operation proposed by the former High Commissioner for Human Rights to deploy human rights observers in Burundi has been chronically under-resourced since its creation. A contingent of 35 observers was originally proposed but at the end of December 1996 the goal was to

ensure that at least 20 were deployed. In December 1996 the former High Commissioner made a statement expressing concern at the deteriorating human rights situation in Burundi and appealing to the authorities and to all parties to assure maximum respect for all rights and fundamental freedom and to put an end to killings, arbitrary arrests and destruction of property. The High Commissioner emphasized an increasingly urgent need to strengthen the human rights monitoring operation in Burundi and renewed the appeal to the international community to support the work of the office in Burundi.

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CAMEROON

Date of admission to UN: 20 September 1960.

TREATIES AND REPORTS TO TREATY BODIES

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

Economic, Social and Cultural Rights

Acceded: 27 June 1984.

Cameroon's initial report (E/1990/5/Add.35) has been submitted and is pending for consideration at the Committee's April/May 1999 session; the second periodic report was due 30 June 1995.

Civil and Political Rights

Acceded: 27 June 1984.

Cameroon's third periodic report (CCPR/C/102/Add.2) has been submitted but is not yet scheduled for consideration by the Committee; the fourth periodic report is due 26 September 2000.

Optional Protocol: Acceded: 27 June 1984.

Racial Discrimination

Signed: 12 December 1966; ratified: 24 June 1971.

Cameroon's 10th through 13th periodic reports (CERD/C/298/Add.3) were submitted as one document which is pending for consideration by the Committee at its March 1998 session; the 14th periodic report is due 24 July 1998.

At its March 1997 meeting, the Committee recalled that Cameroon had not submitted a report since 1989. The concluding observations and comments (CERD/C/50/ Misc.17/ Rev.1) note that the government informed the Committee that it would shortly resume its reporting obligations under the Convention. The Committee therefore invited Cameroon to include in its next report information on the legislative, judicial, administrative or other measures giving effect to the Convention.

Discrimination against Women

Signed: 6 June 1983; ratified: 23 August 1994.

Cameroon's initial report was due 22 September 1995.

Torture

Acceded: 19 December 1986

Cameroon's third periodic report was due 26 June 1996.

Rights of the Child

Signed: 25 September 1990; ratified: 11 January 1993.

Cameroon's initial report was due 2 February 1995.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

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

The report notes that one urgent appeal was sent to the government but provides no details on the case(s).

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 86-88)

There are six cases of disappearance which all occurred in 1992 that the WG has not yet clarified. Five of the victims were youngsters between the ages of 13 and 17. They were last seen being taken into police custody in Bamenda in February 1992. During 1996, the period covered by the report, the government did not provide any information on these cases to the WG.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, para. 44)

The Special Rapporteur has requested an invitation from the government to visit Cameroon. During the year, three urgent appeals were sent concerning detainees arrested after demonstrations and held in solitary confinement for up to one month before transfer to the central prison.

Other Reports

National institutions, Report of the S-G to the CHR: (E/CN.4/1997/41, para. 23)

The report of the Secretary-General summarized information provided by Cameroon's National Commission on Human Rights noting that, at the request of other African human rights institutions, the Commission would plan, prepare and host the first African Regional Conference of National Institutions for the Promotion and Protection of Human Rights. One of the objectives of the conference was to encourage states in the region to create their own national institutions. In terms of other activities, the report notes that the National Commission had organized human rights training seminars for administrative personnel, law enforcement officers and jurists, initiated contacts with religious bodies, and become involved in investigating inter-ethnic land conflicts.

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CAPE VERDE

Date of admission to UN: 16 September 1975.

TREATIES AND REPORTS TO TREATY BODIES

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

Economic, Social and Cultural Rights

Acceded: 6 August 1993.

Cape Verde's initial report was due 30 June 1995.

Civil and Political Rights

Acceded: 6 August 1993.

Cape Verde's initial report was due 5 November 1994.

Racial Discrimination

Acceded: 3 October 1979.

Cape Verde's third through ninth periodic reports have not been submitted (covering the period 1984–1996); the ninth periodic report was due 2 November 1996.

Discrimination against Women

Acceded: 5 December 1980.

Cape Verde's initial through fourth periodic reports have not been submitted (covering the period 1982–1994); the fourth periodic report was due 3 September 1994.

Torture

Acceded: 4 June 1992.

Cape Verde's initial and second periodic reports were due 3 July 1993 and 1997 respectively.

Rights of the Child

Acceded: 4 June 1992.

Cape Verde's initial report was due 3 July 1994.

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CENTRAL AFRICAN REPUBLIC

Date of admission to UN: 20 September 1960.

TREATIES AND REPORTS TO TREATY BODIES

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

Economic, Social and Cultural Rights

Acceded: 8 May 1981.

The Republic's initial report was due 30 June 1996.

Civil and Political Rights

Acceded: 8 May 1981.

The Republic's second periodic report was due 9 April 1989; the third periodic report was due 7 August 1992; the fourth periodic report was due 7 August 1997.

Optional Protocol: Acceded: 8 May 1981.

Racial Discrimination

Signed: 7 March 1966; ratified: 16 March 1971.

The Republic has not submitted a report since 1985; the eighth through 13th reports are overdue; the 13th periodic report was due 15 April 1996.

Discrimination against Women

Acceded: 21 June 1991.

The Republic's initial report was due 21 July 1992; the second periodic report was due 21 July 1996.

Rights of the Child

Signed: 30 July 1990; ratified: 23 April 1992.

The Republic's initial report was due 23 May 1994.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Sale of children, child prostitution, child pornography, Special Rapporteur on: (A/52/482, para. 19)

The Special Rapporteur's interim report to the General Assembly refers to information received related to the

practice of families marrying daughters as young as 11 or 12 years, to older husbands, for financial gain.

Mechanisms and Reports of the Sub-Commission

States of emergency, Special Rapporteur on:

(E/CN.4/Sub.2/1997/19/Add.1. Section II)

The report notes that the rebellions and disturbances that occurred in November 1996 had resulted in the introduction of curfews on several occasions.

Other Reports

Detention of international civil servants, Report of the S-G to the CHR: (E/CN.4/1997/25, paras. 3, 20, 51)

The report of the Secretary-General notes that the deterioration of the security situation in the Central African Republic (CAR) had led to the relocation of dependents and/or non-essential staff to safe havens. The UNHCR reported that the upsurge in violence had added to the problems the agency is expected to handle and resolve on a continuing basis. The World Food Programme (WFP) reported that, following the mutiny of some members of the military in May 1996, incidents of looting and heavy fighting had taken place. The WFP office and the home of one WFP staff member were looted and burned. The agency's staff, along with other international staff, were evacuated. All local personnel were sheltered in the UNDP compound with adequate security measures.

SECURITY COUNCIL

Resolutions adopted by the Security Council (S/RES/1125, 6 August 1997; S/RES/1136, 6 November 1997) *inter alia*: expressed concern about the crisis facing the Central African Republic; noted the signing of the Bangui Agreements of 25 January 1997 and the creation of the Inter-African Mission to Monitor the Implementation of the Bangui Agreements (MISAB); expressed concern over the fact that former mutineers, members of militias and other persons continued to bear arms in contravention of the Bangui Agreements; stressed the need for all signatories of the Bangui Agreements to continue to cooperate fully in respecting and implementing these Agreements; welcomed the support provided by the UNDP for the follow-up of the Bangui Agreements and encouraged it to continue this support; and, urged all states, international organizations and financial institutions to assist in post-conflict development in the Central African Republic.

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CHAD

Date of admission to UN: 20 September 1960.

TREATIES AND REPORTS TO TREATY BODIES

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

Economic, Social and Cultural Rights

Acceded: 9 June 1995.

Chad's initial report was due 30 June 1997.

Civil and Political Rights

Acceded: 9 June 1995.

Chad's initial report was due 8 September 1996.

Optional Protocol: Acceded: 9 June 1995.

Racial Discrimination

Acceded: 17 August 1977.

Chad's 10th periodic report was due 16 September 1996.

Discrimination against Women

Acceded: 9 June 1995.

Chad's initial report was due 9 July 1996.

Torture

Acceded: 9 June 1995.

Chad's initial report was due 9 July 1996.

Rights of the Child

Signed: 30 September 1990; ratified: 2 October 1990

Chad's initial report (CRC/C/3/Add.50) has been submitted and is pending consideration at the Committee's January 1999 session; the second periodic report was due 31 October 1997.

COMMISSION ON HUMAN RIGHTS

The situation in Chad has been considered by the Commission under the confidential 1503 procedure each year since 1991. At its 1997 session, the Commission decided to continue that consideration.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 12, 89-93)

Six newly reported cases of disappearance, all of them said to have occurred in 1996, were transmitted to the government. The cases concerned six members of armed opposition groups who were reported to have been arrested by the Sudanese security forces at El Geneina in the Sudan, near the Chadian border, and handed over to the Chadian security forces. Information indicated they were transferred to N'Djamena by members of the Agence nationale de sécurité.

The report also refers to six cases previously reported to the Working Group, five of which occurred in 1991 and one in 1983. The latter concerned a member of the Democratic National Union who was reportedly taken prisoner in the context of clashes between government troops and opposition forces. The other cases concerned members of the Hadjerai ethnic group. They were reportedly arrested and detained by the Chadian security forces following an announcement by the authorities that they had thwarted an attempt by a section of the Chadian armed forces to overthrow President Idriss Deby. Information received indicated that, at that time, soldiers loyal to the Government killed and arrested many civilians, solely because they came from the Hadjerai ethnic group.

No response was received from the government on 11 of these cases; they therefore remain to be clarified.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/34, paras. 12, 89-93)

The report refers to four members of the Chadian armed opposition who were arrested in the Sudan in July 1996 (see

above). The Special Rapporteur (SR) urged the government to take necessary measures to guarantee the right to life of these persons, after learning that two other members of the opposition had been killed by members of the Chadian National Security Agency near the frontier town of Adré in August 1996. The SR noted that the government had not replied to allegations sent to it in 1995.

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

The report refers to violations of religious freedom against Islam and the effects of religious extremism on artists. The Special Rapporteur notes that there have been many reports of threats against clergy and believers.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, para. 48)

The report notes that an urgent appeal was sent to the government on behalf of the leader of the Front d'action pour la République-Fédération. Information indicated that he was arrested in July 1996 was being detained at the Gendarmerie Investigations Brigade in N'Djaména; the arrest had not been communicated to the government procurator and no formal charges had been brought against him.

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COMOROS

Date of admission to UN: 12 November 1975.

TREATIES AND REPORTS TO TREATY BODIES

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

Discrimination against Women

Acceded: 31 October 1994.

Comoros's initial report was due 30 November 1995.

Rights of the Child

Signed: 30 September 1990; ratified: 22 June 1993.

Comoros's initial report was due 21 July 1995.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 15, 78; E/CN.4/1997/60/Add.1; para. 141)

The report notes that an urgent appeal was sent to the government on behalf of four people who were convicted of armed robbery and sentenced to death. The information received by the Special Rapporteur indicated that another person convicted on the same charges had been executed in September 1996 after a trial that had not conformed with international standards in terms of fair trial procedures. Moreover, the condemned man had been denied the right to apply to a court of appeal on the grounds that, as no judges had been appointed by the National Assembly, the Court of Cassation was not operational. The report notes that the execution was the first one to be carried out in the Comoros in 18 years. No reply to the urgent appeal was received from the government.

Religious intolerance, Special Rapporteur: (A/52/477, paras. 25, 28, 30, 33, 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 all religions, religious groups and communities except the official or state or predominant religion; and, religious restrictions placed on non-Muslims, such as a prohibition on proselytizing aimed at Muslims.

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CONGO

Date of admission to UN: 20 September 1960.

TREATIES AND REPORTS TO TREATY BODIES

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

Economic, Social and Cultural Rights

Acceded: 5 October 1983.

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

Reservations and Declarations: Paragraphs 3 and 4 of article 13.

Civil and Political Rights

Acceded: 5 October 1983.

Congo's second periodic report (CCPR/C/63/Add.5) has been submitted but is not yet scheduled for consideration by the Committee; the third periodic report was due 4 January 1995.

Reservations and Declarations: Article 11; declaration under article 41.

Optional Protocol: Acceded: 5 October 1983.

Racial Discrimination

Acceded: 11 July 1988.

Congo's initial and second through fifth periodic reports (covering the period 1989–1997) have not been submitted; the fifth periodic report was due 10 August 1997.

Discrimination against Women

Signed: 29 July 1980; ratified: 26 July 1982.

Congo's initial and second through fourth periodic reports (covering the period 1983–1995) have not been submitted; the fourth periodic report was due 25 August 1995.

Rights of the Child

Acceded: 14 October 1993.

Congo's initial report was due 12 November 1995.

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

The Sub-Commission considered a resolution on Congo (Brazzaville) (E/CN.4/1998/2-E/CN.4/Sub.2/1997/50) at its 1997 session. In it, the Sub-Commission, *inter alia*: recalled the international human rights instruments to which Congo is a state party; recalled the Peace Pact of 24 December 1995 in which the parties agreed to general disarmament and the

dissolution of militias and expressed concern that the Pact has not been fully implemented; expressed concern at reports of hundreds of deaths, including those of children and other civilians, which have occurred since early June 1997 and the continuing loss of life in Brazzaville; expressed concern at reports that thousands of people have been forced to leave their homes in Brazzaville, allegations of torture by parties to the conflict, the continuing difficulties experienced by the government and humanitarian organizations in providing medical care and other social services in the city, and that the presidential elections could not be held; called on the government and all parties to the conflict to abide by their obligations under international human rights and humanitarian law, cease abuses, create conditions for the delivery of medical care and other social services in Brazzaville; called on the government and all parties to select an independent, respected and impartial elections commission to arrange for elections, allow free and fair elections, and agree to abide by the results, taking into account the need for diversity in the ethnic composition of the government and the need to develop a civil society for the maintenance of human rights and peace; called on the government and all parties to develop confidence-building measures to facilitate freedom of movement and mechanisms for transparency in how governmental revenues are distributed and spent; called on the government and all parties to provide access to and cooperate with a recognized humanitarian body in protecting the rights of detainees and contributing to the protection of the civilian population, ensure thorough and impartial investigations into allegations of violations of human rights and international humanitarian law and to bring the perpetrators to justice; and decided to recommend that the Commission on Human Rights consider the situation of human rights in the Congo at its 1998 session; and, if the Commission is unable to take action on the situation of human rights in the Congo, to continue consideration of the matter at its own 1998 session. The resolution was adopted by secret ballot with 13 votes in favour, 10 opposed, 2 abstentions.

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 two urgent appeals were sent on behalf of two individuals but provides no details on the cases.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, para. 106)

Two urgent appeals were sent to the government. The first related to trade union leaders who were alleged to have been arrested and tortured in January 1996 by members of the Direction de la sécurité du territoire (DST) in Brazzaville. The second appeal concerned a businessman reportedly arrested in September 1996 in Brazzaville by members of the armed forces without a warrant. The information received indicated that he was held without contact with his family, his doctor or his lawyers.

Other Reports

World public information campaign on human rights, Report of the S-G: (E/CN.4/1997/36, para. 85)

The report of the Secretary-General notes activities undertaken by the UN Information Centre (UNIC) in Brazzaville between January 1995 and August 1996. The UNIC: reprinted the Universal Declaration of Human Rights into two local languages; held a screening of the film "Universal Declaration of Human Rights" in the UNIC library which was attended by students and NGO representatives; organized a meeting at the UNIC premises by the UN Congolese Association on "Les droits de l'homme, fondement de la liberté, de la justice et de la paix pour les générations présentes"; and organized a panel discussion on the pygmies, indigenous people living in the Congo, during which the DPI video "Indigenous people — A new partnership" was screened.

SECURITY COUNCIL

The 21 October 1997 report of the Secretary-General (S/1997/814) on the situation in Congo recalled the three conditions set by the Security Council for the establishment of an international force in Congo: (a) adherence to an agreed cease fire; (b) agreement to international control of the Brazzaville airport; and (c) a commitment by the parties to a negotiated settlement covering all political and military aspects of the crisis. The report described the situation as including: marked widespread violence and confusion; free access for both sides in the conflict to arms and ammunition; the exodus of thousands of residents from Brazzaville; indiscriminate or unskilled use of heavy weapons and aerial bombardments which devastated the city; information indicating that mercenaries, and possibly foreign forces, were involved in the fighting in cities in other parts of the country; a cataclysmic humanitarian situation in Brazzaville, with at least 500,000 of the original 900,000 inhabitants having been displaced; risks of malnutrition and the spread of disease; heavy looting of shops, homes, offices and warehouses; and, the fact that a formal cessation of hostilities would not by itself guarantee the return of security to the country because of the existence of ill-disciplined and heavily armed militias and the uncontrolled flow of arms and matériel into the country during the conflict.

Statements by the President of the Security Council (S/PRST/1997/43, 13 August 1997; S/PRST/1997/47, 16 October 1997), *inter alia*: expressed concern about the situation in Congo following the outbreak of factional fighting in Brazzaville 5 June 1997; expressed particular concern at the plight of civilians caught up in the fighting; expressed full support for various mediation efforts; called upon the two parties to resolve the crisis and come to an agreement on an interim government of national unity and a timetable for the holding of Presidential elections; deplored the loss of life and the deteriorating humanitarian situation; called on all parties to ensure the safety of the civilian population and the safe and unrestricted delivery of humanitarian assistance; condemned all external interference in the Congo, including the intervention of foreign forces and called for the immediate withdrawal of all foreign forces including mercenaries; reiterated the importance of a political settlement and national reconciliation; and called upon the parties to reach rapid agreement on

peaceful transitional arrangements leading to the holding of democratic and free and fair elections with the participation of all parties.

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CONGO

(DEMOCRATIC REPUBLIC OF THE)

Date of admission to UN: 20 September 1960.

TREATIES AND REPORTS TO TREATY BODIES

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

Economic, Social and Cultural Rights

Acceded: 1 November 1976.

DR Congo's second periodic report was due 30 June 1992; the third periodic report was due 29 June 1997.

Civil and Political Rights

Acceded: 1 November 1976.

DR Congo's third periodic report was due 31 July 1991; the fourth and fifth periodic reports were due 30 January 1993 and 1997 respectively.

Optional Protocol: Acceded: 1 November 1976.

Racial Discrimination

Acceded: 21 April 1976.

DR Congo's 11th periodic report was due 21 May 1997.

At its August 1997 session, the Committee reviewed early warning measures and urgent procedures related to the DR Congo in the absence of a report from the government. The Committee's concluding observations and comments (CERD/C/51/Misc.39/Rev.3) express concern over reports of massacres and other grave human rights violations. The Committee noted: serious violations of international humanitarian law committed by all parties to the conflict in the eastern part of the country; that the crimes were sufficiently massive and systematic to constitute crimes against humanity; and, that the ethnic identity of most of the victims was a matter of record. The Committee expressed alarm over reports of the disappearance of very large numbers of refugees in the eastern part of the country and ongoing human rights violations. The Committee decided to review the situation again at its March 1998 session under its early warning and urgent procedures.

Discrimination against Women

Signed: 17 July 1980; ratified: 17 October 1986

DR Congo's second periodic report (CEDAW/C/ZAR/2) has been submitted but is not yet scheduled for consideration by the Committee; the third periodic report was due 16 November 1995.

There was a communications lapse between the Committee and the government that led to preliminary consideration of DR Congo's initial report (CEDAW/C/ZAR/1), on an exceptional basis, at the Committee's January 1997 session. A representative of the government provided an oral report; the content of the written report was not considered. The Committee's concluding observations and comments (CEDAW/C/1997/L.1/Add.11) expressed particular concern

over the situation of women in conflict areas and where refugee populations were high. The Committee expressed regret that the oral report had not adequately reflected the close link between discrimination against women, gender-based violence, and violations of women's human rights and fundamental freedoms. The Committee noted the need for effective and immediate measures to protect the physical and moral integrity of refugee and displaced women and all women victims of armed conflict. The Committee recommended that the government include in its presentation of the initial and subsequent reports at future sessions information on the consequences of armed conflict for women in the DR Congo as well as refugee women from neighbouring countries.

Torture

Acceded: 18 March 1996.

DR Congo's initial report was due 16 April 1997.

Rights of the Child

Signed: 20 March 1990; ratified: 27 September 1990.

DR Congo's initial report was due 26 October 1992.

COMMISSION ON HUMAN RIGHTS

Special Rapporteur on the human rights situation in the Democratic Republic of Congo

The CHR, in resolution 1994/87, created a Special Rapporteur to examine the situation of human rights in Zaire (now the Democratic Republic of the Congo), and appointed Roberto Garretón to that position. The report of the SR to the 1997 Commission, plus two addendums (E/CN.4/1997/6; E/CN.4/1997/6/Add.1; E/CN.4/1997/6/Add.2) are based on circumstances and conditions under Mobutu's government. Bearing in mind that a state's obligations to promote and protect human rights do not change with the government, responsibility for addressing the violations and areas of concern outlined in the reports devolved to the new government.

The reports outline a number of areas in which human rights are violated or where provisions in law or practice remain a concern. These include: application of the death penalty; political assassinations; enforced disappearances; arbitrary deprivation of life by excessive use of force in repressing crime; arbitrary deprivation of life through abuse of power shielded by impunity; death by torture; death through failure to perform the duty to protect life; and, deaths from failure to perform the duty to protect life during armed conflicts. The SR denounced the rape of women detainees and noted that rape of women was a common feature in actions by police and security forces outside a prison setting. The SR also noted that security of the person was violated in various incidents involving armed raids on private homes, soldiers firing indiscriminately in the market place, raids on medical centres, and the arbitrary banning of freedom of movement. The SR reported that the right to liberty was severely compromised, specifically stating that arbitrary arrests were facilitated by the non-existence of habeas corpus and by anarchy in the functions assigned to various police services, all of which were empowered *de jure* or *de facto* to arrest people.

Other rights consistently violated by the previous government included: right to privacy related to attacks on homes and interference with correspondence; right to fair trial

related to lack of judicial equality between parties, lack of independence of the judiciary, and impunity for perpetrators of human rights violations; freedom of opinion and expression — related to dismissal of employees from state-owned media for political reasons, compulsory disclosure of sources, harassment of journalists and other media professionals; freedom of association — related to attacks by authorities on human rights NGOs and repressive action taken against organizations working in the area of education for democracy; freedom of assembly — related to excessive use of force by security personnel to break up student demonstrations; right to dignity of person — related to, among other concerns, slavery and slavery-like practices used by the military against civilians in the eastern part of the country; and, right to nationality — related to the status of indigenous peoples in the eastern part of the country, as well as the practice by government of deprivation of nationality as a means to punish political dissent.

In terms of economic, social and cultural rights, the SR stated that the economic decline had had a negative impact on the enjoyment of economic, social and cultural rights, and that there appeared to be no effort made to ensure, among other things, equality of opportunity for all in their access to basic resources, education, and health services. A number of economic, social and cultural rights were identified as remaining in jeopardy and included the right to education (accounting for 2 per cent of the national budget), the right to health (1.3 per cent of the budget), and the right to work (including delays by the state in payment of salaries to public officials).

The SR notes that previous recommendations had not been implemented, particularly in the areas of: the effective separation of police and defence forces; an end to the impunity enjoyed by members of both forces; adequate training; respect for the independence of the judiciary; acceptance of and respect for the work of NGOs; and the institution of a climate of respect for all the country's inhabitants, free of any ethnic discrimination, in the enjoyment of their human rights.

The addenda to the SR's main report refer to fact-finding missions focused on the situation in regions affected by ethnic conflict. Sections of the reports address issues such as the origins of violence in Northern Kivu, the problem of nationality, the rivalry between Hutus and Tutsis in DR Congo, the state of conflict as of July 1996, conflict between Tutsis and indigenous ethnic groups, and conflicts between indigenous peoples and the former Zaïrian Armed Forces. The report of the first mission noted three areas in which the former government had failed to meet its international obligations, namely: failure to prevent incitement to violence and racial or national hatred; direct involvement of military and security forces in attacks, pillaging and burning and expulsion of Congolese from the country; and failure to take all necessary steps to eliminate impunity which in the SR's view, remained an incentive to the abuse power, pillaging and robbery. The rights repeatedly violated in the conflict zone were noted as including freedom from racial and/or ethnic discrimination, the rights to life, physical and mental integrity, the right to a nationality, the right to live in one's own country, the right to choose one's own place of residence and the right to security.

In summarizing both the causes and effects of the conflict, the report stated directly that those responsible for the conflict were: the state, which was directly involved in and had incited people to commit such violations, and which had not made sufficient effort either to prevent violations or to restrain violators; the political class, which had fomented xenophobic nationalist sentiment; some ethnic leaders, who had not concealed the fact that they were arming, albeit to defend themselves; and, some human rights organizations, which had chosen to foster racial hatred and ethnic cleansing rather than defending the oppressed.

The second addendum to the SR's main report concerns the mission he undertook between 25 and 29 March 1997 to investigate reports of the massacre of Hutu refugees in areas of Northern and Southern Kivu that were then occupied by Kabila's Alliance forces. The commentary refers to a number of conditions and events including reports of enforced disappearances, summary executions, attacks on one or several individuals, numerous reports of mass killings, common and mass graves, torture and destruction of medical facilities and supplies to prevent treatment of the wounded. The SR also indicated that information had been received on violations of freedom of expression, the right to property, recruitment of children into the rebel forces, and impediments to humanitarian action in the region. The addendum clearly stated that the Alliance of Democratic Forces for the Liberation of Congo-Zaire was far from fulfilling its commitments to respect human rights and concluded with the recommendation that a commission of inquiry be established specifically to investigate all of the reports of massacres and other violations in the areas of Northern and Southern Kivu.

Resolution of the Commission on Human Rights

At its 1997 session, the Commission adopted by consensus a resolution on the situation in DR Congo (CHR 1997/58).

The Commission: welcomed the agreement of the previous government to the establishment of an office of the High Commissioner for Human Rights in Kinshasa; expressed concern at continuing violations of human rights including summary execution, torture, violence against women, arbitrary detention, inhuman prison conditions particularly for children, denial of the right to fair trial and intimidation and reprisals particularly against political figures; expressed concern at the situation of human rights defenders; expressed concern at the armed conflict in the eastern part of the country, use of force against civilians and continuing impunity for police and security forces; expressed concern at discrimination based on ethnicity and arbitrary deprivation of nationality; called on the government to end impunity and ensure that decisions related to acquisition or deprivation of nationality are consistent with international norms; called for the reinforcement of the independence of the judiciary; called on the government and all other parties to accept international monitoring and investigation into reports of human rights violations; established a commission of inquiry to investigate reports of massacres in the eastern part of country; extended the mandate of Special Rapporteur for one year; requested the SR to submit an interim report to the 1997 session of the General Assembly and a final report to the 1998 session of the Commission.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

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

During the period under review, the Working Group (WG) transmitted communications concerning two cases of arbitrary detention.

The WG issued Decision 7 (1996) concerning three Burundian officers who were detained in the DR Congo in October 1993 for illegal entry into the country and complicity in an assassination, allegedly President Ndadaye of Burundi. The three officers were held pending an application for extradition by the Burundian government in office. The deadline for formalization of the application for extradition expired in July 1994 and the Advocate-General of the DR Congo ordered the release of the three men. This order was not carried out and the three officers continued to be held in prison, apparently without cause, since none of them had committed an offence in the DR Congo. The Working Group decided that their continued detention could not be linked to any legal basis other than mere "reason of State" and, thus, was arbitrary. The WG notes that two of the men were eventually extradited and the third was released.

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 376-379)

The Working Group transmitted three newly reported cases of disappearance to the former government, all of which reportedly occurred in 1996. Two of the cases involved villagers from Kitshanga who were arrested by members of the Zairian armed forces in September 1996 as they were on their way to Goma. The third case involved a man who was arrested by members of the Service for Action and Military Intelligence (Service d'actions et de renseignements militaires), also in September 1996.

The majority of the 21 cases remaining to be clarified occurred between 1975 and 1985 and involved people suspected of being members of a guerrilla group known as the Parti de la révolution populaire or of being political activists. More recent cases concerned a journalist who was abducted from his home in 1993 by members of the Division spéciale présidentielle and the civil guard, and four men who were arrested in Likasi in 1994 by soldiers and detained for almost two months before being transferred to Kinshasa. The four men have not been seen since their arrest and their whereabouts remain unknown. The former government did not provide any information on the cases referred to it.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 15, 41, 54, 56, 60, 67, 71; E/CN.4/1997/60/Add.1, paras. 564-572)

The report notes that information continued to be received concerning mass violations of human rights, including extrajudicial, summary or arbitrary executions, particularly in the context of the ethnic conflict between Hutus and Tutsis in North-Kivu and between Hutus and indigenous ethnic groups. The Special Rapporteur (SR) received disturbing, specific reports of the direct involvement of the armed forces and security forces not only in killings, looting and fire-raising, but also in the expulsion of Zairian

Tutsis from their own country. The SR stated that the presence of members of the Zaïrian armed forces, associated with the Kimia and Mbata operations aimed at disarming the militias, had caused insecurity to increase because of their complicity in acts of violence perpetrated by the Interahamwes and the Hutu militias.

Two urgent appeals were addressed to the former government: the first related to death threats against a representative of the Zaïrian Human Rights Association; the second followed reports of the massacre of members of the Banyamulenge people.

Mercenaries, Special Rapporteur on the use of: (E/CN.4/1997/24, paras. 24, 111)

The report refers to information indicating that over 300 European, mainly Belgian, French and Serb, and African mercenaries had served with the Zaïrian armed forces in the armed conflict between them and the Banyamulenges guerrilla fighters, Tutsi secessionists who controlled part of the territory of eastern DR Congo prior to the change of government. The report also notes that mercenaries had acted as military instructors for the former government's troops in Kisangani and Moba.

Sale of children, child prostitution, child pornography, Special Rapporteur on the: (E/CN.4/1997/95, para. 42)

The Special Rapporteur (SR) refers to the refugee camp in Goma and notes that approximately 10,000 children lived there without their parents. The report notes that these children are classified as "unaccompanied children" by international organizations and cites information indicating that they are used as currency in the makeshift cities. The report states that the children are either forced to sell themselves to stay alive or their bodies are bartered for food and favours by adults assigned to look after them.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, paras. 572-579)

The report notes that 15 newly reported cases of torture were transmitted to the previous government as well as cases that had been sent in 1995. Five urgent appeals, most in conjunction with the Special Rapporteur on the situation of human rights in DR Congo, were also sent and related to the situations of 13 individuals or groups. The government did not reply to any of the communications.

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 has been in force since September 1996 and a curfew was imposed in the capital 13 May 1997.

Other Reports

Cooperation with UN representatives, Report of the S-G to the CHR: (E/CN.4/1997/50, para. 20)

The report of the Secretary-General notes that the President and two members of the NGO Voix des sans voix were arrested by members of the Service d'action et renseignements militaires (SARM) in Kinshasa after having inquired about the human rights situation in eastern Zaire. The report notes that the organization's President had met with the

Special Rapporteur on the situation in DR Congo three days before his arrest.

Detention of international civil servants, Report of the S-G to the CHR: (E/CN.4/1997/25, para. 38, 62-63)

The report of the Secretary-General summarizes information received from the World Food Programme related to the continuous risk faced by WFP staff in Goma prior to the change in government.

ECONOMIC AND SOCIAL COUNCIL

The report of the Secretary-General on ways and means to support follow-up to the Fourth World Conference on Women (E/1997/64) refers to the resolution adopted by the Commission on Human Rights, prior to the change of government in DR Congo, and the concern expressed at the lack of improvement in the human rights situation, and, in particular, violence against women.

GENERAL ASSEMBLY

The Special Rapporteur's report (A/52/496) includes commentary on: the joint mission on the massacres which occurred in eastern Zaire; the investigating team appointed by the Secretary-General; activities of the SR; the relationship between the SR and the authorities of the former Zaire and of the Democratic Republic of the Congo; the international obligations of DR Congo; the Office of the UN High Commissioner for Human Rights in the DR Congo; the war of liberation and institutional change; the demise of the former regime; the installation of a new regime and authority in the so-called "liberated" territories; the new power structure; transboundary nationality; promises of a new democratic order and the reality; the continuing war in Northern Kivu; activities of the Conseil de la résistance et de la libération de Kivu; calls to resistance by generals of the former Zaïrian armed forces; violence against Cabindan leaders in Bas-Congo; the situation in refugee camps; a review of human rights under the Mobutu government; and, human rights in the liberated areas under the Kabila government.

The report notes that under Kabila, the institutions of government are the President, the Government and the courts and that no provision has been made for a legislative body, even as a formality. The President is the Head of State and exercises legislative authority through decree-laws discussed in the Council of Ministers; ministers are appointed and dismissed by the Head of State, to whom they are accountable; and the President can relieve judges of their functions and where appropriate, dismiss them on the proposal of the Supreme Council of the Judiciary. The report states that political subordination to the regime can be seen in the functioning of the judiciary as evidenced by the fact that: there is absolute impunity for those responsible in all cases of human rights violations; only opponents of the government are brought to the court; and journalists are frequently summoned for writing articles critical of the regime or demanding greater freedom. As well, the confiscation of property acquired illegally by senior officials of the Mobutu regime does not mean that such property is returned to the state; rather it is simply appropriated by the confiscating authorities. The report notes that the judicial branch is functioning only in Kinshasa and

one or two other major cities, meaning that three quarters of the population have no access to the judicial system.

The Special Rapporteur describes the human rights situation in DR Congo under the Kabila government and notes a number of elements, including: the fact that all power is in the hands of one person; a climate of terror prevails throughout the country because of the way in which the Alliance won its victory; the fate met by the Rwandan refugees in the camps and the settling of scores, some of which date back 32 years; the regime is a military regime which has absolute control over the country; with the exception of Kinshasa, where newspapers are in circulation, the country is in a state of complete disinformation — there are no newspapers, radio stations are controlled by AFDL, there is no postal service and the telephone service is not working; and, there is terrible stigmatization — to be accused of genocide or of being, for example, a Mobutu supporter, an Interahamwe Hutu or a Bembe can be sufficient grounds for being killed, looted, stripped of one's property, arbitrarily detained, tortured or exiled.

Specific human rights considered include: right to life related to the death penalty, political murders, enforced disappearances, arbitrary deprivation of life through excessive use of force in repressing crime or dissidence, arbitrary deprivation of life through abuse of power shielded by impunity, and death by torture; the right to physical and psychological integrity — related to public beatings of AFDL opponents and to torture and ill-treatment (beatings, rape, urinating in the mouths of prisoners, electric shocks and beatings using a plank with nails, amputation of fingers with a bayonet); the right to security of the person — related to sudden arrests or house raids; the right to liberty — related to arrest of political leaders, house arrests and restrictions of varying duration on the right to enter and leave the country; and, the right to privacy — related to inspection of private correspondence sent to areas controlled by AFDL.

The report details a number of areas in which the right to due process is violated, including: failure to carry out enforceable sentences in favour of defendants; threats against defence lawyers; replacement of ordinary judges with soldiers without training; establishment of a military court which may try civilians but under military rules of procedure and stipulating that its decisions cannot be appealed or contested; summary dismissal of judges; lack of judicial charges; use of arbitrary arrest and the absence of effective remedy; arbitrary transfer of prisoners from one location to another; and, absence of guarantees of the right to be heard by an independent and impartial tribunal.

With regard to freedom of opinion the report notes that, while newspapers may circulate freely, they are available only in Kinshasa, they contain little news, have limited circulation, and are published only in French. The report suggests that the authorities are wary of freedom of expression, as reflected in, for example: the high accreditation fee (US\$ 100) which the foreign press is required to pay; the creation of an inspectorate for the public audio-visual media, clearly with censorship in mind; the call by the Minister of Information in May 1997 to the public press to "receive instructions from AFDL", meaning that any reporting must be approved by AFDL; the expulsion of independent journalists from the public

media, accused of being Mobutu supporters; the frequent confiscation of equipment during public demonstrations; the requirement that secular private radio stations pay 40 per cent of their revenues to AFDL (20 per cent for religious stations); the advertising ban on private radio stations; the requirement that regional radio stations broadcast news and announcements from the Alliance twice a day; the obligation sometimes to reveal sources or issue denials; and, the requirement, in some places, that news programmes be approved by the Alliance. The one-party system is characterized in the report as reaching its height in public television and radio, as seen by the fact that programmes praising the new authorities are broadcast non-stop and AFDL alone has access to those media and the public media are the voice of AFDL, while no news, announcements, interviews or opinions of dissident sectors are allowed. The report also notes that: no segment of civil society or non-governmental organization has access to the public media; it is impossible to hear news from abroad because Congolese National Radio and Television (formerly OZRT) only broadcasts national news; editors and journalists have been arrested, and, Alliance agents have confiscated all video cassettes and film from journalists covering events unfavourable to the government, for example, a student demonstration.

On the issue of economic, social and cultural rights, the report notes the absence of measures designed to ensure respect for these rights and cites: the negative influence of the deteriorating economy, the very high inflation rate; the low rate of investment in health, education and housing; and, the lack of protection arising from the conflict which led to, for example, a cholera epidemic attributed to soldiers and civilians fleeing from the east with no effort by the state to help the afflicted. With regard to children, the SR reiterates previous concerns related to extreme poverty, education, health problems, and recruitment of children by the former FAZ. The commentary on the situation of women notes that conditions had not improved for women and, in some cases, had worsened as a result of the armed conflict and shortages of basic necessities.

The report concludes by stating that the Congolese do not enjoy, and will not enjoy in the foreseeable future, the human right to democracy. The report recommends that the government:

- ▶ begin immediately a process of building democracy and promptly initiate a dialogue with the democratic forces that made it possible to end 32 years of authoritarianism;
- ▶ establish an effective separation of powers and a fully functioning multi-party system;
- ▶ guarantee the independence of the judiciary;
- ▶ give the judiciary jurisdiction over the investigation of property misappropriated by dignitaries in the former government;
- ▶ investigate, with due respect for procedural guarantees, crimes committed during both the former and current regimes and ensure that the executive branch cooperates fully with the judicial branch in this;
- ▶ adopt measures to end impunity;
- ▶ ensure that the new armed forces are nationally representative and not dominated by one ethnic group, region or political tendency;

- ▶ take steps to stop immediately all human rights violations, including summary executions, enforced disappearances, looting and torture;
- ▶ lift all measures restricting freedom of expression and opinion;
- ▶ ensure that people are not persecuted for their ideas or the dissemination of them;
- ▶ ensure complete freedom for NGOs to establish themselves, elect their authorities, receive contributions, determine their mandates and exercise their functions; and
- ▶ implement a policy to guarantee the end of legal, cultural and educational discrimination against women.

The report calls on the international community, to help rehabilitate the environment which deteriorated as a result of the need to accommodate more than 1 million Rwandan refugees and assist internally displaced persons.

Following presentation of the report, the General Assembly did not adopt a resolution on the situation of human rights in the DR Congo.

SECURITY COUNCIL

In a resolution and statements by the President (S/RES/1097, February 1997; S/PRST/1997/22, 24 April 1997; S/PRST/1997/31, May 1997) the Council, *inter alia*: endorsed the five-point peace plan for eastern DR Congo (Zaire); expressed increasing alarm at the deterioration of the situation and the humanitarian consequences it was having on refugees, displaced persons and other civilian inhabitants; expressed dismay at acts of violence that hampered the delivery of humanitarian assistance; expressed alarm at the reports of massacres and other serious violations of human rights in the eastern part of the country; called for complete cooperation with the UN mission investigating reports of massacres, other atrocities and violations of international humanitarian law in the country; and, expressed particular concern over reports that refugees in the east of the country were being systematically killed.

FIELD OPERATIONS

The Office of the High Commissioner opened an office in Kinshasa on 10 December 1996 with a mandate to follow the human rights situation in the country and advise the authorities and non-governmental organizations in areas related to the promotion and protection of human rights. The office has given special attention to the establishment or strengthening of democratic institutions and the rule of law, the training of law-enforcement officials and assistance to NGOs and national institutions working for human rights.

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CÔTE D'IVOIRE

Date of admission to UN: 20 September 1960.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Côte d'Ivoire has not submitted a core document for use by the treaty bodies.

Economic, Social and Cultural Rights

Acceded: 26 March 1992.

Côte d'Ivoire's initial report was due 30 June 1994.

Civil and Political Rights

Acceded: 26 March 1992.

Côte d'Ivoire's initial report was due 26 June 1993.

Optional Protocol: Acceded: 5 March 1997

Racial Discrimination

Acceded: 4 January 1973.

Côte d'Ivoire's fifth through 12th periodic reports (for the 1982–1996 period) have not been submitted; the 12th periodic report was due 3 February 1996.

Discrimination against Women

Signed: 17 July 1980; ratified: 18 December 1995.

Côte d'Ivoire's initial report was due 17 January 1997.

Torture

Acceded: 18 December 1995.

Côte d'Ivoire's initial report was due 16 January 1997.

Rights of the Child

Signed: 26 January 1990; ratified: 4 February 1991.

Côte d'Ivoire's initial report was due 5 March 1993.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Independence of judges and lawyers, Special Rapporteur on: (E/CN.4/1997/32, paras. 18, 99–100)

The report notes that early in 1996 the Special Rapporteur (SR) expressed concern to the government about a number of draft bills being prepared by the Minister of Justice and Public Liberties, one of which could affect the status of the judiciary by infringing on the principle of the separation of powers, as well as the irremovability of judges. Other draft provisions in the same bill had the potential of infringing upon the right of judges and lawyers to form associations. The SR requested information regarding the dates when the draft bill would be debated in Parliament, and asked the government to forward a copy of the draft Bill to him. At the time the report for the 1997 session of the CHR was finalized, no reply had been received from the government.

Racial discrimination, Special Rapporteur on: (E/CN.4/1997/71, para. 82)

The report reproduces the text of a tract with xenophobic contents that was circulating in Côte d'Ivoire, addressed to Ambassadors "for the information of their citizens". It stated that "Côte d'Ivoire belongs to the Ivorians" and told foreigners to get out of the schools, markets, streets, hospitals, temples, churches, mosques, university, countryside, villages, fields, port and "in a word, get out of our country". It carried a warning that, after the November 1996 elections, foreigners would be hunted down and that a situation like that in Algeria would prevail in Côte d'Ivoire. The tract claimed that Bedie would free Côte d'Ivoire and that, "like Hitler", he wanted a pure race and an undivided Côte d'Ivoire for "pure-bred Ivoirians". The tract was signed by the "soldiers of Bedie", the "pure-bred Ivoirians". The government did not reply to the SR's request for detailed information on the tract. The report notes that the statement was indicative of a wave of xenophobia which was troubling neighbouring countries since many of their nationals live in Côte d'Ivoire.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, para. 107)

The report notes that the Special Rapporteur transmitted ten individual cases to the government. The cases involved: rape by a member of the security forces on the university campus of Youpougon (Abidjan) and the arrest of the Secretary-General and eight other members of the Fédération estudiantine et scolaire in September 1995 by members of the DST. Information indicated that the nine members of the Fédération were detained at the DST (Direction de la surveillance du territoire) premises and at the police school, beaten and deprived of food for several days.

Mechanisms and Reports of the Sub-Commission

Contemporary forms of slavery, Working Group on: (E/CN.4/Sub.2/1997/13, para. 74)

The report refers to information indicating that children are being trafficked from Togo to several countries in West Africa, including Côte d'Ivoire.

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DJIBOUTI

Date of admission to UN: 20 September 1977.

TREATIES AND REPORTS TO TREATY BODIES

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

Rights of the Child

Signed: 30 September 1990; ratified: 6 December 1990.

Djibouti's initial report was due 4 January 1993.

Reservations and Declarations: General reservation.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 15, 31, 66; E/CN.4/1997/60/Add.1, paras. 148–149)

The report refers to the case of a prominent human rights lawyer who had been warned by police that they had orders to kill him (see below). The Special Rapporteur reminded the government of its failure to respond to this appeal, as well as to cases that had been transmitted in 1994.

Independence of judges and lawyers, Special Rapporteur on: (E/CN.4/1997/32, paras. 17, 106–107)

The Special Rapporteur (SR) sent a joint urgent appeal with the SR on extrajudicial, summary or arbitrary executions. The case arose from allegations of threats and harassment against a human rights lawyer who, early in 1996, was reportedly informed that certain police officers had received instructions to execute him. It was suggested that the threats might have been linked to his professional activities which included work on behalf of victims of human rights violations. The report notes that the lawyer subsequently reported the threats to the Attorney General's office and was told that the threats would not be investigated and that he would not be provided with protection. The report added that the lawyer was constantly followed without his consent by

two members of the Political Police. At the time the report was finalized, the government had not replied to the joint appeal.

