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# **2006 Elections to the Human Rights Council**

## **Background information on candidate countries**

On 15 March 2006, the General Assembly adopted Resolution 60/251 establishing the new Human Rights Council (the Council). In operative paragraph 7 the General Assembly decided that the Council shall consist of 47 Member States elected directly and individually by secret ballot by the majority of the members of the General Assembly. It further stipulated that the membership shall be based on equitable geographical distribution and distributed seats to the regional groups as follows: African Group, 13 seats; Asian Group, 13 seats; Eastern European Group, 6 seats; Latin American and Caribbean Group, 8 seats; and Western and Others Group, 7 seats.

The resolution further decided that when electing members of the Council, Member States shall take into account the contribution of candidates to the promotion and protection of human rights and their voluntary pledges and commitments made thereto (operative paragraph 8). Finally the resolution decided that the elections of the first members of the Council shall take place on 9 May 2006.

In order to encourage greater openness and transparency around the elections to the Council, Amnesty International urged all candidate countries to announce their intention to stand 30 days in advance of the elections, i.e. by 10 April, and to make public human rights pledges that are concrete, credible and measurable. On that day, 44 countries had put themselves forward and 17 had also made a public election pledge. At the time of writing there were 65 candidates, all of whom had also made public pledges.

In order to assist Member States in assessing the contribution and commitment of candidates to the promotion and protection of human rights, Amnesty International is making available brief summaries of its recent research findings into the human rights situation in candidate countries. Please note that these summaries do not intend to give a comprehensive overview of the human rights situation in a particular country; nevertheless, Amnesty International believes they may contribute to Member States' evaluation of the candidacies in the elections to the Human Rights Council. Additional Amnesty International documents are listed after each country entry, where relevant; these may be downloaded from Amnesty International's electronic library at [www.amnesty.org/library](http://www.amnesty.org/library).

Amnesty International also takes this opportunity to draw attention to key elements of candidate countries' cooperation with the treaty monitoring bodies and the Special Procedures. The information included in this document indicates the countries' record of ratification of key human rights treaties, the timely submission of reports to the treaty monitoring bodies, the extension of a standing invitation to the Special Procedures, facilitation of visits requested by them, and responsiveness to their urgent and routine communications. This information is based on official UN sources (for more information on these sources, please refer to the Annex I on page 165 of this document).

Finally, please note that Amnesty International neither supports nor opposes any state's candidacy to the Human Rights Council; however, the organization considers it essential that the Council be a strong and effective body with a membership consisting of states unequivocally committed to upholding human right both nationally and internationally. The election of the first members of the Council is a crucial first step towards achieving this.

## AFRICAN STATES: 13 Seats

**At the time of writing, 14 countries belonging to the African Group had put themselves forward: Algeria, Cameroon, Djibouti, Gabon, Ghana, Kenya, Mali, Mauritius, Morocco, Nigeria, Senegal, South Africa, Tunisia and Zambia. All candidate countries had also submitted public pledges.<sup>1</sup>**

### ALGERIA

Although the overall level of violence has decreased in recent years, Amnesty International is concerned at continued reports of killings. In 2005, over 400 killings were reported in the context of continuing violence, including dozens of civilians. There have also been reports of attacks by armed groups on military targets.

Tens of thousands of cases of torture, killings, abductions and “disappearances” carried out since 1992 by the security forces, state-armed militias and armed groups have still not been investigated; this remains a key obstacle to addressing the legacy of the conflict of the 1990s. In February 2006, amnesty laws were introduced granting security forces impunity for crimes under international law, including crimes against humanity and other serious violations, committed during the conflict of the 1990s. The laws provide that complaints against the security forces will not be investigated by Algerian courts and makes criticism of the security forces punishable with imprisonment. Members of armed groups have been granted measures of clemency and exemption from prosecution, including for crimes under international law. The amnesty laws were passed by presidential decree and based on a framework document, the Charter for Peace and National Reconciliation, which was adopted by referendum in September 2005. The Charter denies the responsibility of state security forces for massive human rights violations in the exercise of their duties, but does not explicitly mention an amnesty.

Victims of human rights abuses, human rights defenders, and others have criticized the measures for failing to uphold the rights of victims and their families to truth and justice; some have reportedly been intimidated by state agents in an effort to stifle criticism.

Torture continues to be reported, particularly of suspects accused of “belonging to a terrorist group” who are routinely held in secret locations during pre-arraignment detention without access to the outside world. The vast majority of allegations of torture made during 2005 and in previous years have not been investigated.