Mechanisms and Reports of the Sub-Commission

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

The report records that, according to information published in the press, a curfew was introduced in the district of Obock on 16 November 1991.

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EGYPT

Date of admission to UN: 24 October 1945.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Egypt has submitted a core document (HRI/CORE/1/Add.19) for use by the treaty bodies. The report prepared by the government includes demographic data and information on the structure of government, the Constitution, the Penal Code, the Egyptian Emergency Act, judicial authority, juvenile justice and the general legal framework related to human rights.

The Constitution establishes the rights and freedoms of citizens and has provisions on, for example, political freedom and the multi-party system, equality of opportunity, protection of the family, equality between women and men, the right to work, the right to assume public office, the right to free education at all levels, non-discrimination, privacy, freedom of movement, the press, associations and trade unions and political asylum. All crimes related to human rights as set out in international instruments are punishable under Egyptian penal law. The international treaties that Egypt has ratified, including human rights instruments, are part of the law in force in the country.

Economic, Social and Cultural Rights

Signed: 4 August 1967; ratified: 14 January 1982.

Egypt's initial report was due 30 June 1990; the second periodic report was due 30 June 1995.

Reservations and Declarations: General reservation.

Civil and Political Rights

Signed: 4 August 1967; ratified: 14 January 1982.

Egypt's third periodic report was due 13 April 1994.

Racial Discrimination

Signed: 28 September 1966; ratified: 1 May 1967.

Egypt's 13th periodic report was due 4 January 1994; the 14th periodic report was due 4 January 1996.

Reservations and Declarations: Article 22.

Discrimination against Women

Signed: 17 July 1980; ratified: 18 September 1981.

Egypt's third periodic report (CEDAW/C/EGY/3) has been submitted and is pending for the Committee's January 1999 session; the fourth periodic report was due 18 October 1994.

Reservations and Declarations: Article 2; paragraph 2 of article 9; article 16; article 29.

Torture

Acceded: 25 June 1986.

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

Rights of the Child

Signed: 5 February 1990; ratified: 10 July 1990.

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

Reservations and Declarations: Articles 20 and 21.

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

Arbitrary detention, Working Group on: (E/CN.4/1997/4, Section I.A, paras 6, 14, 15; E/CN.4/1997/4/Add.1, Decision 45)

The decision by the Working Group (WG) involved 12 people arrested and detained between January 1989 and February 1994. The facts of the cases, as transmitted by the WG, were not disputed by the government. All of the cases involved detention without charge or trial. In seven of them, judicial decisions ordering release had been handed down and, in all seven cases, the authorities had refused to comply, each time issuing new detention orders. In one case there had been 25 judicial decisions ordering release and the same number of detention orders issued; in other, eight judicial decisions ordering release had been rendered and authorities had countered with the same number of detention orders. The WG also noted that all of the individuals had been regularly transferred from one prison to another during their detention period, and that some of them were allegedly tortured or brutally beaten. In the WG's view, there was no doubt that there were grave violations of the right to a fair trial and the provisions of articles 9, 10, and 11 of the Universal Declaration and articles 9 (2) and (3) and 14 (1), (2) and (3) of the ICCPR and that, as a consequence, the detentions of the 12 men were arbitrary. The WG also decided to refer information alleging torture to the Special Rapporteur on the question of torture. The government informed the WG that one of the persons detained had been released.

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 132-136)

The Working Group (WG) transmitted two new cases of disappearance to the government, one of which was reported to have occurred in 1996. The cases concern a trader and a doctor; in both cases, officers of the State Security Investigations Office are alleged to be responsible for the disappearance.

There remain 15 outstanding cases of disappearance to be clarified, the majority of which allegedly occurred between 1988 and 1994. The victims included alleged sympathizers of Islamic militant groups, students and three Libyan citizens. The report notes that the renewal of the state of emergency during this period, which apparently gave free rein to security forces without supervision or accountability, is said to have been an aggravating factor in the disappearances.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 15, 16, 17, 18, 19, 28, 32, 33, 68, 83; E/CN.4/1997/60/Add.1, paras. 150-159)

The Special Rapporteur cites information indicating that, between January and September 1995, more than 20

detainees, most of them suspected members of banned Islamic groups, died in custody. Torture and ill-treatment, poor hygiene conditions and overcrowding are reported to have contributed to these deaths. The report notes that, in

most cases, the families of those who died were not given copies of autopsy reports or death certificates and were not told the cause of death. The information received also indicated that investigations into death in custody and their findings are rarely made public.

The report refers to concerns related to: criminal proceedings before military courts, which lead to the imposition of the death penalty and fall short of international fair trial standards; the process of appeal of verdicts by criminal courts, which may include the death penalty, and the provision that appeal may only be made before the Court of Cassation if it can be proved that procedural irregularities were committed during the trial; and, the impartiality and independence of military tribunals given that military judges are serving military officers appointed by the Minister of Defence for a two-year term which is renewable for additional terms of two years at the Minister's discretion.

The report also notes deficiencies in fair trial standards in cases that go before the (Emergency) Supreme State Security Court. In contrast to procedures in ordinary criminal courts, there is no right to appeal before a higher tribunal. Based on the State of Emergency Act No. 162 of 1958, sentences passed by the (Emergency) Supreme State Security Court can only be reviewed by the President or a person mandated by the President.

The report comments on restrictions on the independence of the judiciary arising from the involvement of the President at three levels: deciding which case is to be heard by the military courts; presiding over the Military Appeals Bureau; and considering appeals for pardon or commutation of a death sentence. The SR called on the government to review the appeal procedure and to bring it into line with international standards. With regard to deaths in custody, the SR called on the authorities to strengthen safeguards regarding the interrogation of suspects, to ensure that police do not use force to extract information from detainees, to enforce police accountability for human rights violations, and to provide adequate compensation to the families of the victims.

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

The report notes that the Special Rapporteur has requested an invitation to visit Egypt.

Religious intolerance, Special Rapporteur on: (E/CN.4/1997/91, paras. 9, 10, 12-15, 17, 20, 66)

The report summarizes the case of Professor Nasr Hamed Abu Zeid of Cairo University, who was declared an apostate by the Egyptian courts, following a petition by Islamic plaintiffs who argued that his writings on the interpretation of the Koran were anti-Islamic. As a result of being declared an apostate, the professor was unable to remain married to his Muslim wife.

On the basis of the government's reply to the Special Rapporteur, the report states that the judicial authorities are independent of official political authorities, and that efforts

are being made by the executive and legislative branches to contain extremism and intolerance. Following on this, the report drew attention to Act No. 3 of 29 January 1996, which entitles only the public prosecutor's office to institute hisba *proceedings*, such as those brought by the plaintiffs, who claimed to be acting in the name of Islam, against Professor Abu Zeid, and Act No. 68 of 21 May 1996, which specifies the conditions for taking legal action. The report further notes that, that based on a judgement of the Court of Cassation, action has been brought against the judges in Professor Abu Zeid's case for serious breaches of the rules concerning the competence and functioning of the Court of Cassation and for neglect of the duties incumbent upon judges. The action seeks, in particular, to have the Court's judgement declared null and void.

The Special Rapporteur's interim report to the General Assembly (A/52/477, paras. 21, 25, 28, 33, 38) notes that communications were transmitted to the government related to violations of religious freedom against Christians, including the case of a Muslim who had converted to Christianity and was arrested and interrogated about the activities of converts.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, paras. 118–143)

The report notes that 11 individual cases and one urgent appeal on behalf of five people were transmitted to the government and that the authorities had replied to 150 cases that had been transmitted in previous years.

The Special Rapporteur (SR) acknowledged the effort made by the government to respond to cases; however, it also referred to the length of investigations into the allegations and the fact that it is rare that such investigations conclude in prosecutions, especially where the Security Services Investigation is concerned. The SR refers to the conclusion of the Committee against Torture "that torture is systematically practised by the security forces in Egypt, in particular by State Security Intelligence, since in spite of the denials of the Government, the allegations of torture submitted by reliable non-governmental organizations consistently indicate that reported cases of torture are seen to be habitual, widespread and deliberate in at least a considerable part of the country" (A/51/44, para. 220).

The cases detailed in the addendum to the main report list various methods of torture and ill-treatment encountered in Egypt including assault resulting in head injury, coma and partial paralysis, indiscriminate beatings with rubber and wooden truncheons, assaults with tear gas and electric batons, hanging upside down from the ceiling and use of electric shocks.

The government's response to the 150 cases previously transmitted variously indicated: the persons alleged to have been tortured had failed to present themselves at the Office of the Assistant Attorney-General, even though they had been invited to do so in order to complete the investigations and, thus, investigations into these cases were being completed on the basis of the findings of technical reports; the court had found evidence obtained through their torture to be inadmissible; neither the persons involved nor their families had instituted legal proceedings to claim compensation; the public

prosecutor had decided to close the case; investigations were continuing; those alleged to have been tortured did not appear for medical examinations that had been ordered or pursue their complaints in order to complete the legally prescribed procedures needed for a final decision, despite repeated requests and summonses in that connection; the court had not been convinced of the truth of the allegations of torture; inspectors who had noted the absence of evident injuries on prisoners' bodies, had nonetheless ordered a medical examination and decided to close the cases in view of the spurious nature of the allegations; criminal proceedings against some of those accused of torture had been initiated and others had been referred to disciplinary tribunals, depending on the nature and the gravity of the acts; the person alleging torture had assaulted the arresting officer and had deliberately injured himself so as to claim that he was tortured; and, administrative sanctions were imposed on those accused of torture and ill-treatment for having violated instructions concerning confinements in hospitals.

Toxic wastes and products, Special Rapporteur on: (E/CN.4/1997/19, para. 49)

The report refers to events in 1992 in which the Egyptian authorities refused to permit the unloading of a cargo of 950 tonnes of plastic wastes originating in Germany; this waste was to have been delivered to Egyptian cement kilns as fuel for their ovens. The report notes that the waste was combined with 1.7 per cent lead, other heavy metals and polycyclic aromatic hydrocarbons which, if burnt in cement kilns, would have produced toxic fumes endangering the health of the local population. According to the German government, the waste was returned to Germany where it was disposed of in an environmentally sound manner.

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 declared in Egypt in October 1981, has been periodically extended since then, and is still in force.

Traditional practices affecting the health of women and children, Special Rapporteur on: (E/CN.4/Sub.2/1997/10, para. 10, 40, 98–106)

The report notes that a 1995 demographics and health study, conducted by the National Population Council of the Egyptian Ministry of Health, showed that 82 per cent of women are in favour of excision and consider it a "good" tradition. The study also showed that among women who completed secondary school, support for excision falls to 56.5 per cent as against 93.1 per cent among those with no schooling. Women opposed to excision justified their position on the bases that it is a "harmful tradition" that flies in the face of religion or detracts from the dignity of womanhood.

The report refers to the Canadian International Development Agency and assistance provided to the Adolescent and Gender Programme in Egypt which focuses on minimum marriage age.

Reference is also made in the report to the campaign launched by the non-governmental Egyptian Organization for Human Rights (EOHR) in October 1996 against female

genital mutilation with the goal of raising awareness of the problem in the poor areas and suburbs of Cairo. The campaign included distribution of a questionnaire to 50 women between the ages of 24 and 50 to solicit their views about the decision of the Egyptian Ministry of Health forbidding female genital mutilation. The report notes that responses to the questionnaire showed that those canvassed supported the Ministry's decision. The report also notes that, in August 1996, the EOHR issued a press release which condemned the death of a 14-year-old girl as a result of genital mutilation, and called on the Doctors' Association to raise and discuss the question of female genital mutilation from a medical viewpoint, and to try to reach a professional consensus on the prohibition of the operation by doctors whatever the circumstances.

The report notes that 90 per cent of the women who responded to the questionnaire from the EOHR already had mutilated daughters and the only girl not yet circumcised had not undergone the procedure simply because she had not yet reached the required age. The report also refers to a statement by the highest civil court in Egypt recommending the legalization of female circumcision while, at the same time, admitting that the practice was not mandatory under Islam. From this statement, the report concludes that the prohibition on hospitals and clinics mutilating young girls is likely to be rescinded. It also notes that the Council of State has been warned by a group of Islamist doctors and lawyers, who have accused the Minister of violating Islam, and who have claimed that the practice is important to curb the sexual appetite of women. The report notes that nearly 3,600 Muslim and Copt girls are subjected to female genital mutilation in Egypt each day.

Other Reports

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

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

Right to development, Report of the S-G to the CHR:
(E/CN.4/1997/21, para. 8 (f))

The report of the Secretary-General includes information provided by the UN Population Fund (UNFPA), noting that the UNFPA is conducting a research study on male sexuality in and out of the family in cooperation with the Population Council in Egypt. The study is focused on the attitudes and views of adolescent boys and men on their sexual and reproductive behaviour, decision-making about contraception and their role in the family. The study complements the Population Council's on-going study on girls and women.

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 by the UN Information Centre Cairo which organized, in cooperation with the Centre of Legal Studies and Information on Human Rights, the Second African Workshop for Teaching

Human Rights, attended by 100 people. UNIC also provided material for a photo exhibition organized by the Sudanese Victims of Torture Group to promote public awareness of human rights.

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EQUATORIAL GUINEA

Date of admission to UN: 12 November 1968.

TREATIES AND REPORTS TO TREATY BODIES

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

Economic, Social and Cultural Rights

Acceded: 25 September 1987.

Equatorial Guinea's initial report was due 30 June 1990; the second periodic report was due 30 June 1995.

Civil and Political Rights

Acceded: 25 September 1987.

Equatorial Guinea's initial report was due 24 December 1988; the second periodic report was due 24 December 1993.

Optional Protocol: Acceded: 25 September 1987.

Discrimination against Women

Acceded: 23 October 1984.

Equatorial Guinea's second and third periodic reports were submitted as one document (CEDAW/C/GNQ/2-3) which is pending for consideration at the Committee's January 1998 session; the fourth periodic report was due 22 November 1997.

Rights of the Child

Acceded: 15 June 1992.

Equatorial Guinea's initial report was due 14 July 1994.

COMMISSION ON HUMAN RIGHTS

Special Rapporteur on Equatorial Guinea

The question of human rights in the Republic of Equatorial Guinea has been publicly considered by the CHR since 1979. At its forty-ninth session, in resolution 1993/69, the Commission requested its Chairman to appoint a Special Rapporteur (SR) on Equatorial Guinea with a mandate to make a thorough study of the violations of human rights by the government of Equatorial Guinea. The mandate has been renewed annually since that time. Mr. Alejandro Artucio was Special Rapporteur in 1997 and reported to the Commission.

The report of the SR (E/CN.4/1997/54), the fourth, provides commentary on a number of areas where reform is still needed to ensure effective and real protection and respect for human rights. A number of continuing shortcomings in the performance of the state are identified and include: the absolute character of the state; the lack of substantive changes to the Electoral Act of January 1995 — under which the electoral authority lacks independence and is subordinate to the Executive; the lack of independence of the judiciary specifically, the Supreme Court's inability to enforce its decisions because of interference from other sectors of the state and, in particular, from the Executive; the fact that judges and

officials have only a limited knowledge of current legislation, due in part to the government's failure to publicize laws; failure to implement the Habeas Corpus Act of 1995; and, excessive encroachment of military jurisdiction into criminal matters as manifested in the fact that the military courts exercise control over opponents, curtailing freedom of expression and limiting the exercise of political activity within the framework of the democratic pluralism of the State.

In terms of public and official awareness of the laws of the country, the report states that insufficient publicity is still given to laws and governmental acts. Not only is the general public unaware of them, so too are sectors of the public administration and especially the peripheral authorities responsible for public order. The report comments that these authorities take advantage of their ignorance to deny legally granted rights to applicants. The fact that laws, decrees and regulations are not published periodically and regularly is a source of serious legal uncertainty.

In light of these institutional inadequacies, the report comments on a number of kinds of violations that are still common. These violations include:

- ▶ repression against opponents and dissidents, generally manifested as "nuisance" deprivation of liberty of several days, rather than longer term detentions, and often accompanied by physical ill-treatment; or as threats and imposition of fines to intimidate those targeted into giving up political activities;
- ▶ a disproportionate number of arrests and detention of political activists in rural areas, generally accompanied by fines levied by governing authorities in the absence of judicial authorities; indefinite detention is often the penalty if the fine is not paid;
- ▶ unpaid work by prisoners outside the confines of the prison;
- ▶ inadequate diet and medical care for prisoners;
- ▶ the continuing practice of torture and ill-treatment of prisoners although the number of cases reported has decreased;
- ▶ continuing limitations on the right of assembly and other political rights; and,
- ▶ existence of police checkpoints which impede freedom of movement within the country and allow authorities to stop and delay opposition party activists and to confiscate their property.

Addressing the situation of women, the report states that women continue to hold a marginal position in public life despite the fact that their participation has increased slightly. The report notes that two women are currently Ministers of State, six are members of Parliament, seven are directors in the public administration, three are mayors and two are presidential advisors. The SR points out, however, that these positive developments have not been sufficient to reverse the situation, improve the inferior position of women in Equatorial Guinea, and end the discrimination against them.

The report does not deal with economic, social and cultural rights in depth. It does provide summary commentary, however, and notes that: 65 per cent of the population lives in

extreme poverty; until 1996 servicing of the external debt absorbed 75 per cent of the general state budget; this figure has been reduced but is still more than half, at 57.6 per cent; 60 per cent of the population has no access to drinking water; maternal mortality remains high because of medical and hygiene problems in early pregnancy; a low rate of prevention persists in terms of curable diseases and death rates from these diseases can be attributed to inadequate medication, lack of consultations with doctors for diagnosis and treatment purposes, and the geographical and financial inaccessibility of medical treatment; medical centres remain short of trained staff and technology; more than 50 per cent of women are illiterate; the school drop-out rate is estimated to be 37.5 per cent; classrooms remain in poor condition and there is a lack of educational materials; and, in terms of work, there remains a major lack of sources for work and employment, resulting in high rates of un- and under-employment.

The conclusion to this overview of economic and social conditions states that an all-embracing negative factor in the situation is the inadequate state administration arising from the lack of material resources and trained human resources, the lack of transparency in management, and the lack of coordination among the different services. The SR also believes that the future of human rights promotion and protection in Equatorial Guinea is strongly affected by impunity, described by him as a negative and detrimental factor which is an insult to justice and undermines equality before the law. The causes of impunity identified include the fact that the police or the courts do not investigate offences, deny or conceal them, protect those responsible, or fail to act against those responsible, whether on their own initiative, for political reasons or because they are subjected to intimidation. The report asserts that no progress has been made to combat impunity and that it will be difficult to make any progress towards respect for human rights in Equatorial Guinea, except incidentally, as long as the present conditions persist. The report expands consideration of impunity to its effect on economic, social and cultural rights by noting that the perpetrators of violations of economic, social and cultural rights also enjoy impunity when judicial mechanisms fail to function in corruption cases involving high-level state officials. The report notes that, despite promises made by senior officials to provide the Special Rapporteur with cases of abuse of power and unlawful conduct on the part of officials, there is no evidence of even a single investigation or administrative or criminal proceeding against an official responsible for abuse of power or for any other offence. The SR is careful to make a distinction between what may be called the "privileges of office" and a failure of the state to hold those in power accountable by pointing out that the impunity in question has nothing to do with the functional immunity protecting officials.

Among the points weighted in drafting the recommendations were: the absence of a process to ensure periodic and regular publication of laws, decrees and governmental acts, leading to serious uncertainty about the law; the inadequate functioning of institutions that could guarantee democratic coexistence; absence of separation of state powers despite Constitutional provisions establishing this principle; excessive encroachment of military jurisdiction into criminal matters leading to arbitrary acts and excesses; inadequacies in the measures taken by the government to improve the

situation of women, leading to the continued practices of relegating women to an inferior position and discrimination against them which is often derived from cultural factors; and the continuation of discrimination against persons belonging to ethnic minorities.

The recommendations arising from these and other points call on the government to:

- ▶ adopt legislative and administrative measures to institutionalize the separation of state powers into its three components justice, law and executive authority to ensure independence and make effective a system of checks and balances;
- ▶ accede to the Convention against Torture and the Convention on the Elimination of All Forms of Racial Discrimination;
- ▶ regularly publish laws, decrees and governmental acts;
- ▶ adopt legislative and administrative measures to guarantee the full independence and impartiality of the judiciary and to ensure due process and enforcement of judicial decisions by the security forces;
- ▶ take the necessary steps to put the right and remedy of habeas corpus into effective operation;
- ▶ limit the jurisdiction of military courts to strictly military offences committed by military personnel;
- ▶ give precise instructions to forces of order and security to eliminate practice of arbitrary detention and arrest and take all necessary steps to eliminate torture, cruel, inhuman or degrading treatment or punishment;
- ▶ put an end to intimidation and harassment of political party activists and citizens in general and make clear that all authorities have an obligation to respect the right of all nationals freely to express their opinions and to unite in acting on them;
- ▶ adopt measures to end impunity, including prompt and impartial investigations of any report of torture and any form of ill-treatment or arbitrary imprisonment; bring to trial those responsible for such conduct; ensure rehabilitation of victims; and provide compensation for them and/or their relatives;
- ▶ take measures to implement a system of remuneration to prisoners for work they perform;
- ▶ reform the Electoral Act to guarantee that elections are both "clean" and credible; revise the electoral roll; legalize political groups to enable the formation of political parties on a regional basis; adopt measures to ensure access by all political parties to state media; and establish institutions independent of the Executive to be responsible for all aspects of the electoral process;
- ▶ take necessary measures to overcome cultural factors affecting the status of women and expand their effective participation in the education, professional and political spheres; and
- ▶ oppose any sign or symptom of discrimination against ethnic minorities.

Resolution of the Commission on Human Rights:
(1997/67)

The Commission adopted a resolution by consensus. The resolution: acknowledged the progress made but noted with

concern remaining areas of difficulties, including impunity, lack of an independent judiciary, military jurisdiction over criminal matters, intense repression of dissidents and opponents of government, continuing reports of torture and ill-treatment, continuing limitations on the right of assembly and other political rights, discrimination against persons belonging to ethnic minorities, and the failure to complete the process legally to recognize NGOs. It also noted the continuity of the process of democratization; invited the government to take all necessary measures to guarantee transparency and respect for the electoral law in force; invited the government to continue reform of electoral laws; encouraged the government to pay particular attention to economic, social and cultural rights; encouraged the government to continue efforts to overcome the relegation of women to inferior positions and discrimination against them; encouraged the government to ensure regular and periodic publication of laws, decrees and governmental acts; encouraged the government to accede to Convention against Torture and the Convention on the Elimination of All Forms of Racial Discrimination; encouraged the government to guarantee the independence and impartiality of the judiciary and put into effect habeas corpus; encouraged the government to take appropriate measures to put a stop to arbitrary arrest and detention and end intimidation and harassment of political party activists and the general citizenry and put an immediate end to all acts of torture and cruel treatment or punishment; encouraged the government to dismantle police and military checkpoints responsible for human rights violations; encouraged the government to act positively in opposition to any sign or symptom of discrimination against ethnic minorities; requested the High Commissioner for Human Rights to establish a programme of technical cooperation with the government; requested the Office of the High Commissioner for Human Rights and Special Rapporteur to continue the technical assistance project in cooperation with the UNDP and other UN agencies in the field of human rights; and, renewed the mandate of Special Rapporteur for one year.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 143–145)

The Working Group did not receive any new cases of disappearance. The three cases still to be clarified concerned the disappearance of members of political opposition parties who were reportedly arrested on 9 and 10 August 1993. The report indicates that police authorities refused to disclose any information on their whereabouts. The government has not provided any information on the cases.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 16, 18, 35; E/CN.4/1997/60/Add.1, paras. 203–206)

The report notes that the Special Rapporteur transmitted three complaints of violations of the right to life to the government. The deaths were caused when security forces fired on inhabitants celebrating the local victory of the Unión Popular in the elections and as a result of actions or ill-treatment by police both within and outside the context of

arrest. The government did not reply to the information transmitted.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1007/7/Add.1, paras. 145–152)

The report notes that information has been received indicating that torture and ill-treatment are frequently inflicted on detainees, including those arrested for political reasons. Thirteen individual cases and two urgent appeals were transmitted to the government. Among the cases handled by the Special Rapporteur were several involving a regional leader and several members of the Convergencia para la Democracia Social (CPDS) party and several leaders and a member of the Partido del Progreso (PP). The forms of torture and ill-treatment used included sessions, morning and afternoon, of 50 blows with rubber truncheons, severe beating with high-voltage cable, beatings on the soles of feet, severe blows to the chest with a rifle, extraction of fingernails with pincers, and detention while undressed for periods up to a month in closets measuring 70 x 50 cms with almost no food.

Other Reports

Minorities, Report of the S-G to the GA: (A/52/498, para. 31)

The report of the Secretary-General recalls the references in the 1997 CHR report of the Special Rapporteur to discrimination against members of the Bubi ethnic group on the island of Bioko and the inhabitants of the island of Annobon. It is noted that the government informed residents on Bioko, in writing, that any traditional celebration or ceremony involving a gathering of people required prior authorization from the government delegation in the district. The Special Rapporteur viewed the communication as seriously jeopardizing the right of any community freely to conduct ceremonies that were expressions of its culture.

Periodic and genuine elections, Report of the S-G to the GA: (A/62/474, Annex)

The report of the Secretary-General notes that the government invited the UN to send observers to the Presidential elections in February 1996 but that the lack of lead time made it impossible to organize an effective observation mission.

Women's human rights, Report of the S-G to the CHR: (E/CN.4/1997/40, paras. 82, 105)

The Secretary-General's report on the integration of women's human rights throughout the United Nations system notes that the resolution on Equatorial Guinea, adopted at the 1996 session of the Commission on Human Rights, encouraged the government to continue taking the necessary measures to improve the situation of women's human rights in the country. The report also summarizes actions taken by the Commission's thematic and country rapporteurs in terms of women's human rights and notes that the Special Rapporteur on Equatorial Guinea dedicated a section of his 1996 report to the situation of women, looking into the situation of women and their position in the society, and pointing out that he had observed no changes and that women continued to be relegated to an inferior position and discriminated against.

ERITREA

Date of admission to UN: 28 May 1993.

TREATIES AND REPORTS TO TREATY BODIES

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

Discrimination against Women

Acceded: 5 September 1995.

Eritrea's initial report was due 5 October 1996.

Rights of the Child

Signed: 20 December 1993; ratified: 3 August 1994.

Eritrea's initial report was due 1 September 1996.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Religious intolerance, Special Rapporteur on:

(E/CN.4/1997/91, paras. 9, 17, 19, 21, 26)

The report notes that Jehovah's Witnesses have been subjected to intolerance and discrimination and, as conscientious objectors, have lost their citizenship rights.

The Special Rapporteur's report to the 1997 session of the General Assembly (A/52/477, para. 46) notes that the government had not replied to communications transmitted.

Violence against women, Special Rapporteur on:

(E/CN.4/1997/47, Sections V, V-B)

In the section dealing with women migrant workers, the Special Rapporteur (SR) notes that live-in domestic work in countries of the European Union is a rapidly growing area of employment but one that is developing outside of labour regulatory schemes. The increasing demand for workers is being met mostly by undocumented migrant women, including women from Eritrea.

Mechanisms and Reports of the Sub-Commission

States of emergency, Special Rapporteur on:

(E/CN.4/Sub.2/1997/19/Add.1, Section II)

The report states that Eritrea found itself in a de facto state of emergency at the moment of its transition to independence.

ETHIOPIA

Date of admission to UN: 13 November 1945.

TREATIES AND REPORTS TO TREATY BODIES

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

Economic, Social and Cultural Rights

Acceded: 11 June 1993.

Ethiopia's initial report was due 30 June 1995.

Civil and Political Rights

Acceded: 11 June 1993.

Ethiopia's initial report was due 10 September 1994.

Racial Discrimination

Acceded: 23 June 1976.

Ethiopia's seventh through 11th period reports (covering the period 1989–1997) have not been submitted; the 11th periodic report was due 23 July 1997.

At its August 1997 session the Committee reviewed implementation of the Convention in absence of a report from the government. The Committee's concluding observations and comments (A/52/18, paras. 406–408) noted that no report had been submitted since 1989 and that the government had not responded to the invitation to participate in the meeting. The Committee decided that a communication should be sent to the government of Ethiopia setting out its reporting obligations and urging that the dialogue with the Committee be resumed as soon as possible. The Committee suggested that the government may wish to avail itself of the technical assistance offered under the advisory services and technical assistance programme of the Office of the High Commissioner for Human Rights with the aim of drawing up and submitting a report to the Committee's next session.

Discrimination against Women

Signed: 8 July 1980; ratified: 10 September 1981.

Ethiopia's fourth periodic report was due 22 April 1994.

Reservations and Declarations: Paragraph 1 of article 29.

Torture

Acceded: 14 March 1994.

Ethiopia's initial report was due 12 April 1995.

Rights of the Child

Acceded: 14 May 1991.

Ethiopia's second periodic report is due 12 June 1998.

Ethiopia's initial report (CRC/C/8/Add.27) was considered by the Committee at its January 1997 session. The report prepared by the government includes information on areas such as: employment, marriageable age, criminal liability, civil and civic rights, education, sexual consent and the general principles related to the best interests of the child. Information is also provided on, *inter alia*: name and nationality, preservation of identity, freedom of expression, thought, conscience, religion, association and assembly, privacy, family environment and alternative care, health and welfare, education, and special protection measures.

The Committee's concluding observations (CRC/C/15/Add.67) note with appreciation the steps taken since 1991 to set up democratic institutions in the country, including the adoption of a new Constitution which incorporates international human rights standards and a specific reference to some of the rights set out in the Convention on the Rights of the Child. The Committee noted that the Convention, as well as other international human rights treaties, are incorporated into domestic law, and that article 13 of the Constitution states that human rights provisions of the Constitution are to be interpreted in line with international human rights instruments ratified by Ethiopia. The Committee also welcomed the political commitment within the country to improve the situation of children, as seen in the establishment of an Inter-ministerial Legal Committee to review national legislation and its compatibility with the provisions of the Convention, and committees on the rights of the child at the national, regional, zonal and *woreda* levels, as well as through the

adoption of a National Plan of Action and the establishment of a Ministerial Committee to monitor its implementation. Note was taken as well of information campaigns on HIV/AIDS and harmful traditional practices affecting children. In terms of the latter, the Committee welcomed the establishment of the National Committee on Traditional Practices, which has a mandate to develop information and sensitization campaigns on all forms of harmful traditional practices affecting the health of women and children, with a particular emphasis on female genital mutilation. The Committee noted with appreciation that primary education has been made free while, at the same time, expressing regret that it has not yet been made compulsory.

The factors identified by the Committee as impediments to full implementation of the Convention included: economic, social and political challenges arising in part from years of civil war and the transition to democracy; the existence of inter-regional and urban/rural disparities, in particular with regard to the availability of resources and infrastructure; and, certain traditional practices and customs, particularly in rural areas, that hamper the effective implementation of the provisions of the Convention, especially with regard to girls.

The principal subjects of concern to the Committee included: failure of the government to publish the full text of the Convention in the *Official Gazette*, making it difficult for law enforcement officials, judicial personnel and other professionals working with and for children to have access to and an understanding of its provisions; the lack of awareness and understanding in Ethiopia of the principles and provisions of the Convention; the lack of adequate and systematic training for law enforcement officials, judicial personnel, teachers, social workers and medical personnel; the fact that insufficient attention has been paid in practice as well as in legislation to the principles of the best interests of the child, respect for the child's views and the child's participation in family, social and school life; the lack of adequate mechanisms for the collection of reliable quantitative and qualitative data on the situation of children throughout the country, thereby hindering an effective assessment of the situation of each and all groups of children in all parts of the country and making adoption of targeted policies in the field of the protection of the rights of children difficult; and, the negative effects of poverty on children, as illustrated by high levels of infant and under-five mortality rates and malnutrition, and at the low levels of school enrolment, education, immunization coverage and health services in general.

The Committee also noted with concern discrepancies between the provisions in domestic law and the principles and rights set out in the Convention, including: a different minimum age of marriage between girls (15 years of age) and boys (18 years of age); the possibility, under the Penal Code, of sentencing children to corporal punishment; provision in the Civil Code for "light bodily punishment" as an educative measure within the family; and limitation of the right to counsel when the child may be represented by his or her parents or legal guardian during legal proceedings. Concern was reiterated over prevailing traditional attitudes and harmful practices, such as female genital mutilation, early marriages and teenage pregnancies, and the persistence of discriminatory social attitudes against vulnerable groups of children,

such as girls, disabled children, children born out of wedlock, and children affected by or infected with HIV/AIDS, including orphans.

The Committee commented on: insufficiencies in steps taken to ensure the registration of children after birth and the fact that the state registration procedure is hampered in practice by the lack of registration desks, especially in rural areas; inadequate facilities for the registration of refugee children; the provision that children may lodge complaints only through their parents or legal guardians, thereby failing to secure the right to adequate recourse and complaint procedures for child victims of abuse, including sexual abuse and neglect or ill-treatment within their families; lack of guarantees of the right of children to participate actively in the promotion of their own rights; the low levels of school enrolment and the high drop-out rates, especially among girls; the lack of learning and teaching facilities and the shortage of trained teachers, in particular in rural areas; the fact that school curricula are divorced from cultural and social realities, and do not yet include a programme of education on human rights and children's rights; the failure to make primary education compulsory; the systems of national and inter-country adoptions which are not fully in conformity with the provisions of the Convention; and, the situation of children in especially difficult circumstances, including children living and/or working in the street, and the incidence of child labour, in particular in the informal sector.

The Committee expressed deep concern over the present system of juvenile justice in Ethiopia and considered it not to be in conformity with provisions of the Convention, particularly in the areas of the age of criminal responsibility (9 years) and the provision that, as from the age of 15, children are treated as adults. The Committee noted that the government's report and dialogue with the Committee did not make clear whether the latter meant that children over 15 years of age may be sentenced to life imprisonment or detained together with adults. Concern was reiterated at provisions in the Penal Code under which: children may be sentenced to corporal punishment at the sole discretion of the judge; consideration in determining the penalty for a child offender is given to the "bad or good character" of that child; and, limitations may be imposed on the right to legal counsel.

The Committee expressed concern, as well, at the insufficient measures taken by the authorities for the physical and psychological recovery and social reintegration of child victims of war.

The Committee recommended that the government:

- ▶ publish the full text of the Convention in the *Official Gazette*;
- ▶ publish training manuals, incorporating the text of the Convention, for professional groups working with or for children;
- ▶ continue efforts aimed at promoting awareness and understanding of the principles and provisions of the Convention, in particular by ensuring the translation and publication of the text in all national languages;
- ▶ coordinate the policies designed to implement the Convention between central and local authorities;

- ▶ provide systematic training on the principles and rights set out in the Convention to the professional groups working with and for children such as law enforcement officials, judicial personnel, personnel in child care institutions, teachers, social workers and medical personnel, as well as to the personnel entrusted with the task of ensuring data collection in the areas covered by the Convention;
- ▶ give attention to incorporating the Convention in school curricula;
- ▶ strengthen coordination between 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 in the country;
- ▶ consider establishing an independent mechanism, such as an Ombudsperson on the Rights of the Child or a Human Rights Commission, to ensure observance of children's rights;
- ▶ improve the system of data collection at the central and local levels and ensure that it comprises all the areas covered by the Convention, including all groups of children and with a particular emphasis on vulnerable groups of children and on children in especially difficult circumstances;
- ▶ initiate, with the technical assistance of UNICEF if necessary, additional studies and follow-up surveys on vulnerable groups of children;
- ▶ continue the process of bringing existing legislation into line with the provisions of the Convention and take fully into account the best interests of the child in the drafting of new legislation;
- ▶ abolish as a matter of priority provisions for the minimum age of marriage for girls at 15 years, the sentencing of children to corporal punishment, the "light bodily punishment" as an educational measure within the family, and the limitation of the right to legal counsel of children;
- ▶ allocate budgetary resources to the maximum extent possible to give priority to the realization of the economic, social and cultural rights of children, including the rights to health, education and rehabilitation, and pay particular attention to children belonging to the most disadvantaged groups, such as girls, disabled children, children living in rural areas, children living and/or working in the street, children involved in the administration of the juvenile justice system and children affected by or infected with HIV/AIDS, including orphans;
- ▶ accord greater attention to the development of a primary health-care system, which would develop a culture of nutrition, hygiene and sanitation education;
- ▶ make special efforts to guarantee an effective system of birth registration;
- ▶ establish an adequate system of registration of refugee children to ensure that their rights are protected;
- ▶ make greater efforts to promote the participation of children in family, school and social life, and the effective enjoyment of their fundamental freedoms, including the freedom of opinion, expression and association;

- ▶ establish a system of complaints aimed at child victims of any form of violence and/or abuse, including sexual abuse, neglect, maltreatment or exploitation, even while in the care of their parents;
- ▶ ensure proper investigation of cases of abuse and sanctions for perpetrators;
- ▶ develop a comprehensive and integrated public information campaign aimed at preventing and combatting all forms of abuse of children;
- ▶ take all necessary measures to ensure the physical and psychological recovery and the social reintegration of child victims of the war;
- ▶ adopt and implement appropriate legislation with regard to the adoption of children;
- ▶ consider ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993;
- ▶ adopt appropriate measures on child labour issues and consider ratifying ILO Convention No. 138 on minimum age for admission to employment;
- ▶ continue legal reform in the area of the administration of juvenile justice, particularly with regard to deprivation of liberty, social reintegration and legal counsel and court procedures; and,
- ▶ adopt and implement special protection measures for children living and/or working in the street, children in conflict with the law, in particular those deprived of liberty, children affected by or infected with HIV/AIDS, including orphans, abused and exploited children and children involved with child labour.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Arbitrary detention, Working Group on: (E/CN.4/1997/4, paras 4, 5, 17, 21; E/CN.4/1997/4/ Add.1, Decision 39)

The Working Group (WG) sent three urgent appeals (concerning three individuals) to the government in the time period covered by the report and was subsequently informed that the persons on whose behalf the appeals were sent had been released. The WG considered one case of detention which was transmitted to the government. Based on information provided by the government and confirmation from the source that the individual concerned had been released, the Working Group decided to file the case.

Disappearances, Working Group on enforced or involuntary : (E/CN.4/1997/34, paras. 146–150)

The Working Group (WG) transmitted one case to the government which was subsequently clarified when the person concerned was located in detention in Ethiopia.

One hundred cases remain to be clarified. The majority of them relate to disappearances that occurred between 1991 and 1994 under the Transitional Government and concerned members of the Oromo ethnic group suspected of participation in the Oromo Liberation Front, who were arrested in Addis Ababa or disappeared from the Huso military detention camp in western Ethiopia. Other cases concern members of

the Ogaden National Liberation Front (a political party) who disappeared in eastern Ethiopia, in the Ogaden which is inhabited by ethnic Somalis, and in which there were reports of fighting by elements of the Ogaden National Liberation Front. The report notes that some 30 other cases occurred between 1974 and 1992 after the military took power and concerned mainly high-ranking officials of Emperor Haile Selassie's government, members of the Oromo ethnic group believed to be involved with the Oromo Liberation Front, or persons accused of involvement with opposition political groups, including the Ethiopian Socialist Movement. The government has not provided any new information on these cases. They therefore remain open.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60/paras. 16, 18, 51, 57, 58; E/CN.4/1997/60/Add.1, paras. 172–176)

The addendum to the main report refers to the cases of 48 members of the former Dergue military government who were on trial and facing the death penalty on charges including genocide and crimes against humanity. The Special Rapporteur (SR) also notes that some 1,800 former officials, most of them having been held in detention since 1991, will also be tried and that many of them may be sentenced to death. The government has indicated, however, that it supports only a limited number of executions of those guilty of the worst crimes.

The report refers as well to the fact that the SR continues to receive information regarding human rights violations, including violations of the right to life, committed by the Ethiopian armed forces in the Ogaden. Incidents are reported to have included the massacre of 50 civilians, including women, children and elders in Qabri-Daharre and the killing of eight people in Hodayo. Cases transmitted by the SR involved 29 people, among whom were a singer and musician, three children who were killed by the Ethiopian armed forces because they had the initials of the Oromo Liberation Front tattooed on their hands, tribal chiefs and clan elders and a mother and her new-born child. The Special Rapporteur expressed concern over the reports of extrajudicial, summary or arbitrary executions committed by the Ethiopian armed forces in the Ogaden and repeated his call to the Transitional Government of Ethiopia to ensure that all allegations of human rights violations are exhaustively and impartially investigated in order to establish the facts, identify those responsible and bring them to justice, to grant adequate compensation to the victims or their families, and to prevent the recurrence of such violations.

Religious intolerance, Special Rapporteur on: (E/CN.4/1997/91, paras. 9, 17, 24, 25)

The report notes that discrimination against Christians has been reported in Ethiopia, including ill-treatment, arrest and detention of both clergy and believers.

The Special Rapporteur's interim report to the General Assembly (A/52/477, paras. 51, 55) notes the response of the government to previous communications related to reports of intolerance against the Lutheran Church "Mekane Vesus". The government: recalled the constitutional guarantee of freedom of religion and freedom to practice one's religion; noted that "Mekane Vesus" had been recognized as a legal person under law and had been classified as a sect; and denied that its

leaders had been arrested. The government referred to the problem of differences between Orthodox believers and Protestants and claimed that it was addressing these problems through human rights programmes.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, paras. 153–156)

The main report notes that four urgent appeals, on behalf of 18 people, were sent to the government. The cases involved supporters of the Oromo Liberation Front (OLF) and members or former members of Parliament from Region 5 (Somalia). The information upon which the cases were based indicated that a number of detainees were held in 23 secret detention centres as well as the central prison at Harrar. The government responded to one case indicating that the person involved had not been detained and had been voluntarily away from home for one night.

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

In the section of the report dealing with women migrant workers, the Special Rapporteur observes that live-in domestic work in countries of the European Union is a rapidly growing area of employment that is currently developing outside of labour regulatory schemes. The report notes that the increasing demand for such workers is being met in part by undocumented migrant women from Ethiopia.

Mechanisms and Reports of the Sub-Commission

Traditional practices affecting the health of women and children, Special Rapporteur on: (E/CN.4/Sub 2/1997/10, para. 27)

The report refers to an item by the Ethiopian Press Agency (ENA) in May 1997 concerning six girls of the Woreda tribe in eastern Ethiopia who committed suicide to avoid “abusuma” or traditional marriage between cousins. The report notes that most of the victims of this tradition, who are about 15 years old, prefer death to being married off to 80-year-old men; others have refused this sort of marriage because they consider it to be a sort of “women’s slavery”. The concern expressed by the Committee on the Rights of the Child, at its January 1997 session, about the early marriage of children in Ethiopia is noted.

Other Reports

Detention of international civil servants, Report of the S-G to the CHR: (E/CN.4/1997/25, para. 69, Annex)

The report of the Secretary-General refers to the cases of two staff members of the United Nations Economic Commission for Africa (UN/ECA) based in Addis Ababa who were arrested by the Ethiopian authorities in February 1996. Both men were Sudanese nationals and were expelled to Djibouti in April 1996 on the grounds that they had no legal permit to stay in Ethiopia. The report notes that the Association for the Security and Independence of International Civil Servants (ASIFI) had not received any information concerning the fate of the two staff members following their expulsion. The report also notes that a staff member for the World Food Programme and a member of the staff of UN/ECA have been detained in Ethiopia since 4 September 1991 and 25 June 1993 respectively.

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GABON

Date of admission to UN: 20 September 1960.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Gabon has submitted a core document (HRI/CORE/1/Add.65) for use by the treaty bodies. The report prepared by the government contains demographic, geographical and statistical data, as well as a brief history, and information on the general political structure and the legal framework for the protection of human rights.

The report notes that the Ministry of Human Rights was established in 1987 with a mandate to implement the government’s human rights policy and coordinate steps taken for the protection and promotion of human rights. Article 1 of the Constitution stipulates that Gabon recognizes and guarantees the human rights by which public authorities are bound. Other articles in the Constitution provide for the implementation and protection of rights set out in the UN Charter, the Universal Declaration of Human Rights, the African Charter and the International Bill of Human Rights. Remedies for violations are provided through the courts and vary according to the nature of the right violated.

Economic, Social and Cultural Rights

Acceded: 21 January 1983.

Gabon’s initial report was due 30 June 1990; the second periodic report was due 30 June 1995.

Civil and Political Rights

Acceded: 21 January 1983.

Gabon’s second and third periodic reports were due 20 April 1989 and 1994 respectively.

Racial Discrimination

Signed: 20 September 1966; ratified: 29 February 1980.

Gabon’s second through ninth periodic reports (for the period 1983–1997) have not been submitted; the ninth periodic report was due 30 March 1997.

Discrimination against Women

Signed: 17 July 1980; ratified: 21 January 1983.

Gabon’s second through fourth periodic reports were due 20 February 1988, 1992 and 1996 respectively.

Torture

Signed: 21 January 1986.

Rights of the Child

Signed: 26 January 1990; ratified: 20 June 1991.

Gabon’s initial report was due 10 March 1996.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Religious intolerance, Special Rapporteur on: (A/52/477, paras. 25, 28, 30, 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, including legal bans.

Other Reports

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

The report of the Secretary-General notes that, on request by the government, the UN provided a consultant in training to assist the Electoral Commission in preparing the elections held in December 1996.

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GAMBIA

Date of admission to UN: 21 September 1965.

TREATIES AND REPORTS TO TREATY BODIES

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

Economic, Social and Cultural Rights

Acceded: 29 December 1978.

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

Civil and Political Rights

Acceded: 22 March 1979.

Gambia's second, third and fourth periodic reports were due 21 June 1985, 1990 and 1995.

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

Optional Protocol: Acceded: 9 June 1988.

Racial Discrimination

Acceded: 29 December 1978.

Gambia's second through ninth periodic reports have not been submitted (covering the period 1982-1996); the ninth periodic report was due 28 January 1996.

Discrimination against Women

Signed: 29 July 1980; ratified: 16 April 1993.

Gambia's initial report was due 16 May 1994.

Torture

Signed: 23 October 1985.

Rights of the Child

Signed: 5 February 1990; ratified: 8 August 1990.

Gambia's initial report was due 6 September 1992; the second periodic report was due 6 September 1997.

COMMISSION ON HUMAN RIGHTS

The situation in Gambia was considered by the Commission at its 1997 session under the confidential 1503 procedure. The Commission decided to continue consideration of Gambia under 1503 at the 1998 session.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

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

The report notes that communications were transmitted to the government related to the cases of 35 individuals and the

government had not replied. Details on the cases were not provided in the report.

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 151-152)

The Working Group (WG) transmitted for the first time one case of disappearance to the government. The case concerned a member of the now dissolved House of Representatives who was allegedly arrested in 1995 by the police and who subsequently disappeared. Given that the case was referred to the government late in the WG's reporting cycle, no response was expected in time for inclusion in the report to the 1997 session of the Commission.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60/Add.1, paras. 179-180)

The report summarizes information provided to the Special Rapporteur (SR) in which it was stated that the Constitution of the Gambia, which was adopted by referendum on 8 August 1996: grants the President and members of the Armed Forces Provisional Ruling Council (AFPRC) total impunity from criminal prosecution; prohibits the National Assembly from amending any of the provisions which provide impunity to the AFPRC, its members and appointees; and, permits the use of lethal force in defence of a person or property, to effect arrests and to prevent escape, to suppress riots, insurrection or mutiny, and to prevent the commission of a criminal offence.

The SR expressed deep concern and noted that Constitution "seems to violate certain basic human rights standards laid down in several international instruments, including the International Covenant on Civil and Political Rights" which Gambia has ratified. The SR strongly urged the Government to amend the Constitution to bring it into line with the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.

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GHANA

Date of admission to UN: 8 March 1957.

TREATIES AND REPORTS TO TREATY BODIES

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

Racial Discrimination

Signed and ratified: 8 September 1966.

Ghana's 12th through 14th periodic reports were due 4 January 1992, 1994 and 1996 respectively.

Discrimination against Women

Signed: 17 July 1980; ratified: 2 January 1986.

Ghana's third periodic report was due 1 February 1995.

Rights of the Child

Signed: 29 January 1990; ratified: 5 February 1990.

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

Ghana's initial report (CRC/C/3/Add.39) was considered at the Committee's May/June 1997 session. The report prepared by the government includes information on *inter alia*: general implementation measures; education acts; labour

laws; sexual consent; marriage; enlistment in the armed forces; age of criminal responsibility; general principles of the Convention; name and nationality; preservation of identity; freedom of expression and religion; family environment and alternative care; basic health and welfare; education, leisure and cultural activities; children in situations of emergency; and, children in conflict with the law.

The Committee's concluding observations and comments (CRC/C/15/Add.73) welcomed: establishment in 1979 of the Ghana National Commission on Children; the adoption of a National Plan of Action which has been incorporated into the National Development Policy Framework; the fact that the 1992 Constitution includes specific provisions related to children's rights and that, in 1995, the government engaged in a comprehensive law reform process to ensure full compatibility between national laws and the Convention; and, the establishment in 1992 of the Commission on Human Rights and Administrative Justice which is also involved in the protection of children's human rights.

Among the factors hindering full implementation of the Convention, the Committee acknowledged the economic difficulties in Ghana and especially the constraint posed by its structural adjustment programme. The Committee also noted that certain traditional practices and customs, prevailing particularly in rural areas, hamper the effective implementation of the Convention, especially with regard to girls.

The principal subjects of concern identified by the Committee were: the fact that, despite legal reforms, several provisions of the law are incompatible with the Convention, especially in the fields of civil rights, adoption, and juvenile justice; the conflict between customary law and the principles and provisions of the Convention in areas such as marriage; lack of a comprehensive approach to implementation of the Convention; the weak institutional and financial status of the Ghana National Commission on Children; the lack of 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, especially during the current process of decentralization; the government's limited capacity to collect and process data, as well as develop specific indicators to evaluate progress achieved and assess the impact of policies adopted on children, in particular the most vulnerable groups of children; the absence of policies and measures fully to guarantee economic, social and cultural rights of children; the persistence of discriminatory attitudes against some groups of children, especially girls and children with disabilities as well as children living in rural areas; the insufficiency of measures taken to ensure the effective implementation of the general principles of the Convention in relation to legal, judicial and administrative decisions as well as to the political decision-making process; the lack of sufficient awareness of the principles and provisions of the Convention in all parts of society, among adults and children alike; the lack of sufficient training for professional groups working with or for children; the fact that in many rural areas regulations on birth registration are not fully implemented and that children who are not registered may be seriously disadvantaged in the enjoyment of their rights; the institutionalized use of corporal punishment as a means of discipline, particularly in schools, as well as at the absence of a comprehensive law that clearly prohibits the

use of both mental and physical torture or other cruel, inhuman or degrading treatment or punishment against children; the lack of a mechanism to protect children from being exposed to harmful information, including pornography; the inadequacy of existing laws in protecting children who are "adopted" which has led to abuses such as exploitation through domestic labour, particularly of girls; the increase in the number of children living and/or working on the street in major cities and the violence that is often directed against them; the persistence of malnutrition; the rapid spread of HIV/AIDS throughout the country and its devastating impact on children; the persistence of traditional attitudes and harmful practices, such as female genital mutilation, early marriages, teenage pregnancies and "Trocosi" (ritual enslavement of girls); the failure to implement fully free, universal and compulsory basic education for all children; the low level of school enrolment and the high drop-out rates, especially among girls; the lack of learning and teaching facilities and the shortage of trained teachers, particularly in rural areas; the difficulties encountered by refugee children in securing access to basic education, health and social services; the insufficiency of legal and other measures to prevent and combat economic exploitation of children adequately, especially in the informal sector; the recent emergence of substance abuse among children and the limited prevention and rehabilitation measures and facilities to combat this phenomenon; the absence of information and data concerning sexual abuse and exploitation, including in the family, and the fact that children aged between 14 and 18 years do not benefit from appropriate legal and social protection measures; and, with regard to the administration of juvenile justice, violations of the rights of the child in detention centres, the low age (7 years old) for criminal responsibility and the inadequacy of existing alternative measures to imprisonment.

The Committee recommended that the government:

- ▶ finalize and adopt the comprehensive law on the protection of the child;
- ▶ strengthen coordination among the various governmental bodies and mechanisms involved in children's rights, at both the national and local levels, in order to develop a comprehensive policy on children and ensuring effective evaluation of the implementation of the Convention;
- ▶ continue efforts to strengthen the institutional framework designed to promote and protect human rights in general and the rights of the child in particular and, in this regard, reinforce the role and resources of the Ghana National Commission on Children;
- ▶ ratify in the near future other major international human rights treaties, *inter alia* the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- ▶ accord priority to budget allocations for 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 children, particularly the most disadvantaged;
- ▶ take all appropriate measures, including public information campaigns, to prevent and combat all forms of discrimination against girls and children with disabilities, especially those living in rural areas, with a view, *inter alia*, to facilitating their access to basic services;

- ▶ launch a systematic information campaign, for both children and adults, on the Convention and consider incorporation of the Convention in the curricula of all educational institutions;
- ▶ direct efforts to provision of comprehensive training programmes for professional groups working with and for children;
- ▶ make special efforts to develop an effective system of birth registration, to ensure the full enjoyment of their fundamental rights by all children;
- ▶ prohibit by law corporal punishment and withdraw references to disciplinary measures using physical force, such as caning, from the Teachers Handbook;
- ▶ take all appropriate measures, including legal ones, to protect children from harmful information, including in the audio-visual media as well as in media using new technologies;
- ▶ with a view to fully protecting the rights of adopted children, review adoption laws and consider ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption;
- ▶ undertake to prevent and combat the phenomenon of children working and/or living on the street by, *inter alia*, engaging in research and collection of data, promoting integration and vocational training programmes as well as guaranteeing equal access to health and social services;
- ▶ take all appropriate measures, including through international cooperation, to prevent and combat malnutrition;
- ▶ strengthen its information and prevention programmes to combat HIV/AIDS and sexually transmittable diseases (STD) as well as discriminatory attitudes towards children affected by or infected with HIV/AIDS;
- ▶ continue and strengthen family planning and reproductive health programmes, including those for adolescents;
- ▶ noting that serious efforts are required to address harmful traditional practices such as early marriage, female genital mutilation and Trokosi, on a priority basis, review all legislation to ensure its full compatibility with children's rights and develop and pursue;
- ▶ public campaigns involving all sectors of society with a view to changing attitudes;
- ▶ continue efforts to make primary education free, compulsory and available to all and implement measures to improve school enrolment and pupil retention, especially of girls, and incorporate education on the rights of the child in school curricula;
- ▶ make all appropriate efforts to ensure easy and full access to basic services, including education, health and social services, to all children living under its jurisdiction;
- ▶ give specific attention to monitoring the full implementation of labour laws in order to protect children from being economically exploited;
- ▶ adopt explicit legislation and measures to protect children from exploitation through child labour in the informal sector and consider ratifying ILO Convention No. 138 on minimum age for employment;
- ▶ take all appropriate measures to prevent and combat drug and substance abuse among children, such as public information campaigns, including in schools and support rehabilitation programmes dealing with child victims of drug and substance abuse;

- ▶ reinforce its legislative framework to protect fully children from all forms of sexual abuse or exploitation, including within the family;
- ▶ consider undertaking a comprehensive reform of the juvenile justice system, with particular attention paid to protecting the rights of children deprived of their liberty, to raising the minimum age of criminal responsibility, and to improving the quality and adequacy of alternative measures to imprisonment; and,
- ▶ organize training programmes on the relevant international standards for all professionals involved with the juvenile justice system.

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. 42)

The report notes that there are several thousand female ritual slaves as a result of the practice of "trocosi", whereby families give away girls and young women to serve as slaves in religious shrines as a way to appease the gods for crimes supposedly committed by relatives. The report refers to the case of a 12-year-old girl who had become a "trocosi" wife to a priest to atone for her father's crime of raping his niece, which was how the girl was conceived. The report notes that because of the religious nature of the practice, many Ghanians who advocate abolition of the bondage are sceptical about the ability of a new law to end the practice. Moreover, because it is believed that, if the gods are not appeased, one person's offence may cause vengeance to be visited on the entire community, some have expressed the fear that, if the "trocosi" are returned home, they would suffer all kinds of punishment

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

In the section on rape and sexual violence, the report cites the law in force in Ghana which specifies that rape is considered a first degree felony punishable by a sentence of not less than three years' imprisonment in addition to a fine not exceeding 500,000 cedis (less than US\$ 500). The law stipulates that default of the payment of the fine will result in a further term of imprisonment.

Mechanisms and Reports of the Sub-Commission

Contemporary forms of slavery, Working Group on: (E/CN.4/Sub.2/1997/13, para. 74)

The report refers to information received on the trafficking of children from Togo to Ghana and other countries and the need to draw up a regional plan of action to combat the exploitation and trafficking of children in West Africa.

Traditional practices affecting the health of women and children, Special Rapporteur on: (E/CN.4/Sub.2/1997/10, para. 15)

The report refers to the practice of "Trocosi" girls and notes that, although individuals and groups in Ghana have met with some success in convincing priests to put an end to this practice, the religious nature of the practice suggests that it will take a long time for changes to have any effect.

Other Reports

Right to development, Report of the S-G to the CHR: (E/CN.4/1997/21, para. 8)

The report of the Secretary-General refers to information provided by the UN Population Fund (UNFPA) noting that research is being conducted with the Population Council in Ghana on the attitudes and views of adolescent boys and men on their sexual and reproductive behaviour, decision-making about contraception and their role in the family.

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 cites information provided by the Commissioner on Human Rights and Administrative Justice in Ghana, referring to: seminars and workshops for professional groups and a mass education campaign to reach out to communities; a course in international human rights law at the Faculty of Law at the University of Ghana; and promotion of community work projects. The report notes that the Commissioner pointed out the need for technical assistance in carrying out human rights education programmes and expressed interest in facilitating the creation of a national committee for human rights education, as well as the establishment of a human rights resource and training centre.

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 notes that the UN Information Centre has translated the Universal Declaration into all 11 languages of Ghana. The UNIC also hosted a seminar on human rights and the showing of a film for the launching of the book entitled *Fundamental Human Rights in Africa*. The audience included NGOs, representatives of the media and the government, and academics.

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GUINEA

Date of admission to UN: 12 December 1958.

TREATIES AND REPORTS TO TREATY BODIES

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

Economic, Social and Cultural Rights

Signed: 28 February 1967; ratified: 24 January 1978.
Guinea's initial and second periodic reports were due 30 June 1990 and 1995 respectively.
Reservations and Declarations: Paragraph 1 of article 26; paragraph 3 of article 1; article 14.

Civil and Political Rights

Signed: 28 February 1967; 24 January 1978.
Guinea's third periodic report was due 12 November 1993.
Reservations and Declarations: Paragraph 1 of article 48.

Optional Protocol: Signed: 19 March 1975; ratified: 17 June 1993.

Racial Discrimination

Signed: 24 March 1966; ratified: 14 March 1977.
Guinea's second through ninth periodic reports, due from 1980 through 13 April 1996, have not been submitted.

Discrimination against Women

Signed: 17 July 1980; ratified: 9 August 1982.
Guinea's initial and second through fourth periodic reports have not been submitted; the fourth periodic report was due 8 September 1995.

Torture

Signed: 30 May 1986; 10 October 1989.
Guinea's initial report was due 8 November 1990; the second periodic report was due 8 November 1994.

Rights of the Child

Acceded: 13 July 1990.
Guinea's initial report (CRC/C/3/Add.8) has been submitted and is pending for consideration by the Committee at its September 1998 session; the second periodic report was due 1 September 1997.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 164-166)

The Working Group has received no reports of disappearances occurring in Guinea after 1985. The majority of the 28 reported cases handled by the WG occurred in 1984 and 1985 in the context of a coup. Twenty-one cases remain to be clarified.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 16, 18, 32, 35; E/CN.4/1997/60/Add.1, paras. 207-209)

The cases transmitted to the government related to one death from torture while in custody and an incident involving 16 prisoners who had been arrested at the end of December 1994 during a military operation whose official purpose was to restore order in the country. The information received on this incident indicated that shots had been heard from the cells of the 16 prisoners. The government has not responded to the information sent. The Special Rapporteur urged the authorities to ensure that impartial and exhaustive investigations are carried out, that the persons responsible for human rights violations are brought to justice, and that the families of the victims are compensated. He also urged the government to ensure that conditions of detention conform to the Standard Minimum Rules for the Treatment of Prisoners and other relevant international instruments.

Torture: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, para. 182)

One urgent appeal was sent to the government involving three members of the military who were arrested following the February 1996 coup. The information indicated that the men were held in solitary confinement and that the family had not been notified. The government informed the Special Rapporteur that the three had headed a mutiny to overthrow the legally constituted government and that the authorities "would strictly observe the legal mechanisms applicable to all forms of behaviour and deliberate acts committed in violation of the laws and regulations of civilized nations."

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GUINEA-BISSAU

Date of admission to UN: 17 September 1974.

TREATIES AND REPORTS TO TREATY BODIES

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

Economic, Social and Cultural Rights

Acceded: 2 July 1992.

Guinea-Bissau's initial report was due 30 June 1994.

Discrimination against Women

Signed: 17 July 1980; ratified 23 August 1985.

Guinea-Bissau's initial report was due 22 September 1986; the second and third periodic reports were due 11 September 1990 and 1994 respectively.

Rights of the Child

Signed: 26 January 1990; ratified: 20 August 1990.

Guinea-Bissau's initial report was due 18 September 1992.

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KENYA

Date of admission to UN: 16 December 1963.

TREATIES AND REPORTS TO TREATY BODIES

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

Economic, Social and Cultural Rights

Acceded: 1 May 1972.

Kenya's second periodic report is due 30 June 2000.

Reservations and Declarations: Paragraph 2, article 10.

Civil and Political Rights

Acceded: 1 May 1972.

Kenya's second through fourth periodic reports were due 11 April 1986, 1991 and 1996 respectively.

Optional Protocol: Acceded: 1 May 1972.

Discrimination against Women

Acceded: 9 March 1984.

Kenya's third and fourth periodic reports were due 8 April 1993 and 1997 respectively.

Torture

Acceded: 21 February 1997.

Kenya's first periodic report is due 22 March 1998.

Rights of the Child

Signed: 26 January 1990; ratified: 30 July 1990.

Kenya's initial and second periodic reports were due 1 September 1992 and 1997 respectively.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Arbitrary detention, Working Group on: (E/CN.4/1997/4, para. 17, 22)

The report notes that two urgent appeals on behalf of twenty-two individuals were sent to the government but

provided no details. The government informed the Working Group that the twenty-two persons concerned had been released.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 15, 16, 17, 18, 19, 28, 31, 32, 35; E/CN.4/1997/60/Add.1, paras. 290–298)

The Special Rapporteur (SR) notes that a large number of deaths in custody are the result of harsh prison conditions that include overcrowding, insanitary conditions in which infectious diseases spread easily, as well as lack of adequate food, clothing, blankets and basic sanitary provisions. The report also refers to deaths resulting from excessive use of force by police officers. Urgent appeals were transmitted to the government on behalf of Rwandans who feared for their lives following an assassination attempt, in Nairobi, against Rwanda's former Minister of the Interior, and a ruling of the high court related to the death penalty. Individual cases were also transmitted concerning death in custody as a result of torture. The government replied to some of the cases, citing technical factors in the death penalty case, diplomatic immunity in the case of the assassination attempt against one of the men believed responsible, and the fact that one case was *subjudice*. The SR urged the government to take all necessary measures to avoid further deaths in custody and ensure that prison conditions conform to international standards.

Sale of children, child prostitution, child pornography, Special Rapporteur on: (A/52/482, para. 11)

The Special Rapporteur's interim report to the General Assembly notes that the SR carried out a mission to Kenya from 25 August to 2 September 1997 and that the mission report will be submitted to the 1998 Commission.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, paras. 289–307)

The report notes that the Special Rapporteur (SR) continued to receive information indicating that the use of torture and ill-treatment by officers of the Directorate of Security Intelligence (DSI or "Special Branch") and the Criminal Intelligence Department (CID) was widespread. The regular police, the local administrative police, and the KANU Youth Wingers (the youth division of the ruling party, the Kenyan African National Union) were also alleged to engage in torture. Torture and ill-treatment were reportedly inflicted to intimidate detainees, to dissuade them from engaging in political activities, to obtain "confessions" or other information, and to extract bribes. The report also cited information indicating that, although detainees accused of offences for which the death penalty is not applicable are legally permitted to be held incommunicado for no more than 24 hours, in practice such detainees were often held incommunicado well beyond this period. The report notes that persons accused of offences carrying the death penalty may be held incommunicado legally for up to 14 days. Information further indicated that, in order to maintain a state of incommunicado detention, officers often moved detainees from one station to another upon arrest.

The methods of torture reported to be the most common included: beatings on various parts of the body, especially the soles of the feet; beatings to the soles of the feet while being suspended upside down; infliction of simultaneous blows to

both ears, sometimes resulting in ruptured ear drums; removal of toenails and fingernails; near-asphyxiation caused by the immersion of the head in dirty water; being held in a cell filled with two inches of water for several days; beatings administered while the victim is suspended from a tree in the forest at night; rape or the insertion of objects into the vagina; and pricking the penis with large pins or tying the penis with a string and pulling.

The report referred to information asserting that: the vast majority of officials engaging in torture or ill-treatment were said to act with impunity; courts rarely investigated complaints of torture, examined medical evidence, questioned the lack of medical treatment for a prisoner who alleges torture, or declared evidence or confessions of guilt inadmissible when extracted by torture; courts seldom enforced the legal limits on the duration of detention periods; and, lawyers defending prisoners alleged to have been tortured have faced threats to their employment and received excessively high income tax bills to dissuade them from taking up such cases. Further information asserted that: the denial of medical care to prisoners was prevalent; private doctors were frequently denied access to prisoners or had to overcome such hurdles as obtaining a court order in order to gain access; doctors who were able to examine prisoners faced intimidation from warders; and, detainees and prisoners were often refused access to hospitals and, even when taken, were sometimes removed from hospital before treatment had commenced or been completed.

The government replied, stating that: torture as a means of intimidation or extracting confessions from prisoners or witnesses was prohibited and confessions obtained as a result of torture or intimidation were inadmissible in a court of law; in cases where police officers had overstepped their bounds, they had been called to face the law and, if it were established that they had committed an offence, the officers were punished; law enforcement officers were instructed to follow both Kenyan national law and the UN Code of Conduct for Law Enforcement Officials; officers who exceed lawful force are subjected to criminal prosecution and/or disciplinary measures; in recent times, the Attorney General has acted in about 25 cases, sanctioning 48 law enforcement officers on various charges, such as murder and manslaughter, torture, and/or had directed public inquests to be held. The government asserted that: the allegation that courts consistently failed to investigate complaints of torture was untrue, there had been many instances when officials were summoned to court to produce suspects held in police custody and, such orders had always been complied with; the Commissioners of Police and Prisons had on several occasions been ordered by courts to take suspects to hospital or to allow private doctors to visit those being detained; while it was true that fees for courts and lawyers were higher than the average Kenyan might be able to afford, the problem was economic in nature and could best be solved by development projects geared to raising the standards of living for everyone; there had never been a deliberate attempt by the government to deny prisoners medical facilities; the Prisons Act required prison officers to take ill prisoners to hospital and the Ministry of Health managed prison health facilities with the available resources; private doctors were also allowed to treat prisoners within the procedures stipulated in the Prison Rules; poor health

facilities were a national problem stemming from lack of resources and not a problem of detainees only; and, the Prison Department and the Ministry of Health were only able to meet the health needs of detainees from limited resources.

The government noted that: Kenyan prisons were 30 per cent overcrowded, but efforts were being made to alleviate this problem; in October 1995, the president released some 10,000 petty offenders serving custodial sentences; the government organized a symposium for law enforcement and judicial officers on extramural punishment, with a view to having more extramural sentences adopted to alleviate crowding in the prisons; in February 1996 the Attorney General appointed an Interim Committee in Community Service to implement the symposium's recommendations and produce legislation to that effect; the capacity of old prisons had been expanded and new prisons had been built; and, more blankets, mattresses and clothing for prisoners had been acquired.

The SR transmitted 24 cases to the government and received replies on 14 of them. The SR observed that the nature and extent of the information received suggested the continuing desirability for the government to extend an invitation so that a visit to Kenya can be undertaken.

Violence against women, Special Rapporteur on:
(E/CN.4/1997/47, paras. 17, 22, Section IV)

In the section dealing with rape and sexual violence, the report refers to the incident in July 1991 in which 71 teenaged schoolgirls at a Kenyan boarding school were raped by male classmates and 19 of the girls died as a result of the attacks and the chaos that followed. In the section dealing with trafficking in women and forced prostitution, the report refers to the fact that the promotion of tourism as a development strategy has contributed to the prevalence of trafficking in women for prostitution. The report notes that in Kenya the flourishing tourism industry has led to an increase in trafficking in the region and that women from India are lured to Kenya to work as performers, but end up as prostitutes. The report states that: trafficking is mostly carried out under the guise of marriage, friendly invitations, and job offers, with Nigerian women known as "madams" or "Mama-Loa" acting as middlepersons between the victims and their traffickers; parents in eastern Uganda are deceived by traffickers into believing that their daughters will work on farms or as domestic workers in Kenya; and, women who work in so-called massage parlours are forced to work 24-hour shifts and receive a mere 25 per cent of their earnings.

Other Reports

Detention of international civil servants, Report of the S-G to the CHR : (E/CN.4/1997/25, paras. 3, 29)

The report of the Secretary-General notes that two Kenya nationals, one working for UNEP and the other for UNHCR, were shot and killed while on duty in Nairobi. The first victim was killed in the course of a car hijacking (December 1995); the second during a robbery (May 1996). The report refers to information provided by the UN Office at Nairobi stating that armed car hijackings, while decreasing, posed the greatest risk to UN officials. It showed that in recent years, three officials have been killed and two wounded; that there were 18 armed vehicle hijackings; and there were 24 house robberies and 18 cases of street crime. The report notes that the UN

office impressed on the government the need to improve security for UN officials and that there has been a strengthening of measures by the Kenyan police against organized crime, in particular vehicle hijacking.

Right to development, Report of the S-G to the CHR:
(E/CN.4/1997/21, Section I)

The report of the Secretary-General refers to information provided by the UN Population Fund related to a research study that is being carried out with the Population Council in several countries, including Kenya. The study is focussed on the attitudes and views of adolescent boys and men on their sexual and reproductive behaviour and decision-making about contraception and their role in the family. The study complements the Population Council's on-going study on girls and women.

Voluntary Fund for victims of torture: (E/CN.4/1997/27, para. 5)

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

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LESOTHO

Date of admission to UN: 17 October 1966.

TREATIES AND REPORTS TO TREATY BODIES

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

Economic, Social and Cultural Rights

Acceded: 9 September 1992.

Lesotho's initial report was due 30 June 1994.

Civil and Political Rights

Acceded: 9 September 1992.

Lesotho's initial report was due 8 December 1993; the second periodic report is due 8 December 1998.

Racial Discrimination

Acceded: 4 November 1971.

Lesotho's seventh through 13th periodic reports were due from 1984 through 4 December 1996.

Discrimination against Women

Signed: 17 July 1980; ratified: 22 August 1995.

Lesotho's initial report was due 21 September 1996.

Reservations and Declarations: Article 2.

Rights of the Child

Signed: 21 August 1990; ratified: 10 March 1992.

Lesotho's initial report was due 8 April 1994.

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LIBERIA

Date of admission to UN: 2 November 1945.

TREATIES AND REPORTS TO TREATY BODIES

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

Economic, Social and Cultural Rights

Signed: 18 April 1967.

Civil and Political Rights

Signed: 18 April 1967.

Racial Discrimination

Acceded: 5 November 1976.

Liberia has not submitted its initial and second through 11th periodic reports, due from 1977 through 5 December 1997.

Discrimination against Women

Acceded: 17 July 1984.

Liberia has not submitted its initial and second through fourth reports, due from 1985 through 16 August 1997.

Rights of the Child

Signed: 26 April 1990; 4 June 1993.

Liberia's initial report was due 3 July 1995.

COMMISSION ON HUMAN RIGHTS

Chairman's Statement: (E/CN.4/1997/L.10/Add.18, para. 39)

At its 1997 session the Commission on Human Rights adopted a Chairman's statement on the situation in Liberia. The Commission: welcomed the signing of the Abuja agreement in August 1996; welcomed progress in the demobilization and disarmament of warring factions; urged all Liberians to move quickly towards reconciliation and the establishment of a viable political and democratic order; noted with appreciation the registration of several political parties with a restructured Election Commission; noted steps taken toward the appointment of a new head and senior members of the judiciary; noted the need to strengthen peacekeeping troops to ensure security during the elections; called on the international community to provide Liberia with technical and financial assistance to deal with the humanitarian situation; stressed the need for cohesion among factions and parties and encouraged the Group of Nine West African States to act as a check on any excesses of factions; urged the Office of the High Commissioner for Human Rights, after the election in Liberia, to provide technical assistance and advisory services to revive human rights structures and mechanisms in Liberia; called on the Secretary-General to consider sending international election and human rights monitors to Liberia; and, decided to review the situation in Liberia at its 1998 session.

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. 301-303)

The Special Rapporteur (SR) referred to reports indicating that thousands of civilians continued to be direct or indirect victims of the war in Liberia through the fighting in Monrovia, a massacre at Sinje, Grand Cape Mount County, and factional fighting. As well, the violence has prevented relief from reaching thousands of severely malnourished civilians, including children, with the result that many died and the lives of others were seriously endangered. The report welcomed the arrangements made by the UN Observer Mission in Liberia (UNOMIL) to investigate the massacre which took place in Sinje. Concern was expressed that, despite the Abuja peace agreement, factional fighting was reported to be continuing in Liberia. The SR called on all combatants to

respect at all times international human rights and humanitarian law standards and to take steps to allow free passage of essential relief assistance. The SR also noted with extreme concern that, in Liberia, the total impunity enjoyed by the perpetrators, as a result of the absence of an effective judicial system, was the principal cause of the perpetuation of violations of the right to life.

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 of the Special Rapporteur noted that the suspension of constitutional guarantees had been in effect since July 1990 and included a curfew enforced in the capital.

Other Reports

Detention of international civil servants, Report of the S-G to CHR: (E/CN.4/1997/25, Section I, paras. 20, 52)

The report of the Secretary-General notes that the security situation in Liberia required the relocation of dependents and/or non-essential staff to safe havens. A summary of information from UN agencies notes that the problems faced by the UN High Commissioner for Refugees had been compounded by sudden upsurges of violence and that the World Food Programme (WFP) had evacuated all international staff except for the country director and the post captain as well as some national staff. The WFP office in Monrovia was ransacked.

SECURITY COUNCIL

The reports of the Secretary-General (S/1997/90, 29 January 1997; 19 June 1997; S/1997/643, 13 August 1997; S/1997/712, 12 September 1997) contain information on: the political and military aspects of the situation in Liberia, including disarmament, demobilization, the status of the ceasefire; the electoral process, including the need for a fair and credible political frame work, an efficient and well-planned electoral operation, and adequate support from the international community; human rights, humanitarian aspects and economic and social aspects.

The commentary on human rights and humanitarian concerns refers to, *inter alia*: efforts to ascertain the whereabouts and well-being of the persons who were abducted and remained missing; reports about massacres and other violations that took place at the end of September 1996; incidents of abductions followed by death; attacks on civilians in the context of clashes between armed factions; ambushes causing death; harassment and detention of members of the international humanitarian community; reintegration of child soldiers (who constituted almost 30 per cent of the total number of combatants); emergency assistance for key public institutions; progress in the electoral process; allegations of death and injury during cordon-and-search operations; establishment of the Liberia Human Rights Centre; President Taylor's commitment to the establishment of a national human rights commission and the repeated emphasis he placed on the protection of human rights; and, a reorientation of humanitarian activities to address longer-term rehabilitation requirements in agriculture, education, health and infrastructure and voluntary repatriation of refugees and displaced persons.

The Security Council resolutions and statements by the President (S/RES/1100, 27 March 1997; S/RES/1116, 27 June 1997; S/PRST/1997/41, 30 July 1997) *inter alia*: welcomed information indicating an improvement in the security situation in Liberia, revitalization of civil society, and reactivation of political parties to prepare for elections; expressed concern at the delay in the installation of the new independent Elections Commission and the reconstituted Supreme Court; urged all Liberian parties to cooperate with the peace process, including by respecting human rights and facilitating humanitarian activities and disarmament; urged all Liberians to participate peacefully in the electoral process; noted with satisfaction information indicating that the electoral process was free, fair and credible, and that the outcome of the elections reflected the will of the Liberian voters; called on all parties to abide by the results of the elections and to cooperate in the formation of a new government; called on the new government to protect the democratic system and to promote human rights and fundamental freedoms under the rule of law; expressed the hope that the successful holding of elections would encourage refugees to exercise their right of return and called on the new government to fulfil its obligations under international law regarding returning refugees; and, noted that the successful conclusion of the electoral process marked the fulfilment of a key element of the UNOMIL mandate.

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LIBYA

(Libyan Arab Jamahiriya)

Date of admission to UN: 14 December 1955.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Libya has submitted a core document (HRI/CORE/1/Add.77) for use by the treaty bodies.

The judicial system consists of the courts, the Department of Public Prosecutions and ancillary bodies staffed by criminal investigation officers. There are four types of courts in Libya: civil, criminal, administrative and personal status. The last applies Islamic law. The Supreme Court is the highest judicial authority in the legal system and hears appeals of judgements handed down by the highest court in each of the four types noted.

Economic, Social and Cultural Rights

Acceded: 15 May 1970.

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

Reservations and Declarations: General declaration.

Libya's initial report (E/1990/5/Add.26) was considered by the Committee at its April/May 1997 session. The report prepared by the government includes information on, *inter alia*: provisions in the Constitution; the Green Document on Human Rights; demographics and the national economy; equality of women and men; the Promotion of Freedom Act related to trade unions and other professional and social federations, organizations, societies; employment and conditions of work; the social security scheme; the definition of the family, family assistance and protection and protection of maternity and children; medical care and the health strategy;

agriculture, education, housing and public utilities; and the effects of international sanctions in the period 1992 to 1994.

The Committee's concluding observations and comments (E/C.12/1/Add.15) welcomed Libya's assertion that the Covenant forms an integral part of domestic law and is binding on individuals and organizations, including official bodies; and that national legislation guarantees every citizen the right to health care and social and cultural welfare as well as the right to education, to work, to freedom of association, to form unions, federations and professional associations, and to seek legal redress for any infringement of rights recognized by law. The Committee noted Libya's assertion that legislation provides for the equal enjoyment by women and men of all economic, social and cultural rights and welcomed signs of progress for women towards equality, including the facts that women are members of the Congress, they have the right to be elected to posts and also participate in trade unions and professional associations. The Committee acknowledged significant progress related to social security and health care, family matters, especially in the areas of divorce and care for children and orphans, and the efforts made by the government in the fields of public housing and home ownership.

Among the factors and difficulties faced in implementing fully the Covenant, note was taken of the fluctuations in world prices for hydrocarbons which have resulted in unpredictable inflows of foreign exchange and cash flow problems affecting Libya's ability to pay its financial obligations regularly. Also noted was the fact that the services industry accounts for approximately 30 per cent of GDP and government efforts to promote agriculture have not been successful in terms of achieving self-sufficiency in food production. It was also noted that little progress has been made in the privatization of industry and that the government's attempts to restructure the economy and abolish state import and export enterprises have been confined to the consumer goods sector. The Committee referred to Libya's assertion that the Security Council's imposition of an aerial embargo has adversely affected the economy and impeded the full enjoyment of economic, social and cultural rights.

The Committee noted with concern that: despite legislation guaranteeing full equality between women and men, the government has argued against the enjoyment by women of certain family and civil rights on the basis of Sharia law; the gap between law and practice related to labour rights notably concerning trade union activity, the right to strike and the right to conduct free collective bargaining is quite significant; living and working conditions for foreign workers on the Great-Man-Made River project are appalling; foreign employees accused of infringing disciplinary rules may be punishable by penalties of imprisonment which can include compulsory labour; different rates of payment of pensions for foreign and Libyan workers are maintained and therefore are discriminatory; reports have been received that, during the second half of 1995, thousands of foreign workers were arbitrarily expelled from Libya and not given adequate compensation; there was no possibility for a legal or judicial remedy against those expulsions; the government had asserted that these foreign workers were the cause of many of Libya's social problems such as violent crime, immoral activities, black market transactions, drug trafficking,

trafficking in women, and the spread of communicable diseases; the government viewed HIV/AIDS as a problem essentially relating to foreigner workers; and that Libya has indicated that foreign workers who are working there with valid work permits and subsequently become HIV-positive are usually deported. The Committee also expressed concern over reports indicating that there was censorship against expressions of a literary and artistic nature in Libya and that the government's notion of "cultural security" was used to justify this censorship.

The Committee recommended that the government:

- ▶ eliminate all remaining aspects of discrimination against women;
- ▶ make energetic efforts to close the gap which still exists between the aims and purposes of Libyan legislation and the reality of its application in labour matters, and in particular with regard to union rights, the right to strike and the right to free collective bargaining;
- ▶ improve without delay the status and working conditions of foreign workers and ensure that these workers are treated with dignity and fully benefit from the rights set out in the Covenant;
- ▶ take measures to ensure better and more widespread education, especially in rural areas, as well as health care, social security and housing;
- ▶ cease deportation of foreign workers who are employed in Libya with valid work permits if they become HIV-positive while in the country;
- ▶ cease treating the HIV/AIDS problem as one essentially relating to foreigners; and,
- ▶ take energetic steps by way of a publicity campaign in the media to inform its population of the nature of HIV/AIDS, its modes of transmission, and what steps can be taken to avoid contracting it.

Civil and Political Rights

Acceded: 15 May 1970.

Libya's third periodic report (CCPR/C/102/Add.1) has been submitted but is not yet scheduled for consideration by the Committee; the fourth periodic report was due 4 February 1995.

Reservations and Declarations: General declaration.

Optional Protocol: Acceded: 16 May 1989.

Racial Discrimination

Acceded: 3 July 1968.

Libya's 11th through 14th periodic reports have been submitted as a single document (CERD/C/299/Add.13) which has not yet been scheduled for consideration by the Committee; the 15th periodic report was due 4 January 1998.

Reservations and Declarations: Article 22; general declaration.

Discrimination against Women

Acceded: 16 May 1989.

Libya's second periodic report was due 15 June 1994.

Reservations and Declarations: Article 2; paragraphs (c) and (d) of article 16.

Torture

Acceded: 16 May 1989.

Libya's third periodic report is due 15 June 1998.

Rights of the Child

Acceded: 15 April 1993

Libya's initial report (CRC/C/28/Add.6) has been submitted and is scheduled for consideration by the Committee at its January 1998 session; the second periodic report is due 14 May 2000.

THEMATIC REPORTS***Mechanisms of the Commission on Human Rights*****Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 226-227)**

The report notes that no new cases of disappearance were received by the Working Group (WG) and that the one outstanding case, transmitted in 1994, concerns a Sudanese translator at the International Centre of Research of the Green Book, in Tripoli, who reportedly disappeared in 1993. The government has never responded to the information sent by the WG on this case. It therefore remains to be clarified.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, para. 308)

The report notes that one urgent appeal was sent by the Special Rapporteur (SR) on behalf of eight students who were among a larger group holding a demonstration. The information received by the SR indicated that they had been interrogated under torture and, along with 16 others, summarily tried in secret and sentenced to various prison terms. The report indicates that the eight students were being held incommunicado in a prison outside Tripoli.

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MADAGASCAR

Date of admission to UN: 20 September 1960.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Madagascar has submitted a core document (HRI/CORE/1/Add.31) for use by the treaty bodies. The report prepared by the government includes demographic data and information on religion, the general political structure, political history and the general legal framework for the protection of human rights.

The 1992 Constitution stipulated that the government would undertake to establish an independent body responsible for the promotion and protection of human rights and the government has appointed an ombudsperson with this function. Under Malagasy law there is no special system for compensation for the violation of human rights; therefore actions alleging violations must be brought before the courts in terms of seeking remedy and/or damages. International human rights treaties are incorporated *de jure* into national law following accession or ratification.

Economic, Social and Cultural Rights

Signed: 14 April 1970; ratified: 22 September 1971. Madagascar's second periodic report was due 30 June 1990; the third periodic report was due 30 June 1995.

Civil and Political Rights

Signed: 17 September 1969; ratified: 21 June 1971.

Madagascar's third periodic report was due 31 July 1992; the fourth periodic report was due 3 August 1993.

Optional Protocol: Signed: 17 September 1969; ratified: 21 June 1971.

Racial Discrimination

Signed: 18 December 1967; ratified: 7 February 1969.

Madagascar has not submitted a report since 1989, covering the 10th through 13th periodic reports; the 13th periodic report was due 9 March 1996.

Reservations and Declarations: Article 22.

Discrimination against Women

Signed: 17 July 1980; ratified: 17 March 1989.

Madagascar's second periodic report was due 16 April 1994.

Rights of the Child

Signed: 19 April 1990; ratified: 19 March 1991.

Madagascar's second periodic report is due 17 April 1998.

THEMATIC REPORTS***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 declared on 23 July 1991 and subsequently extended and that a curfew is enforced in the capital.

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MALAWI

Date of admission to UN: 1 December 1964.

TREATIES AND REPORTS TO TREATY BODIES

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

Economic, Social and Cultural Rights

Acceded: 22 December 1993.

Malawi's initial report was due 30 June 1996.

Civil and Political Rights

Acceded: 22 December 1993.

Malawi's initial report was due 21 March 1995.

Optional Protocol: Acceded: 11 June 1996.

Racial Discrimination

Acceded: 11 June 1996.

Malawi's initial report was due 11 July 1997.

Discrimination against Women

Acceded: 12 March 1987.

Malawi's second periodic report was due 11 April 1992; the third periodic report was due 11 April 1996.

Torture

Acceded: 11 June 1996.

Malawi's initial report is due 10 July 1998.

Rights of the Child

Acceded: 2 January 1991.

Malawi's initial report was due 31 January 1993.

THEMATIC REPORTS

Mechanisms and Reports of the Sub-Commission

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

The report notes that emergency legislation has been in force since 1965 and expressly provides for preventive detention.

FIELD OPERATIONS

The UN Human Rights Field Office was established in January 1995 in Lilongwe. As of the beginning of 1998 the post of Chief Technical Advisor was vacant. Address: c/o UNDP, P.O. Box 30135, Lilongwe 3, Malawi; telephone/ fax: (265) 781-775.

The technical cooperation programme agreed to in August 1994 is expected to be completed in 1998. The Malawi Project for the Consolidation of the Democratic Process has as its main areas of focus: a national workshop on the implementation of the 1995/1996 Human Rights National Plan of Action; the provision of human rights information; the establishment of the Human Rights Commission; legal reform, including the establishment of the Law Commission; human rights training for the police, police prosecutors, criminal investigation officers, the military, the Prisons Service and lawyers; further assistance to the National Compensation Tribunal; expert advice on the possible establishment of a truth commission on past human rights abuses; a national workshop on reporting under the human rights instruments; expert advice and assistance on the implementation of the Convention on the Rights of the Child; and training on the human rights aspects of elections.

During the period 1996 to 1997, technical cooperation activities were implemented in the areas of: the Human Rights National Plan of Action; provisional establishment of the National Compensation Tribunal; establishment of the Human Rights Commission; assistance to the Inspectorate of Prisons; human rights training for police trainers, including the provision of instructional materials specially adapted to Malawi; the national workshop on investigating past human rights abuses; training seminars on reporting under the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women; human rights training for NGOs; the Inter-Ministerial Committee on Human Rights and Democracy; legal reform; human rights treaty accession; and dissemination of human rights materials and publications.

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MALI

Date of admission to UN: 28 September 1960.

TREATIES AND REPORTS TO TREATY BODIES

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

Economic, Social and Cultural Rights

Acceded: 16 July 1974.

Mali's initial report was due 30 June 1990; the second periodic report was due 30 June 1995.

Civil and Political Rights

Acceded: 16 July 1974.

Mali's second, third and fourth periodic reports were due from 1986 through 1996; the fourth periodic report was due 11 April 1996.

Racial Discrimination

Acceded: 16 July 1974.

Mali's seventh through 12th periodic reports were due from 1987 through 1997; the 12th periodic report was due 15 August 1997.

Discrimination against Women

Signed: 5 February 1985; ratified: 10 September 1985.