More than a dozen suspected members of armed groups were sentenced to death in 2005, most of them in their absence. However, a moratorium on executions has remained in place.

Journalists, civil society activists and government critics continue to face harassment and intimidation; during 2005, some 18 journalists have been sentenced to imprisonment on defamation charges; others received suspended sentences or heavy fines.

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<sup>1</sup> For a list of candidates to the UN Human Rights Council and a link to their pledges, please go to:  
<http://www.un.org/ga/60/elect/hrc/>

Access to Algeria for independent observers and international non-governmental organizations remains restricted. In December 2005, Lawyers Without Borders were reportedly not granted an entry visa to set up a free legal advice centre for victims of human rights abuses.

Changes to the law have gradually improved the legal status of women; however changes to the Family Code fall far short of offering women equal status with men. Discriminatory provisions governing inheritance rights also remain unchanged. A study on domestic violence, undertaken jointly by the government and non-governmental bodies, reflects the increasing recognition of violence against women as a problem in Algerian society, and identifies the need to improve care for survivors.

*Recent Amnesty International reports:*

- Algeria: New Amnesty Law Will Ensure Atrocities Go Unpunished, 1 March 2006, AI Index: MDE 28/005/2006
- Algeria: President calls referendum to obliterate crimes of the past (AI Index: MDE 28/010/2005)
- Algeria: Initial report of an Amnesty International delegation's visit to Algeria, 6-25 May 2005 (AI Index: MDE 28/008/2005)

### Algeria's cooperation with the Treaty Bodies and the Special Procedures

#### Ratification of International Human Rights Treaties

| <i>Treaty</i>   | <i>Ratification</i>               | <i>Reservations/<br/>declarations</i> |
|---|-----------------------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>                                   | <i>Ratified</i>                   | <i>Entered</i>                        |
| <i>Optional Protocol to the ICCPR</i>   | <i>Ratified</i>                   |                                       |
| <i>Second Optional Protocol to the ICCPR</i>  |                                   |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                        | <i>Ratified</i>                   | <i>Entered</i>                        |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>             | <i>Ratified</i>                   | <i>Entered</i>                        |
| <i>Optional Protocol to the CEDAW</i>   |                                   |                                       |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                     | <i>Ratified</i> <sup>art 14</sup> |                                       |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i> | <i>Ratified</i> <sup>art 22</sup> |                                       |
| <i>Optional Protocol CAT</i>  |                                   |                                       |
| <i>Convention on the Rights of the Child (CRC)</i>  | <i>Ratified</i>                   | <i>Entered</i>                        |
| <i>Optional Protocol to the CRC on children in armed conflict</i>                                     |                                   |                                       |
| <i>Optional Protocol to the CRC on the sale of children, child</i>                                    |                                   |                                       |

|  |                 |                |
|--|-----------------|----------------|
| <i>prostitution and child pornography</i>  |                 |                |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> | <i>Ratified</i> | <i>Entered</i> |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Signed</i>   |                |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i> |                |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i> |                |

### Compliance with reporting obligations

| <i>Total overdue reports</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial reports</i> |
|------------------------------|------------------------|-------------------------|------------------------|
| <i>7</i>                     | <i>1</i>               |                         |                        |

### Cooperation with the Special Procedures

|  |  |
|--|--|
| <p><b><i>Extension of a standing invitation</i></b></p> <p><i>No</i></p>   | <p><b><i>Outstanding requests by the Special Procedures to carry out a visit</i></b></p> <ol style="list-style-type: none"> <li><i>1. Working Group on Enforced or Involuntary Disappearances (WGEID)</i></li> <li><i>2. Special Rapporteur on extrajudicial, summary or arbitrary executions (SR EJE)</i></li> <li><i>3. Special Rapporteur on torture (requested since 1997)</i></li> <li><i>4. Special Rapporteur on violence against women (postponed)</i></li> <li><i>5. Special Rapporteur on freedom of opinion and expression (postponed)</i></li> </ol> |
| <p><b><i>Communications with the Special Procedures during the last reporting period</i></b></p> <p><u><i>WGEID:</i></u> “The Working Group expresses deep concern that little progress has been made in clarifying cases of disappearance in Algeria. Indeed, 253 new cases have been transmitted to the Government of Algeria and others are being processed by the Secretariat. The Working Group strongly recommends that the Government of Algeria allow NGOs to undertake their work freely and without impediment, that families of victims of disappearances be left free to organize without bureaucratic restriction or legislative obstacles, and that witnesses be protected. The Working Group reminds the Government of Algeria of its obligations under article 14 of the Declaration “to bring to justice all persons presumed responsible for an act of enforced disappearance”. The Working Group reaffirms its request to the Government of Algeria for a country visit aimed at clarifying the 1,592 outstanding cases”.</p> <p><u><i>SR EJE:</i></u> One urgent appeal on a matter of impunity was sent to government, to which one cooperative but incomplete response has been received.</p> <p><u><i>Special Representative on human rights defenders:</i></u> “The Special Representative thanks the Algerian Government for its responses; she remains nevertheless concerned about the difficulties experienced by human rights defenders in the country in particular those working on enforced disappearances”.</p> <p><u><i>Special Rapporteur on the independence of judges and lawyers:</i></u> “Le Rapporteur spécial remercie le Gouvernement de l’Algérie pour sa coopération et souhaite l’assurer que sa réponse est à l’étude au moment de clore ce document et sera reproduite dans son prochain rapport. S’agissant des allégations qui lui ont été transmises le 27 avril, le Rapporteur spécial espère en outre que le Gouvernement de</p> |  |