Mali's second periodic report was due 10 October 1990; the third periodic report was due 10 October 1994.

Rights of the Child

Signed: 26 January 1990; ratified: 20 September 1990.

Mali's initial report (CRC/C/3/Add.53) has been submitted and is scheduled for consideration by the Committee at its May 1999 session; the second periodic report was due 18 October 1997.

THEMATIC REPORTS

Mechanisms and Reports of the Sub-Commission

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

A state of emergency was declared in Mali on 22 March 1991.

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MAURITANIA

Date of admission to UN: 7 October 1961.

TREATIES AND REPORTS TO TREATY BODIES

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

Racial Discrimination

Signed: 21 December 1966; ratified: 13 December 1988.

Mauritania's initial and second through fourth periodic reports were due 12 January 1990, 1992, 1994 and 1996 respectively.

Rights of the Child

Signed: 26 January 1990; ratified: 16 May 1991.

Mauritania's initial report was due 14 June 1993.

Reservations and Declarations: General reservation.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 228-230)

No new cases of disappearance were transmitted to the government. The one outstanding case reportedly occurred in a village in southern Mauritania in 1990, where a 21-year-old man was taken away by members of the National Guard. At

that time, many people from the Hal-Pulaar ethnic group in the south were being subjected to human rights violations, allegedly carried out by government forces and the Haratine militia. No new information was provided by the government on this case.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, para. 18; E/CN.4/1997/60/Add.1, para. 311)

The report notes that the government has not provided information on a case transmitted in 1995. This concerns an individual who was killed by members of the security forces during a routine check on 10 October 1994.

Religious intolerance, Special Rapporteur on: (A/52/477, paras. 25, 28, 30, 33, 38)

The Special Rapporteur's interim report to the General Assembly notes that communications were sent to the government concerning violations of religious freedom against all religious groups and communities except for the official, state or predominant religion (i.e., non-Muslims). This has included prohibitions on proselytizing and the harassment and arrest of Christians for distributing Christian literature outside their community.

Mechanisms and Reports of the Sub-Commission

Contemporary forms of slavery, Working Group on: (E/CN.4/Sub.2/1997/13, para. 70)

The report notes information from a non-governmental organization indicating that slavery still continues in Mauritania.

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

The report notes that curfew was introduced in rural areas of the south and a de facto state of emergency reportedly exists in the Senegal river valley. Reference is also made to the enforcement of a curfew in the capital in October 1992.

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MAURITIUS

Date of admission to UN: 24 April 1968.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Mauritius has submitted a core document (HRI/CORE/1/Add.60/Rev.1) for use by the treaty bodies. The report prepared by the government includes basic information on elections, the economy, employment, health and religion. The framework for protection of human rights is established in the Constitution and the judiciary consists of the Supreme Court, the Intermediate Court and District Courts. The Supreme Court has unlimited jurisdiction to hear and decide on any civil or criminal proceedings. Channels for remedies include police authorities, the courts, the office of the Ombudsman and the office of the Director of Public Prosecutions. The provisions of the International Covenant on Civil and Political Rights may be referred to in proceedings but are not directly enforceable by the courts.

Economic, Social and Cultural Rights

Acceded: 12 December 1973.

Mauritius' second periodic report was due 30 June 1995.

Civil and Political Rights

Acceded: 12 December 1973.

Mauritius' fourth periodic report was due 4 November 1993.

Optional Protocol: Acceded: 12 December 1973.

Racial Discrimination

Acceded: 30 May 1972.

Mauritius' 13th periodic report was due 29 June 1997.

Discrimination against Women

Acceded: 9 July 1984.

Mauritius' third and fourth periodic reports were due 8 August 1993 and 1997 respectively.

Reservations and Declarations: Paragraphs 1 (b) and (d) of article 11; paragraph 1 (g) of article 16; paragraph 1 of article 29.

Torture

Acceded: 9 December 1992.

Mauritius' second periodic report was due 7 January 1998.

Rights of the Child

Acceded: 26 July 1990.

Mauritius' second periodic report was due 1 September 1997.

Reservations and Declarations: Article 22.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, para. 79; E/CN.4/1997/60/Add.1, para. 312)

The Special Rapporteur welcomed the August 1996 adoption by Parliament of a bill abolishing the death penalty for all offences in Mauritius.

Religious intolerance, Special Rapporteur: (A/52/477, paras. 10, 21)

The Special Rapporteur's interim report to the General Assembly notes that a request for an invitation to visit has been sent to the government.

Other Reports

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

The report of the High Commissioner for Human Rights noted the views of the government which emphasized the need to intensify cooperation among governments at both the regional and global levels in order to address the serious problems resulting from mass exoduses of refugees and displaced persons and even more so in cases of flagrant breaches of human rights.

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 on provisions in the Constitution related to derogations from fundamental rights and freedoms under emergency powers.

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

The report of the Secretary-General notes that the government submitted copies of laws related to the question of

restitution, compensation and rehabilitation. This included the Constitution, articles of the Civil Code, and the Ilois Trust Fund Act 1982 which deals with the payment of compensation to the population which was removed from the Chagos Archipelagos.

Terrorism, Note by the S-G: (E/CN.4/1997/39, Section I)

The note by the Secretary-General refers to information provided by the government which recalls that the government supported the General Assembly's initiative to establish a UN voluntary fund for victims of terrorism and suggested that one of the ways to finance the fund could be the confiscation of all funds and properties tainted by terrorism. The government invited the Secretary-General to urge states to enact laws to empower courts to confiscate funds or properties intended for use in terrorist acts, and provide for the removal of any existing confidentiality obligations imposed on financial institutions. The government also noted the need to rationalize international judicial cooperation procedures to improve the exchange of information between competent authorities and to facilitate the prosecution and punishment of acts of terrorism.

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MOROCCO

Date of admission to UN: 12 November 1956.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Morocco has submitted a core document (HRI/CORE/1/Add.23) for use by the treaty bodies. The report prepared by the government includes demographic and statistical data and information on the political and judicial systems.

The national courts are responsible for ensuring that human rights are respected. A human rights advisory council has been set up to monitor the human rights situation and give opinions on specific cases involving human rights. Remedies for violations of human rights are available before the commune and district courts, the courts of first instance, the courts of appeal and the Supreme Court. There are provisions as well for appeal of administrative decisions causing harm through appeals to authorities and, if the plaintiff is not satisfied, through appeal to the Supreme Court. The rights set out in the international human rights instruments to which Morocco has either acceded or ratified are protected by the Constitution and there is no constitutional provision for derogation from that protection. The provisions of these instruments may be automatically invoked before Moroccan courts.

Economic, Social and Cultural Rights

Signed: 19 January 1977; ratified: 3 May 1979.

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

Civil and Political Rights

Signed: 19 January 1977; ratified: 3 May 1979.

Morocco's fourth periodic report (CCPR/C/115/Add.1) has been submitted but is not yet scheduled for consideration by the Committee; the fifth periodic report is due 31 October 2001.

Racial Discrimination

Signed: 18 September 1967; ratified: 18 December 1970.

Morocco's 12th periodic report was due 17 January 1994; the 13th periodic report was due 17 January 1996.

Reservations and Declarations: Article 22.

Discrimination against Women

Acceded: 21 June 1993.

Morocco's second periodic report is due 21 July 1998.

Reservations and Declarations: Article 2; paragraph 4 of article 15; paragraph 2 of article 9; article 16; article 29.

The Committee considered Morocco's initial report (CEDAW/C/MOR/1) at its January 1997 session. The report prepared by the government includes information on, for example: provisions in Islam related to the rights and equality of women; reforms in family law; the Ministry of Human Rights; the Parliamentary Commission on justice, law and human rights; the programme on the integration of women into development; education in human rights; civil, cultural, economic, social and political rights; the Consultative Committee on human rights; the national Council on youth and the future; the national strategy for the promotion of women to the year 2000; women in politics and public service; education, culture and health; and, restrictions in law or practice affecting the full enjoyment of women's human rights.

The Committee's concluding observations and comments (CEDAW/C/1997/L.1/Add.2) stated that, while ratification was welcome, implementation of the Convention was seriously hindered by the declarations and reservations entered by Morocco on the substance of the Convention. The Committee noted the obvious contradictions between the obligations deriving from the undertaking made by Morocco at the time of signing the Convention and the persistence of considerable discrimination against women in Morocco, particularly in the field of family law.

The Committee viewed with satisfaction: the revision of the Constitution, which strengthened the rule of law in Morocco and proclaimed the country's commitment to internationally recognized human rights; and the establishment of a "women's unit" within the Ministry of Human Rights; efforts to revise and amend the Personal Status Code (Moudouana); and, the emergence of a women's movement which had managed to give expression to women's demands and to give their concerns a national dimension.

Among the principal subjects of concern raised by the Committee were: the number and importance of the reservations made by Morocco, noting that the combination of reservations to articles 2 and 16 leave no room for evolving concepts of Islamic law; the failure of the government to mention, publicize or publish the Convention in the Official Gazette, unlike the practice established for other treaties; the absence of specific women's machinery to coordinate and guide activities and projects for women in order to improve and better inform women about their rights; the minimal representation of women at the policy-making level despite efforts made in the political sphere; the profound inequalities affecting the status of women in Morocco; the considerable discrimination against women in the areas of marriage, conjugal relations, divorce and the custody of children, and with regard to the punishment of adultery, and the ability to pass

on nationality which continues to benefit the husband to the detriment of the wife; the blatant inequalities in women's recruitment, wages and leave entitlements, as well as in legal restrictions on women's but not men's employment; the lack of plans to enact legislation to protect women against all forms of violence; and, the absence in Morocco's report of any mention of article 6 of the Convention concerning prostitution.

The Committee also expressed concern over the high rate of female illiteracy, which affected girls and rural women in particular, the high rate of maternal mortality and the high number of unattended births, the unavailability of safe abortion and the need to develop further reproductive and sexual health services, including family planning.

The Committee recommended that the government:

- ▶ incorporate the principle of equality between women and men in all spheres, and into the Constitution so as to bring it into line with the relevant international norms of the Convention;
- ▶ consider the progressive withdrawal of the many reservations that are seriously undermining the proper implementation of the Convention;
- ▶ continue its efforts to amend legislation that is still discriminatory, in order to bring it into line with the provisions of the Convention;
- ▶ bearing in mind the stages in Morocco's political, economic, sociological and cultural evolution and the need for the population to support any reform concerning women's rights, persevere in using *ijtihad*, the evolving interpretation of religious texts, so as to give the necessary impetus to the improvement of the status of women and gradually change attitudes;
- ▶ establish specific machinery, at a high executive level, with adequate financial and human resources, to coordinate and guide action in favour of women, combat energetically the persistence of attitudes, prejudices and stereotypes that discriminate against women and introduce measures to narrow the gap between *de jure* and *de facto* equality;
- ▶ provide education in women's rights, covering national and international legislation in all school and university systems, to women's associations and non-governmental organizations, and in rural areas;
- ▶ revise the content and orientation of school textbooks in order to eliminate stereotypes and negative images of women to speed up a change of attitudes and remove obstacles to *de facto* equality;
- ▶ pay particular attention to vulnerable groups women heads of household, abandoned women and disabled women and take the necessary steps to protect them from any form of exclusion or marginalization;
- ▶ take all appropriate, effective measures to reduce the illiteracy rate among women, particularly in the rural areas;
- ▶ address the issue of violence against women, adopt the necessary measures to overcome this phenomenon, and
- ▶ establish support services for victims of violence, in urban and rural areas;

- ▶ take special measures to reduce maternal mortality rates and protect women's right to life by ensuring full and timely access of all women to emergency obstetric care; and,
- ▶ review existing restrictions on women's access to employment, particularly those based on stereotypical assumptions concerning women's work.

Torture

Signed: 8 January 1986; ratified: 21 June 1993.

Morocco's second periodic report is due 20 July 1998.

Rights of the Child

Signed: 26 January 1990; ratified: 21 June 1993.

Morocco's second periodic report is due 19 July 2000.

Reservations and Declarations: Article 14.

COMMISSION ON HUMAN RIGHTS

At its 1997 session the Commission on Human Rights adopted by consensus a resolution (1997/5) on the question of Western Sahara. In the resolution the Commission: reaffirmed the right to self-determination; recalled the entry into force of a cease fire in Western Sahara in 1991; noted Security Council resolution 1056 of 1996 and the decision to reduce the strength of the military component of the UN mission for the Referendum on Western Sahara in the absence of progress on implementation of the settlement plan; reiterated support for the efforts of the OAU and the UN Secretary-General regarding the organization and supervision of the referendum for the self-determination of the people of Western Sahara; reaffirmed that the goal, on which all parties agreed, was to hold a free, fair and impartial referendum organized and conducted by the UN, in cooperation with the OAU, and without any military or administrative constraints; expressed serious concern about the persistent obstacles to implementation of the settlement plan; emphasized the importance of direct contacts between the government and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro; and, decided to continue consideration of the question at the 1998 session.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Arbitrary detention, Working Group on: (E/CN.4/1997/4, paras. 4, 7, 17; E/CN.4/1997/4/Add.1, Decision 4)

The Working Group's main report notes that 11 new cases were transmitted as well as three urgent appeals on behalf of 11 persons. The government's response to the urgent appeals stated that the individuals had been released.

The decision involved five individuals who were arrested and detained in Laayoune in May 1995 for having organized a demonstration in Western Sahara in support of the Polisario Front. They were prosecuted for jeopardizing external security and the territorial unity of Morocco, for demonstrating, and for distributing leaflets and shouting slogans in favour of an independent Sahrawi state. The information received by the Working Group (WG) indicated that one of the detainees died as a result of torture inflicted during imprisonment and fears were expressed concerning the fate of the others. The WG's assessment was that the five had been held without

charge, were not brought promptly before a judge or tried within a reasonable time by an independent and impartial tribunal. The WG noted that information provided by several human rights organizations reported various similar arrests, alleged to have occurred for the same reasons in Laayoune in May and June 1995. These reportedly led to summary proceedings before special courts, e.g. the Permanent Tribunal of the Royal Armed Forces, and the individuals arrested had been subjected to torture and ill-treatment. The information also indicated that the summary proceedings had resulted in the imposition of 15- to 20-year sentences. The WG declared that the detention and treatment of the five people concerned in Decision 4 contravened the right to fair trial and were therefore arbitrary character.

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 8, 238–246)

The report notes that no new cases of disappearance were transmitted to the government. The majority of the 232 cases of disappearance handled by the Working Group (WG) were reported to have occurred between 1972 and 1980 and during the 1980s. Most of them concerned persons of Saharan origin who were reported to have disappeared in territories under the control of the Moroccan forces, because they or their relatives were known or suspected supporters of the Polisario Front. The report notes that students and better educated Saharans were reported to have been particularly targeted and that, in some instances, disappearances followed mass arrests after demonstrations or before visits of prominent persons or officials from other countries. The disappeared were reportedly confined in secret detention centres, as well as cells in some police stations or military barracks, and secret villas in the suburbs of Rabat. The report notes that despite the release in 1991 from secret detention centres of more than 300 missing persons, among them some people of Saharan origin, the Moroccan authorities continue to deny all knowledge of hundreds of other disappeared persons who remain unaccounted for. Families are said still to be unable to obtain any information on the fate and whereabouts of their disappeared relatives, some of whom have reportedly been missing for some 20 years. The information received by the WG has indicated that some of the disappeared were extrajudicially executed soon after arrest, while others died in secret detention; that the deaths of those who disappeared have never been officially acknowledged by the Moroccan authorities, and no investigation has been carried out in order to bring to justice those responsible for their disappearance and death. The information also states that none of the families of the victims received any compensation or have been able to determine where their relatives are buried. The WG also noted that restrictions on the right to freedom of expression, association and movement have been placed on many of the former disappeared who were released in 1991 and that some of them have been rearrested and again held in secret detention, often for prolonged periods. The information on these cases indicates that the families have been unable to obtain any information on their whereabouts during their secret detention.

The report notes that the government provided the WG with information on 41 individual cases and that in 28 cases the government stated: the persons concerned were free; in

six cases the persons had never been arrested; in five cases the persons were detained; one person had left the country and another case was a duplicate. The report notes that the government has expressed a willingness and determination to clarify the fate of individuals still considered as disappeared and stated that investigations were being conducted on all the outstanding cases. There remain 142 cases to be clarified.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 16, 19, 32; E/CN.4/1997/60/Add.1, paras. 308–310)

The report refers to information received by the Special Rapporteur (SR) related to an individual whose body was found near a military barracks on the beach of El Ayoun in October 1995. The information received by the Special Rapporteur (SR) indicated that the man had previously been arrested by the Moroccan Territorial Security Division (DST), and had reportedly been placed in isolation at a high security penal colony and subjected to ill-treatment. The government responded that, according to a forensic physician's report, the body had shown no signs of violence and that the victim had probably drowned. The government further stated that the deceased had suffered from psychiatric problems.

The report also summarizes the response received from the government to information contained in the SR's 1996 report related to a case of ill-treatment in custody and suicide. The government stated that the prosecutor's office had ordered an autopsy, which had found no correlation between the death and the alleged ill-treatment, and had confirmed that the man had died by hanging. The government also emphasized that a preliminary investigation had been carried out at the place of death and that no sign of negligence or ill-treatment had been discovered. On that basis, proceedings had been terminated.

Racial Discrimination, Special Rapporteur on: (E/CN.4/1997/71, para. 39)

The Special Rapporteur's report includes information provided by the government stating that: monitoring questions relating to the status of working conditions, reception and protection of the interests of Moroccan migrant workers is a major concern; the government focusses efforts in this area on maintaining of contacts and dialogue with the governments of host countries; and, Moroccan law prohibits all forms of propaganda for war and severely punishes incitement to national, racial or religious hatred. The government noted that Morocco has ratified the International Convention on the Elimination of All Forms of Racial Discrimination and that the Human Rights Ministry recently established a xenophobia and racism unit which closely monitors the violations of human rights suffered by Moroccan communities abroad.

Religious intolerance, Special Rapporteur on: (E/CN.4/1997/91, paras. 9, 17, 22, 24, 26, 35, 41, 66)

The report notes incidents of religious intolerance towards Christians in Morocco and that there is a ban on proselytizing which, if violated, may result in imprisonment. The Special Rapporteur (SR) refers to information received indicating that clergy and believers have been ill-treated, arrested and detained and notes the case of the detention and subsequent hospitalization of a Muslim who had converted to Christianity and been found guilty of evangelism. With

regard to that case, the government informed the SR that the man had left the hospital at Inezgane on 3 June 1996.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, paras. 334–335)

The report notes that one newly reported case was transmitted to the government and eight previously reported cases retransmitted. The new case involved a humorist who was assaulted by police while on his way to the office of the Moroccan Labour Union to join, in solidarity, in a sit-in organized by the Association of Unemployed Graduates. The assault resulted in multiple trauma and required hospitalization. No inquiry was held into the incident or the actions of the police.

The government response to the cases previously sent by the Special Rapporteur was that allegations of torture and ill-treatment were mere speculation and that the individuals concerned had made no complaint or declaration asserting torture. No inquiry was ordered by the court and no other measures were taken.

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

The report notes that live-in domestic work in countries of the European Union is a rapidly growing area of employment that is currently developing outside of labour regulatory schemes. The Special Rapporteur (SR) reports that the increasing demand is being met, in part, by undocumented migrant women from Morocco. The report also notes that, in Morocco, young rural girls are placed with wealthy urban families as domestic servants and that despite promises of education and a better standard of living, the girls are often subjected to inhumane working conditions and forced to live as indentured servants. This situation is exacerbated in cases of "adoptive servitude", in which wealthy families adopt orphan girls for the explicit purpose of providing labour. There are widespread reports of physical abuse of the girls.

Other Reports

Detention of international civil servants, Report of the S-G to the CHR: (E/CN.4/1997/25, para. 37)

The World Health Organization (WHO) reported that the immunity of a locally recruited staff member, who was involved in a case of a traffic accident in the performance of official duties, was questioned by the Moroccan authorities. The authorities claimed that the name of the staff member had not been included in the list of WHO officials that was sent at regular intervals to the government. At the time the report of the Secretary-General was prepared, the case was still pending.

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

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

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MOZAMBIQUE

Date of admission to UN: 16 September 1975.

TREATIES AND REPORTS TO TREATY BODIES

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

Civil and Political Rights

Acceded: 21 July 1993.

Mozambique's initial report was due 20 October 1994.

Second Optional Protocol: Acceded: 21 July 1993.

Racial Discrimination

Acceded: 18 April 1983.

Mozambique has not submitted the second through seventh periodic reports (covering the period 1986–1996); the seventh periodic report was due 18 May 1996.

Reservations and Declarations: Article 22.

Discrimination against Women

Acceded: 21 April 1997.

Mozambique's initial report is due 16 May 1998.

Rights of the Child

Signed: 30 September 1990; ratified: 26 April 1994.

Mozambique's initial report was due 25 May 1996.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 249–252)

The Working Group (WG) transmitted one newly reported case to the government. This related to a disappearance, alleged to have occurred in 1974, involving a doctor who had been arrested at his home in Matola and imprisoned at the headquarters of Frelimo troops in Boane, and later in Maputo. The report notes that despite their efforts, the doctor's family has been unable to determine his whereabouts.

The other case that remains to be clarified also occurred in 1974 and involved a doctor who was at a hotel in Blantyre, Malawi, taken first to Mozambique and then to the southern part of Tanzania and possibly transferred to Niassa province, Mozambique. The government has not responded to requests from the WG for information on this case.

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

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 the imposition of controls on and interference with religious activities of certain religious groups and communities.

Sale of children, child prostitution, child pornography, Special Rapporteur on the: (A/52/482, para. 67)

The Special Rapporteur's interim report to the General Assembly notes that Mozambique is one of 10 countries in eastern and southern Africa in which a UNICEF-assisted Adolescent Girl Communication Initiative has been

developed. The initiative involved a radio drama series in which actors presented stories conveying messages on the importance of staying in school, how to deal with sexual harassment, AIDS-awareness and delicate issues such as female genital mutilation, early marriages and the domestic workload of girls. The project also developed animated films, comic books, storybooks, audio cassettes and posters.

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

In the section dealing with trafficking in women and forced prostitution the report notes that refugee women from Mozambique are lured across the border into South Africa by promises of work only to be sold as concubines or wives to South African men.

Other Reports

Internally displaced persons, Report of the S-G's Representative: (E/CN.4/1997/43/Add.1)

The Secretary-General's Representative on internally displaced persons visited Mozambique between 21 November and 3 December 1996. This visit was based, in part, on the Representative's understanding that the programme of return for internally displaced persons in Mozambique had been a success. The report of the mission acknowledges that the roots of displacement in Mozambique were located in the armed conflict between FRELIMO and RENAMO, which led to 3.5 to 4.5 million people being internally displaced. Responsibility for the displacement is placed primarily on RENAMO although the report notes that both armies contributed to the massive uprooting of the rural population through the deliberate dislocation and relocation of civilians as part of their military strategies.

The relative success of the return process is seen to be the result of a number of factors, including a flexible approach by the government, its willingness to hand over responsibilities for coordination to international agencies, a commitment by RENAMO to the peace process and a pattern of spontaneous resettlement by displaced persons themselves. The report also notes, however, that the return of people to their own homes and areas was marred by some violations of human rights — including looting by former soldiers, hostage-taking, attacks on convoys and continuing restrictions on freedom of movement. Reasons for people not having returned were identified and included: lack of confidence that peace will endure; reluctance to return to areas where terror was experienced; loss of families and thus no reason to return; lack of transportation to home area; and lack of safety for returnees, particularly in terms of the unmapped presence of landmines.

The report also underlined that access to land is crucial to stabilizing the returnee population and of major importance in preventing the future displacement of the peasant population as a whole. A link is drawn between the issue of land and the need to regulate the relationship between national legislation and customary law. The Special Representative cites difficulties that remain to be overcome, including: the limited capacity of the judiciary; lack of knowledge about national legislation among the population; lack of resources to make use of the court system; and, in practical terms, the fact that, for the foreseeable future, large numbers of persons will have legal status defined within the framework of traditional

systems. The report acknowledges that these traditional systems have been effective in settling many land disputes but also recognizes that customary law discriminates against single women, for example, with regard to allocation of land and inheritance rights. The Representative thus recommends that a programme be initiated to disseminate information about national laws and standards on a country-wide basis using, if necessary, local administrative units and the school system.

The future of peace in Mozambique is seen to depend on further reform by the government. Steps that should be taken are identified as including: effecting greater separation between the FRELIMO party apparatus and state structures; measures to stop discrimination against pro-RENAMO citizens, particularly in the areas of education, training and employment; channelling more resources into areas in which RENAMO enjoys strong support; further measures to decentralize government — including by the holding of municipal elections to facilitate decentralization and allocation of resources to local structures; and measures to involve "traditional society" in the decision-making and opinion-building processes.

Right to development, Report of the S-G to the CHR:
(E/CN.4/1997/21, para. 12)

The report of the Secretary-General includes information provided by the Office of the High Commissioner for Refugees in which it is noted that the UNHCR uses "quick impact projects" (QIPs) small infrastructure and income-generation projects requiring a relatively small financial input-based on the active participation of the beneficiary population, usually in the form of contributed labour. The UNHCR referred to a QIP used in the repatriation phase of the UNHCR's Mozambique operation, involving a "development mapping" concept designed to identify the specific development needs in areas of refugee return, and analyse what type of projects were necessary in those areas. An important recommendation which came out of the Mozambique experience was that such analysis should be completed very early in the repatriation phase in order to maximize its usefulness.

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NAMIBIA

Date of admission to UN: 23 April 1990.

TREATIES AND REPORTS TO TREATY BODIES

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

Economic, Social and Cultural Rights

Acceded: 28 November 1994.

Namibia's initial report was due 30 June 1997.

Civil and Political Rights

Acceded: 28 November 1994.

Namibia's initial report was due 27 February 1996.

Optional Protocol: Acceded: 28 November 1994.

Second Optional Protocol: Acceded: 28 November 1994.

Racial Discrimination

Acceded: 11 November 1982.

Namibia's eighth periodic report is due 11 December 1997.

Discrimination against Women

Acceded: 23 November 1992.

Namibia's second periodic report was due 23 December 1997.

Namibia's initial report (CEDAW/C/NAM/1) was considered by the Committee at its July 1997 session. The report prepared by the government is detailed and contains information on, *inter alia*: social, economic, political and legal structures; constitutional provisions related to women; the scope of discrimination; the protection of women against discrimination; discrimination by public authorities and institutions; steps to eliminate discrimination by any person, organization or enterprise; and repeal of national Penal provisions which discriminated against women. Sections dealing with specific provisions of the Convention include commentary on, for example: rape and other sexual offences; domestic and other forms of violence against women; women and child abuse centres; the General Sectoral Committee on Violence against Women; affirmative action in various sectors; sex role stereotyping; prostitution and trafficking in women; women in political and public life — including the Parliament, law enforcement, the administration of justice, the media, trade unions, the churches and NGOs; provisions in law related to nationality, education, labour development, health care, and economic and social life; legal capacity and domicile; and marriage and family relations.

The Committee's concluding observations and comments (CEDAW/C/1997/II/L.1/Add.2) noted that women in Namibia continue to face persistent discrimination which arose out of some traditional and customary laws. The general lack of knowledge relating to human and legal rights was also identified as an obstacle to the implementation of the Convention. The Committee also noted that the majority of people living in poverty are women living in a country where most of the population is poor. The Committee considered that women's poverty made it difficult for them to fulfil their aspirations as guaranteed by the Convention.

The Committee commended the government for ratifying the Convention without reservations so soon after achieving independence and noted with satisfaction that non-governmental organizations had been involved in the preparation and in the presentation of the report. The Committee also commended: the establishment of the Department of Women Affairs and the upgrading of the Department to cabinet level; the establishment of the Law Reform and Development Commission; the legal measures that had been put in place following ratification of the Convention and the subsequent progress made towards gender equality; the adoption of the Married Persons Equality Act; the proposed enactment of the Children's Act; the appointment in December 1996 of a woman as the first Ombudsperson; the establishment of women and child abuse centres; the appointment of the first woman judge; the government's focus on affirmative action as a means of closing the gap in gender equality; and, the establishment of nine gender-sectoral committees and the programme of sensitization of parliamentarians and public officers with respect to the Convention.

The areas of concern identified by the Committee included: the lack of a time-frame in the implementation of affirmative action programmes; the lack of programmes to

sustain the objectives and achievements of these programmes; the lack of human rights education, as well as education for legal literacy, and advocacy programmes to achieve de facto equality; the prevalence of domestic violence and the persistence of certain traditional practices which reinforce stereotypical attitudes and strengthen discrimination against women; the fact that, despite new laws, women, and in particular those in the rural areas, are unable to own land; the decision of the government to deal with maternity leave under article 4 of the Convention (affirmative action) since, in the Committee's view, the granting of maternity leave is not a measure of affirmative action; the failure of the Married Person's Equality Act sufficiently to address discrimination in the family; that the health of prostitutes is not taken into account and that, unlike other women, they do not have access to health care; the low level of participation of women in higher education and the high drop-out rate of girls from the formal education system; the present inadequacy of the law on rape and other forms of violence against women; the fact that pregnant teenage girls are punished by expulsion from school; the incidence of discrimination against women in the labour market; the prevalence of polygamous marriages and the non-registration of customary marriages; the high number of illegal abortions, the high rate of maternal mortality and the fact that the inadequacy of the existing law on abortion contributed to this problem; and, the fact that although the position of the Director-General of the Department of Women Affairs had been upgraded to cabinet level, she did not have the right to vote in the Cabinet.

The Committee recommended that the government:

- ▶ establish time frames for the implementation of affirmative action measures and include in them educational and other programmes that will sustain the objectives and achievements of existing affirmative action programmes;
- ▶ adopt an integrated programme for the full implementation of the Convention;
- ▶ intensify educational and advocacy programmes to achieve de facto equality;
- ▶ design and implement programmes that redefine the roles of women and men in the family;
- ▶ introduce, at all levels, more educational programmes on human rights and legal literacy for women;
- ▶ ensure through the Department of Women Affairs that research is done to identify the customary laws that contravene the letter and spirit of the Convention;
- ▶ take steps to replace such customary laws;
- ▶ ensure the effective monitoring of the implementation of all affirmative action policies and programmes;
- ▶ take immediate action to combat domestic violence, including through legal measures such as amending the law on rape and extending it to include marital rape;
- ▶ assign to the state courts sole jurisdiction in cases of sexual violence;
- ▶ ensure that victims of violence are given better privacy and protection during court proceedings;

- ▶ take measures to improve the economic empowerment of women and reduce their dependence on men and their vulnerability to domestic violence;
- ▶ introduce awareness-raising programmes for health professionals, the police and the judiciary to improve their understanding of the problem that violence poses for women;
- ▶ introduce measures and programmes, including affirmative action, to increase women's participation at all levels of the judiciary;
- ▶ endeavour to bring about legal change with regard to land ownership by women, especially in rural areas;
- ▶ address the issue of polygamous marriages and, through the Department of Women Affairs, introduce an intensive programme to discourage polygamy;
- ▶ ensure, as soon as feasible, the registration of all customary marriages so as to ensure that women can enjoy all rights that accrue as a result of marriage;
- ▶ recognizing the need to sustain traditional courts, ensure that these courts comply with the principles of the Convention in all respects;
- ▶ adopt the necessary measures to review the laws containing punitive measures against women who have undergone illegal abortions;
- ▶ continue its collaboration with non-governmental organizations in implementing the Convention and reporting under it; and
- ▶ encourage the political participation of women and take all appropriate measures in that regard.

Torture

Acceded: 28 November 1994.

Namibia's second periodic report is due 27 December 1999.

Namibia's initial report (CAT/C/28/Add.2) was considered by the Committee at its April/May 1997 session. The report prepared by the government includes information on, *inter alia*: article 8 of the Constitution which prohibits torture; the justiciable Bill of Rights; measures and laws related to extradition and expulsion; training for law enforcement, defence and prison service personnel; medical services in prisons; safety checks and other procedures in police detention and prisons; police conduct and misconduct; complaints, investigations, proceedings and compensation; rules of evidence and the admissibility of "confessions" obtained through pressure. The report also includes summary commentary on a number of individual cases illustrating violations, complaints, investigations and the results of proceedings, where undertaken.

The Committee's concluding observations and comments (CAT/C/XVIII/CRP.1/Add.4), welcomed the government's policy of allowing non-governmental organizations and diplomatic officers regular access to prisons and prisoners and permitting local non-governmental organizations to operate freely and deal openly with a variety of human rights issues. The Committee expressed satisfaction with the explicit proclamation in the Namibian Constitution prohibiting torture or cruel, inhuman or degrading treatment or punishment and the stipulation that testimony obtained under torture is not

admissible as evidence in a Namibian court of law and welcomed improvements in Namibia's asylum and refugee policy which now allows asylum-seekers from other African countries to enter and grants them refugee status.

The Committee acknowledged that the legacy of the pre-independence period continues to hinder efforts fully to harmonize the legal order with the requirements of international humanitarian law instruments but also emphasized that no exceptional circumstances can ever justify failure to comply with certain terms of the Convention against Torture.

Among the subjects of concern identified by the Committee were: the failure to integrate the specific definition of the crime of torture in the Convention into penal legislation, making it impossible for the courts to adhere to the principle of legality (*nullum crimen, nulla poena sine lege previa*) and to article 4 of the Convention; pre-trial detention extending for up to one year because of the lack of judicial personnel; acknowledging that torture and physical assaults by the Namibian police have been reduced considerably since independence, the fact that treatment which falls under the notion of torture, cruel, inhuman or degrading treatment or punishment still occurs in certain areas of the country; the failure in many cases to conduct prompt and impartial investigations and to prosecute those responsible for past and present acts of torture or cruel, inhuman or degrading treatment; the failure consistently to institute disciplinary proceedings against public officials responsible for acts of torture or ill-treatment; the lack of legal instruments to deal specifically with compensating victims of torture or other ill-treatment; the inadequacy and ineffectiveness of existing procedures for obtaining redress, compensation and rehabilitation; and, limitations on the right to redress and compensation to the victim of torture, thereby excluding the same standing being given to a deceased victim's dependants, in violation of article 14 (1) of the Convention.

The Committee recommended that the government:

- ▶ enact a law defining the crime of torture in terms of article 1 of the Convention and legally integrate this definition into the Namibian substantive and procedural criminal law system;
- ▶ following on the first point, take into account: (a) the need to define the offence of torture as a specific offence committed by or at the instigation of or with the consent of a public official (*delictum proprium*); (b) the special intent to extract a confession or other information, to arbitrarily punish, to intimidate, to coerce or to discriminate; (c) the need to legislate for complicity in torture and attempts to commit torture as equally punishable; (d) the need to exclude the legal applicability of all justification in cases of torture; (e) the need procedurally to exclude all evidence obtained by torture in criminal and in all other proceedings except in proceedings against the perpetrator of torture; and (f) the need to legislate for and to enforce the prompt and impartial investigation into any substantiated allegations of torture;
- ▶ enact laws, particularly prohibiting torture, as required under the Convention against Torture and other human rights agreements binding on Namibia, in fields that are not yet regulated;

- ▶ review further existing national laws in the light of the Convention and protection of human rights in general;
- ▶ include fully in the training of members of the Police Department, the National Defence Force, the Prison Service, other law enforcement personnel and medical officers courses on the prohibition of torture and other cruel, inhuman and degrading treatment, with special emphasis on the definition of torture as contained in article 1 of the Convention and the criminal liability of those who commit acts of torture;
- ▶ appoint independent governmental bodies to take over the inspection of detention centres and places of imprisonment;
- ▶ establish an independent police complaints authority dealing with complaints against members of the Police Department;
- ▶ introduce measures to reduce the accumulation of criminal cases resulting in long and illegal pre-trial detention;
- ▶ provide the Namibian Office of the Ombudsman with the personnel and the financial means required to start exercising its functions in the field of protection of human rights as foreseen by the Namibian Constitution;
- ▶ investigate the specific allegations of ill-treatment which have been brought to the Committee's attention and transmit to the Committee the results of those investigations;
- ▶ conduct prompt and impartial investigations into the cases of disappearance of former SWAPO members, provide fair and adequate compensation to the dependants of the deceased victims in those cases where reasonable grounds exist to believe that these disappearances amounted either to torture or to other forms of cruel, inhuman or degrading treatment and bring the perpetrators of these acts to justice;
- ▶ require traditional leaders in Community Courts in Namibia to comply with the legal limits of their power to order pre-trial detention of suspects or strip them of their power to order such pre-trial detention;
- ▶ institute proper procedures to enable refugees to apply for residence in cases where substantial grounds exist for believing that those refugees would be in danger of being subjected to torture if expelled, returned or extradited to another country;
- ▶ promptly abolish corporal punishment to the extent that it is still permitted under the Prisons Act of 1959 and under the Criminal Procedure Act of 1977;
- ▶ give standing to victims of torture to institute, apart from civil action for damages, criminal procedures against the perpetrators of torture; and,
- ▶ eliminate the legal dependence of disciplinary proceedings against the perpetrator of torture upon the outcome of criminal proceedings.

Rights of the Child

Signed: 26 September 1990; ratified: 30 September 1990.
Namibia's second periodic report was due 29 October 1997.

THEMATIC REPORTS

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 notes that, on Human Rights Day, the UN Information Centre (UNIC) organized the launch of the book *Human Rights Education and Advocacy in Namibia in the 1990s*, which is the report of a human rights workshop jointly organized by the University of Namibia, UNESCO and UNIC in Windhoek in 1993. The launch was followed by a panel discussion on human rights. The reports also notes that the Centre's Director participated in a live television panel discussion on human rights issues, along with the Minister of Higher Education, a representative of the Red Cross and the Executive Director of the National Society of Human Rights.

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NIGER

Date of admission to UN: 20 September 1960.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: The core document prepared by the government in 1994 (HRI/CORE/1/Add.45) provides demographic and statistical data as well as information on the economy, the political system, and the judiciary.

Two national institutions on human rights have been established—Democracy, Freedom and Development and the Human Rights Association — which deal with freedom of association. Efforts have been made to publicize and disseminate information on various human rights instruments on radio (in French and national languages) and television as well as through the newspapers, plays and songs. The freedom and independence of media, including the press, are guaranteed by the Supreme Communications Council that is an independent administrative authority. The Council monitors media ethics and fair access of political parties, associations and citizens to official information and communications media.

Economic, Social and Cultural Rights

Acceded: 7 March 1986.

Niger's initial report was due 30 June 1990; the second periodic report was due 30 June 1995.

Civil and Political Rights

Acceded: 7 March 1986.

Niger's second periodic report was due 31 March 1994; the third periodic report was due 6 June 1997.

Optional Protocol: Acceded: 7 March 1986.

Racial Discrimination

Signed: 14 March 1966; ratified: 27 April 1967.

Niger's 11th through 14th periodic reports have been submitted as one document (CERD/C/299/Add.18); the 15th periodic report was due 4 January 1998.

Rights of the Child

Signed: 26 January 1990; ratified: 30 September 1990.

Niger's initial report was submitted (CRC/C/3/Add.24) but will be revised; the second periodic report was due 29 October 1997.

THEMATIC REPORTS

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 indicates that a state of emergency has been in effect in the north of the country since 1992. The report also indicates that a state of emergency was declared in January 1996 and lifted in May of that year, but did not affect the situation in the north.

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NIGERIA

Date of admission to UN: 7 October 1960.

TREATIES AND REPORTS TO TREATY BODIES

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

Economic, Social and Cultural Rights

Acceded: 29 July 1993.

Nigeria's initial report (E/1990/C/Add.31) is scheduled for consideration by the Committee at its April/May 1998 session; the second periodic report is due 30 June 2000.

Civil and Political Rights

Acceded: 29 July 1993.

Nigeria's second periodic report is due 28 October 1999.

Racial Discrimination

Acceded: 16 October 1967.

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

Discrimination against Women

Signed: 23 April 1984; ratified: 13 June 1985.

Nigeria's second and third periodic report were submitted as one document (CEDAW/C/NGA/2-3) which is pending for consideration by the Committee at its July 1998 session; the fourth periodic report is due 13 July 1998.

Torture

Signed: 28 July 1988.

Rights of the Child

Signed: 26 January 1990; ratified: 19 April 1991.

Nigeria's second periodic report is due 18 May 1998.

COMMISSION ON HUMAN RIGHTS

Report on the situation of human rights in Nigeria by two Special Rapporteurs

The report on the situation of human rights in Nigeria, prepared by the Special Rapporteur (SR) on extrajudicial, summary or arbitrary executions and the SR on the independence of judges and lawyers (E/CN.4/1997/62), summarizes the difficulties encountered, the lack of cooperation from the Nigerian government and the resulting failure to conduct a joint mission. The arguments against a mission and the delaying tactics used by the government included statements to the effect that: a visit in July 1996 would be inappropriate in view of the ongoing consultations between the Secretary-General and the Nigerian President; since March 1996 the government

had been compelled to manage successive missions of the United Nations, the African Commission on Human Rights and the Commonwealth Ministerial Action Group; a visit no later than October 1996, (planned from 9 to 17 October) as stipulated by the SRs to ensure that their report to the General Assembly reflected the facts received during the mission, was not possible; and, a visit in the last week of November or the second week of December 1996 would be possible. The report notes that the SRs agreed to conduct their visit from 25 November to 5 December 1996.

Notwithstanding this agreement, the delaying tactics of the government continued, and the authorities requested confirmation from the Office of the High Commissioner for Human Rights (then, the Centre for Human Rights) in terms of the details and scope of the mandate for the visit. The government's position was that: the mandates were strictly based on thematic concerns and did not function like the mandates of Special Rapporteurs with a country focus; the Rapporteurs would be required to work strictly within their mandates; the issues to be discussed and places visited must be agreed with the government prior to the visit; and the visit could not extend beyond one week's duration, and must take place during the second week of December. The government also challenged the independence and impartiality of the two Rapporteurs and stated its doubts about their ability to conduct an impartial fact-finding mission and report their finding without bias.

The report notes that by the time the Commission's 1997 session began (10 March 1997), the visit had still not been conducted and negotiations were continuing over points raised and terms used by the SRs in various of their communications with the government. The points raised and objections lodged included a statement by the government on the need to clarify the terms of reference for the visit, limit the visit to one week and agree on the meaning of several terms contained in letters from the SRs, including "restricted areas" and "unfettered access".

The report also summarizes replies received from the government to allegations transmitted related to extrajudicial, summary or arbitrary executions and the independence of judges and lawyers. In terms of the cases related to deaths, the government variously replied that: the death was murder caused by an accidental discharge of firearms; the investigation was inconclusive and the ex-sergeant of police believed responsible was on the run; the murders did not occur and no report was received indicating otherwise; the police officer responsible was found guilty and dismissed; and, in two cases, the ex-corporals involved were tried and dismissed from the force and criminal proceedings were initiated. In terms of cases affecting judges and lawyers, the government variously replied that: the lawyers cited by the SR had never been detained; delays in trial were caused by the reconstitution of the Civil Disturbances Tribunal (i.e., in future, this tribunal would not have a military member and the verdict of the tribunal would be subject to appeal to a higher judicial tribunal); and the lawyers named had been detained but were released.

The SRs reiterated their observations, conclusions and recommendations made in the interim report to the 1996 General Assembly (A/51/538), highlighting a number of human

rights concerns, including: use of military and special courts to try cases of supposed crimes by civilians; secret trials; allegations of summary executions committed by security forces; abuse of power in response to peaceful pro-democracy demonstrations; lack of right of appeal for persons sentenced to death; harassment of Nigerian NGO representatives, notably members of the Nigerian Civil Liberties Organization; indefinite and incommunicado detention, with the associated increase in the possibility of torture, particularly of persons detained in secret detention centres; detention without charge; lack of right of habeas corpus; lack of access to medical care for detainees; power of military tribunals to nullify the supervisory jurisdiction and judicial review of the high courts with no appeal from decisions of the tribunals; unrestrained executive power in relation to judicial appointments; denial of access to legal counsel for long periods prior to trial; continuous involvement by the military in cases before special or military tribunals, leading to doubts about the credibility of witnesses, restrictions on freedom of access to these tribunals and intimidation of the accused, members of the family and the public; and, lack of a requirement that judges to customary and area courts be legally qualified.

The addendum to the report by the SRs (E/CN.4/1997/62/Add.1) contains a section on extrajudicial, summary or arbitrary executions noting: constitutional provisions related to the right to life; the fact that there is a general pattern related to (i) victims killed in police custody; (ii) victims killed while attempting to avoid being stopped or arrested by the police; and (iii) victims killed when security forces indiscriminately fire upon demonstrators; numerous allegations have been received about the use of torture that results in death, or extrajudicial, summary or arbitrary execution by the police following the arrest and/or detention of criminal suspects; cases of shooting by police or security forces as individuals attempt to avoid being stopped or arrested frequently occur at police checkpoints when the victims refuse to obey police orders to stop; the police invariably claim that the victims were armed robbery suspects; reports of demonstrators being killed when the police or military fired upon crowds to disperse participants in demonstrations; ouster clauses contained in the Constitution create an environment in which the security forces can act with impunity; the death penalty may be applied following hearings before ad hoc tribunals in which hearings violate international standards on the right to a fair trial before an independent and impartial tribunal; reports related to the deaths of scores of detainees owing to the harsh conditions in prisons and other places of detention, and to the subsequent lack of provision of adequate medical attention to the detainees; the failure of the government adequately to address the problem of communal violence that exists within various regions of the country, such as the religious conflicts in the north of the country and the civil unrest in Ogoniland.

The report also contains a section on issues related to the independence of judges and lawyers, noting: the erosion of the Constitution; ouster of the jurisdiction of the ordinary courts over some fundamental rights issues and measures making the judiciary subservient to the federal military government; provisions granting the government unlimited power to violate fundamental rights with impunity; executive

disobedience of court orders; differential treatment in the allocation of resources to the ordinary courts and the special and military tribunals; detentions; inaction by the government on recommendations submitted in 1995 by the Committee on judicial reform; and, efforts by the government to control the Bar Association.

The Special Rapporteurs recommended that:

- ▶ all decrees revoking or limiting guarantees of fundamental rights and freedoms be abrogated;
- ▶ all courts and tribunals comply with all the standards of fair trial and guarantees of justice prescribed by article 14 of the International Covenant on Civil and Political Rights;
- ▶ all decrees which establish special tribunals or oust the jurisdiction of the ordinary courts be abrogated;
- ▶ the ordinary courts be given the necessary support and assistance to carry out their duties and, further, that the government cease to interfere with and hinder the judicial process and obey court orders;
- ▶ those who have been convicted and sentenced by special tribunals in which there have been violations of the right to a fair trial, such as those convicted by the Special Military Tribunal in the so-called "coup plotters' trial", be pardoned and immediately released from detention and, further, that these victims be compensated for the injuries they have suffered as a result of these violations;
- ▶ in regard to the trial of Ken Saro-Wiwa and others, the government implement fully all the recommendations contained in the report of the fact-finding mission of the Secretary-General;
- ▶ the recommendations of the Human Rights Committee (1996) be implemented fully;
- ▶ those who are awaiting trial be afforded all the guarantees of a fair trial explicitly provided for in article 14 of the International Covenant on Civil and Political Rights, and those who have been convicted and sentenced be granted the right to have their convictions and sentences reviewed by ordinary appellate courts in accordance with article 14.5 of the Covenant;
- ▶ the government take effective measures to prevent extrajudicial, summary or arbitrary executions, as well as torture, ill-treatment and arbitrary arrest and detention, by members of the security forces;
- ▶ training for law enforcement officials be provided, on an urgent basis, on the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
- ▶ the government investigate allegations brought against law enforcement officials in order to bring before the courts those suspected of having committed or participated in crimes, punish them if found guilty, and provide compensation to victims or to their families;
- ▶ the commissions of inquiry that were established to investigate alleged extrajudicial executions or murders, such as the one established in the case of the murder of Mrs. K. Abiola, complete their investigations and make their reports available to the public;

- ▶ the independence of the Nigerian Bar Association be restored and that it be permitted to regulate and govern itself;
- ▶ the government take preventive measures to avoid further incidents of communal violence;
- ▶ the government take all necessary measures to ensure that the conditions of detention of persons deprived of their liberty fully meet the provisions of article 10 of the International Covenant on Civil and Political Rights and the Standard Minimum Rules for the Treatment of Prisoners, including through reduction of the over crowding of prisons by overcoming delays in the trial process, considering alternative forms of punishment, allowing the release on bail of non-violent pre-trial detainees and increasing the number of prison places;
- ▶ detainees be allowed visits by family members and their attorneys and be granted access to adequate medical care;
- ▶ the government consider the abolition of the death penalty, sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights and, at a minimum, respect the Safeguards guaranteeing the protection of the rights of those facing the death penalty;
- ▶ section 30 of the Constitution, on the right to life, be amended so that it conforms with article 6 of the International Covenant on Civil and Political Rights;
- ▶ in order to restore public confidence in its commitment to transition to democracy, the government fully implement all the recommendations of the Secretary-General's fact-finding mission concerning the implementation of the transition programme and, in particular, abrogate Decree No. 2 of 1984, concerning arrest without trial of political opponents of the regime, and section 6 of Decree No. 1 of 1996, concerning the promulgation of the transition programme, as well as other decrees restricting political activities and freedoms, and release all political prisoners and detainees; and,
- ▶ the government make public the report of the Constitutional Conference submitted to the President in June 1995 and register all political parties to enable them to participate in the forthcoming elections.

Given the gravity and scope of human rights violations in Nigeria, the Special Rapporteurs also recommended that the Commission on Human Rights appoint a country-specific special rapporteur.

Resolution of the Commission on Human Rights

At the 1997 session, the Commission on Human Rights adopted a resolution (1997/53) by roll call vote, with 28 in favour, 6 opposed and 19 abstentions. The resolution: recalled the declaration by the government of 1 October 1995 stating its commitment to civilian rule, multi-party democracy, freedom of assembly, press and political activity; welcomed the commitment by the government to remove all military personnel from Civil Disturbances Tribunal and special tribunals; welcomed the commitment to re-establish habeas corpus and allow the National Human Rights Commission to investigate human rights abuses; welcomed the resumption of dialogue between Nigeria and the Commonwealth; expressed concern at continuing violations, including arbitrary

detention and failure to respect due process of law; expressed concern at the failure of the government to cooperate with Commission by, *inter alia*, preventing the Special Rapporteurs on arbitrary/summary execution and the independence of judges and lawyers from visiting Nigeria; expressed concern that the absence of representative government is contrary to popular support for democratic government as expressed in the 1993 elections; called on the government to respect all human rights and fundamental freedoms, including the right to life, by releasing all political prisoners, trade union leaders, human rights advocates and journalists currently detained, by improving conditions of detention, and by guaranteeing the rights of individuals including persons belonging to minorities; called on the government to fulfil the obligations voluntarily assumed under the International Covenants on civil, cultural, economic, political and social rights and the African Charter on Human and Peoples' Rights; called on the government to ensure that trials are held promptly and in strict conformity with international standards, respond in full to recommendations of the Secretary-General's mission to Nigeria, cooperate with the Commission and its mechanisms and take concrete steps to restore democratic government without delay; appointed a Special Rapporteur (SR) with a mandate to establish direct contacts with the government and people of Nigeria; requested the SR to keep a gender perspective in mind when seeking and analysing information; requested the SR to report to the 1997 session of the General Assembly and 1998 session of the Commission.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Arbitrary detention, Working Group on: (E/CN.4/1997/4, paras. 4, 7, 13, 17, 18, 21, 44; E/CN.4/1997/4/Add.1, Decisions 2, 6)

The main report notes that the Working Group (WG) gave particular attention to the resolution adopted by the Commission at its 1996 session (1996/79) on the situation in Nigeria and notes that six urgent appeals, concerning 44 individuals, were sent to the government jointly by the WG with other thematic and/or country rapporteurs. The report also notes that the government had not responded either to the urgent appeals or cases previously transmitted.

Decision No. 2 (1996) related to three individuals, all members of the Movement for the Survival of the Ogoni People (MOSOP), who were reportedly arrested in August 1995 following their appearance before the Commonwealth Human Rights Committee that toured Nigeria in July 1995. The information received indicated that the arrests were carried out without warrants by the Nigeria Police Mobile Force, Rivers State Command, under the order of the Commissioner of Police, Rivers State Command, and that the forces holding the defendants in detention at a Special Military Camp, AFAM, near Port Harcourt, were the State Intelligence and Investigations Bureau (SIIB). The information also indicated that the three had not been formally charged and their arrests were part of a scheme on the part of the military authorities to muzzle MOSOP and to force the Ogoni to abandon their legitimate campaign for social justice and respect for the rights of the minority Ogoni people. The WG noted that

Decree No. 2 of 1984, as amended by Decree No. 11 of 1994 (State Security /Detention of Persons Decree), was reported to have been used. This decree authorizes the security forces to detain individuals whom they consider to pose a security threat for three months without trial; further, the right to apply for habeas corpus has been abrogated by Decree No. 14 of 1994. The WG declared the detentions to be arbitrary.

Decision No. 6 (1996) related to the cases of General Olusegun Obasanjo, former Head of State and 19 other persons, including a journalist, the vice-chairman of Campaign for Democracy, the Editor-in-Chief of *The Sunday Magazine*, and the editor of *Classique* magazine. The defendant, along with 40 other unidentified detainees were reported to have been convicted by the Special Military Tribunal, on charges ranging from treason to the publishing of articles deemed critical of the government. The information received indicated that their trials by the Special Military Tribunal were riddled with unfair practices including: the fact that the Military Tribunal was composed of military officers exclusively; failure to meet the standards of independence and impartiality guaranteed in the provisions of various international legal instruments; denial of the right to counsel of choice; lack of permission for the defendants to address the court in regard to their defence; denial of the opportunity to call witnesses on their behalf; denial of access to the details concerning the charges against them; and, trial *in camera*. The information also indicated that the Tribunal had the power to impose death sentences, order public executions and issue life prison terms and had supplanted the civilian judicial process in trials involving human rights and pro-democracy activities. The information stated that the right to appeal had also been suppressed by the Military Tribunal. The decision also addressed the cases of the Chairman of the Campaign for Democracy, the Chairman of Human Rights Africa and the Head of the Civil Liberties Organization's Human Rights Education Program who had been arrested without warrants and were being held incommunicado. The WG declared all of the detentions to be arbitrary.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 15, 16, 20, 21, 24, 31, 103; E/CN.4/1997/60/Add.1, paras. 365–367)

The reports refer to the priority given by the Special Rapporteur (SR) to the visit to Nigeria pursuant to Commission on Human Rights resolution 1996/79. In April, June, July, September and October 1996, the SR, together with the SR on the independence of judges and lawyers, requested an invitation from the Nigerian government to permit them to carry out an on-site fact-finding mission to the country during that year; their efforts were unsuccessful. At the time the report was finalized, no visit had taken place and negotiations between the government and the two Special Rapporteurs had not yielded any concrete results.

Independence of judges and lawyers, Special Rapporteur on: (paras. 11, 13–14, 16, 24, 142)

The report provides an overview of the procedural difficulties encountered by the Special Rapporteur (SR) related to his efforts to conduct a joint mission to Nigeria with the SR on extrajudicial, summary or arbitrary execution.

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

The report to the CHR makes a brief reference to violations of religious freedom against Christianity. The interim report to the General Assembly (A/52/477, paras. 25, 28, 33, 38, 46) notes that communications were sent to the government related to violations of religious freedom against all religions and all religious groups and communities, including through the imposition of controls on and interference with religious activities.

Sale of children, child prostitution, child pornography, Special Rapporteur on the: (E/CN.4/1997/95, para. 46)

The report notes that child prostitution has entered Nigerian society and reportedly become a thriving business. Further, it is no longer the case that children are exported from neighbouring countries; they are also rather trafficked within the country. The report refers to: small girls traded as prostitutes to older men; kidnapping and sale, or at tempted sale of children; the placement of teenage girls in the custody of women who groom them to patronize men sexually; and, incidents of small children who have no money being lured by men to film halls where they are made to watch sex films as an introduction to the rudiments of sex.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, paras. 348–351)

The report notes information received indicating that the use of torture and other forms of ill-treatment against persons detained for political reasons was widespread and refers to State Security (Detention of Persons) Decree No. 2 of 1984, allowing for political detainees to be held indefinitely, incommunicado, and without an opportunity to challenge the legality of their detention. The report states that, in practice, the detainees were reported to have been held incommunicado in overcrowded and unsanitary cells, with inadequate food and washing facilities, and without exercise or exposure to fresh air. The Special Rapporteur (SR) recalled the deep concern expressed by the Human Rights Committee in 1996 with regard to: cases of torture, ill-treatment, and arbitrary arrest and detention by members of the army and security forces; the failure of the government to investigate fully these cases, to prosecute alleged offences, to punish those found guilty and to provide compensation to the victims or their families; and, the use of incommunicado detention.

The SR conveyed information to the government related to reports of torture and ill-treatment of a number of the 43 people convicted in March 1995 on charges of attempting to overthrow the government. An urgent appeal was also sent, jointly with the Working Group on Arbitrary Detention, on behalf of 17 MOSOP supporters who had been held since late March 1996, reportedly to prevent them from meeting with the UN mission that visited Nigeria in April 1996. A second urgent appeal was sent on behalf of the Chairmen of the Environmental Rights Action and the Southern Zone of the Civil Liberties Organization who were reported to have been arrested while leaving Nigeria to attend an environmental conference in Ghana. A third urgent appeal was sent on behalf of a founding member of the National Democratic Coalition who was reported to have been arrested by the State Security Service.

Toxic wastes and products, Special Rapporteur on:
(E/CN.4/1997/19, paras. 29, 55)

The report referred to information provided by the government, noting: Nigeria's active role in support of the resolution adopted at the 1995 session of the Commission (1995/81); its strong belief that the illicit dumping of toxic wastes is a violation of the right to life and health; and, the fact that Nigeria was one of the African countries that suffered and still suffers from the illegal dumping of toxic and hazardous wastes, due to its limited experience and knowledge in dealing with hazardous and toxic wastes, most of which are deliberately labelled raw materials for certain industries. The government provided examples of illicit dumping that had occurred in the past and suggested measures to control and eliminate the illicit dumping of toxic wastes, including that: the Special Rapporteur (SR) should produce and circulate annually a list of the countries and multinational corporations engaged in illicit dumping; there should be a study of the health effects of the illegal dumping of toxic wastes in developing countries; the SR should explore the possibility of the elaboration of a universal declaration on the effects of illicit dumping of toxic wastes on the enjoyment of human rights; the SR should work closely with various international and local players in developing countries to gather data on illegal waste dumping; all states should be encouraged to adopt and vigorously implement existing conventions related to the dumping of toxic and dangerous products and waste and to cooperate in the prevention of illicit dumping; all states should become parties to the Basel Convention; there should be adequate funding for existing international monitoring mechanisms to function effectively; and, a focal unit in the Office of the High Commissioner for Human Rights should be established to follow up the findings of the SR.

The report also refers to the operations of Royal Dutch Shell and Shell Oil USA in southern Nigeria, stating that, in order to allow employees of Shell to carry out business ventures without being molested, the region has been occupied by the police since May 1994 and that human rights violations have been reported, in addition to sporadic and discretionary enforcement of environmental regulations.

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

In the section dealing with trafficking in women and forced prostitution, the report notes that Nigerian women known as "madams" or "Mama-Loa" act as middle-persons between victims and their traffickers, and that more than 5,000 Nigerian women prostitutes between the ages of 16 and 30 were reportedly sold as wives to farm workers in the south of Italy.

Mechanisms and Reports of the Sub-Commission

Contemporary forms of slavery, Working Group on:
(E/CN.4/Sub.2/1997/13, paras. 55, 62)

The report of the Working Group refers to information provided by NGOs indicating that large numbers of migrant domestic workers in Nigeria have no rights and become the

property of their employers. The report also cited NGO information on child prostitution and the trade of children for the purposes of sexual exploitation. It took note of the response of the government, that Nigeria had enacted laws to combat the trade and sexual exploitation of children, and had ratified the relevant international instruments.

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 in November 1993, dissolving the Parliament and suspending certain constitutional guarantees, and remains in effect.

Traditional practices affecting women and children, Special Rapporteur on: (E/CN.4/Sub.2/1997/10, para. 15)

The report refers to a report indicating that the practice of "Trocosi" girls, or those delivered into the "slavery of God", exists in several countries, including southeastern Nigeria.

Other Reports

Conscientious objection to military service, Report of the S-G to the CHR: (E/CN.4/1997/99, paras. 2, 15)

The report of the Secretary-General refers to information provided by the government stating that there is no conscription in Nigeria and that military service is voluntary.

Cooperation with UN representatives, Report of the S-G to the CHR: (E/CN.4/1997/50, para. 7)

The report of the Secretary-General recalls the concluding observations of the Human Rights Committee regarding Nigeria (CCPR/C/79/Add.65) in which it noted information indicating that two members of the Civil Liberties Organization were prevented by the State Security Service from attending the fifty-sixth session of the Committee and had their passports impounded. Information from the Special Rapporteur on extrajudicial, summary or arbitrary executions is also cited, related to the case of the coordinator of international lobby projects of the Civil Liberties Organization, who had reportedly been subjected to harassment and intimidation by members of the Nigerian delegation during the fifty-second session of the Commission on Human Rights. The report notes that the government responded, stating that the allegation was totally false, without substance and intended to cause mischief.

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 Nigerian national working with UNICEF was shot and killed in Lagos in November 1995.

GENERAL ASSEMBLY

At its 1997 session the General Assembly adopted a resolution on the situation in Nigeria (A/C.3/52/L.70). In it, the GA, *inter alia*: recalled that Nigeria is a party to a number of international instruments, including the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child; welcomed Nigeria's recent contribution, through the Economic Community of West African States (ECOWAS), in support of democratic

government within the West African region; expressed the hope that this contribution reflects a determination to pursue the same aim in its domestic policies; noted that the Commonwealth decided to renew Nigeria's suspension; welcomed (a) the declared commitment by the government to civilian rule, multi-party democracy and freedom of assembly, press and political activity by 1 October 1998, (b) the decision of the Commission on Human Rights to appoint a Special Rapporteur on the situation of human rights in Nigeria, and (c) information on the Secretary-General's good offices mandate; expressed deep concern at continuing grave violations of human rights and fundamental freedoms, including arbitrary detention and failure to respect due process of law; expressed concern that the absence of representative government has led to violations and is contrary to the popular support for democratic government as evidenced in the 1993 elections; expressed concern that persons among those detained are to be tried by the same flawed judicial process which led to the arbitrary execution of Ken Saro-Wiwa and his associates; expressed concern at the lack of preparatory steps by the government to secure the reinstallation of a representative government following elections characterized by genuine popular participation in a multi-party context; expressed concern at the past refusal of the government to cooperate with the Commission on Human Rights and its mechanisms; called on the government to respect the right to life, release all political prisoners including those detained in connection with the 1993 presidential elections, trade union leaders, human rights advocates and journalists, improve conditions of detention and guarantee freedom of the press, freedom of opinion and association and respect for the rights of individuals, including persons belonging to minorities; called on the government to ensure that all trials are held fairly and promptly and in strict conformity with international human rights standards; called on the government to abide by its freely undertaken obligations under the International Covenants on Human Rights and other human rights instruments; called on the government to take concrete and credible steps to restore democratic government without delay, and to end rule by decree; called on the government to ensure the independence of the National Human Rights Commission, including in its investigations of human rights abuses and implement its obligations under the International Labour Organization Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; and, called on the government to cooperate fully with the Commission on Human Rights and its mechanisms.

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RWANDA

Date of admission to UN: 18 September 1962.

TREATIES AND REPORTS TO TREATY BODIES

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

Economic, Social and Cultural Rights

Acceded: 16 April 1975.

Rwanda's second periodic report was due 30 June 1990.
Reservations and Declarations: General reservation.

Civil and Political Rights

Acceded: 16 April 1975.

Rwanda's third periodic report was due 10 April 1992; the fourth periodic report was due 10 April 1997.

Racial Discrimination

Acceded: 16 April 1975.

Rwanda's eighth through 11th periodic reports were due 16 May 1990, 1992, 1994 and 1996 respectively.

Reservations and Declarations: Article 22.

At its March 1997 session, the Committee reviewed implementation of the Convention in the absence of a report from the government. The Committee's concluding observations (CERD/C/50/Misc.27) noted with regret that no report has been submitted since 1988 and welcomed participation by government representatives at the meeting as well as oral information provided by them. Assurances were given to the Committee that the government would resume its reporting obligations in the near future. The Committee suggested that the government might want to request technical assistance from the Office of the High Commissioner for Human Rights for preparation and submission of an updated report.

Discrimination against Women

Signed: 1 May 1980; ratified: 2 March 1981.

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

Rights of the Child

Signed: 26 January 1990; ratified: 24 January 1991.

Rwanda's second periodic report was due 22 February 1998.

COMMISSION ON HUMAN RIGHTS

Special Rapporteur on the situation of human rights in Rwanda

A Special Rapporteur (SR) on the situation of human rights in Rwanda was first appointed by the Commission in its resolution S-3/1 of 25 May 1994 and the mandate has been renewed in subsequent years. In 1997, the SR was Mr. René Degni-Ségué.

The report of the SR (E/CN.4/1997/61) contains commentary on: the inquiry into the genocide; proceedings against persons suspected of genocide; violations of property rights, freedom of expression, the right to personal security, and the rights to life and physical integrity; the consequences of the continued presence of Rwandan refugees in neighbouring countries; the failure of the strategies of the Office of the UN High Commissioner for Refugees; and, the crisis in eastern Zaire. The recommendations address issues related to: the prosecution of persons suspected of genocide; cessation of human rights violations; social reintegration; and a comprehensive settlement of the Great Lakes crisis.

In the commentary on the situation of women in Rwanda, the report notes that: the genocide and hostilities left many women widows and de facto heads of families in conditions of destitution; a number of women raped during the war contracted sexually transmitted diseases and/or became pregnant and bore unwanted children; rape as a weapon of war has led to psychological and social problems for victims, including ostracization and isolation, shame, extreme embarrassment

that has prevented them from seeking medical assistance and use of illegal abortion. The report refers to the Conference on genocide, impunity and responsibility (held in Kigali in November 1995) which recommended a programme of assistance specifically for women and agreed that remedial measures agreed should include: material assistance — such basic necessities as food, housing and clothing; establishment of income-generating projects; housing rehabilitation; treatment of physical mutilation and psychological trauma; creation of a specialized medical unit for treatment of complicated cases; and revision to laws to provide better protection. The report also notes, however, that the lack of resources in Rwanda has led to very limited implementation of this programme. As a result of state resource problems, the report observes, many Rwandan women have formed self-help associations to deal with socio-economic development, the socio-cultural development of women, or pacification and reconciliation activities.

The situation of children is also included in the section of the report dealing with vulnerable groups and states again that children were not spared during the massacres and were doubly victimized, either as perpetrators used by the belligerents as an instrument to commit crimes against humanity, killing as civilians or soldiers, or as innocent victims witnessing atrocities against their parents and/or suffering atrocities themselves. The report identifies the two major problems facing child survivors of the genocide as being family reunification and social reintegration.

Remedial measures are noted to include a national commission on children in difficult circumstances to assist unaccompanied children, street children, child soldiers and child prisoners, the latter of which numbered 1,353 as at the end of October 1996.

The report also addresses the situation of the Twas, an indigenous people who make up about 1 per cent of the population in Rwanda. Commentary recalls that the Twas, a small number of whom participated in the massacres, were not spared the killing and were targeted by the Rwanda Patriotic Army (RPA), the former FAR (Forces Armées Rwandaises) and militias. The report notes further that they have not benefited from any special assistance programmes and are confronted with political and administrative obstacles in their attempts to benefit from positive discrimination measures.

In terms of the present situation in Rwanda, the report considers current violations of human rights and notes that they include: violations of property rights — illegal occupation of property, leading to arbitrary arrests and detentions arising from malicious accusations and sometimes resulting in land disputes ending in murder; violations of freedom of expression — in the form of censure, intimidation, beatings, aggravated assault, kidnapping and murders of individuals (those targeted are generally professionals able to express their opinions orally or in writing, including journalists, the religious community, judges and human rights workers); violations of the right to personal security — arising in part from the determination of the government to enact emergency measures at all costs, most recently through adoption by the Rwanda Parliament on 8 September 1996 of an act which suspends fundamental guarantees granted to convicted prisoners (thereby confirming the practice of arbitrary arrests and

detentions), eliminates the right of appeal, and applies retroactively in some cases; and, violations of the right to physical integrity and to life — with violations, including sabotage and murder, committed by persons crossing into Rwanda from the DR Congo.

The situation of Rwandan refugees in neighbouring countries is also addressed. The report is critical of the programme set up by the Office of the High Commissioner for Refugees and generally characterizes the strategies employed as failures. This includes UNHCR efforts to separate those who intimidate other refugees in the camps, efforts to sustain an information/education programme to encourage voluntary repatriation, and efforts at deterrence, including the dismantling of survival structures in the camps such as restaurants, shops, schools and dispensaries.

The report concludes with a number of recommendations, including the following:

- ▶ adequate resources be provided to the International Tribunal so that it can carry out its mandate effectively;
- ▶ assistance be provided to the government to reactivate and reconstitute the national judicial system;
- ▶ states hosting fugitives from justice related to the genocide should hand them over for trial to the appropriate authorities;
- ▶ a legal framework be established to protect widows, women raped during the genocide, orphans and unaccompanied children and resources provided for programmes aimed at the social and psychological rehabilitation of these victims;
- ▶ the government should observe international standards and procedures related to arrest and detention of suspected criminals;
- ▶ the government should observe freedom of expression and the independence of the judiciary; and,
- ▶ the UN should provide increased resources to the Human Rights Field Operation in Rwanda to raise the number of observers to 300.

Resolution of the Commission on Human Rights

At its 1997 session, the Commission on Human Rights adopted by consensus a resolution on the situation in Rwanda (1997/66) in which the Commission: restated its condemnation of the crime of genocide, crimes against humanity and other human rights violations; reaffirmed the responsibility of individuals who planned and/or participated in genocide and grave human rights violations; called on the government to prosecute rape and other sexual violence that occurred during and after the genocide; called on the government to facilitate the participation of women, particularly genocide survivors and returnees, in all phases of social and economic reconstruction; called on the government to invite the Special Rapporteur on violence against women to conduct a field mission to study the issue of sexual violence, its consequences and its relationship to the ongoing work of the International Criminal Tribunal for Rwanda as well as of national tribunals; welcomed the start of genocide trials; expressed concern about conditions of detention; appealed to the international community for further financial and technical support to the

Rwandan government; expressed concern at the deterioration of the human rights situation since January 1997; noted the government's commitment to investigate extrajudicial executions by members of security forces; condemned violence against UN and other international staff; called on the international community, UN bodies and agencies and other international organizations to increase their contributions of financial and technical resources for resettlement of refugees and genocide survivors; reiterated its request for all states to cooperate with the International Criminal Tribunal to ensure prosecution of those responsible for the genocide, in trials conducted according to international principles of due process; appointed a Special Representative to continue work on the situation in Rwanda; requested the Special Representative to report to the 1997 session of General Assembly and the 1998 session of the Commission; requested the High Commissioner for Human Rights to continue to report regularly on the activities and findings of the Human Rights Field Operation and to make those reports widely and promptly available to both the Commission and the General Assembly; called on all states to contribute to resourcing for the Field Operation; requested the High Commissioner to report on implementation of the resolution at the 1998 session of the Commission.

The mandate of the Special Representative includes: to make recommendations on how to improve the human rights situation in Rwanda; to facilitate creation and effective functioning of an independent national human rights commission; and to make further recommendations on situations in which technical assistance to the government in the field of human rights may be appropriate.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

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

The report notes that two urgent appeals were transmitted and the government responded to them but no details of the cases or response are provided.

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 300–307)

The Working Group (WG) transmitted three newly reported cases of disappearance to the government, all of which occurred in 1996 and were sent under the urgent action procedure.

The report notes that the human rights field officers deployed by the High Commissioner for Human Rights have been instructed to receive pertinent information about disappearances and channel such reports to the WG. The WG states that the dimension of the Rwandan tragedy, and the fact that the number of persons who have perished or were forced to leave their place of residence constitutes about half of the entire population, make it difficult to distinguish between those who have been victims of massacres and those who have disappeared. Within this context, reports of "disappearances" in post-genocide Rwanda have been rare. According to the WG, the reasons for this include that: in some cases of alleged missing persons, unreliable prison records may make identification or location of those persons virtually impossible; in others people within the community, including family

members of missing persons, may be reluctant to come forward and declare possible abductions for fear of reprisals or harassment; in still others, the issue by the mayor of an arrest warrant, especially on the charge of complicity in the genocide, may cause family members to take flight for fear of being implicated; and, there are also cases in which the human rights field operation in Rwanda has received reports from non-governmental organizations or disinterested parties, of the arbitrary or illegal arrest of persons within the community, while the local population itself has remained silent because of the tacit complicity of the community in the removal and execution of a person known to have committed genocide.

The majority of the 11 outstanding cases of disappearance occurred in 1990 and 1991 in the north of the country, in the context of the ethnic conflict between Tutsis and Hutus. In three cases, the disappearances occurred in 1993 in northern Rwanda and concerned students from the Seventh Day Adventist University in Mudende suspected of supporting the Rwandese Popular Front. Of the three cases of disappearance which allegedly occurred in 1996, one concerned the Mayor of Nyabikenke, who is reportedly of Hutu origin and who is said to have been detained by members of the armed forces. Another case concerned a journalist who was allegedly arrested by the military police on the grounds that he was an accomplice to genocide, and was later released. The third case concerned a mechanic from Kigali who was reportedly arrested by soldiers of the Rwandese Patriotic Army on the grounds that his father and brothers had committed crimes during the genocide of 1994. The government has not responded to any of the outstanding cases.

The Working Group (WG) stated that the major problem in Rwanda in connection with disappearance and the application of the Declaration remains incommunicado detention at some military camps and other installations of the Rwandese Patriotic Army (RPA). Information received indicated that it is during such detention that disappearances most frequently occur, prison registers are non-existent or incomplete, and the Rwandese Patriotic Army representatives not only consistently deny that military locations are used as places of detention, but have generally refused human rights organizations full and confidential access to all persons held in these camps.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 15, 31, 41, 44, 49, 54, 56, 60, 61, 64, 71, 75, 96, 101; paras. 420–426)

The report of the Special Rapporteur (SR) refers to information received related to the large number of violations of the right to life committed during clashes between members of the Rwandese Patriotic Army (APR) and armed opposition groups, comprising members of the former Rwandese government army and Interahamwe militia. The regions of Ruhengeri, Gisenyi and Kibuye were mentioned as most affected, including the killing, in August 1996, of 284 people in the four prefectures on the border with DR Congo. Most of the victims were reportedly unarmed civilians, including women and children. The report also notes that more than 650 civilians were said to have been the victims of this violence between April and June 1996 and, on 13 July, in the commune of Ramba, at least 47 civilians were killed during a military

operation by the APR, which then attacked a group of peasants, killing three children and two babies.

The SR made two urgent appeals to the government. The first involved a journalist with the Catholic newspaper *Kinyamateka* and president of the Collective of Human Rights Defence Associations who was attacked by four armed men who forced their way into his home on two occasions in November 1995, as well as constant threats against a priest, the publisher of *Kinyamateka* and president of the Rwandan Association for the Defence of Human Rights and Public Freedoms, along with three other priests. The second related to concerns over the need for the government to provide protection to the former Minister of the Interior of Rwanda and his nephew, following an assassination attempt in Nairobi in February 1996. Information received indicated that one of the three perpetrators had reportedly been identified as a member of the APR. The report notes that the same urgent appeal was transmitted to the Kenyan authorities.

The SR expressed concern that, under the cover of prosecuting the perpetrators of the genocide, violations of the right to life and security continue. He expressed regret that, more than two years after the genocide, no judgement had yet been pronounced either by the International Tribunal for Rwanda or by the national courts, while a very large number of people, including women and children, are imprisoned in situations where their lives are endangered and without any serious verification of the charges against them. The report emphasizes that it is essential to determine the truth about the past and to ensure that clear, impartial justice is done, in order to put an end to the human rights violations and break the cycle of impunity in Rwanda.

Independence of judges and lawyers, Special Rapporteur on: (E/CN.4/1997/32, paras. 157–158)

The report refers to the October 1996 report of the UN Human Rights Field Operation in Rwanda (HRFOR) and the work being carried out on the questions of justice, legal reform and institution-building. Despite some progress, the HRFOR report noted concerns related to: serious shortcomings in the administration of justice; a serious shortage of judges, clerks, and material resources for the courts; a shortage of defence lawyers; and serious allegations that the military of Rwanda had acted in contravention of judicial orders.

The Special Rapporteur (SR) sent an urgent appeal — jointly with the SR on the situation in Rwanda and the SR on extrajudicial, summary or arbitrary executions — on behalf of two men who had been sentenced to death after the High Court in Kibungo found them guilty of genocide and other crimes. The information received indicated that: the defendants had had no access to legal counsel either before or during trial; they were not given adequate time to prepare their defence; and they were booed and prosecutors applauded during the trial, without intervention by the presiding judge. The report also notes that most of the judicial officials in Rwanda had received only up to four months' training and there were serious questions as to the independence and impartiality of the judicial officials following statements by some judicial and government officials that the defendants should not request legal counsel.

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 siege was declared in Rwanda in October 1990 and that, by Decree No. 9/96 of 8 September 1996, a situation of exceptional public danger threatening the existence of the nation was established. The report further notes that normality has not yet been fully re-established after the intense internal armed conflict which has prevailed in the country.

Other Reports

Detention of international civil servants, Report of the S-G to the CHR: (E/CN.4/1997/25, para. 7, 23–24, Annex)

The report of the Secretary-General notes that the arrest or detention of staff members continued to raise serious concern in Rwanda where numerous locally recruited UN staff are detained. According to the report, following the departure of the UN Assistance Mission to Rwanda (UNAMIR) in March 1996, the Resident Coordinator and representatives of UN agencies in Rwanda took a number of initiatives at the local level to pursue this issue with the Rwandan authorities, and a Rwandan lawyer was hired on an inter-agency basis to assist with these cases. The report notes that five UNICEF national staff members were being held without trial. It also notes that, in 1995, five armed robberies were committed against UNICEF staff by men wearing uniforms of the Rwanda Patriotic Army. The Annex to the report lists the names of 31 individuals working for UNAMIR, UNDP, UNICEF, UNHCR, UNOPS, WFP and the UN Human Rights Field Office who were detained or are missing in Rwanda between September 1994 and April 1996.

The addendum to the Secretary-General's main report (E/CN.4/1997/25/Add.1, para. 2) expresses profound shock and sorrow at the death of the five staff members of the Human Rights Field Operation in Rwanda who were killed in an attack carried out on 4 February 1997. The report notes that the High Commissioner for Human Rights swiftly and vigorously condemned the attack and called on the Rwandan authorities to investigate all the circumstances surrounding the tragic event. The report also notes that the Human Rights Field Operation in Rwanda has undertaken a thorough investigation.

GENERAL ASSEMBLY

The report to the General Assembly by the Special Representative on the situation in Rwanda (A/52/522) contains commentary on the mission to Rwanda from 26 July to 4 August 1997, the basis for the promotion and protection of human rights, the involvement of the international community in technical assistance, and the creation and effective functioning of an independent national human rights commission.

The report commends the government for its cooperation with the members of the international community active in human rights matters in Rwanda and noted a willingness on the part of the government to bring its practices into better conformity with international human rights standards, as well as a certain discontent expressed by higher-level government

officials regarding the need for clear substantiation of allegations of human rights violations.

The report notes that the objectives of the 1997 Action Programme of the UN Human Rights Field Operation in Rwanda (HRFOR) were to: strengthen the independence of the judiciary; secure improvements in the performance of courts and personnel at all levels of the judicial system; secure improvements to Rwandan national law and practice in compliance with international standards; evaluate the performance of the Rwandan criminal justice system within the framework of the prosecution before domestic courts of persons accused of genocide and other crimes against humanity committed in Rwanda since 1 October 1990; increase public awareness of Rwandan laws and judicial practices and procedures, including those related to the promotion and protection of human rights; serve as a reliable source of information on the Rwandan justice system; strengthen Rwandan institutions and enhance their capacity to contribute effectively towards the promotion and protection of human rights in Rwanda; make human rights documents and materials available to HRFOR central and field staff and to the general public; secure improvements in conditions of detention in Rwandan prisons and local detention centres; reduce and, if possible, eliminate overcrowding in places of detention and imprisonment; improve the performance of the penitentiary administration; document and produce communal histories of the 1994 genocide; improve the situation and conditions of certain vulnerable groups in Rwandan society; and, assure the protection of witnesses in trials before the International Criminal Tribunal for Rwanda, or before domestic courts, of persons accused of participation in the 1994 genocide and crimes against humanity committed in Rwanda since 1 October 1990.

On the basis of these objectives, a global technical cooperation project document was drafted covering five main areas of activity: human rights education and training for the judiciary, the military, the gendarmerie, the police, prison administration personnel, other civil servants and members of local human rights non-governmental organizations; capacity-building in the sector of civilian and military justice; capacity support for human rights non-governmental organizations; the popularization of human rights through formal and informal education and promotion activities; and, support for victims of genocide and vulnerable groups. If implemented, the project will have as its direct beneficiaries members of the armed forces, the gendarmerie and the communal police, judicial and penitentiary administration personnel, local-level administrative officials, local non-governmental organizations, and survivors of genocide.

With regard to the creation and functioning of an independent national human rights commission, the report notes that the commitment for this initiative was set out in the Protocol on the Rule of Law which was concluded between the government and the Rwandese Patriotic Front on 18 August 1992 and forms an integral part of the Arusha Peace Agreement of 4 August 1993. The report notes that under the Protocol, there is an obligation to establish an independent national human rights commission with powers to investigate, without any time limitation, human rights violations committed by anyone on Rwandan territory, particularly organs or

agents of the state. The Protocol also stipulates that the commission should be given the necessary means to accomplish its mission efficiently and that the commission should utilize its findings to sensitize and educate the population about human rights, and, wherever necessary, institute legal proceedings. The report notes that a draft law has been prepared for submission to the Transitional Parliamentary Assembly which is intended to create the national commission.

The Special Representative recommended that:

- ▶ the government and the international community enhance their close cooperation to maintain and develop the most suitable conditions for the promotion and protection of human rights in Rwanda;
- ▶ a greater effort be devoted by the various humanitarian and human rights actors and members of the international community involved in human rights activities in Rwanda to enhance cooperation, coordination, and complementarity, in particular in the area of technical assistance for human rights projects agreed upon by the government;
- ▶ within this strengthened framework of cooperation and coordination between the various humanitarian and human rights actors and members of the international community, an agreed list of priority projects be established, together with a timetable indicating the implementing agency or body, time-frame for realization of the project and its financial support;
- ▶ the High Commissioner for Human Rights play the lead role through the Field Operation, in the establishment of this strengthened framework of cooperation and of a timetable of priority projects;
- ▶ states and international donors provide adequate financial support to enable the timely realization of priority projects and the effective functioning of the High Commissioner's Human Rights Field Operation;
- ▶ in light of the conditions of detention, the international community concentrate immediately on providing all necessary technical assistance to enable the government to establish urgently a dossier for every detainee to allow for the determination of who should be released immediately and who should be brought to trial within the shortest time possible;
- ▶ the various actors of the international community concerned with the provision of assistance to the administration of justice accord top priority to the twin problems of the conditions of detention and the need to speed up the genocide trials, without sacrificing adherence to international human rights standards governing the right to fair trial; and,
- ▶ the competent Rwandese authorities pursue their efforts to establish an independent and credible national human rights commission based on recognized regional and international norms governing the composition and the mandate of such commissions and that the international community provide the necessary financial support for its effective functioning.

The General Assembly adopted a resolution (A/C.3/52/L.65) in which the GA, *inter alia*: noted that effective action had to be taken to ensure that the perpetrators of genocide and

crimes against humanity are promptly brought to justice; reiterated its strong condemnation of genocide as a crime against humanity and all other violations of human rights that were perpetrated in Rwanda in 1994, and expressed concern at the alleged continuation of human rights violations; urged all states to cooperate fully, without delay, with the International Criminal Tribunal for Rwanda; reaffirmed that all persons who committed or authorized acts of genocide or other grave violations of international humanitarian law and those who are responsible for grave violations of human rights are individually responsible and accountable for those violations; expressed concern at the continued suffering experienced by the survivors of the genocide and massacres and urged the government and the international community to provide them with the necessary assistance; welcomed the restructuring of the judicial system and the start of prosecution of those suspected of having committed the crime of genocide and the massacres; also welcomed the improvement in prison conditions; affirmed the need to expedite the provision of the dossiers of the detainees in accordance with law; expressed grave concern at the killings of civilians, including elderly women and children, during attacks on genocide survivors, witnesses and other innocent people by militias and insurgents opposed to the government; reaffirmed that ending impunity for acts of genocide and violations of human rights and international humanitarian law is an essential step towards reconstruction and reconciliation; noted the government's commitment to investigate alleged judicial executions committed by some members of the security forces and called on the competent national authorities to conduct these investigations promptly and with all due rigour; welcomed the ongoing trials of those suspected of genocide and crimes against humanity and the improvements in the trial process that have taken place; welcomed the government's commitment to strengthen further fair trial guarantees and access to legal representation; encouraged dialogue on human rights issues between the UN Field Operation and the appropriate authorities at the level of the commune and prefecture; condemned in the strongest terms any acts of violence or intimidation against the staff of the UN or any other international staff serving in Rwanda; and, appealed to the international community to contribute further financial and technical support to the government for the strengthening of the judicial system and the reconstruction of the human rights infrastructure.

FIELD OPERATIONS

The Human Rights Field Operation in Rwanda (HRFOR) was established in 1994. Its headquarters are in Kigali. Officer-in-Charge: Mr. William G. O'Neill, B. P. 445, Kigali, Rwanda; Fax: (New York) (1-212) 963-9908; Tel: (Kigali) (250) 72-892 & 73-722; (New York) (1-212) 963-9906/07 or 26-399-11209, ext. 6403. As at 1 July 1997, there were 72 members of HRFOR, which include 43 fixed-term UN staff, 24 UN Volunteers and five additional staff on special service agreements.

The objectives and functions of HRFOR are defined as: (a) carrying out investigations into violations of human rights and humanitarian law, including possible acts of genocide; (b) monitoring the ongoing human rights situation and helping to prevent such violations through the presence of human

rights field officers; (c) cooperating with other international agencies to re-establish confidence and facilitate the return of refugees and internally displaced persons and the rebuilding of civil society; and (d) implementing programmes of technical cooperation in the field of human rights, particularly in the area of the administration of justice, to help Rwanda rebuild its shattered judiciary and to provide human rights education to all levels of society.

The report of the High Commissioner for Human Rights (E/CN.4/1997/52) on the Field Operation reviews the main human rights issues surrounding the mass return movement, the start of the genocide trials, attacks on expatriates, including members of HRFOR, security measures in response to the deterioration of the security situation, HRFOR's activities in the areas of the administration of justice and institution-building, the genocide response and vulnerable groups, and human rights education and promotion.

The report focuses on the problems created and difficulties encountered between 15 November and 31 December 1996 when more than 1 million Rwandans returned from camps in the Congo and Tanzania. This mass return movement is noted as having led to a number of human rights violations that included increased attacks against genocide survivors — particularly with regard to known or suspected collaborators in the genocide — and attacks against, and killings and ill-treatment of, returnees. The Field Operation responded to these and other phenomena by intensifying its programme on the situation of returnees and increased its field presence in receiving communes. Field Operation staff were assigned to: establish communal committees and informal local institutions in order to enhance local capacity to address justice and reconciliation concerns; assist the authorities in securing the security and other needs of returnees and other groups; monitor the movement of returnees from transit centres to communes of origin and arrival at communal offices; monitor the arrest and detention of returnees through regular visits to local detention centres; gather statistics on detained returnees; monitor reintegration of returnees; investigate alleged incidents involving returnees, particularly those relating to the right to life, right to security, liberty of movement and the right to integrity of person; follow-up with local and national authorities on incidents of violations; promote confidence among returnees, the population at large and local authorities; participate in crisis meetings at the communal and prefectural levels; and facilitate the flow of information to relevant officials and organizations.

The report notes that the agreement between the High Commissioner and the government was amended following the High Commissioner's visit to Rwanda in February 1997. The aim of the change was to increase assistance to the government in its effort to rebuild the justice system and defined the principal future projects to be undertaken by the Field Operation as development and provision of: a training programme for judges and clerks of the specialized chambers of the courts of first instance, to facilitate the genocide trial process; a mentor programme involving the attachment of experienced foreign judges and prosecutors to help guide judges and prosecutors of the specialized chambers in the first year of genocide trials; the setting up of free legal aid services to provide counsel for the accused and to assist civil claimants

in ongoing genocide trials; and, advice on a fund to compensate victims and survivors of the genocide — a proposal that was the subject of legislation being drafted by the government.