*l'Algérie pourra lui faire parvenir toutes les informations nécessaires au plus tôt, et de préférence avant la clôture de la 62ème session de la Commission des droits de l'homme."*

*Special Rapporteur on torture: one urgent appeal submitted on behalf of a group including five named individuals, to which the government has not responded.*

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## CAMEROON

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Suspects arrested by the police and gendarmerie continue to be subjected to systematic torture and ill-treatment, and although some investigations have been opened in a few cases in which suspects died, most perpetrators are not held to account.

There are reports of high mortality rates in prisons caused by overcrowding, inadequate food and medical neglect. Some inmates have been killed and injured in riots against the harsh prison conditions.

A group of political prisoners, who are members of the Southern Cameroons National Council, were denied an appeal for more than five years. They had been sentenced to between eight years and life imprisonment after an unfair trial before a military tribunal on charges in connection with armed attacks in North-West Province in 1997. After lawyers lodged a complaint with the African Commission on Human and Peoples' Rights on their behalf, the Minister of Defence announced in November 2004 that they could appeal to the Appeal Court, and in December 2005, the Appeal Court decided against their convictions. Two of the prisoners, who were serving a 10-year prison term had their convictions quashed and were released. Three prisoners had their life imprisonment reduced to 25 years, while one had his 20-year prison term reduced to 15 years. Two prisoners had their 15-year prison term reduced to 10 years, while four others had their 10-year prison term confirmed. Two of the prisoners had been released in May after serving their 8-year prison term. The prisoners who remain in custody are held in life-threatening conditions and have appealed to the Supreme Court against the decision of the Appeal Court.

Human rights defenders, including critics of the government's human rights record, are routinely harassed, detained and assaulted. To Amnesty International's knowledge no action is taken by the government to investigate such allegations.

Freedom of expression continues to be denied and the authorities have used criminal libel laws to imprison journalists in cases that appear politically motivated.

Individuals have been detained on account of their sexual orientation; homosexuality is a criminal offence under Cameroonian law. A group of eleven men and two women were arrested by gendarmes on 20 and 21 May 2005 in the capital and charged with engaging in homosexual practices. The women were released soon after their arrest and two of the men were released in February 2006. The nine remaining men, including a 17-year-old youth, were acquitted in late April after prosecution witnesses failed to appear in court for the second time in as many months. In March 2006, 12 female students were expelled from college after a disciplinary committee found them guilty of belonging to a lesbian network.



The law does not adequately protect women against violence. Female genital mutilation is still not prohibited in law, and approximately 20 per cent of women and girls are reported to undergo this practice primarily in the far north and the south-west. The Penal Code also still contains provisions that exempt a rapist from judicial proceedings if he marries his victim, which effectively protects the perpetrator while subjecting the victim to further abuse.

No death sentences are known to have been passed or executions carried out, and there are no public figures of prisoners awaiting execution.

The government continues to deny Amnesty International access to the country, as it has done for over a decade.