In the absence of access to funding from the UN regular budget and therefore continued dependency on voluntary funds, the report notes that the future of the Field Operation remained in doubt. The High Commissioner's report concludes by noting that, as of 17 March 1997, the resources committed to the Field Operation would only guarantee its viability through the end of September 1997 and be limited to 105 field officers of whom 70 would be drawn from the UN Volunteer programme.

Status reports from the Field Operation throughout 1997 (January, February, April [HRFOR/STRPT/48/1/2 1997 E], July, August [HRFOR/STRPT/53/1/7 1997 E]) refer to developments, incidents and violations on which HRFOR received information including: attacks by unidentified armed men in military uniforms of the former Forces Armées Rwandaises (ex-FAR); killings of genocide survivors and persons associated with them; the killing of other persons because of their presumed Tutsi origin; and, large-scale military cordon-and-search operations in some Prefectures.

HRFOR recommended that: all efforts be made to bring those responsible for the attacks and their arms suppliers, in contravention of a UN embargo on arms, to justice; steps be taken to ensure that all those who take no active part in the hostilities are treated humanely at all times and in all circumstances and a prohibition be enforced on any acts of violence to life and person against these persons; the government take steps to prevent the excessive use of force by the security forces, including the RPA; all members of the security forces should be trained fully in the relevant international standards on the use of force and firearms; the government investigate and take appropriate disciplinary and legal action regarding all credible allegations that members of the security forces and other state agents have violated domestic law and international human rights or humanitarian standards, particularly with regard to the right to life; the government ensure that competent authorities conduct thorough, prompt, and impartial investigations into these and other killings which may have amounted to violations of the right to life by agents of the state; based on such investigations, appropriate disciplinary measures, including the application of relevant penal sanctions, be taken against those members of the security forces found guilty of violating the right to life; and, measures be implemented to protect witnesses to possible violations from violence, threats of violence, or any other form of intimidation, and those state agents potentially implicated in such cases be suspended from their duties until a definitive investigation by competent authorities has been completed and the offenders have been brought to justice.

The government's response to the HRFOR report on the situation in Ruhengeri asserted that the situation in the region was calm and stable and condemned reports which stated that thousands of civilians had been killed during RPA operations during the months of May, June, and July 1997. The government asserted that on May and June, 200 to 300 civilians were killed during military operations and that 1,800 members of

armed groups and 90 RPA soldiers, including four officers, were killed during confrontations.

The reports also cover issues related to court proceedings against persons accused of genocide and include comments on: the positive effect of lawyers on trials; death sentences; case file completion; sexual crimes; confessions; appeals; acquitted persons; civil claimants and trial relocation; and, fear and lack of security. On the basis of these points and others, HRFOR recommended that:

- ▶ mechanisms be developed to increase legal representation before the courts in Cyangugu, Kibuye, Nyamata, Ruhengeri and Rushashi;
- ▶ a legal assistance programme be established in places of detention in order to better explain the Confession and Guilty Plea Procedure and to offer those detainees who wish to take advantage of the Procedure greater opportunity to do so;
- ▶ separate facilities for detention be established for those who decide to take part in the Confession and Guilty Plea Procedure;
- ▶ in the cases of five defendants whose appeals were rejected, and in light of the observed lack of legal representation, insufficient trial notice, and refusal to allow an adjournment to provide adequate time to prepare a defence, the President consider the granting of a partial presidential pardon in their cases (e.g., commutation to life imprisonment or other sentence);
- ▶ investigations of crimes of genocide endeavour to gather information favourable to the accused, where available, investigators receive specialized training in investigating and prosecuting sexual crimes and women be hired as investigators and prosecutors;
- ▶ prosecutors bring charges of rape, where appropriate, against future accused;
- ▶ prosecutors and courts comply with the requirement in article 6 of the Genocide Law that withdrawn confession evidence be inadmissible as evidence against the applicant in any subsequent proceedings;
- ▶ all persons appealing decisions of Specialized Chambers be given a copy of their trial court judgement, and the accused, or their representatives, be granted a hearing on appeal, and, where the appeal is deemed admissible, a hearing on the merits of the case be included;
- ▶ local authorities explain to their communities that an acquitted person has every right to rejoin and participate fully in community life;
- ▶ Specialized Chambers hold trials in centres closer to the events where possible and where equitable to the parties and trial dates and times be announced on Radio Rwanda to ensure the parties' awareness of the trial;
- ▶ the efforts in media awareness campaigns explaining the role of lawyers and the justice system in general continue; and,
- ▶ Rwandan security forces be deployed to protect judicial personnel who have received serious threats.

The report to the General Assembly by the High Commissioner for Human Rights on HRFOR (A/52/486) repeats, in a number of areas, the information included in the report to the 1997 Commission on Human Rights and reports from the Field Operation. The High Commissioner noted, however, that the structure of the Field Operation was changed following the killing of the five staff members and the onset of UN security regulations which precluded the presence of human rights field officers in the western prefectures. Units are designed to: report on and analyse the current human rights situation based on information and reports provided principally by the Operation's field teams; focus on improvements in the administration of justice and in the status and conditions of genocide survivors; undertake genocide trial monitoring, promote improvements in penal administration, train the gendarmerie and the communal police; focus on the establishment of a national human rights commission, a parliamentary human rights commission and human rights departments in all ministries of the government; focus on improving the position of the vulnerable, such as women and children, and capacity-building within human rights non-governmental organizations; liaise with security officers of other UN agencies and security officials of the government of Rwanda; develop systems and procedures for the security of the Field Operation, evaluate security threats and risks to the Operation and, train staff to increase security awareness; and ensure the security of personnel, premises and documentation.

In its overview of the human rights situation, the report notes that, since February 1997, information has been received related to: ethnically motivated attacks carried out by armed groups against persons on public transport buses; numerous attacks on judicial personnel; excessive use of force by soldiers, resulting in killings that amount to extrajudicial executions; ill-treatment in a number of prisons and chronic lack of food, access to water and health care; lack of full respect for some fair trial guarantees in genocide proceedings; and, continued detention of persons without trial.

An addendum to the High Commissioner's report (A/52/486/Add.1/Rev.1) was also provided to the General Assembly. The addendum summarizes an assessment of the work of the Field Operation which stated that: HRFOR contributes to the protection and promotion of human rights in the aftermath of the 1994 genocide, and in the context of ongoing insurgency and counter-insurgency operations; human rights monitoring has a developed expertise related to violations committed in a context of political conflict and repression but is not intended to monitor violations of international humanitarian standards in the course of full-scale armed conflict; the efforts of the Field Operation to investigate, discuss with the government, and report on killings of civilians by the Rwandese Patriotic Army during counter-insurgency operations have caused tension in its relations with the government; the mandate of the Field Operation has always placed equal stress on monitoring and on technical cooperation, and efforts have been made to bring about a mutual relationship between the two; the perception of the government, however, is that the Field Operation is interested chiefly in monitoring rather than

capacity-building and that it has over-allocated staff to promotional activities; members of the government expressed concern that, in their view, the Field Operation's reports were not well verified and that, despite not being on the spot, the Field Operation failed to confirm facts before making them public; the government also expressed the view that the objective of monitoring the human rights situation — to assist Rwanda to progress in the human rights domain — was being neglected; most of the representatives of governments that have taken the lead in contributing to the funding of the Field Operation, and follow its work closely, expressed the view that the human rights situation in Rwanda required re-establishment and maintenance of the Field Operation's local presence and monitoring to the maximum extent, consistent with UN security regulations; and, the Office of the UN High Commissioner for Refugees expressed the hope that the Field Operation would be able to resume more comprehensive visits to local detention centres.

The assessment led to recommendations, including that:

- ▶ the role of the Field Operation should continue to be conceived as one which combines a dissuasive local presence and monitoring with technical cooperation and capacity-building;
- ▶ monitoring should be conceived as a means of assisting the government to address problems, as a basis for a dialogue to diagnose the needs, and as encouragement to the international community to provide the help necessary to do so;
- ▶ capacity-building and human rights education and promotion should be clearly linked to the diagnosis;
- ▶ consideration should be given to the replacement of the Field Operation's bi-monthly reports, whose semi-public status has been ambiguous and unsatisfactory, with a somewhat less frequent periodic report, to be submitted by the High Commissioner to the Commission on Human Rights and published as an official UN document;
- ▶ this report should be more analytical than the current reports, with adequate contextualization, and contain recommendations and link the analysis of the human rights situation and recommendations to the Field Operation's capacity-building cooperation with Rwandan institutions;
- ▶ each draft report should be submitted in advance to the government and should form the basis of a dialogue that would be reflected in the published report;
- ▶ the Field Operation should continue to issue timely status reports on major incidents, and these should continue to be the subject of prior discussion with the government;
- ▶ the Field Operation should continue to investigate as far as possible reports of violations, including those from areas to which it may not have access under UN security regulations and every effort should be made to interview military commanders in the course of such investigations;
- ▶ the credibility of the Field Operation's capacity-building and promotional role needs to be enhanced by further recognition of what it has been doing in fact, in particular by clearly defining the link between the diagnosis of the factors giving rise to human rights violations and the

priorities for capacity-building and promotion, and by a better definition of objectives;

- ▶ the Field Operation should select a strategic set of capacity-building goals;
- ▶ the Field Operation should consider, as a matter of priority, how its current collaboration with Rwandan human rights non-governmental organizations could be developed to further assist their independent capacity in the protection and promotion of human rights;
- ▶ the Field Operation's human rights promotion work should be better tied to high-priority issues noted in other aspects of the Field Operation's functions, namely, the administration of justice and human rights monitoring — including, guarantees of a fair trial, the independence of the judiciary and other legal professionals, respect for lawful arrest and detention procedures, safeguards for the right to life and to physical integrity, and popular access to effective remedies for human rights violations;
- ▶ decisions regarding future staffing and structure must flow from the priorities established concerning the future role of the Field Operation and some further reinforcement of field teams should take place immediately;
- ▶ greater professional experience and expertise should be brought in to support the Field Operation's efforts to promote capacity-building and human rights;
- ▶ the need for a strong Field Operation security team, taking account of the need for a presence in the field as well as at Kigali and for substitution arrangements during leave, should be given the highest priority; and,
- ▶ the Field Operation then needs to be accorded the highest degree of priority as regards the strength of its direction, the professionalism of its human rights staff, its security arrangements, servicing by the Office of the High Commissioner for Human Rights, and stability and predictability in its funding.

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SAO TOMÉ & PRÍNCIPE

Date of admission to UN: 16 September 1975.

TREATIES AND REPORTS TO TREATY BODIES

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

Economic, Social and Cultural Rights

Signed: 31 October 1995.

Civil and Political Rights

Signed: 31 October 1995.

Discrimination against Women

Signed: 31 October 1995.

Rights of the Child

Acceded: 14 May 1991.

The initial report of Sao Tomé and Príncipe was due 12 June 1993.

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SENEGAL

Date of admission to UN: 28 September 1960.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Senegal has submitted a core document (HRI/CORE/1/Add. 51/Rev.1) for use by the treaty bodies. The report prepared by the government contains demographic and statistical data as well as information on the general structure of government and the framework within which human rights are protected.

The guarantee of basic rights lies chiefly with the courts and, at the administrative level, the guarantee is provided by the Ombudsman whose task is to remind the Executive of its duty to respect its own legislation and fundamental human rights. International human rights instruments are an integral part of the country's positive law and international commitments are placed above national laws. All international instruments to which Senegal is a party may be invoked before judicial bodies and courts which apply them as the law of the country. The report notes that human rights are also guaranteed through the monitoring of the actions of authorities by non-governmental organizations. As well, the Senegalese Human Rights Committee, which was established in 1965 and is an inter-ministerial body, has been entrusted with the task of assisting the government in formulating and coordinating its policy in the field of human rights. The Committee may also draw the attention of the authorities to cases of violations of human rights.

Economic, Social and Cultural Rights

Signed: 6 July 1970; ratified: 13 February 1978.

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

Civil and Political Rights

Signed: 6 July 1970; ratified: 13 February 1978.

Senegal's fifth periodic report is due 4 April 2000.

Reservations and Declarations: Declaration under article 41.

Senegal's fourth periodic report (CCPR/C/103/Add.1) was considered by the Committee at its October/November 1997 session. The report prepared by the government provides information on: judicial remedies; the Mediator of the Republic; referral of complaints to international bodies; the Senegalese Human Rights Committee; the Interministerial Committee on Human Rights; equality between women and men; the protection of children and the family; states of emergency, the right to life; the prohibition of torture; conditions of arrest and detention; and, participation of citizens in political life.

The Committee's concluding observations (CCPR/C/79/Add.82) notes that the continuing violence and unrest in the region of Casamance has resulted in persistent violations of rights covered under the Covenant; it notes further that there remain laws and customs, particularly affecting equality between women and men, that hinder full implementation of the ICCPR.

The Committee welcomed: steps to strengthen the status of the Senegalese Human Rights Committee and ensure participation of non-governmental organizations; the activities of the Ombudsman; the creation of the Inter-ministerial

Committee on Human Rights and Humanitarian International Law; changes in the electoral Code leading to the establishment of the National Observatory for Elections; efforts made to overcome the problem of illiteracy; the activities of the Ministry on Women, Children and Family that has initiated a plan of action in collaboration with NGOs; efforts made to enhance public awareness of women's issues; the criminalization of torture in the Penal Code; the willingness of the government to comply with the views of the Committee in relation to individual communications and decisions; and, the primacy of international human rights standards over national legislation.

The principal subjects of concern identified by the Committee were: information received concerning events in Casamance, including indiscriminate killing of civilians by army and police, disappearances, ill-treatment and use of torture against suspected supporters of the Mouvement des forces démocratiques de Casamance (MFDC); the persistence of certain traditional cultural attitudes with respect to women, such as polygamy, female genital mutilation (FGM) and the high rate of maternal mortality resulting from the practice, and the strict prohibition on abortion; the persistence of violence against women, including spousal abuse; lack of definition of criteria under which a judge may hold an arrested person in pre-trial detention and extensive discretionary power given to judges in such situations; in cases of offences against state security, provisions allowing special detention in police custody, extension of length of detention and preventing access to legal counsel by detainees; the recurring problems of overcrowding and poor health and sanitation conditions in many prisons; lack of full enjoyment of freedom of association; the barring of foreign workers from holding official positions in trade unions; the provision that trade unions may be dissolved by the executive; the statement by the government that there are no minorities in Senegal and the failure of the government to provide information on the recognition and protection of religious and ethnic minorities in the country.

The Committee recommended that the government:

- ▶ take measures to ensure that military personnel and the police fully observe Covenant obligations related to the right to life and the prohibition on torture and ill-treatment within the context of the situation in Casamance;
- ▶ consider establishing in Casamance an independent mechanism to monitor and investigate human rights abuses, bring persons found responsible to justice, and compensate victims;
- ▶ provide further training in human rights for all security and law enforcement personnel;
- ▶ enact a specific law to make female genital mutilation an offence and encourage judges and lawyers to make use of ordinary criminal law to deal with FGM until such a law is enacted;
- ▶ launch a systematic campaign to promote popular awareness of persistent negative attitudes towards women and to protect them against all forms of discrimination;
- ▶ abolish practices prejudicial to women's health and reduce maternal mortality;
- ▶ with regard to women, bring legislation, including family and inheritance laws, into conformity with the Covenant and obligations related to non-discrimination, equality of women and men, the right to life, the prohibition on torture and ill-treatment, the family and equality before the law;
- ▶ in the law, give specific attention to the problem of domestic violence and develop an information and education campaign to prevent and combat any form of violence against women;
- ▶ set out in the Code of Criminal Procedure criteria establishing the grounds on which persons awaiting trial may be held in detention and repeal provisions dealing with special cases of detention related to offences against state security;
- ▶ take measures to reduce overcrowding in prisons and upgrade facilities as quickly as possible;
- ▶ take all necessary measures to permit foreign workers to hold official positions in trade unions and provide guarantees and legal redress to trade unions against dissolution by administrative measures; and,
- ▶ take legal and practical steps to recognize and protect religious and ethnic minorities.

Optional Protocol: Signed: 6 July 1970; ratified: 13 February 1978.

Racial Discrimination

Signed: 22 July 1968; ratified: 19 April 1972.

Senegal's 11th through 13th periodic reports were due 19 May 1993, 1995 and 1997 respectively.

Reservations and Declarations: Declaration under article 14.

Discrimination against Women

Signed: 29 July 1980; ratified: 5 February 1985.

Senegal's third periodic report was due 7 March 1994.

Torture

Signed: 4 February 1985; ratified: 21 August 1986.

Senegal'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: 31 July 1990.

Senegal's second periodic report was due 1 September 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, 32; E/CN.4/1997/60/Add.1, paras. 430-432)

The report of the Special Rapporteur (SR) refers to violations in Casamance and particularly to violations of the right to life in the context of the conflict between the Senegalese security forces and the armed separatists of the Casamance Democratic Forces Movement (MFDC). The report notes information received indicating that there are no systematic investigations of complaints of violations of the right to life

committed by the security forces and, further, that numerous innocent civilians have died in attacks by the MFDC. The individual cases transmitted to the government related to: the arrest, torture and murder of an MFDC political officer; death as a result of torture following arrest by soldiers; and arrest and murder by soldiers of an individual suspected of connivance with independence forces. At the time the report was prepared, no reply had been received from the government. The SR urged the authorities to initiate speedy, thorough and impartial inquiries into all allegations of violations of the right to life committed in Casamance region, make the results of the investigations public, and give greater consideration to the rights of victims to justice and compensation in the search for durable solutions to the situation.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, paras. 439–445)

The report notes information received indicating that members of the police deliberately resort to physical violence in the hours or days following arrests in order to obtain confessions. The victims of these police practices were reported to be both ordinary law detainees as well as political detainees, particularly those accused in connection with the conflict in Casamance. The report notes that while several gendarmes and police officers have been arrested as a result of complaints of torture and ill-treatment, the authorities appear to have shown very little zeal in opening an inquiry, and impunity was widespread in the absence of an exhaustive investigation. Information also stated that allegations of torture were not investigated and that confessions obtained in that way were taken into account in convicting the accused. This was facilitated by a procedure under which suspects could be held in custody incommunicado for a maximum period of four days. Four individual cases and one collective appeal were transmitted to the government. In its reply the government denied accusations of ill-treatment in one case and stated that the man had died from a heart attack.

Mechanisms and Reports of the Sub-Commission

Traditional practices affecting women and children, Special Rapporteur on: (E/CN.4/Sub.2/1997/10/Add.1, paras. 29)

The report refers to CEDAW's consideration of Senegal's second periodic report (1994) and the concern expressed over the persistence of discriminatory practices, including female circumcision and polygamy. The report notes that the Committee encouraged the government to step up public information campaigns on behalf of women and to expand its programmes to combat traditional practices which affect women's health and advancement in order to eliminate persistent forms of discrimination against women.

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SEYCHELLES

Date of admission to UN: 21 September 1976.

TREATIES AND REPORTS TO TREATY BODIES

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

Economic, Social and Cultural Rights

Acceded: 5 May 1992.

Seychelles' initial report was due 30 June 1994.

Civil and Political Rights

Acceded: 5 May 1992.

Seychelles' initial report was due 4 August 1993.

Optional Protocol: Acceded: 5 May 1992.

Second Optional Protocol: Acceded: 15 December 1994.

Racial Discrimination

Acceded: 7 March 1978.

Seychelles' sixth through 10th periodic reports were due 6 April 1989, 1991, 1993, 1995 and 1997 respectively.

At its March 1997 session, the Committee reviewed implementation of the Convention in the absence of a report from the government. The Committee's concluding observations (CERD/C/50/Misc.29) noted that no report has been submitted since 1986 and the government had not responded to the invitation to participate in the meeting and to furnish relevant information. The Committee suggested that the government may wish to request technical assistance from the Office of the High Commissioner for Human Rights to facilitate the drafting and submission of an updated report as soon as possible.

Discrimination against Women

Acceded: 5 May 1992.

Seychelles' initial report was due 4 June 1993; the second periodic report was due 4 June 1997.

Torture

Acceded: 5 May 1992

Seychelles' initial report was due 3 June 1993; the second periodic report was due 3 June 1997.

Rights of the Child

Acceded: 7 September 1990.

Seychelles' initial report was due 6 October 1992.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 311–313)

No new cases of disappearance were transmitted by the Working Group (WG) to the government. The three cases that remain to be clarified all reportedly occurred in 1977 and 1984 and involved abduction by members of the security forces. The report notes that at least two of the persons abducted were known opponents of the Government. The government has not responded to the information transmitted by the WG.

Other Reports

Migrant workers, Report of the S-G to the CHR:

(E/CN.4/1997/65, para. 4)

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

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SIERRA LEONE

Date of admission to UN: 27 September 1961.

TREATIES AND REPORTS TO TREATY BODIES

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

Economic, Social and Cultural Rights

Acceded: 23 August 1996.

Sierra Leone's initial report is due 30 June 1998.

Civil and Political Rights

Acceded: 23 August 1996.

Sierra Leone's initial report was due 22 November 1997.

Optional Protocol: Acceded: 23 August 1996.

Racial Discrimination

Signed: 17 November 1996; ratified: 2 August 1967.

Sierra Leone's fourth through 14th periodic reports have not been submitted (1976–1996); the 14th periodic report was due 4 January 1996.

Discrimination against Women

Signed: 21 September 1988; ratified: 11 November 1988.

Sierra Leone's initial report was due 11 December 1989; the second periodic report was due 11 December 1993.

Torture

Signed: 18 March 1985.

Rights of the Child

Signed: 13 February 1990; ratified: 18 June 1990.

Sierra Leone's initial report (CRC/C/3/Add.43) has been submitted and is pending for consideration at the Committee's January 1998 session; the second periodic report was due 1 September 1997.

COMMISSION ON HUMAN RIGHTS

Since 1996, Sierra Leone has been considered by the Commission on Human Rights under the 1503 confidential procedure. At the 1997 session, the Commission decided to continue consideration under 1503 at the 1998 session.

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 involving four persons. Details of the case or cases were not provided.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60/Add.1, paras. 433–434)

The Special Rapporteur referred to information that had been received which indicated that, despite the return to civilian rule and cease fire agreement, civilians continue to be victims of human rights violations and abuses, including violations of the right to life. These are allegedly committed by both government soldiers and rebel forces. At the time the report was written no response had been received from the government to cases sent in October 1995.

Mercenaries, Special Rapporteur on the use of: (E/CN.4/1997/24, para. 15)

The report reproduces a reply from the British government about the corporation, Executive Outcomes (EO), and its activities in Sierra Leone. The response states that EO and its affiliates were contracted to work in various resource and mining areas and had approximately 150 employees in Sierra Leone. The reply also indicated that there was no evidence that they were engaged in activities to terrorize the civilian population. It stated that the government of Sierra Leone had contracted EO to provide their army with assistance and training, and noted that details of the contract were a matter between the government of Sierra Leone and EO.

Mechanisms and Reports of the Sub-Commission

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

The report notes that a state of emergency was declared in Sierra Leone 30 April 1992 and a curfew imposed. The report comments that, as a result of internal armed conflict, the situation has not yet returned to normal and a curfew was introduced in the capital 25 May 1997.

Traditional practices affecting the health of women and children, Special Rapporteur on: (E/CN.4/Sub.2/1997/10, paras. 12, 129)

The report notes that, according to a newspaper report, more than 1,000 four- and five-year-old girls of the Bundo sect in Sierra Leone had been held captive for over a month because their parents had not paid the mutilation fee of \$3 to the members of the sect who had circumcised the children. Those holding the girls stated that they would not be returned to their parents until the fee was paid. The Special Rapporteur reports that thousands of women of the Bundo sect had demonstrated to express their anger at a statement made on the radio against excision and the problems resulting from it. Reference is also made to the fact that the highest court in Sierra Leone has adopted a position in favour of female genital mutilation.

Other Reports

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

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

SECURITY COUNCIL

The reports of the Secretary-General (S/1997/80, 26 January 1997; S/1997/811; 21 October 1997; S/1997/958, 5 December 1997) refer to political developments since the signing of the Peace Agreement between the government and the Revolutionary United Front of Sierra Leone (RUF) at Abidjan, 30 November 1996. Commentary is provided on a number of issues, *inter alia*: measures to be taken to encourage the consolidation of a fair and representative political process; the reconstitution of the National Elections Commission; the necessity to ensure respect for human rights; the promotion of a professional code of ethics and eradication of all forms of nepotism and corruption; the need to strengthen

the judiciary and vet the national police; the withdrawal of the private security firm, Executive Outcomes; the imperative of putting in place resettlement assistance for all groups so that those with no secure means of livelihood are given the opportunity to find employment and are not lured into banditry; the fact that the conflict had resulted in the destruction of schools, health facilities, water supply systems and transport infrastructure, mostly in the rural areas, and the erosion of an already weak productive capacity; civilian casualties during armed clashes, looting by armed men in uniform, theft of equipment and vehicles from international humanitarian agencies, incidents of looting and arson targeted at the homes of prominent individuals, and, the activities of youth gangs; a significant increase in the incidence of communicable diseases, especially measles; information indicating that some harvests were being looted by armed elements; an increasingly acute shortage of petrol resulting from the embargo on petroleum and petroleum products; and the fact that the RUF had started releasing to non-governmental child protection organizations some of the children under its control, with these children being given special care until reunification with their families became possible.

The statements by the President and the resolution adopted by the Security Council (S/PRST/1997/36, 11 July 1997, S/PRST/1997/42, 6 August 1997; S/RES/1132, 8 October 1997; S/PRST/1997/52, 14 November 1997) *inter alia*: expressed deep concern about the atrocities committed against citizens, foreign nationals and personnel of the Economic Community of West African States (ECOWAS) monitoring group; called for the immediate and unconditional restoration of constitutional order in the country; condemned the overthrow of the democratically elected government and called on the military junta to take immediate steps to bring about the unconditional restoration of that government; expressed deep concern about the deteriorating humanitarian situation and at the continued looting and commandeering of relief supplies of international agencies; called on the military junta to cease all interference with the delivery of humanitarian assistance to the people of Sierra Leone; expressed grave concern at the continued violence and loss of life in Sierra Leone following the coup; established a programme of sanctions; and reiterated the need for the provision and distribution of humanitarian assistance in response to local needs.

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SOMALIA

Date of admission to UN: 20 September 1960.

TREATIES AND REPORTS TO TREATY BODIES

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

Economic, Social and Cultural Rights

Acceded: 24 January 1990.

Somalia's initial and second periodic reports were due 30 June 1992 and 1997 respectively.

Civil and Political Rights

Acceded: 24 January 1990.

Somalia's initial and second periodic reports were due 23 April 1991 and 1996 respectively.

Optional Protocol: Acceded: 24 January 1990.

Racial Discrimination

Signed: 26 January 1967; ratified: 26 August 1975.

Somalia's fifth through 11th periodic reports have not been submitted (covering the period 1984–1996); the 11th periodic report was due 25 September 1996.

Torture

Acceded: 24 January 1990.

Somalia's initial and second periodic reports were due 22 February 1991 and 1995 respectively.

COMMISSION ON HUMAN RIGHTS

Report of the Independent Expert on the situation in Somalia

The Independent Expert on the situation of human rights in Somalia was appointed by the Secretary-General in accordance with Commission resolution 1993/86 of 10 March 1993. The Independent Expert for 1997 was Ms. Mona Rishmawi.

The report of the Independent Expert on the situation in Somalia (E/CN.4/1997/88) identifies a number of concerns that influence the approach taken in attempts to fulfil the Expert's mandate, including: exacerbation of the grave situation of human rights as a result of the breakdown of governmental authority; continuation of serious violations including torture, summary/arbitrary execution, violence against women, violence against children, attacks on humanitarian personnel and the absence of an effective judicial system established on the basis of international standards; and attacks and other acts of violence, sometimes causing death, against UN personnel, humanitarian organizations, NGOs, and representatives of international media. The report notes that, in light of the gravity of the concerns, the mandate remains a most sensitive and difficult one since it relates to a UN Member where governmental authority is absent and state administration non-existent, with the adverse impact this implies on the observance and protection of basic human rights and freedoms.

To the extent that the establishment of a positive human rights regime and a representative and responsive national government depend on the attention and cooperation of, and assistance from, the international community, the report characterizes prospects as not good. The Independent Expert states that Somalia has been almost abandoned and is classified as a "collapsed State"; as such, it continues to present a serious challenge to the traditional manner in which the international community has dealt with conflict, humanitarian emergencies, rehabilitation opportunities, and human rights promotion and protection. Reference is made to the fact that Somalia remains without a central government and that at least 30 clan-based and region-based factions are operating there while, at the same time, assistance has been largely linked to the existence of a central authority — an approach that UN agencies working in Somalia recognize as having a devastating impact.

The report refers to three regional trends, characterized as: zones in which there is a crisis, areas experiencing recovery, and zones going through the transition from crisis to recovery. In terms of a mid- to long-term prospect for a return to order in Somalia, the report suggests that this may depend more on the determination and initiative of the people, sustained by a more selective and sectoral approach to assistance, than the delivery of aid and assistance that remains contingent on the establishment of a central government. The report comments: the zones experiencing crisis are mainly in the south and are controlled by the faction leaders and other irregular armed forces; while conflict continues mainly in and around Mogadishu, several parts of the country fall outside the factions' control; in the more stable parts, mainly in the north-east, the communities are beginning the immense task of recovery and rehabilitation, organizing themselves in a form of local government to provide security, basic services and governance; the self-proclaimed and unrecognized state of Somaliland in the north-west has already entered this phase and, despite some occasional fighting in August 1996, appears stable; and, the remaining parts of the country are undergoing transition from crisis to recovery with a form of political authority that is weak and often localized and disputed.

The report identifies a number of factors that will directly bear on either the success or failure of the international community's efforts to assist in the establishment of a national representative government and a positive human rights regime. These factors include: an intact and powerful social structure, nomadic and clan-based, that has led to security and political contradictions; the role of custom and religion, which are interlinked; a legal structure based on tradition and mediation between families and, in some cases, Shariah courts; some regular courts also apply *Hudud* and *Qasas* and resort to corporal punishment; significant numbers of internally displaced persons arising from severe drought, lack of central planning and some instances of forced displacements; the poor state of the economy and few prospects for the development of strong industries beyond traditional agricultural enterprises, e.g., export of beef cattle; and, the lack of infrastructure to address the continuing food shortage in some parts of the country and severe health problems arising from inadequate nutrition and stable programmes in disease prevention.

The assessment of the human rights and humanitarian situation identifies a number of ongoing problems and violations, including: continued clashes between various factions leading to the deaths of civilians and displacement of families; summary executions and politically motivated assassinations; severe restrictions on freedom of movement for international and local staff members of international organizations; banditry, kidnapping and looting in areas other than the self-proclaimed state of Somaliland; violence against and repression of journalists, including detentions, harassment and assaults; restrictions on journalists imposed by the Islamic court, based in some cases on charges of publishing false information and refusal to reveal sources; reliance on traditional and customary systems of justice based on material compensation for wrong-doings; and, jurisdiction of Shariah courts in some areas over matters relating not only to "traditional Islamic crimes" (murder, theft, adultery, drinking

alcohol, apostasy, prostitution, treason) but also rendering decisions, for example, "banning businessmen from exporting contraband goods including minerals, coal and female animals".

Referring to the principle that international human rights law applies only to states, the report states that the situation within the total territory of Somalia remains governed by international humanitarian rules pertaining to internal armed conflict. Under international humanitarian rules all parties to the conflict are bound by customary international law related to internal armed conflict, aimed at protecting the civilian population from hostilities, prohibiting deliberate attacks upon civilians, outlawing indiscriminate attacks, forbidding attacks on non-military objectives, and requiring precautions when attacking military targets. The report also affirms that the Somali warring factions are bound by article 3 common to the four Geneva Conventions of 12 August 1949 under which the parties to the conflict may not deliberately impede the delivery of food and the medical supplies necessary to ensure the survival of the civilian population.

The report cautions that the warring parties should not assume *de facto* or *de jure* powers in the absence of a central government and judiciary, and refers to Security Council resolution 794 (1992) which warned that those who commit or order the commission of such acts in Somalia would be held individually responsible.

In terms of the possibility of providing technical assistance to Somalia, the report recalls that various regions or zones in the country can be divided between those experiencing conflict, those going through recovery and those in a transition from conflict to recovery. On this basis, the Independent Expert observed that there is a need to adapt assistance to the varying operating environments and needs in these zones. Following on this, the report contains a number of recommendations, including that:

- ▶ human rights principles particularly in the area of the administration of justice be introduced to emerging authorities in areas experiencing recovery;
- ▶ where possible, formal and informal educational programmes in schools be developed to cultivate a wider knowledge of human rights; and
- ▶ human rights training be incorporated into projects such as administrative training, basic education, gender issues, communications, NGO capacity-building, and participation in civil governance and rehabilitation of militias.

The Independent Expert stated the view that there are several opportunities to render useful technical assistance to Somalia in the field of human rights, in particular in the area of administration of justice. While acknowledging that the existence of a central government remains essential to securing a durable peace, economic prosperity and full respect for human rights, the Expert stated that: the absence of a central government should not remain a major obstacle; the emerging local reconstruction initiatives and the work of the non-governmental sector must be encouraged; and that there is a need for a comprehensive needs assessment in the field of human rights that considers not only this interim situation, but offers some future prospects.

Resolution of the Commission on Human Rights

At the 1997 session, the Commission adopted a resolution by consensus (1997/47) in which it: noted that the breakdown in governmental authority had exacerbated the human rights situation; welcomed efforts by the UN and other humanitarian and non-governmental organizations to improve the humanitarian situation; noted the efforts of the Organization of African Unity, the Intergovernmental Authority on Drought and Development, the League of Arab States and the Organization of the Islamic Conference to promote direct political dialogue between warring factions; affirmed the need for the disarmament of factions, political reconciliation and re-establishment of effective government committed to human rights; expressed concern at reports of arbitrary/summary executions, torture, violence against women and children, and the absence of an effective judicial system to ensure the right to fair trial; deplored attacks against humanitarian and non-governmental organizations and representatives of international media; noted that prevailing circumstances have seriously impeded the ability of the Independent Expert to fulfil her mandate; called on all parties to the conflict to work towards a peaceful solution to the crisis; urged all parties to respect human rights and international humanitarian law; called for intensification of efforts by regional organizations and concerned countries aimed at facilitating the national reconciliation process; and, called on donor countries and international and non-governmental organizations to incorporate human rights principles and objectives into humanitarian and development work.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

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

The report refers to violations of religious freedom against Christianity, violations of the principle of tolerance arising from religious extremism and violations of the right to life, physical integrity and health of persons, including murders of clergy and believers.

The Special Rapporteur's interim report to the General Assembly (A/52/477, paras. 25, 28, 30, 33, 38, 46) notes that communications were sent to the government related to violations of religious freedom against all religions and religious groups and communities other than the official or state religion or predominant religion, including religious restrictions on non-Muslims and a prohibition on proselytizing by non-Muslims aimed at Muslims.

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 refers to a de facto state of emergency in areas affected by armed conflict in Somalia.

Traditional practices affecting the health of women and children, Special Rapporteur on: (E/CN.4/Sub.2/1997/10, para. 11)

The report refers to the need for education on traditional practices and cites comments by a Somali who performs circumcision referring to the fact that practitioners make money

from trade and will only stop if they are able to earn a living in some other way-through another job and a better education.

Other Reports

Detention of international civil servants, Report of the S-G to the CHR : (E/CN.4/1997/25, paras. 3, 54)

The report of the Secretary-General notes that two Somali nationals and staff members with UNICEF were shot and killed in Mogadishu in November 1995 and January 1996. The report also refers to information provided by the World Food Programme (WFP) on incidents in Somalia affecting WFP operations, including looting of agency compounds, assaults and hostage-taking.

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 refers to the resolution adopted at the 1997 session of the Commission on Human Rights in which concern was expressed at violence against women and children in Somalia.

SECURITY COUNCIL

The 17 February 1997 report of the Secretary-General on the situation in Somalia (S/1997/135) contains information on: political developments; background to the situation in Mogadishu, including a major conflict in December 1996 which resulted in the death of about 300 people and the wounding of more than one thousand others; peacemaking efforts; and UN humanitarian relief and rehabilitation assistance to Somalia noting, *inter alia*, crop failure due to lack of rain or to flooding in some areas, low purchasing power due to unemployment and high prices, difficulty of access to many areas due to security and logistical constraints and, a number of cases where UN personnel and the personnel of non-governmental and other organizations have been killed, wounded, threatened or subjected to kidnapping and extortion. The report also refers to the continued absence of a peaceful settlement leading to disturbing violations of humanitarian law and human rights, including: the indiscriminate use of force and the killing of civilians, mostly non-combatants; summary executions; the continuing increase in the number of internally displaced persons; and kidnapping and abduction, which remain common.

On 27 February 1997, the President of the Security Council made a statement (S/PRST/1997/8) in which the Council, *inter alia*: reaffirmed its commitment to a comprehensive and lasting settlement of the situation in Somalia; called on all Somali factions to cease immediately all hostilities and to cooperate with regional and other efforts for peace and national reconciliation; encouraged all states to contribute generously to the appeals of the UN to ensure continued relief and rehabilitation efforts, including those aimed at the strengthening of civil society; reiterated its calls on all states to fulfil their obligations to implement the embargo imposed on all deliveries of weapons and military equipment to Somalia; called on all states to refrain from any actions which might exacerbate the situation in Somalia; and, called on the Somali factions to ensure the safety and freedom of

movement of all humanitarian personnel and to facilitate the delivery of humanitarian relief to the Somali people, including through the opening of the airport and harbour of Mogadishu.

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SOUTH AFRICA

Date of admission to UN: 7 November 1945.

TREATIES AND REPORTS TO TREATY BODIES

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

Economic, Social and Cultural Rights

Signed: 3 October 1994.

Civil and Political Rights

Signed: 3 October 1994.

Racial Discrimination

Signed: 3 October 1994.

Discrimination against Women

Signed: 29 January 1993; ratified: 15 December 1995.

South Africa's initial report was due 14 January 1997.

Torture

Signed: 29 January 1993.

Rights of the Child

Signed: 29 January 1993; ratified: 16 June 1995.

South Africa's initial report was due 15 July 1997.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 314-316)

No new cases of disappearance were transmitted by the Working Group (WG) to the government. The majority of the 11 outstanding cases of disappearance reported to the WG occurred between 1976 and 1982 in Namibia which was, at that time, under South African jurisdiction. Responsibility for the disappearance was imputed to agents of South Africa. The government did provide the WG with new information on these cases.

Toxic wastes and products, Special Rapporteur on: (E/CN.4/1997/19, para. 64)

The report refers to the British transnational corporation Thor Chemicals and its announcement that it would phase out all mercury-related operations at its Durban plant by the end of 1996. The announcement came after three Thor executives were charged with culpable homicide and 42 contraventions of safety laws following the death of a worker from suspected mercury poisoning. The report states that public pressure pushed the government to ban the import of toxic wastes but that the ban apparently did not include materials imported for recycling, which is what Thor Chemicals claimed to do. The report notes that Thor employs 60 to 100 black labourers, most of whom handle a variety of high risk exposure operations without apparently knowing the dangers involved and, further, that former Thor workers still suffer from mercury

poisoning. Information received by the Special Rapporteur also indicated that workers employed on a part-time basis as casual labourers were dismissed after they began to suffer symptoms of mercury poisoning.

The government's response to the report stated: the allegations concerning Thor Chemicals related to poor household practices within the factory and, in 1995, the company was found guilty of contravening the Machinery and Occupational Safety Act of 1983; the import of spent mercury catalyst was known by the government and therefore did not involve illicit dumping; the import of such material was terminated in 1992; the majority of material is stockpiled at Thor Chemicals and future treatment of the material is the subject of a Commission of Inquiry appointed in March 1995; the terms of reference of the Commission are to investigate the history and background of the acquisition of spent mercury catalyst by Thor Chemicals and other materials and to report on its future use or disposal; the Commission will also investigate regulations and enforcement related to the monitoring and control of mercury processing. [This information was included in a photocopy of some governments' responses to the SR's report, generally available at the 1997 Commission.]

Mechanisms and Reports of the Sub-Commission

Mercenaries, Special Rapporteur on the use of:

(E/CN.4/1997/24, paras. 9-10, 13, 18, 25-68, 129)

The report refers to information received related to Executive Outcomes (EO), a private company registered in Pretoria as a security firm, and its subsidiaries. The information indicated that EO had been sending mercenaries to Angola and Sierra Leone under contracts concluded with the governments in exchange for substantial cash payments and mining concessions, and that the directors of the conglomerate were connected with former members of Battalion 32, which had fought in Angola under the name of Buffalo Battalion, as well as members of racist and extreme right-wing paramilitary organizations in South Africa. The Special Rapporteur (SR) on the use of mercenaries visited South Africa from 20 to 30 October 1996.

Discussions with representatives of the government elicited the following points: the government strongly condemned the use, training, financing and recruitment of mercenaries wherever they occurred and particularly in Africa; governments in Africa were recruiting and hiring mercenaries to deal with problems and conflicts of an armed nature; South Africa was dealing diplomatically with those governments at the bilateral level and in the framework of the Organization of African Unity (OAU) to solve that problem; the governments in question, however, denied that they were recruiting mercenaries or justified the recruitment and hiring of foreigners on the grounds of national interest or for reasons of state; the South African government was preparing a draft bill governing the activities of private security service companies offering their services abroad and providing military assistance, bearing in mind the need for the law to be consistent with the Constitution, particularly in such areas as restrictions on the issuance of passports or on the right to leave and return to the country; the presence of private security companies in other countries was the result of a security vacuum resulting from the armed conflicts they had sustained and the fact that those conflicts had ended; and, demobilized

members of the various warring forces numbered in the hundreds of thousands and most were people who did not know how to do anything but make war, represented a definite potential for destabilisation and were experts in the handling of sophisticated weapons.

The report summarizes the issues addressed and points raised during meetings between the SR and officials at the Ministry of Justice, the Truth and Reconciliation Commission, the Ministry of Safety and Security, the Intelligence Department of the South African Defence Force, the Pretoria Attorney-General's Office, the Ministry of Water Affairs and Forestry, the Arms Control Commission and the division of Multilateral Affairs in the Department of Foreign Affairs.

The report also summarizes discussions held with the directors of Executive Outcomes (PTY) Ltd. The points asserted by the directors during the meeting included that: EO was officially registered in Pretoria as a security service company and was part of a holding company, Strategic Resources Corporation (SRC), which included companies with various social purposes that provided different economic services; all EO activities were entirely legal and contracts were concluded only with lawfully constituted and lawfully established governments, not with armed opposition movements or groups of rebels or insurgents; EO had first concluded contracts with the South African government to provide military training for the army and had then concluded contracts with the Angolan state-run oil company, Sonangol, to protect its oil wells; in July 1993, the high command of the Angolan Armed Forces asked EO to provide military training services for its troops, which it did until 1996 when the last military instructor left, because of the pressure on EO to get out of Angola; other companies in the holding company were still in Angola, but involved in exclusively economic activities; the government of Sierra Leone had requested EO's involvement in training the army and the company had agreed on condition that the government hold talks with the armed opposition to achieve peace, and, that once peace had been achieved, it should hold democratic elections; EO's men had taken part in some military action in Sierra Leone, but had done so at the request of humanitarian agencies which wanted food aid to reach the interior of the country; the accusations that EO had received mining concessions in exchange for their presence in Sierra Leone were absurd; Strategic Resources Corporation had received requests for services from 34 governments, including the governments of some central Asian countries, and from one armed opposition movement; the latter request was rejected by the company; the company does not sell or supply weapons; the other firms in the holding company provide various services, including medical and pharmaceutical services, hospital construction and equipment, civil engineering, water purification, drinking water supplies, transport and so on; all of EO's logistical support is made available to the people of the country where it works; and the company has been involved in development and humanitarian work.

The SR noted that: the South African authorities have taken a firm stand in prohibiting South Africa's territory and nationals from being involved in mercenary activities; the principles which govern national security in South Africa include that no South African citizen may participate in

armed conflict, nationally or internationally, except as provided for by the Constitution or national legislation; national security must be pursued in compliance with the law, including international law, and national security is subject to the authority of Parliament and the national executive; extreme-right racist organizations initially organized paramilitary squads to which some mercenaries moved; there has been an increase in the number of private security companies to which persons who are experts in the use of repressive violence and mercenaries have moved; most of these companies provide services in South Africa and are subject to the general laws; and, Executive Outcomes and similar companies have come to rival the state in taking on a function traditionally assigned to the state, namely, security — not only that involving police functions, but also national security, which includes the organization of the armed forces and the maintenance of public order, the sovereign exercise of the authority of the state, and the integrity of the national territory.

The Special Rapporteur recommended that:

- ▶ the area of activity for private security companies should be defined more carefully and the requirements for employment in these companies and the activities of their personnel should be more strictly regulated;
- ▶ the Commission on Human Rights and the Office of the High Commissioner for Human Rights follow closely the drafting of revised legislation in South Africa and be ready to collaborate with the government, at its own request, and with any other government which may want to amend its legislation along similar lines.

Racial Discrimination, Special Rapporteur on: (A/52/471, paras. 10, 12)

The report to the 1997 General Assembly refers to the legacy of apartheid, inter-ethnic conflicts and problems related to massive immigration, and notes that the government has imposed restrictions on immigration which are considered to be discriminatory towards foreigners. The Special Rapporteur has indicated an interest in undertaking a mission to South Africa and is awaiting a reply from the government to his request for an invitation.

Sale of children, child prostitution, child pornography, Special Rapporteur on: (A/52/482, para. 20)

The Special Rapporteur's interim report to the General Assembly notes that child prostitution appears to be a growing problem — particularly in large cities like Cape Town, Durban and Johannesburg — which is linked to the increasing number of street children who have left their homes for economic and social reasons or as a result of the breakdown of families and traditional values.

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

In the section dealing with trafficking in women and forced prostitution, the report notes that refugee women from Mozambique are lured across the border into South Africa by promises of work only to be sold as concubines or wives to South African men. The report notes that, in South Africa, in an effort to remedy gender bias in police interactions with victims of rape and sexual violence, including sexual harassment, police stations have been made more friendly and confidence-inspiring to better meet the needs of rape victims.

The Special Rapporteur (SR) on violence against women visited South Africa from 11 to 18 October 1996. The report of her visit (E/CN.4/1997/47/Add.3) notes that the main purpose of the visit was to study the issue of rape in the community in light of the reportedly high incidence of this form of violence against women in South Africa. A secondary purpose was to study the situation of violence against women in the post-apartheid era. The report includes a section providing general background as well as commentaries on the criminal justice system, the legacy of apartheid and the pattern of rape, the international and national legal frameworks, government policies and strategies, the police, the district surgeon, the judiciary, the problem of disparity, and community action.

In considering the framework for and protection of rights in South Africa, the SR stated that: there is a general distrust by the public of the criminal justice system, which is still closely associated with the former apartheid regime; the criminal justice system is seen as an integral part of the state violence that was directed against the black population during the previous regime; the close identification of the criminal justice machinery with the system of political and racial oppression has contributed greatly to the rate of criminal violence in society; this perception of the system may be the greatest stumbling block to the eradication of criminal violence and the reporting, prosecution and punishment of crime; and, there is a need to completely overhaul the criminal justice apparatus, retrain its members and create a more representative service if violence in general, and violence against women in particular, is to be contained.

The report considers briefly two components of violence in South Africa. The first is political violence in which there is evidence that women have been targeted for rape for political motives. This form of violence relates to violence by the state against citizens, intercommunal violence between and within different political parties, and violence among different ethnic groups and their leadership. The second is clandestine professional violence that is often related to large-scale organized criminal activities and involves violence against women, such as "taxi killings" (related to the minimal public transport infrastructure in South Africa) and "jack rolling". The latter is characterized as basically gang rape that is viewed as a leisure activity for men, like playing cards or alcohol. The report notes that for women's organizations, "jack rolling" typifies the 'macho' approach inherent in South African society and the social legitimation and tolerance of violence against women. Following on this, the report refers to points raised in meetings during the visit, including that: society is viewed as patriarchal and violent without a human rights culture; people frequently do not know how to gain access to the criminal justice system, especially for reporting purposes; and, women victims of violence are often stigmatized or blamed instead of supported.

In terms of the changes that have been implemented in South Africa, the report considers and provides commentary on a number of them, including: the establishment of the Human Rights Commission in 1995 and its intention to cooperate closely with the South African Commission on the Status of Women and the respective "gender-desks" in all ministries; establishment of the National Network of Women

against Violence, with the primary objective of mainstreaming gender issues within the government; establishment, within the overall reform measures related to the police, of community police forums to enhance dialogue between police and their communities and to combat crime through joint action and community vigilance; provision of training and specialization for police officers with regard to sexual violence and rape; compulsory basic training for police in which police are taught to treat those against whom violence has been committed as "survivors" rather than "victims"; provision of training to police on sexual offences investigation techniques; provision by police of rape crime kits to district surgeons (forensic medical experts) who often have not received training in how to examine and treat victims of sexual violence or rape; and establishment of specialized courts in some areas to deal with rape and sexual violence.

In the section of the report dealing with conclusions and recommendations, the Special Rapporteur states that, in addition to the inherently violent character of South African society, the status, real and perceived, of South African women contributes to their victimization through rape and sexual violence. It is further stated that in rural and more remote areas, customary laws still treat women as minors and deny them the independence they need if violence against women is to be combatted effectively.

The report acknowledges that the measures undertaken by the government to eliminate violence against women have been in place for only a short time and that their real or potential effectiveness cannot be fully evaluated. The recommendations in the report are made with this in mind and include that:

- ▶ South Africa ratify all international human rights instruments to which it is a signatory;
- ▶ the government accede to both Optional Protocols to the Covenant on Civil and Political Rights and the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- ▶ the government redefine and develop the criminal justice system to reflect the needs of the community;
- ▶ the number of female officers in police services be increased;
- ▶ police community forums be used to raise topics such as violence against women and rape;
- ▶ the government consider amending the Penal Code to ensure that definitions of sexual violence are broad enough to cover all aspects of rape and not be limited to "sexual intercourse" and, further, that the requirement of "absence of consent" does not further victimize the rape victim;
- ▶ rules of evidence related to sexual violence be amended and that a victim's past sexual conduct not be considered relevant unless directly linked to the crime in question;
- ▶ the government ensure provisions in the Penal Code to protect the identity of rape victims and maintain their privacy during investigations and prosecutions;
- ▶ specialized programmes for awareness-raising and training be given to members of the criminal justice system with regard to gender issues and special problems related to investigating and prosecuting cases of violence against women;

- ▶ changes be made to school curricula to incorporate a balanced gender perspective; and,
- ▶ mandatory gender-sensitization training be given in medical and legal schools with regard to issues related to violence against women.

Other Reports

Conscientious objection to military service, Report of the S-G to the CHR: (E/CN.4/1997/99, paras. 2, 15, 18, 44)

The report of the Secretary-General notes that, in South Africa, there is neither compulsory military service nor conscription. The report also notes that the exclusive liability for military service of white males is no longer applicable but the law still has to be amended to that effect and that there is a moratorium on prosecution for not reporting for military service. All references in existing laws still requiring amendment to prosecutions, sentences and detention for failing to report for military service (except in cases of absence without leave and desertion) are no longer applicable.

Economic, social and cultural rights, Report of the S-G to the CHR: (E/CN.4/1997/17, para. 2)

The report of the Secretary-General on the need for a political dialogue within the UN between creditor and debtor countries notes that South Africa would provide information in future on measures to achieve a durable solution to the debt crisis of developing countries.

HIV/AIDS, Report of the S-G to the CHR: (E/CN.4/1997/37, Appendix)

The report of the Secretary-General on the Second International Consultation on HIV/AIDS and Human Rights (Geneva, September 1996) notes that law reform programmes focussing on human rights have been ongoing in South Africa and that networks of legal advocates, practitioners and activists at governmental and community levels have been successful in lobbying for general anti-discrimination legislation at national and local levels which defines disability broadly and sensitively enough to include HIV/AIDS.

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SUDAN

Date of admission to UN: 12 November 1956.

TREATIES AND REPORTS TO TREATY BODIES

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

Economic, Social and Cultural Rights

Acceded: 18 March 1986.

Sudan's initial report was due 30 June 1990; the second periodic report was due 30 June 1995.

Civil and Political Rights

Acceded: 18 March 1986.

Sudan's fourth periodic report is due 16 June 2002.

Sudan's second and third periodic reports were submitted as one document (CCPR/C/75/Add.2) and considered by the Human Rights Committee at its October/November 1997 session. The report prepared by the government contains, *inter alia*: detailed commentary on the right to self-determination

and the Southern Provinces Regional Self-Government Act 1972; summaries of a number of laws related to rights set out in the ICCPR, including the Seventh Constitutional Decree, the Political Charter, the Public Elections Act and the Thirteenth Constitutional Decree; information on the situation of women, related to, for example, equality, health, education, employment and family relations; and, stipulations related to a declaration of a state emergency. Information is also included on: the death penalty; due process and the administration of justice; freedom of religion; freedom of opinion, expression and the media; national security provisions related to rights such as expression and assembly; and, trade unions and the prohibition on political parties.

The Committee's concluding observations and comments (CCPR/C/79/Add.85) note receipt of the reports by the independent judicial commission which investigated events in Juba in 1992, and the investigation by the Advisory Council on Human Rights into allegations of slavery in Southern Kordofan and disappearances.

With regard to the factors and difficulties affecting implementation of the Covenant, the Committee referred to the armed conflict originating in the southern part of the Sudan and the lack of reconciliation between different racial, religious, cultural and legal traditions in the north and the south.

The Committee welcomed: all initiatives directed towards a peaceful resolution of the conflict; the progressive steps which have been taken to reduce the impact of the declared state of emergency; the existence of committees which are formulating a new Constitution; and steps which are being taken to establish a formal system of pluralistic democracy; and, the efforts made to resettle people displaced by the armed conflict and assist them to return to their places of origin.

The subjects of concern identified by the Committee included, *inter alia*: the imposition of the death penalty for offences which cannot be characterized as the most serious, including apostasy, committing a third homosexual act, illicit sex, embezzlement by officials, and theft by force; the fact that some forms of execution fail to comply with the prohibition against cruel, inhuman or degrading treatment or punishment, especially for women; flogging, amputation and stoning, which are recognized as penalties for criminal offences and are not compatible with the ICCPR; the high maternal mortality rate; the practice of female genital mutilation; the fact that a woman's consent to marriage (under customary arrangements) is mediated by a guardian, and that recourse has to be made to the courts to override any such prohibition within the family on a woman's choice of husband; the absence of a legal provision on a minimum age for marriage; the number of reports of extrajudicial executions, torture, slavery, disappearances, abductions and other human rights violations and the government's assertions that such human rights violations are relatively infrequent; reports of child abductions by security forces; the vague and legally undefined concept of "national security"; the fact that the procedures for pretrial detention allow the National Security Council, chaired by the President, power to detain persons for excessively long periods of time; the fact that visas for foreign travel may be arbitrarily refused and that immigration officers

may arbitrarily require women to show consent of a male relative to their leaving the Sudan; reports of inadequate prison conditions and "ghost house" detention centres; the system of licensing the press and media, and the requirement to register the names and addresses of editors, journalists and printers; the lack of recognition in law of the right to use local languages in official communications or administrative or court proceedings; the fact that religious minorities can be adversely affected by a range of discretionary administrative actions which can include the destruction of schools and educational facilities under town planning regulations; the fact that there is no independence of the judiciary; and, the official enforcement of strict dress requirements for women in public places and the inhuman punishment imposed for breaches of such requirements.

The Committee recommended that the government:

- ▶ include in the next report, information on the number of executions which have taken place, the type of offence for which the death penalty has been imposed, and the manner in which the execution has been carried out;
- ▶ abolish punishments such as flogging, amputation and stoning;
- ▶ forbid, as a matter of law, the practice of female genital mutilation and pursue social and educational campaigns to eliminate this practice;
- ▶ repeal any possible legal basis as well as all other rules differentiating women's and men's rights to marry and within marriage and establish a minimum age for marriage;
- ▶ establish permanent and independent mechanisms to investigate alleged abuses of power by police, security forces and Popular Defence Forces; make public the methodology of such investigations and the outcome;
- ▶ ensure that such investigations lead to the release of any person improperly detained, with proper compensation, and to disciplinary or criminal proceedings against those found responsible; include in the next report complete information, including statistics, about such investigations and their outcome;
- ▶ clearly define by law the concept of "national security", require police and security officers to state in writing why a person has been arrested, make that information available to the public and reviewable by the courts, and repeal the provisions of the National Security Act 1994, as amended, allowing detention by the National Security Council;
- ▶ establish by law any limitations on the freedom of movement and ensure that they are compatible with the provisions of the ICCPR;
- ▶ bring all places of detention under the control of the Prison Service and take the necessary measures to bring prison conditions into line with international law and standards;
- ▶ provide training to judges as to appropriate penalties and procedural safeguards which must be observed, exclude lashes as a punishment, and introduce an appellate procedure to review convictions and sentences;
- ▶ ensure that police and security forces are subject to prosecution and civil suits for abuse of power without any restriction by law and repeal the provisions of the National Security Act 1994 which are inconsistent with that concept;
- ▶ include in the next report statistics on complaints filed, prosecutions, convictions and sentences of police and security forces for abuse of power, as well as statistics on the number of requests for compensation and the amount of compensation actually awarded to victims of human rights violations;
- ▶ revise current laws and decrees related to the press so as to remove all disproportionate limitations, which have the effect of jeopardizing freedom of expression itself; remove unnecessary restrictions from freedom of expression and association; and ensure that the right of peaceful assembly is respected by law enforcement officers;
- ▶ take measures to improve the independence and technical competence of the judiciary, including the appointment of qualified judges from among women and members of minorities; provide training to all judges, law enforcement officers, and members of the legal profession, in human rights law; and,
- ▶ establish a mechanism to protect minority religious groups from discrimination and action seeking to impede their freedom to teach and practice their religious beliefs.

Racial Discrimination

Acceded: 21 March 1977.

Sudan's ninth periodic report was due 20 April 1994; the 10th periodic report was due 20 April 1996.

Torture

Signed: 4 June 1986.

Rights of the Child

Signed: 24 July 1990; ratified: 3 August 1990.

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

COMMISSION ON HUMAN RIGHTS

Report of the Special Rapporteur on the human rights situation in Sudan

A Special Rapporteur (SR) on the situation of human rights in Sudan was appointed pursuant to resolution 1993/60 of the Commission on Human Rights in March 1993. In 1997, the SR was Mr. Gáspár Bíró.

Between 27 July and 8 August 1996 the Special Rapporteur (SR) undertook a mission to Eritrea, Egypt and Sudan. A second visit to Sudan was undertaken in January 1997 but was interrupted because the government stated that it could not guarantee the safety of the SR. The report to the 1997 session of the Commission (E/CN.4/1997/58) was, therefore, an update of the report to the 1996 General Assembly and contained information mainly gleaned from sources outside Sudan.

The concerns and issues raised in the report relate to a number of types of violations, including: slavery, continued aerial bombardments of civilian targets, massive displacement of populations and a significant outflow of refugees into

neighbouring countries, torture, amputations, arrest and detention of political opponents, religious discrimination and intolerance, lack of due process of law, incidents of hostage-taking by SPLA dissident groups, arbitrary summons to government security offices, summary executions, closure of privately-owned newspapers, and inter-tribal clashes and fighting. The report further detailed incidents of indiscriminate killings of Sudanese refugees and abductions from camps in northern Uganda, government closure of Ahlia University (a private institution) to contain and repress dissent, round-ups of street children and their confinement in special camps for children, and arrests related to anti-government protests at Khartoum University.

In the brief section of the report dealing with women's human rights, the Public Order Act is considered. The report notes that the law stipulates that: on public transportation women should not sit in seats near the drivers; in public gatherings, including those organized in schools, farms, educational institutions and clubs, women should be separated from men by curtains; in demonstrations and rallies, special places and routes should be kept separately for women; women are not allowed to move around markets in the evenings if they are not accompanied by their husbands or a male relative; women are only allowed to practise sport in closed places away from men; in public places people are not allowed to sit together in a manner that leads to suspicion; people are not allowed to stay without a good reason on roads that lead to girls' schools or any women's gathering places; and, all places and shops providing services to girls' schools are to keep the shop entrance open wide, have adequate internal lighting and not use coloured glass for the entrance. The report notes that the law also prohibits coeducation, including in private education institutions. The report also observes that, in June 1996, out of 200 workers who lost their jobs at two state-owned media houses, 150 were women and included some of Sudan's most renowned female journalists.

The recommendations in the report generally mirrored those from previous years and included that the government:

- ▶ comply with applicable international human rights instruments, bring national legislation into conformity with those instruments to which Sudan is a party and ensure that all persons in its territory and subject to its jurisdiction enjoy fully the rights recognized in those instruments;
- ▶ cease immediately the deliberate and indiscriminate bombing of civilian targets;
- ▶ release all political detainees, cease all acts of torture, close down all secret detention centres, ensure due process of law, permit lawyers and family members to visit detainees, ratify the Convention against Torture, accede to the Convention on the Elimination of All Forms of Discrimination against Women, sign the Optional Protocol to the Covenant on Civil and Political Rights and Protocol II Additional to the Geneva Conventions of 1949, the last related to the protection of victims of non-international armed conflict;
- ▶ ensure that security forces, army, police and members of the Popular Defence Forces and other paramilitary or

civil defence groups are properly trained and act in compliance with international law;

- ▶ ensure that any member of the above groups responsible for violations is brought to justice;
- ▶ cease immediately rounding up children from streets in towns under government control, release all children from special camps or other places of detention, make all necessary efforts to reunite these children with their families, and ensure proper living conditions for orphans;
- ▶ terminate policies or activities that support, condone, encourage or foster the sale of or trafficking in children or subject children to forced internment, indoctrination or inhuman treatment or punishment;
- ▶ provide free access to all areas of the country to regional and international humanitarian organizations and representatives of human rights organizations;
- ▶ carry out a thorough and comprehensive investigation of reported cases of slavery and slavery-like practices;
- ▶ agree with other parties to the conflict to a cease-fire as soon as possible; and,
- ▶ address the problem of displacement and create the appropriate conditions for return to their homes for displaced persons and refugees sheltering in neighbouring countries.

The recommendations also included a call to all parties in the conflict to prevent violence by their agents against civilians-including torture, summary/arbitrary executions and killings and arbitrary detention. The report calls for all parties to permit unimpeded delivery of relief, through Operation Lifeline Sudan, to those in need, and to begin negotiations to enlarge existing tranquillity corridors. The report concludes by calling for priority to be given to the placement of human rights field monitors to facilitate information flow and assessment and verification of reports of violations, particularly in areas of armed conflict.

Resolution of the Commission on Human Rights

At the 1997 session, the Commission on Human Rights adopted a resolution by consensus on the situation in Sudan (1997/59) and renewed the mandate of the Special Rapporteur for another year. In the resolution the Commission: expressed concern at reports of detention without trial, forced displacement, torture, religious persecution, and forced conversion of Christians and animists; expressed concern at the continued deliberate bombardment of civilian targets in southern Sudan; expressed concern at continued reports of slavery and slavery-like practices and ideological indoctrination affecting displaced families and women and children belonging to racial, ethnic and religious minorities; welcomed the cooperation of the government with the Special Rapporteur on Sudan and the Special Rapporteur on religious intolerance, and the invitation extended to the Working Group on Contemporary Forms of Slavery (Sub-Commission); welcomed the government's support for a visit by a delegation from the African Commission on Human and Peoples' Rights (December 1996); regretted that the visit by the Special Rapporteur on freedom of opinion and expression had not yet taken place; expressed concern at the actions of non-state entities in the conflict, including kidnapping, arbitrary detention, forced

conscripted, indiscriminate killings, forced displacement and the arrest of foreign relief workers; called on all parties to the conflict to respect the provisions of common article 3 of the Geneva Conventions and Protocols Additional thereto; urged the government to release all political detainees, cease all acts of torture, close down all clandestine or unacknowledged detention centres, ensure access to detainees for lawyers and families and full due process of law; called on the government to bring national laws into conformity with standards in those international human rights treaties to which it is a party; called for the training for police, security, army and other forces, including paramilitary and civil defence groups; welcomed the establishment in 1996 of the Special Investigation Committee on Allegations of Enforced or Involuntary Disappearances and Reported Cases of Slavery and urged the government to give full effect to the work of this body; encouraged the government to review recommendations made by the Special Rapporteur on religious intolerance (1996) and to act on them; extended the mandate of the Special Rapporteur on Sudan for another year; encouraged the Special Rapporteur on freedom of opinion and expression and the Working Group on Contemporary Forms of Slavery to accept the invitations of the government to visit Sudan; recommended that priority be given to the placement of human rights field monitors as outlined by the Special Rapporteur; and, requested the Special Rapporteur to prepare an interim report for the 1997 session of the General Assembly and a final report for the 1998 session of the Commission.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Arbitrary detention, Working Group on: (E/CN.4/1997/4, paras. 17, 18; E/CN.4/1997/4/Add.1, Decision 13)

The main report notes that four urgent appeals were sent to the government on behalf of 42 persons. No details of the cases were provided.

The cases considered by the Working Group (WG) involved 26 persons who were detained and held without charge or trial. Among the 26 were former members of parliament, a former State Minister for Defence, a former Attorney-General, the Secretary of Women's Affairs in the Umma Party, several former state governors, a former member of the State's Supreme Council, a prominent member of the Ansar Sect and the Secretary of the Umma Party Headquarters. Others detained in the new wave of detentions that took place at the end of May 1995 were trade unionists, engineers, several company directors, a teacher, employees of the Sudan Ports Corporation, several businessmen, a journalist and a merchant. The information received by the WG indicated that the detentions were based solely on the political opinions of the detainees, and that none of them had been charged or tried.

The government informed the WG that seven of those detained had been amnestied and released but did not provide information on the remaining cases. Given that the government did not refute the information provided by the WG including that those arrested had been detained without charge or trial and solely on the bases of their opinions and exercise of the right to freedom of expression the Working Group declared the detentions to be arbitrary.

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 8, 329-338)

The report of the Working Group (WG) notes one newly reported case of disappearance that was transmitted to the government and subsequently clarified: the case occurred in 1996 and involved a political activist in western Sudan. The majority of the 257 outstanding cases concern 249 villagers who were allegedly abducted from the village of Toror in the Nuba Mountains in 1995 by the armed forces. The report states that the villagers are believed to have been taken to one of the government-controlled "peace camps". With respect to these 249 villagers, the government informed the WG that the Minister of Justice had issued a ministerial decree forming a special committee to carry out investigations in order to clarify those cases. The government observed that only two of each person's three names had been provided and that this had made it difficult to locate the individuals concerned.

The report also refers to information received from non-governmental sources on the use of incommunicado detention in clandestine holding centres which violates article 10 (places of detention) of the Declaration on the Protection of All Persons from Enforced Disappearance. There are also references to reports received related to the abduction of women and children in southern Sudan and the Nuba Mountains, and their transfer to other regions of the country where they are enslaved. As well, there are reports indicating that, in the north, there have been sweeps by the security forces in which displaced southern children who are living with their families and/or orphaned street children are abducted and placed in camps where they are given Islamic names and an Islamic education based on the Koran. The Working Group also noted reports that the rebel forces in the south have abducted children who are then militarily trained and conscripted into their forces.

The report recalls that the government has failed to provide information to the Special Rapporteur on the Sudan concerning events that occurred in Juba in 1992, noting allegations that over 290 soldiers, police officers, prison guards, paramilitary forces attached to the Department of Wildlife, and prominent civilians were arrested after the government regained control of the town. The report recalls that most of those arrested have disappeared and the majority are believed to have been summarily killed. The report notes that the government set up a special committee in 1993 to investigate the allegations, but that no reports on the investigations or other steps taken have been provided by the government.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 15, 16, 18, 28, 32, 101; E/CN.4/1997/60/Add.1, paras. 453-460)

The report notes that in most parts of the war zone human rights violations were being committed by Sudanese security officials, members of the armed forces, and the Popular Defence Forces (PDF), and that unarmed civilians were the targets of deliberate attacks by government troops in which hundreds of villagers, many of them women and children, were killed. The report also notes information received indicating that excessive use of force by security forces against demonstrators has led to the death of at least several people. Reference is made to the fact that soldiers, officials and members of militia groups responsible for human rights violations,

including violations of the right to life, have not been brought to justice; and, further, that the National Security Act (1994) conferred on security officials immunity from prosecution for offences carried out in the course of their duties. The report acknowledges that information has also been received indicating that the armed opposition forces the Sudan People's Liberation Movement/Army (SPLM/A) and the South Sudan Independence Movement/Army (SSIM/A) have also killed civilians, sometimes on a mass scale.

The cases transmitted by the Special Rapporteur (SR) to the government included a joint appeal with the SR on torture and involved six men who had been sentenced to be hanged, three men sentenced to be hanged until dead and their bodies then publicly crucified, and 10 men sentenced to amputation of their right hand and left foot. A second joint appeal, sent with the SR on torture and the Working Group on arbitrary detention, involved 65 people, including military officers, some of whom are retired, and 10 Chadian nationals arrested by members of the Sudanese security forces. The information upon which the appeals were based indicated that all of those arrested were being detained without charge and at risk of being tortured or otherwise ill-treated. A separate case addressed by the SR related to the killing of the Chief of the Jur Chol tribe by members of the security forces in the Aweil area in southern Sudan.

The report notes that the government has not responded to any of the cases referred to it by the SR.

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 Sudan.

Religious intolerance, Special Rapporteur on: (A/52/477, paras. 8, 12, 13, 25, 28, 34, 38)

The Special Rapporteur's interim report to the General Assembly recalls the mission to Sudan in September 1996 and the cooperation extended by the government since the visit. The report notes that communications were sent related to violations of religious freedom against Christians, including the bulldozing of Christian schools.

Sale of children, child prostitution, child pornography, Special Rapporteur on: (E/CN.4/1997/95, para. 47)

The report refers to comments by the Special Rapporteur on Sudan related to a racial dimension in the violations and abuse of children who are abducted and sold into slavery in both northern and southern Sudan., para. 5) reproduces a report prepared by UNIFEM, citing information from the reports of the Special Rapporteur on Sudan. Among the points noted are: the abduction of children in the southern and northern Sudan; the use of some boys as servants; and, subjection of girls to sexual slavery (concubines) and forced marriage.

The Special Rapporteur's interim report to the General Assembly (A/52/482, para. 18) notes that information continues to be received related to the abduction of children for the purposes of child labour or recruitment into the armed forces.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Sections I & III ; E/CN.4/1997/7/Add.1, paras. 454-472)

The report notes that the Special Rapporteur (SR) had received information indicating that the use of torture in the

Sudan remained widespread. Reference is made to the closure of the secret detention centre known as "City Bank" or "the Oasis" (al-Waha) and the transfer of detainees to a section of Khober prison to be administered by the security authorities. The report states, however, that many other secret detention centres were said to continue to operate throughout the country. A summary of new legislation promulgated in 1994 and amended in 1995, to replace the 1990 National Security Act, indicates that: individuals may be detained, without notice of the reasons for detention, for three months by order of the National Security Council or "its authorized representative" approved by a magistrate; the three-month detention may be renewed once without magisterial approval; further periods of removal were allowed with the approval of a "competent judge"; and, detainees do not have the right to challenge judicially the legality of their detention. The report notes that during these periods of pre-trial detention, individuals are said to be held frequently incommunicado, leaving them vulnerable to torture.

Twenty-five cases and nine urgent appeals on behalf of 66 persons were transmitted to the government by the SR, some jointly with the SR on Sudan, others jointly with the SR on extrajudicial, summary or arbitrary executions and still others jointly with the Working Group on Arbitrary Detention. The report notes that the government replied to one of the appeals concerning seven persons and to 14 cases transmitted in previous years. The cases handled by the SR involved, among others, opponents of the government, students, a cleric, trade unionists, foreign dissidents and professionals. The methods of torture and ill-treatment used included beatings, lashings, sleep deprivation, enforced standing, amputations and denial of access to medical attention.

On the basis of the information received, the SR on torture expressed agreement with the conclusion of the SR on Sudan, namely that torture of detainees continues to be routinely practised by the armed and security forces in Sudan.

Mechanisms and Reports of the Sub-Commission

Contemporary forms of slavery, Working Group on: (E/CN.4/Sub.2/1997/13, paras. 75-76)

The report of the Working Group notes that information has been received on the deteriorating situation in regard to slavery in the Sudan as well as other practices including forced labour and kidnapping. The report notes that the government has invited the Working Group to visit Sudan and that the invitation is being considered, bearing in mind the terms of reference for the Working Group.

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 in Sudan on 6 April 1985, 25 July 1987, and 30 June 1989, and is still in force.

Other Reports

Detention of international civil servants, Report of the S-G to the CHR: (E/CN.4/1997/25, paras. 55-58)

The World Food Programme (WFP) provided information related to a case in which a WFP aircraft was diverted by Sudanese rebels upon landing and an international and a local

staff member, together with an FAO international staff member and two government officials, were taken hostage by the Sudanese People's Liberation Army. The detainees were released after 44 days of captivity. The WFP also reported that, in September 1995, two WFP food aid monitors were caught in a crossfire during attacks in the areas of Panthou, five WFP field monitor staff had to flee from Motot (Upper Nile) when it was attacked on 5 March 1996, and, later that month, a barge hired by WFP was forced to stop under gunfire on the southern bank of the Soba River by armed forces. In the latter incident, the barge's crew of 17 — including a WFP international consultant and three WFP local staff — were removed and held in custody while the barge was looted and vandalized and the crew stripped of their personal belongings.

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

The report of the Secretary-General provides information supplied by the government in which it is stated that: the powers related to protection of the environment and natural resources are exercised jointly by the federal and the provincial government agencies; there is a provision in the Constitution recognizing the rights of citizens to a healthy environment; efforts are under way to update the sectoral legislation and to promulgate a Comprehensive Environmental Act; sectoral legislation governing the use of resources includes legislation to safeguard the right to the agricultural environment, protect livestock, provide a healthy and safe environment, regulate land use and guarantee the right of citizens to organize themselves in the form of associations concerned with the environment. The government also stated that the Higher Council for the Environment and Natural Resources is endeavouring to monitor the implementation of the international environmental agreements to which the Sudan is a party.

GENERAL ASSEMBLY

Interim report of the Special Rapporteur to the General Assembly

The Special Rapporteur's interim report to the General Assembly (A/52/510) includes information on, *inter alia*: the provisions of the April 1997 Khartoum Agreement and constitutional decree No. 14/1997 on human rights and fundamental freedoms; the work of the Special Committee on Allegations of Enforced or Involuntary Disappearances and Reported Cases of Slavery; the rights of women; and, the results of the investigation carried out by the Juba Commission into the events of 1992. The report is based, in part, on information received during a visit to Sudan from 2 to 10 September 1997 which had two objectives. The first was to discuss with officials and others the human rights dimensions and implications of the peace agreement (the Khartoum Agreement, signed 21 April 1997) between the government and representatives of several southern political organizations and rebel groups. The second was to receive first-hand information on the latest measures taken by the government, through the Consultative Council for Human Rights, to improve the situation of human rights.

With regard to the Khartoum Agreement and constitutional decree No. 14/1997, the report notes, *inter alia*: both explicitly recognize the principle and the right to self-determination in relation to the south; the two documents contain different wording, which may lead to differing interpretations — the first referring to the "people" of south Sudan and the second to "citizens"; both provide for the possibility of the peaceful secession of the southern states through a referendum in which the options will be unity or secession; both address the question of freedom of religion although the wording is different; and, neither has embraced the idea of a political system based on the principle of free competition of political parties.

Referring to the Special Committee on Allegations of Enforced or Involuntary Disappearances and Reported Cases of Slavery (established in May 1996), the SR notes that it carried out two fact-finding missions. The Special Committee's reports describe the findings of a visit to Southern Kordofan (12 June 1996 and concern allegations of enforced or involuntary disappearances of 240 Sudanese citizens from a number of locations in the Nuba Mountains area (15 August 1996). The SR states that both reports essentially refute the information and allegations submitted to them by the Working Group on Enforced or Involuntary Disappearances, concluding that certain details contained in the allegations submitted by the source demonstrate a misperception of the realities of the situation, or that in some cases the information submitted is incomplete or erroneous. Summaries of the main points in the Special Committee's reports are provided (paras. 25–33).

In the section dealing with the situation of women, the report comments on discrepancies in information received related to the 23 October 1996 Public Order Act on the status of women, which had been previously noted as raising serious questions regarding the freedom of movement of women living in the capital city and the surrounding area and being characterized as instituting "strict sexual segregation in public", and legislation dating to March 1996. The report includes text from the documentation dated March 1996 related to: regulations for holding private and public parties; regulations on the use of public vehicles; women's hairdressing salons — licensing, regulations of work and inspection of salons; and women's dress tailoring places.

The report refers to the results of the investigation carried out by the Juba Commission into the events of 1992, arising from fighting between the army and the SPLA. Several reports had indicated: following the cessation of fighting the security services arrested hundreds of army and Juba police personnel and civilians, including Sudanese nationals working with international aid agencies; the people arrested were severely tortured and some of them tried by special courts, based only on their confession given under torture, and sentenced to death; the death sentences were summarily executed without the possibility of pardon; and, some of those arrested, whose whereabouts are not yet known by their families, were killed or died during torture while in detention. Portions of the 21 May 1997 report of the Advisory Council for Human Rights on events in Juba (the Juba report) are quoted, noting, *inter alia*: large numbers of civilians fled Juba haphazardly to Khartoum or to other places, thus explaining some cases of missing persons; arrests were made after each of the attacks in

June and July 1992; the arrests were followed by preliminary verbal interrogation and investigations with the detainees; all detainees against whom there was no evidence were released; all those who had evidence against them were referred to investigation committees and subsequently submitted to trials before the major field tribunals formed according to the armed forces law; all civilians were released except for 25 individuals who were referred to investigation committees, then to military tribunals formed after the attack on the town; the investigation involved both military and civilian persons, after permission was obtained from the Attorney General to allow the military investigation committees to carry out investigations with civilians; all but 84 of the detainees from among the armed forces were released; the 84 who were detained were referred to investigation committees and then to trial; 53 officers and members of the Unified Police Forces were referred to investigation committees and then to trial; seven military tribunals were formed and named the "major field tribunals" and were presided over by high military personnel up to the rank of brigadier; civilian detainees were committed for trial before the same military tribunals; all trials were held at the headquarters of the military zone command in Juba; the trials of civilians before the military tribunals was carried out after obtaining permission from the Attorney General; the trials were also preceded by an investigation carried out by a committee formed of three army officers according to the law of the People's Armed Forces; and, trials were conducted by summary procedure. The SR notes that in the conclusions of the Juba report, the Advisory Council affirmed that it is the government's responsibility to protect and develop human rights, in compliance with the international instruments adopted and within the framework of its cooperation with the international community and its competent mechanisms.

Referring to means and methods to improve communication and the flow of information between the government, the Office of the High Commissioner for Human Rights and the Special Rapporteur, the report set out several aspects to be taken into account: the direct and accelerated exchange of information between Sudan's Consultative Council on the one hand and the Office of the High Commissioner and the Special Rapporteur on the other; the more timely transmission of the replies to the communications received by the Consultative Council from the Special Rapporteur and the Office of the High Commissioner, including the transmission of legal documents, statistics and any other relevant documentation; the creation of the conditions that are necessary for an impartial, professional, rapid and objective verification of the information and reports received regarding cases of violations of human rights; regular contacts between representatives of the Office of the High Commissioner and the Consultative Council; and, improved coordination between the Office of the High Commissioner and other UN organs and agencies dealing within their mandates with specific aspects of the situation of human rights in the Sudan.

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

- ▶ take all the necessary measures in order to assure that its combat units observe the principles and provisions of international humanitarian law;

- ▶ ensure wide publicity of the activities and findings of the Special Committee on Allegations of Enforced or Involuntary Disappearances and Reported Cases of Slavery;
- ▶ ensure full transparency by encouraging representatives of all interested civic groups to participate and to help the fact-finding activities of the Special Committee;
- ▶ give free and unimpeded access to international human rights and humanitarian organizations and independent observers to all areas where enforced or involuntary disappearances or cases of slavery, the slave trade and similar institutions and practices — especially the sale of and trafficking in children and women — have been reported;
- ▶ consider the possibility of international participation in the process of addressing reported cases of enforced or involuntary disappearances in the Nuba Mountains area, and in contacting representatives of parties to the armed conflict other than the government in areas under their control;
- ▶ establish periodic direct contacts in Khartoum with representatives of the Office of the High Commissioner in order to ensure a prompt exchange and verification of information or reports regarding the situation of human rights in the Sudan; and,
- ▶ implement without delay the previous recommendation related to the placement of human rights field officers to monitor the situation of human rights.

General Assembly Resolution

The General Assembly adopted a resolution (A/Res/52/140) on the human rights situation in Sudan in which it, *inter alia*: reaffirmed that all Member States have an obligation to comply with the obligations laid down in the various human rights instruments; recalled the obligation of all parties to respect international humanitarian law; expressed serious concern about continuing reports of religious persecution; welcomed the visit to the Sudan by the CHR Special Rapporteur on religious intolerance; expressed concern over continuing reports of the abuse of children; expressed concern about policies, practices and activities which are directed against and particularly violate the human rights of women and girls and noted the efforts of the government to investigate such activities and practices; welcomed new practices regarding street children which centre on rehabilitation and family reunification; welcomed the invitation extended to the CHR Special Rapporteur on freedom of opinion and expression and the Sub-Commission's Working Group on Contemporary Forms of Slavery and urged that the visit by the Special Rapporteur take place as soon as possible; noted the establishment of national committees for human rights education; welcomed the establishment by the Consultative Council for Human Rights of subcommittees on detentions without trial, arrests, torture and lack of due process of law, religious persecution, forced displacement and bombardments, extrajudicial killings, access for relief organizations and humanitarian law, slavery and disappearances, the rights of women, the rights of the child, and freedom of expression and peaceful assembly; expressed deep concern at serious, widespread and continuing

human rights violations, including extrajudicial killings and summary executions, detentions without due process, violations of the rights of women and children, forced displacement of persons, enforced or involuntary disappearances, torture and other forms of cruel and unusual punishment, slavery, practices similar to slavery and forced labour, denial of the freedoms of expression, association and peaceful assembly, and discrimination based on religion; urged the government to ensure that all cases of slavery, servitude, slave trade, forced labour and similar practices brought to its attention are investigated, all appropriate measures implemented to put an immediate end to those practices and to publicize the existence and activities of the Special Committee investigating such practices; urged the government and all parties to the conflict to grant international human rights and humanitarian organizations and independent observers free and unimpeded access to all areas where violations have been reported; continued to urge the placement of human rights monitors to facilitate improved information flow and assessment and independent verification of reports; urged the government to release all political detainees, cease all acts of torture and ill-treatment, close down all clandestine or unacknowledged detention centres, and ensure that all accused persons are held in ordinary police or prison custody where family members and lawyers can visit them, and that such persons receive prompt, just and fair trials under internationally recognized standards; urged authorities to take all steps necessary to respect the human rights of persons belonging to the most vulnerable groups of the society; called for an immediate halt to the aerial bombardment of civilian targets by the government; and, encouraged the government to work actively for the eradication of practices which are directed against and particularly violate the human rights of women and girls.

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SWAZILAND

Date of admission to UN: 24 September 1968.

TREATIES AND REPORTS TO TREATY BODIES

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

Racial Discrimination

Acceded: 7 April 1969.

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

Swaziland's fourth through 14th periodic reports were submitted as one document (CERD/C/299/Add.2) which was considered by the Committee at its March 1997 session. The report prepared by the government provides general demographic and statistical data and information on the political and legal structures in the country. The information related to articles 2 through 7 of the Convention is confined to summary comments on the Race Relations Act 1962, the Employment Act 1980, the Citizenship Act 1992 and the Industrial Relations Act 1980. The report, dated 29 April 1996, noted that the drafting of a constitution was to begin soon and that it would cover adequately all aspects of the Convention not addressed in existing legislation.

The Committee's concluding observations and comments (CERD/C/304/Add.31) noted that the report contained insufficient information on the actual implementation of the Convention in Swaziland. It also commented on the fact that a core document has not been submitted by the government.

The Committee viewed positively several developments in Swaziland, including adoption of the Race Relations Act 6/1962, the Employment Act of 1980 (sect.29), and the Citizenship Act of 1992 and the consideration the government has given to modifications to the Race Relations Act 6/1962 in order to address relevant issues raised by the Convention.

The principal subjects of concern for the Committee were: insufficient information in the report related to the practical implementation of articles 2 (prohibition of racial discrimination), 3 (racial segregation and apartheid) and 6 (protection and remedies) of the Convention; failure to adopt legislative, administrative and other measures implementing fully the provisions of the Convention; and the fact that the Race Relations Act adopted in 1962 adopted a narrower approach to the definition of the term "racial discrimination" than that subsequently included in the Convention, since it addresses discrimination only based on race and colour.

The Committee recommended that the government:

- ▶ comply fully with the reporting obligations under article 9 of the Convention and ensure that the next report be prepared in accordance with the Committee's general guidelines and submitted on time;
- ▶ prepare and submit without further delay the core document;
- ▶ include in the next report detailed information on such specific issues as: measures taken to implement article 4; measures which have been taken under articles 5 (civil and political rights) and 7 (combatting prejudice and promoting tolerance); and the difficulties encountered in implementing the provisions contained in the Convention;
- ▶ consider requesting technical assistance provided under the advisory services and technical assistance programme of the Office of the High Commissioner for Human Rights; and,
- ▶ take into account the provisions of the Convention during elaboration of a draft new Constitution.

Rights of the Child

Signed: 22 August 1990; ratified: 7 September 1995.

Swaziland's initial report was due 5 October 1997.

Reservations and Declarations: Article 4.

THEMATIC REPORTS

Conscientious objection to military service, Report of the S-G to the CHR: (E/CN.4/1997/99, paras. 2, 15)

The report of the Secretary-General notes that neither compulsory military service nor conscription exists in Swaziland and that the system was based on voluntary military service.

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TANZANIA

(United Republic of)

Date of admission to UN: 14 December 1961 (incorporating Tanganyika and Zanzibar).

TREATIES AND REPORTS TO TREATY BODIES

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

Economic, Social and Cultural Rights

Acceded: 11 June 1976.

Tanzania's initial report was due 30 June 1990.

Civil and Political Rights

Acceded: 11 June 1976.

Tanzania's third periodic report (CCPR/C/83/Add.2) has been submitted but is not yet scheduled for consideration by the Committee; the fourth periodic report was due 11 April 1996.

Racial Discrimination

Acceded: 27 October 1972.

Tanzania's eighth through 12th periodic reports (covering the period 1987–1995) have not been submitted; the 12th periodic report was due 26 November 1995.

Discrimination against Women

Signed: 17 July 1980; ratified: 20 August 1985.

Tanzania's second and third periodic reports have been submitted as one document (CEDAW/C/TZA/2-3) which is pending for consideration at the Committee's July 1998 session; the fourth periodic report is due 19 September 1998.

Rights of the Child

Signed: 1 June 1990; ratified: 10 June 1991.

Tanzania's second periodic report is due 9 July 1998.

COMMISSION ON HUMAN RIGHTS

The situation in Tanzania was considered at the 1997 session of the Commission on Human Rights under the confidential 1503 procedure. The Commission decided to discontinue consideration of Tanzania under 1503 and did not take any action officially to move discussions into public meetings under another agenda item.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, paras. 539–542)

The Special Rapporteur transmitted to the government 12 cases of torture and other ill-treatment that occurred in Zanzibar following the general election in October 1995. The information indicated that activists from the opposition Civic Unit Front (CUF) were particularly targeted by the police, the security services and members of the youth wing of the ruling party (CCM). The government variously replied that the use of force by the police had been justified because the suspects had resisted arrest or otherwise defied police orders.

Other Reports

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 notes that the UN Information Centre Dar-es-Salaam arranged for a message of the Secretary-General to be broadcast on several local radio stations: Radio One, Radio Tanzania Dar-es-Salaam and Radio Tumaini. The message was also read on Independent Television and Dar-es-Salaam television, and published in the *Daily News*.

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TOGO

Date of admission to UN: 20 September 1960.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Togo has submitted a core document (HRI/CORE/1/Add. 38/Rev.1) for use by the treaty bodies. The report prepared by the government includes demographic and statistical data as well as information on political history and the general legal framework for the protection of human rights.

The Constitution establishes the framework for rights and contains provisions related to the Constitutional Court, the Court of Audit, the High Authority for Communications and Broadcasting, the Economic and Social Council, the High Court of Justice, and the National Human Rights Commission. The national Commission is a civil law institution which has four objectives: to protect the rights of citizens; to consider and recommend to the authorities any bills concerning human rights with a view to their adoption; to organize seminars and symposia on human rights; and to express opinions on human rights issues. The Commission also considers applications from any individual, or a third party or non-governmental organization acting on behalf of an individual, seeking remedy for a violation of human rights. The Ministry of Human Rights was established in 1992 and has responsibility for implementing the government's human rights policy and coordinating initiatives in this area. The provisions of international human rights instruments have been incorporated into the Constitution and may be invoked before the courts.

Economic, Social and Cultural Rights

Acceded: 24 May 1984.

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

Civil and Political Rights

Acceded: 24 May 1984.

Togo's third periodic report was due 31 December 1995.

Optional Protocol: Acceded: 30 March 1988.

Racial Discrimination

Acceded: 1 September 1972.

Togo's 11th through 13th periodic reports have been submitted as one document (CERD/C/319/Add.3) which is not yet scheduled for consideration by the Committee; the 14th periodic report is due 1 October 1999.

Discrimination against Women

Acceded: 26 September 1983.

Togo's initial and second through fourth periodic reports were due 26 October 1984, 1988, 1992 and 1996 respectively.

Torture

Signed: 25 March 1987; ratified: 18 November 1987.

Togo's initial and second and third periodic reports were due 17 December 1988, 1992 and 1996 respectively.

Reservations and Declarations: Declaration under articles 21 and 22.

Rights of the Child

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

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

Togo's initial report (CRC/C/3/Add.42) was considered by the Committee at its October 1997 session. The report prepared by the government includes information on: general measures of implementation; state, legal and administrative institutions; non-state mechanisms, including reference to international bodies such as UNICEF and WHO and to NGOs in Togo; coordination of activities to benefit children; the composition and role of the National Committee for the Protection and Promotion of Children; civil rights and freedoms; the family environment and alternative care; basic health and welfare; education; special protection measures; drug abuse; and the sale, trafficking and abduction of children.

The Committee's concluding observations (CRC/C/15/Add.83) welcomed: the inclusion of human rights provisions in the Constitution adopted in 1992; the establishment of a National Human Rights Commission and a Ministry for Human Rights and Rehabilitation; the supremacy of international human rights instruments and the fact that they may be invoked directly before the courts; the willingness of the government to consider ratifying the African Charter on the Rights and Welfare of the Child; the establishment of the National Committee for the Protection and Promotion of Children; efforts made to translate the Convention into Kabyè and Ewé; and the emergence of national NGOs and steps taken to enhance cooperation between them and the government.

The principal subjects of concern identified by the Committee were: the fact that legislative provisions on, for example, nationality, adoption, labour and juvenile justice do not conform with the Convention; the lack of human and financial resources for the National Committee; failure to adopt a national plan of action on children's rights; the lack of a systematic mechanism to monitor progress in all areas covered by the Convention; the absence of policies and measures to guarantee fully economic, social and cultural rights; the lack of harmonization between different legal minimum ages; the persistence of discriminatory practices against some groups of children, especially girls and children with disabilities, and children living in rural areas; the insufficiency of measures taken to implement effectively 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; the lack of sufficient awareness of the Convention among both adults and children; the lack of sufficient training for professional groups working with children; the fact that in

many cases children are not registered at birth; the fact that corporal punishment is a common practice in the family, schools and other institutions; and the absence of a comprehensive law that clearly prohibits corporal punishment of children.

The Committee also expressed concern over: the absence of a mechanism to protect children from harmful information, including pornography; the increase in the number of children living and/or working on the streets in major cities; the absence of a comprehensive legal framework related to adoption; the persistence of child abuse, including ill-treatment within the family; the absence of an appropriate administrative mechanism to prevent and combat child abuse; the difficult health situation faced by the majority of children; the spread of HIV/AIDS throughout the population; the incidence of early pregnancies; the fact that traditional attitudes and harmful practices, in particularly female genital mutilation, still prevail in some regions; the low level of school enrollment and the high drop-out rate, especially among girls; the absence of a legal framework to protect refugee and internally displaced children; the stipulation that a refugee child must reach the age of 18 to acquire Togolese citizenship; the insufficiency of measures to prevent and combat economic exploitation of children, especially in the informal sector; the widespread sale and trafficking of children, resulting in their economic and sexual exploitation; the emergence of substance abuse among children; the absence of comprehensive information and data related to sexual abuse and exploitation of children, including in the family and when serving as domestic workers; the problems in the administration of juvenile justice related to, *inter alia*, conditions of detention, lack of access to legal assistance, and the inadequacy of existing alternative measures to imprisonment.

The Committee recommended that the government:

- ▶ initiate a law-reform process that would result in the enactment of a comprehensive children's code;
- ▶ reinforce the role and resources of the National Committee;
- ▶ give priority to budget allocations for the realization of the economic, social and cultural rights of children, with particular emphasis on health and education;
- ▶ take measures to harmonize legal minimum ages with the provisions of the Convention;
- ▶ take measures, including public information campaigns, to prevent and combat all forms of prevailing discriminatory attitudes against girls and children with disabilities, especially those living in rural areas in order, for example, to facilitate their access to basic services;
- ▶ launch a systematic information campaign for children and adults on the Convention and consider incorporating the Convention into the curricula of education institutions;
- ▶ develop comprehensive training programmes for professional groups working with and for children such as judges, lawyers, magistrates, law enforcement personnel, army officials, teachers, health personnel, social workers and personnel of child-care institutions;
- ▶ develop an effective system of birth registration;

- ▶ explicitly prohibit by law corporal punishment and amend legislation protecting children from violence in accordance with the provisions of the Convention;
- ▶ take all appropriate measures to protect children from harmful information, including in the audio-visual media and in media using new technologies;
- ▶ take all appropriate measures to promote and guarantee the child's right to freedom of expression at home, in school, in other institutions, and in society;
- ▶ adopt laws on adoption and consider ratifying the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption;
- ▶ take all appropriate measures, including law enforcement and rehabilitation, to combat all forms of child abuse, especially ill-treatment within the family;
- ▶ undertake to prevent and combat the phenomenon of children working and/or living in the street;
- ▶ strengthen health care for children as well as information and prevention programmes to combat HIV/AIDS and sexually transmitted diseases;
- ▶ continue and strengthen family planning and reproductive health programmes, including for adolescents;
- ▶ noting efforts to draft specific legislation to prohibit female genital mutilation, enact rapidly such a law and develop public campaigns involving all sectors of society, including traditional leaders, with a view to changing attitudes;
- ▶ make primary education compulsory and free to all;
- ▶ make efforts to ensure easy and full access to basic services, including the areas of health, education and social services, to refugee children living in Togo;
- ▶ adopt legislation and measures to protect children from exploitation through child labour in the informal sector and take appropriate measures, including through cooperation agreements with neighbouring countries, to prevent and combat the trafficking and sale of children;
- ▶ support all rehabilitation programmes dealing with child victims of drug and substance abuse;
- ▶ reinforce the legislative framework to protect children fully from all forms of sexual abuse or exploitation, including within the family; and,
- ▶ envisage undertaking a comprehensive reform of the juvenile justice system, with particular attention given to terms and conditions of detention, access to legal assistance and alternative measures to imprisonment.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights **Disappearances, Working Group on enforced or involuntary:** (E/CN.4/1997/34, paras. 345–347)

No new cases of disappearance were transmitted by the Working Group (WG) to the government. There remain 10 cases to be clarified, concerning: six people who were reportedly detained in 1994 by members of the armed forces as they were on their way to visit relatives of the Secretary-General of

the Togolese Drivers' Trade Union; a civil servant who was reportedly the adviser to the President of the High Council of the Republic between 1991 and 1993 and who is said to have been abducted from his car and taken to an unknown destination by three men in a minibus, followed by a military vehicle; a man arrested by the police and taken to the Central Commissariat from where he disappeared a few days later; a farmer abducted from his home by armed men and taken to an unknown destination; and a businessman abducted from his home by five men in military fatigues. The WG notes that no new information on these cases was received either from the government or the sources of the reports.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 19, 96; E/CN.4/1997/60/Add.1, paras. 474–476)

The report refers to a letter received from the government related to the amnesty law that was enacted by the National Assembly concerning all acts of homicide and other crimes committed on 25 March 1993 and 5 and 6 January 1994, and all offences of a political nature committed prior to 15 December 1994. The government noted that, under the law, the persons arrested for political or politically-inspired offences were being released and all judicial proceedings against those alleged to have committed offences of this type were being dropped. The Special Rapporteur (SR) reiterated his concern about such an amnesty law, noting that it is creating a climate of impunity in Togo. Further, that because of its extremely broad scope, it is detrimental to the rights of victims of human rights violations. The SR reminded the government that efforts to ascertain the truth concerning all human rights violations are essential, and that if national reconciliation is to have firm foundations, it must not neglect the right of all victims to demand that justice be done. To the same end, the SR urged the government to take into consideration the right of the victims to redress and compensation.

Mechanisms and Reports of the Sub-Commission

Contemporary forms of slavery, Working Group on: (E/CN.4/Sub.2/1997/13, para. 74)

In the section dealing with early marriages, incest and detained juveniles, the report of the Working Group refers to information indicating that children are trafficked from Togo to Ghana, Côte d'Ivoire, Burkina Faso and other countries in Africa. The organization reporting this called for coordination and cooperation among the countries in the region, non-governmental organizations and other institutions with a view to drawing up a regional plan of action to combat the exploitation and trafficking of children in West Africa.

Traditional practices affecting the health of women and children, Special Rapporteur on: (E/CN.4/Sub.2/1997/10, para. 15)

The report refers to the practice of "Trocosi" girls, or those delivered into the "slavery of God" and notes that Togo is among the countries in which the practice exists.

Other Reports

National institutions, Report of the S-G to the CHR: (E/CN.4/1997/41, para. 24)

The report of the Secretary-General refers to a statement by a representative of the National Commission for Human

Rights of Togo noting that: the Commission was entrusted with protecting citizens from abuse by government agencies and bodies of the state; it had carried out regular but unannounced visits to police stations and places of detention, leading in some cases to the release of persons arbitrarily detained and to improvements in prison conditions; discussions had been held with officials of Benin to consider conditions of Togolese citizens in exile in that country; and, the National Commission had participated in and encouraged regional meetings of national human rights bodies.

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TUNISIA

Date of admission to UN: 12 November 1956.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Tunisia has submitted a core document (HRI/CORE/1/Add.46) for use by the treaty bodies. The report prepared by the government contains demographic and statistical data as well as information on overall political development, the constitutional and legal framework and the general legal framework for the protection of human rights.

The Constitution establishes fundamental rights and freedoms and a number of laws have been amended or enacted to give effect to specific rights, *inter alia*, the Press Code, a law on reform of the education system, the Personal Status Code, the Nationality Code, the Labour Code, and the Criminal Code. A number of political and administrative bodies have been established to ensure the protection of human rights. These include the Principal Advisor on Human Rights to the Head of State, human rights units in the Ministries of Foreign Affairs, the Interior, Justice and Social Affairs, and the Economic and Social Council. In addition to these bodies and the courts, other institutions have been set up to monitor respect for human rights and include the Higher Committee on Human Rights and Fundamental Freedoms, a consultative body under the aegis of the President which, in addition to advising the President may also receive complaints from individuals, and the office of the Ombudsman. International human rights treaties to which Tunisia is a party are more binding than internal legislation.

Economic, Social and Cultural Rights

Signed: 30 April 1968; ratified: 18 March 1969.
Tunisia's second periodic report (E/1990/6/Add.14) has been submitted and is scheduled for consideration by the Committee at its November/December 1998 session; the third periodic report is due 30 June 2000.

Civil and Political Rights

Signed: 30 April 1968; ratified: 18 March 1969.
Tunisia's fifth periodic report was due 4 February 1998.
Reservations and Declarations: Declaration under article 41.

Racial Discrimination

Signed: 12 April 1966; ratified: 13 January 1967.
Tunisia's 13th and 14th periodic reports were due 4 January 1994 and 1996 respectively.

Discrimination against Women

Signed: 24 July 1980; ratified: 20 September 1985.

Tunisia's third periodic report was due 20 October 1994.
Reservations and Declarations: Paragraph 2 of article 9; paragraphs (c), (d), (f), (g) and (h) of article 16; paragraph 2 of article 29; paragraph 4 of article 15.

Torture

Signed: 26 August 1987; ratified: 23 September 1988.
Tunisia's second periodic report was due 22 October 1993.
Reservations and Declarations: Declaration under articles 21 and 22.

Rights of the Child

Signed: 26 February 1990; ratified: 30 January 1992.
Tunisia's second periodic report is due 28 February 1999.
Reservations and Declarations: Preamble; article 6; article 2; paragraph 2 (b) (v) of article 40; article 7.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Arbitrary detention, Working Group on: (E/CN.4/1997/4, paras. 4, 7, 13, 17, 21; E/CN.4/1997/4/Add.1, Decision 5)

The main report notes that one case and four urgent appeals were sent and that the government replied to the appeals, stating that the four persons concerned had been released. No details of the cases or the government's responses were provided.

Decision 5 (1996) related to four persons: a primary school teacher who was reported to have been taken into custody, questioned for the whole day and then released in the evening, with the process repeated for several consecutive days; a woman who had been tried on charges of having helped her husband to flee from Tunisia and of belonging to al-Nahda, in contravention of the Organization of Associations Act of 7 November 1959; an anaesthetist who was arrested at his home by four inspectors and questioned about two journeys he made, one to Mecca and the other to France, and who was detained without charge or trial; and, a lawyer known for his human rights activities, who was arrested in June 1994 and held in custody since that time. The government responded to the cases, stating that the four had each been formally arrested, prosecuted and sentenced for offences under the Tunisian Penal Code. As regards to the first two cases, the individuals had been charged with membership in an unrecognized extremist movement called "Ennahda", which promotes hatred and racial and religious fanaticism, and for the assistance they gave to that movement, either by collecting money on its behalf or by helping a member of the movement to escape. The government further stated that: all four had, throughout the judicial proceedings, enjoyed full guarantees of a fair trial and of the observance of the rights to defence; they were allowed visits from their families during custody; and, were able to appeal against their convictions in first instance.

On the basis of the information received and the response of the government, the Working Group (WG) noted that the four had been prosecuted and sentenced under provisions of Tunisian criminal law and that the offences of which they were accused, such as membership in an illegal or unauthorized movement, were not in themselves incompatible with the relevant international human rights instruments. The WG also noted that the defendants had had access to remedies which

proved to be effective in one of the cases. On that basis the WG declared that the detentions were not arbitrary.

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 383–384)

One case of disappearance was transmitted to the government of Tunisia concerning a person who was reportedly abducted in 1995 from his home by three plain-clothed men, believed to be members of the security forces. The government responded that the individual had been arrested and brought before the Public Prosecutor who had charged him with terrorist activities within the banned “Ennahda” movement, and he was detained at the civil prison in Tunis.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (, paras. 15, 16, 19, 32, 64, 96; E/CN.4/1997/60/Add.1, paras. 505–513)

The information received by the Special Rapporteur (SR) on violations of the right to life emphasized the absence of independent investigations of numerous cases of death in detention related to torture and the fact that the persons responsible for human rights violations enjoy complete impunity.

Individual cases transmitted to the government related to acts of intimidation and harassment and deaths in custody as a result of torture and ill-treatment. The government variously responded that: autopsies had not turned up any trace of violence and the death by hanging was suicide; the persons died from natural causes; and, the death was the result of stomach cancer. The SR expressed continuing concern at the persistent allegations of violations of the right to life and, in particular, the numerous deaths in detention following allegations of ill-treatment and torture.

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

The report refers to the case of a couple, the woman a lawyer and the man a Deputy in the Parliament and one of the co-founders of the Arab Institute of Human Rights and the Mediterranean Centre for Human Rights. The information received indicated that they had been barred from leaving the country and had had their passports confiscated when they were on the point of leaving Tunisia by air to attend a colloquium of the Mediterranean Centre for Human Rights in Malta. The government responded that the decision to prevent the two from leaving the country was in no way connected with their right to freedom of opinion and expression; rather, the measure had been taken on the basis that the husband was in possession of suspicious documents while preparing to leave the country and the wife was prevented from leaving the country in accordance with an order previously issued by the examining magistrate, prohibiting her from travelling abroad.

Independence of judges and lawyers, Special Rapporteur on: (E/CN.4/1997/32, paras. 17, 18, 20, 21, 159–164)

The report refers to an urgent appeal sent to the government regarding the case of a lawyer and human rights defender who was reportedly convicted to eight years' imprisonment, without having the right of defence, since the 30 lawyers who were assisting him had left the hearing room in order to protest the refusal of the court to postpone the proceedings. The report notes that the postponement had been

requested to allow the lawyers adequate time to prepare the defence. The information received indicated that the lawyer had stated that he had not been fully informed about the details of the charges against him, that he did not have the right to appeal, and that the trial might have been linked to his work as a human rights defender. The government replied that access to defence counsel had been provided and that the withdrawal of the lawyers during the proceedings had been an attempt to influence the court's decision. The government further stated that the allegation that the right to appeal had not been granted was unfounded; and that the lawyer's detention was not linked to his activities as a human rights lawyer, but based on specific acts punishable under ordinary law. The government later informed the SR that the lawyer had been released.

The Special Rapporteur (SR) also transmitted a letter to the government concerning the case of the human rights defender and parliamentarian, who had reportedly received a five-year prison sentence on charges of leaking secret information to foreign powers in a case bearing on national security. Information received indicated that he had passed documents to a European international lawyer concerning the case of the leader of the opposition Social Democratic Party (MDS), sentenced to 11 years' imprisonment on charges of having had relations with a foreign power. Information also indicated that the lawyer's imprisonment was the result of his non-violent activities in defence of human rights and civil liberties in Tunisia. The government replied that the conviction was not related to the defendant's work as a defender of human rights, and that no official complaints about alleged threats and acts of intimidation and harassment had been received by the authorities. The government also stated due process had been followed in each step of the detention, trial and conviction. And, subsequently, that the individual had been conditionally released from prison for humanitarian reasons.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, paras. 478–487)

The report refers to information indicating that: the Tunisian judicial system was unaware that detainees had alleged that their statements were obtained by torture, particularly when they were being held in custody; in the rare cases when medical examinations were carried out, the doctors were designated by the authorities, usually several weeks after the events in question took place; and, the few investigations carried out into allegations of torture and ill-treatment did not provide all the necessary guarantees, particularly as regards impartiality, and the results were never made public. The Special Rapporteur (SR) noted the persistence of allegations over the years and the widespread doubts as to the evidence of medical examinations conducted by doctors in government service, stating that these facts suggest the importance of ensuring the monitoring of the detention and interrogation practices of law enforcement agencies by an independent body and permitting access of independent physicians to detainees at their request.

Eight cases and two urgent appeals were transmitted to the government, involving arrests, in a number of them, on charges of belonging to a banned organization. Information received indicated various forms of torture and ill-treatment,

including: beatings, immersion of the head in a basin of water, use of electric shocks, sleep and food deprivation, and suspension. The government responses to the cases variously indicated that: a committee responsible for investigating the conditions of treatment of detainees had considered that they conformed to national and international law; the person in question had never been subjected to any ill-treatment and had been allowed medical examinations and visits by relatives and lawyers; no complaint of ill-treatment had been lodged; death was due to natural causes; and, the public health physician had reported no signs of violence.

Other Reports

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

The report of the High Commissioner for Human Rights refers to information provided by the government, noting the establishment of a National Committee for Human Rights Education. A preliminary report from the National Committee contained information on the status of human rights education in primary schools, secondary schools and higher education, on existing programmes of human rights training for professional groups (such as law enforcement agents, magistrates and lawyers) and in professional training centres, on programmes addressed to vulnerable groups (children, including juvenile offenders, women, people with disabilities, detainees) and on the existing information about human rights among the public in general, with an emphasis on the role of the media. The government also stressed the important role of the Arab Institute for Human Rights, based in Tunis, in the dissemination of a culture of human rights through the organization of several national and regional seminars. Finally, the government illustrated its envisaged national strategy for human rights education, which includes close cooperation with UN agencies.

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UGANDA

Date of admission to UN: 25 October 1962.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Uganda has submitted a core document (HRI/CORE/1/Add. 69) for use by the treaty bodies. The report prepared by the government contains demographic and statistical data as well as information on the economy, political history, organization of the executive, legislative and judicial branches of government, and the legal framework for the protection of human rights.

Laws for the protection of human rights are upheld through the formal courts — the Supreme Court, the High Court and the Magistrates Courts — as well as informal courts mainly composed of Resistance Council courts. The Resistance Councils were established at the grass roots level to organize people and check the human rights abuses that were common in the country prior to 1986. The Resistance Council structure blends the traditional style of government with modern democratic principles. The rights set out in various human rights instruments are protected by the Constitution, supplemented by the Penal Code Act,

Magistrates Court Act, the Trial and Indictment Decree and other statutes. The Inspector General of Government is mandated to protect and promote human rights and rule of law as well as deal with administrative abuses. The Human Rights Commission is empowered to hear human rights related cases but cannot try anyone implicated in violations. There is also a Human Rights desk at the Ministry of Justice. International human rights instruments are not directly enforceable by the courts or administrative authorities nor are they self-executing.

Economic, Social and Cultural Rights

Acceded: 21 January 1987.

Uganda's initial and second periodic report were due 30 June 1990 and 1995 respectively.

Civil and Political Rights

Acceded: 21 June 1995.

Uganda's initial report was due 20 September 1996.

Optional Protocol: Acceded: 14 November 1995.

Reservations and Declarations: Article 5.

Racial Discrimination

Acceded: 21 November 1980.

Uganda's second through eighth periodic reports (covering the period 1983–1995) have not been submitted; the eighth periodic report was due 21 December 1995.

Discrimination against Women

Signed: 30 July 1980; ratified: 22 July 1985.

Uganda's third periodic report was due 21 August 1994.

Torture

Acceded: 3 November 1986.

Uganda's initial, second and third periodic reports were due 25 June 1988, 1992 and 1996 respectively.

Rights of the Child

Signed: 17 August 1990; ratified: 17 August 1990.

Uganda's second periodic report was due 15 September 1997.

Uganda's initial report (CRC/C/3/Add.40) was considered by the Committee at its September/October 1997 session. The report prepared by the government is exhaustive in detail and includes information on general measures to implement the Convention, the definition of a child, and general principles. Specific areas addressed include civil rights and freedoms, family environment and alternative care, basic health and health services, education, leisure and cultural activities, and special protection measures. Under these headings a number of rights are considered including: name and nationality, preservation of identity, freedom of expression, freedom of thought, conscience and religion, freedom of association and peaceful assembly, torture and degrading treatment, protection of privacy, parental guidance and responsibility, family reunification, adoption, protection from abuse and neglect, children with disabilities, social security, vocational training and guidance, situations of emergency, children in conflict with the law, situations of exploitation, and children of minority or indigenous populations.

The Committee's concluding observations and comments (CRC/C/15/Add.80) welcomed: the establishment in 1992 of the National Council of Children; adoption of the Uganda

National Plan of Action for Children; decentralization of the National Plan of Action leading to adoption of 34 district plans of action; enactment in 1995 of a new Constitution; enactment, in 1996, of the Children's Statute incorporating specific provisions related to children's rights; the fact that Uganda is one of seven African countries to have ratified the African Charter on the Rights and Welfare of the Child; and, the priority being given to health and, in particular, health care for children especially in the areas of child mortality, breastfeeding, nutrition programmes, HIV/AIDS, female genital mutilation and access to clean drinking water.

The Committee acknowledged that poverty, armed conflict in the north and the HIV/AIDS pandemic have posed major difficulties hindering implementation of the Convention. In this regard, the Committee also noted that prejudicial traditional practices and customs, particularly in rural areas, are obstacles to implementation especially with regard to the principles of non-discrimination, best interests of the child and respect for the views of the child.

The principal subjects of concern identified by the Committee were: the inadequate coordination between national and district bodies to promote and protect the rights of the child; lack of the necessary institutional capacity, skills and financial resources in the National Children's Council and other bodies, ministries and councils to carry out their mandates; the insufficiency of measures to harmonize national legislation with the Convention particularly in the areas of the definitions of a child, youthful offenders and minors; following on this point, the incompatibility of national legislation with the Convention in the areas of non-discrimination related to marriage, employment and juvenile justice, and the conflict between customary law and the Convention; lack of adequate measures for systematic collection of data in all areas covered by the Convention; the limited human and financial resources to collect and process data and assess the impact of policies on children, especially the most vulnerable groups of children; insufficiencies and lack of a systematic approach to training in children's rights for all professional groups, including police and security forces, army officials, judicial personnel, magistrates, lawyers, teachers and school administrators, social workers, staff of child-care institutions and health and medical personnel; and, the failure to translate the Convention into any of the vernacular languages.

The Committee expressed concern over: the lack of adequate legislative, administrative and other measures related to economic, social and cultural rights, in particular for girls, orphans, children with disabilities, abandoned children, children born out of wedlock, children in single-parent families, street children and child victims of abuse and/or economic or sexual exploitation; the persistence of discriminatory practices against girls and some groups of children, especially children with disabilities and children in rural areas; the insufficiency of measures to combat and prevent ill-treatment and abuse; the fact that disciplinary measures in some schools and law enforcement institutions involve corporal punishment; lapses in registration at birth; the continuing high rates of infant and child mortality; the rapid spread of HIV/AIDS; failure to implement fully and equally the right to free and compulsory primary education; violations of international humanitarian law in the northern part of the country;

violations of rights in detention centres; remanding of children in adult prisons or police cells; long periods of custody; delays before trial; the inadequacy of existing alternative measures to imprisonment; the difficulties encountered by refugee children with regard to access to education, health and social services; the insufficiency of legal and other measures to prevent and combat the economic exploitation of children; the increase in the number of street children; the increase in the number of child prostitutes; the lack of a state strategy to combat the abuse and sexual exploitation of children; and, the insufficiency of measures taken for the physical and psychological recovery and social reintegration of child victims of war and abuse.

The Committee recommended that the government:

- ▶ take steps to strengthen the National Children's Council and coordination between all relevant national and district bodies;
- ▶ harmonize fully national legislation with the principles and provisions of the Convention;
- ▶ make greater efforts to ensure that the provisions of the Convention are widely known, partly through translation of the Convention into local languages, and establish systematic training and retraining programmes on children's rights for all professional groups;
- ▶ accord priority to budget allocations related to the economic, social and cultural rights of children, with particular emphasis on health and education;
- ▶ take all appropriate measures to prevent and combat all forms of discrimination against girls, orphans, children with disabilities, abandoned children, children born out of wedlock, child victims of abuse and/or sexual and economic exploitation;
- ▶ direct special efforts to the development of an effective system of registration at birth;
- ▶ take all appropriate measures to prevent and combat infant and child mortality and malnutrition, strengthen information and prevention programmes to combat HIV/AIDS and other sexually transmitted diseases; and strengthen family planning and reproductive health educational programmes, including for adolescents;
- ▶ take measures to stop the killing and abduction of children and use of children as child soldiers in the area of armed conflict;
- ▶ give special attention to the problems of ill-treatment and abuse, including sexual abuse within the family and corporal punishment in schools;
- ▶ undertake a comprehensive reform of the juvenile justice system and pay particular attention to the right to prompt access to legal assistance and judicial review;
- ▶ give special attention to refugee and internally displaced children to ensure they have equal access to basic facilities;
- ▶ adopt a strategy to address the problem of children working and/or living on the street;
- ▶ design and adopt informal education programmes to prevent sexual abuse and exploitation of children, especially child prostitution; and,

- ▶ give specific attention to monitoring implementation of labour laws to protect children from economic exploitation and adopt explicit legislation to protect children from economic exploitation through employment as domestic servants and in other informal sectors.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 359–361)

No new cases of disappearance were transmitted by the Working Group (WG) to the government. The report notes that all of the 20 reported cases of disappearance occurred between 1981 and 1985, before the present government took office. The arrests or abductions occurred throughout the country and in one case the person was allegedly abducted while in exile in Kenya and taken to Kampala. One case concerned the 18 year-old daughter of an opposition member of the Ugandan Parliament. The arrests are said to have been made by either policemen, soldiers or officials of the National Security Agency. Thirteen cases remain to be clarified and the government did request that these cases be retransmitted.

Sale of children, child prostitution, child pornography, Special Rapporteur on: (A/52/482, para. 18)

The Special Rapporteur's interim report to the General Assembly notes that information continues to be received related to the abduction of children for the purposes of child labour or recruitment into the armed forces in the northern part of the country.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, para. 301, 532)

The Special Rapporteur transmitted one case to the government related to a political activist involved with the combined Uganda People's Congress and Democratic Party. Information received indicated that the man had been arrested by members of the army on suspicion of supporting guerilla fighters and, further, that he had been held incommunicado in a large, unlit underground hold, tortured by means of knife cuts and denied sufficient food.

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

In the section on rape and sexual violence, the report notes that under the Ugandan Penal Code, rape, defilement of girls under the age of 18 and unlawful sexual intercourse with a prisoner are punishable by the death penalty. In the section on trafficking in women and forced prostitution, the report states that women from Uganda are lured to Kenya for the purpose of providing prostitutes for the growing tourist population and that parents in eastern Uganda are deceived by traffickers into believing that their daughters will work on farms or as domestic workers in Kenya.

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 refers to information indicating that a de facto state of emergency exists, related particularly to the application of the Public Order and Security Act of 1967 and the violence that is taking place in the northern part of the country.

Traditional practices affecting women and children, Special Rapporteur on: (E/CN.4/Sub.2/1997/10/Add.1, para. 30)

The report refers to the concern expressed by the Committee on the Elimination of Discrimination against Women about genital mutilation in Uganda (see A/50/38).

OTHER REPORTS

Detention of international civil servants, Report of the S-G to the CHR: (E/CN.4/1997/25, para. 60)

The report of the Secretary-General refers to information provided by the World Food Programme (WFP) noting that two local WFP field monitors and a driver travelling in a WFP vehicle were ambushed and robbed by six armed men, and that reports regarding harassment of WFP truck drivers crossing the Uganda-Zaire border have been frequent during the last year.

* * * * *

ZAMBIA

Date of admission to UN: 1 December 1964.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Zambia has submitted a core document (HRI/CORE/1/Add.22/Rev.1) for use by the treaty bodies. The report prepared by the government includes demographic and statistical data as well as information on the multi-party system of government, the separation of powers and the general legal framework for the protection of human rights.

The 1991 Constitution expressly provides safeguards against violation of fundamental rights and freedoms of the individual by the state. Part III of the Constitution contains the Bill of Rights. In addition to the judicial courts through which remedies for violations may be sought, there are the following: an Industrial Relations Court; the Commission for Investigation, which is empowered to investigate and report to the President on complaints related to administrative action taken by government agencies; and the Investigator-General (Ombudsman), whose function is to determine whether there has been any fault in administration on the part of an agency that would justify the complaint, or whether the agency has acted improperly or wrongly. International human rights instruments are not self-executing and require legislative implementation. As such, they cannot be invoked directly in the courts although courts have, in some cases, given judicial notice of international instruments to which Zambia is a state party even though not incorporated in domestic law and have accordingly given redress.

Economic, Social and Cultural Rights

Acceded: 10 April 1984.

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

Reservations and Declarations: Paragraph 2 (a) of article 13.

Civil and Political Rights

Accession: 10 April 1984.

Zambia's third periodic report was due 9 July 1995.

Optional Protocol: Accession: 10 April 1984

Racial Discrimination

Signed: 11 October 1968; ratified: 4 February 1972.
Zambia's 12th and 13th periodic reports were due 5 March 1995 and 1997 respectively.

Discrimination against Women

Signed: 17 July 1980; ratified: 21 June 1985.
Zambia's third periodic report was due 21 July 1994.

Rights of the Child

Signed: 30 September 1990; ratified: 6 December 1991.
Zambia's initial report was due 4 January 1994.

THEMATIC REPORTS***Mechanisms of the Commission on Human Rights*****Sale of children, child prostitution, child pornography, Special Rapporteur on:** (E/CN.4/1997/95, para. 45)

The report refers to information indicating that Zambia has one of Africa's highest levels of child prostitution, caused to a great extent by the social adjustment programme that was dictated by the World Bank and IMF donors, and affected tens of thousands of state jobs, free education and food subsidies without any buffers to soften the impact.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Section III; E/CN.4/1997/7/Add.1, para. 580)

The addendum to the main report notes that an urgent appeal was sent to the government in March 1996 on behalf of the editor-in-chief and the managing editor of the newspaper *The Post*, who were detained in connection with published articles critical of the government. The government replied that they had been detained after refusing to obey a summons to appear before the Privileges and Immunities Committee of the National Assembly to answer allegations of debasing the National Assembly. It stated further that there was no information to suggest they had been subjected to torture or ill-treatment; nor had they made any complaint to that effect on their release.

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 declared in Zambia on 4 March 1993.

OTHER REPORTS**Conscientious objection to military service, Report of the S-G to the CHR:** (E/CN.4/1997/99, paras. 2, 15)

The report of the Secretary-General noted that there is neither compulsory military service nor conscription in Zambia.

HIV/AIDS, Report of the S-G to the CHR: (E/CN.4/1997/37, para. 6)

The report of the Secretary-General on the Second International Consultation on HIV/AIDS and Human Rights (Geneva, September 1996) notes that the Network of African People Living with HIV/AIDS in Zambia prepared one of the background papers for the Consultation.

Right to development, Report of the S-G to the CHR: (E/CN.4/1997/21, para. 8)

The report of the Secretary-General notes information received from the UN Population Fund (UNFPA) referring to a UNFPA research study being conducted in a number of countries, including Zambia, on the attitudes and views of adolescent boys and men about their sexual and reproductive behaviour, decision-making about contraception, and their role in the family.

Women's human rights, Report of the S-G to the CHR: (E/CN.4/1997/40, para. 52)

The report of the Secretary-General on the integration of women's human rights throughout the UN system notes that the Human Rights Committee, with respect to Zambia, expressed concern over: the remnants of certain traditions and customs which constituted an obstacle to the effective implementation of the Covenant, particularly with regard to equality between men and women; the application of customary laws in matters of personal status, marriage, divorce and inheritance rights, which reinforced outdated attitudes concerning the role and status of women; and, the lack of measures to address adequately problems raised with regard to violence against women and the high maternal mortality rate resulting from abortion. The report notes recommendations made by the Committee, including that the government: review its laws, particularly the laws governing the status of women and women's rights and obligations in marriage, and make appropriate amendments; abrogate subsections 23 (4) (c) and (d) of the Constitution, to ensure full legal and de facto equality for women in all aspects of social and economic relationships; and, increase efforts to prevent and eliminate persisting discriminatory attitudes and prejudices against women.

* * * * *

ZIMBABWE

Date of admission to UN: 25 August 1980.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Zimbabwe has submitted a core document (HRI/CORE/1/Add.55) for use by the treaty bodies. The report prepared by the government contains demographic and statistical data as well as information on the structure of government, the system of law and the framework for the protection of human rights.

In addition to legal provisions on human rights, the Office of the Ombudsman was established by Act of Parliament in 1982. The Ombudsman is empowered to investigate administrative actions taken by ministries, government departments and statutory authorities which are alleged to have caused injustice. Actions by the defence forces, police, prison services, the President and presidential staff, the Cabinet office, the Attorney-General and judicial officers, however, may not be investigated by the Office. Neither may the Office initiate an investigation in the absence of a complaint. The Constitution protects the rights to life, freedom from slavery and forced labour, freedom from inhuman treatment and others.

Provisions also guarantee the rights of freedom of conscience, expression, assembly, association and movement. Any person who feels that rights set out in the Declaration of Rights have been violated may apply to the Supreme Court for redress. The Declaration of Rights may also be invoked in other courts and it is established practice that the rights contained in the Declaration are considered on the basis of the interpretation of equivalent rights in other jurisdictions and relevant international and regional human rights instruments.

Economic, Social and Cultural Rights

Acceded: 13 May 1991.

Zimbabwe's second periodic report is due 30 June 1998.

Zimbabwe's initial report (E/1990/5/Add.28) was considered by the Committee at its May 1997 session. The report prepared by the government covered rights set out in articles 1 through 15 of the Covenant and included commentary on constitutional, legal and administrative provisions in the areas of: the right to, and conditions of, work; trade unionism; social security; protection and assistance to the family; an adequate standard of living; physical and mental health; education; and, cultural life and scientific progress.

The Committee's concluding observations (E/C.12/1/Add.12) acknowledged the efforts made in the areas of democratization and good governance, as well as the fact that Zimbabwe has not filed any reservations to the Covenant and has ratified a number of other international human rights instruments.

In terms of factors and difficulties that remain obstacles to implementation, note is made of the fact that under domestic law the Covenant cannot be invoked directly before the courts, even though its principles are generally reflected in domestic law. The Committee also noted that, in terms of domestic monitoring of respect of economic, social and cultural rights, the powers of the Office of the Ombudsman are limited.

The principal subjects of concern identified by the Committee were: de facto discrimination against women, particularly in rural areas, which is attributable to traditional practices such as arranged marriages of children and forced marriages of widows with a late husband's brother; the prohibition on public servants, teachers and nurses from joining unions and the arrest and dismissal of doctors and nurses who have organized strikes; continued use of child labour; inadequacies in implementation of the right to housing; forced evictions that are carried out under conditions that are incompatible with the Covenant; and, cut backs in spending on education.

The Committee recommended that the government:

- ▶ take steps to ensure that undertakings assumed under the Covenant are appropriately reflected in domestic law and policy;
- ▶ provide appropriate access to the courts to uphold the relevant rights;
- ▶ take steps immediately to ensure *de jure* non-discrimination and protection of the cultural rights of minorities;

- ▶ give priority to the promotion of the role of women in society and the eradication of all de facto discrimination against them, in particular, through introduction of programmes to redress the imbalances in the status of women in society, particularly in rural districts;
- ▶ initiate an appropriate information campaign to acquaint the public, as well as government officials at all levels, with the provisions of the Covenant;
- ▶ extend education programmes in order to increase awareness of the provisions of the Covenant throughout society, ensure its application in the judicial process and its observance by law enforcement agencies;
- ▶ bearing in mind the government's intention to consider ratification of the ILO Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), the ILO Right to Organize and Collective Bargaining Convention, 1949 (No. 98), and the ILO Labour Relations (Public Service) Convention, 1978 (No. 151), take steps to harmonize labour laws with these instruments as soon as possible;
- ▶ if remedial steps have not already been taken, reinstate or compensate medical workers who were dismissed because they organized a strike;
- ▶ undertake constitutional reform to allow public servants, teachers and nurses to organize in unions, enable them to bargain collectively, and allow them the right to strike;
- ▶ take appropriate measures in order more effectively to guarantee the right to housing and, in particular, to ensure that no forced evictions are carried out without alternative housing being offered; and,
- ▶ within a year, submit to the Committee a plan of action and a progress report on steps taken progressively to introduce free education.

Civil and Political Rights

Acceded: 13 May 1991.

Zimbabwe's initial report (CCPR/C/74/Add.3) has been submitted but is not yet scheduled for consideration by the Committee; the second periodic report was due 1 August 1997.

Reservations and Declarations: Declaration under article 41.

Racial Discrimination

Acceded: 13 May 1991.

Zimbabwe's second and third periodic reports were due 12 June 1994 and 1996 respectively.

Discrimination against Women

Acceded: 13 May 1991.

Zimbabwe's initial report (CEDAW/C/ZWE/1) has been submitted and was pending for consideration at the Committee's January 1998 session; the second periodic report was due 12 June 1996.

Rights of the Child

Signed: 8 March 1990; ratified: 11 September 1990.

Zimbabwe's second periodic report was due 10 October 1997.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1997/34, paras. 387–390)

The 1997 report of the Working Group (WG) on enforced or involuntary disappearances indicates that the one outstanding case of disappearance was clarified on the basis of information submitted by the government and subsequently confirmed by the source. Under the unity accord of 1987 the government decided to compensate all families of missing relatives, regardless of the circumstances of their disappearance. In the absence of any conclusive evidence to establish who was responsible for the subject's disappearance, the case considered by the WG was settled out of court, and the government compensated the subject's family with an amount of Z\$ 35,000, (approximately US\$ 5,000).

Sale of children, child prostitution, child pornography, Special Rapporteur on the: (E/CN.4/1997/95, para. 44)

The report cites information indicating that social and cultural practices among the Ngozi, Kuzvorira and Chiramu condone the use of infants as young as two months old as sex objects. The practice mainly affects girls. The information further indicates that children themselves may initiate sex from as early an age as four years.

The Special Rapporteur's interim report to the General Assembly (A/52/482, para. 121) notes that education on the problems of child sex abuse and rape is started in school for children aged 8 or 9.

Other Reports

Conscientious objection to military service, Report of the S-G to the CHR: (E/CN.4/1997/99, para. 31)

There is no compulsory military service or conscription in Zimbabwe. However, the government has indicated that, should the need arise for such military service, steps will be taken to ensure that the National Service Act of 1979 and relevant measures are implemented according to section 24 of the National Service Act, which provides for exemption from military service on the grounds that a person is a conscientious objector to military service. Application for exemption from military service may be made to the Exception Board on the basis that bona fide religious beliefs inhibit participation in military service.

Women's human rights, Report of the S-G to the CHR: (E/CN.4/1997/40, para. 64)

In the section of the Secretary-General's report dealing with the activities of the human rights treaty bodies, reference is made to consideration by the Committee on the Rights of the Child of conditions in Zimbabwe. The Committee noted with concern the persistence of behavioural attitudes in society, as well as cultural and religious practices, which remain obstacles to the implementation of children's rights. Specific mention is made of the Committee's concern over the situation of female victims of practices such as *ngozi* (girl-child pledging), *lobola* (bride price) and early marriage. The Committee acknowledged that the government recognizes the problems that persistent negative attitudes towards women and girls and such practices create.

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>	Nigeria	Initial report	E/1990/5/Add.31
<i>19th Session: 16 November–4 December</i>	Tunisia	2 nd periodic report	E/1990/6/Add.14
<i>20th Session: 26 April–14 May 1999</i>	Cameroon	Initial report	E/1990/5/Add.35

Human Rights Committee (HRC or CCPR)

<i>62nd Session: 23 March–9 April 1998</i>	Uruguay	4 th periodic report	CCPR/C/95/Add.9
	Zimbabwe	Initial report	CCPR/C/74/Add.3

Committee on the Elimination of Racial Discrimination (CERD)

<i>52nd Session: 2–20 March 1998</i>	Cameroon	10 th –13 th periodic reports	CERD/C/298/Add.3
	Congo	Without report	
	DR Congo	Without report	
	Ghana	Without report	
	Libya	11 th –14 th periodic reports	CERD/C/299/Add.13
	Mauritania	Without report	
	Rwanda	Without report	

Committee on the Elimination of Discrimination against Women (CEDAW)

<i>18th Session: 19 January–6 February 1998</i>	Zimbabwe	Initial	CEDAW/C/ZWE/1
<i>19th Session: 22 June–10 July 1998</i>	Belize	Initial & 2 nd periodic report	CEDAW/C/BLZ/1-2
	Equatorial Guinea	2 nd & 3 rd periodic reports	CEDAW/C/GNQ/2-3
	Nigeria	2 nd & 3 rd periodic reports	CEDAW/C/NGA/2-3
	Tanzania	2 nd & 3 rd periodic reports	CEDAW/C/TZA/2-3
<i>20th Session: 19 January–6 February 1999</i>	Egypt	3 rd periodic report	CEDAW/C/EGY/3

Committee on the Rights of the Child (CRC)

<i>17th Session: 5–23 January 1998</i>	Libya	Initial report	CRC/C/28/Add.6
<i>20th Session: January 1999</i>	Chad	Initial report	CRC/C/3/Add.50
	Guinea	Initial report	CRC/C/3/Add.8
<i>21st Session: May/June 1999</i>	Benin	Initial report	CRC/C/3/Add.52
<i>22nd Session: September/October 1999</i>	Mali	Initial report	CRC/C/3/Add.53
<i>23rd Session: January 2000</i>	South Africa	Initial report	CRC/C/51/Add.1

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