## Cameroon's cooperation with the Treaty Bodies and the Special Procedures

### Ratification of International Human Rights Treaties

| <i>Treaty</i>  | <i>Ratification</i>                | <i>Reservations/<br/>declarations</i> |
|--|------------------------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>  | <i>Ratified</i>                    |                                       |
| <i>Optional Protocol to the ICCPR</i>  | <i>Ratified</i>                    |                                       |
| <i>Second Optional Protocol to the ICCPR</i>   |                                    |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       | <i>Ratified</i>                    |                                       |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i>                    |                                       |
| <i>Optional Protocol to the CEDAW</i>  | <i>Ratified</i>                    |                                       |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified</i>                    |                                       |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i> <sup>art. 22</sup> |                                       |
| <i>Optional Protocol CAT</i>   |                                    |                                       |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i>                    |                                       |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Signed</i>                      |                                       |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Signed</i>                      |                                       |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                                    |                                       |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Signed</i>                      |                                       |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i>                    |                                       |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i>                    |                                       |

### Compliance with reporting obligations

| Total overdue reports | 5 years overdue | 10 years overdue | Initial reports |
|-----------------------|-----------------|------------------|-----------------|
| 11                    | 4               |                  |                 |

### Cooperation with the Special Procedures

|   |   |
|---|---|
| <i>Extension of a standing invitation</i><br><br><i>No</i>  | <i>Outstanding requests by the Special Procedures to carry out a visit</i><br><br><i>None</i> |
| <i>Follow up report to implementation of recommendations arising from a past mission: Special Rapporteur on torture (UN Doc. E/CN.4/2006/6/Add.2)</i>   |   |
| <i>Communications with the Special Procedures during the last reporting period</i>  |   |
| <i>Working Group on arbitrary detention: issued two urgent appeals concerning two individuals, to which the government provided one response.</i>   |   |
| <i>Working Group on Enforced or Involuntary Disappearances: "In the past, and during the period under review, the Working Group has transmitted 18 cases to the Government; of those, 4 have been clarified on the basis of information provided by the Government and 14 outstanding cases remain before the Working Group."</i> |   |
| <i>Special Representative on human rights defenders: "The Special Representative regrets that at the time of the report no responses had been received to her communication from the Government of Cameroon."</i>   |   |

## DJIBOUTI

Amnesty International does not currently have a programme of research on Djibouti. However, please see the table below for information regarding Djibouti's record on ratification of treaties, submission of periodic reports to the treaty monitoring bodies, and cooperation with the Special Procedures.

### Djibouti's cooperation with the Treaty Bodies and the Special Procedures

#### Ratification of International Human Rights Treaties

| Treaty  | Ratification    | Reservations/declarations |
|---|-----------------|---------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i> | <i>Ratified</i> |                           |

|  |                 |                |
|--|-----------------|----------------|
| <i>Optional Protocol to the ICCPR</i>  | <i>Ratified</i> |                |
| <i>Second Optional Protocol to the ICCPR</i>   | <i>Ratified</i> |                |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       | <i>Ratified</i> |                |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i> |                |
| <i>Optional Protocol to the CEDAW</i>  |                 |                |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    |                 |                |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i> |                |
| <i>Optional Protocol CAT</i>   |                 |                |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i> | <i>Entered</i> |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  |                 |                |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                |                 |                |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                 |                |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Ratified</i> |                |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i> |                |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i> |                |

#### Compliance with reporting obligations

| <i>Total overdue reports</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial reports</i> |
|------------------------------|------------------------|-------------------------|------------------------|
| 7                            | 2                      |                         | 4                      |

#### Cooperation with the Special Procedures

|   |   |
|---|---|
| <i>Extension of a standing invitation</i><br><br><i>No</i>  | <i>Outstanding requests by the Special Procedures to carry out a visit</i><br><br><i>None</i> |
| <i>Communications with the Special Procedures during the last reporting period</i><br><i>Special Rapporteur on torture: one allegation letter concerning two individuals, to which the government has provided no response.</i> |   |

## GABON

Amnesty International does not currently have a programme of research on Gabon. However, please see the table below for information regarding Gabon's record on ratification of treaties, submission of periodic reports to the treaty monitoring bodies, and cooperation with the Special Procedures.

### Gabon's cooperation with the Treaty Bodies and the Special Procedures

#### Ratification of International Human Rights Treaties

| <i>Treaty</i>  | <i>Ratification</i> | <i>Reservations/<br/>declarations</i> |
|--|---------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>  | <i>Ratified</i>     |                                       |
| <i>Optional Protocol to the ICCPR</i>  |                     |                                       |
| <i>Second Optional Protocol to the ICCPR</i>   |                     |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       | <i>Ratified</i>     |                                       |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i>     |                                       |
| <i>Optional Protocol to the CEDAW</i>  | <i>Ratified</i>     |                                       |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified</i>     |                                       |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i>     |                                       |
| <i>Optional Protocol CAT</i>   | <i>Signed</i>       |                                       |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i>     |                                       |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Signed</i>       |                                       |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Signed</i>       |                                       |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> | <i>Signed</i>       |                                       |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Ratified</i>     |                                       |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i>     |                                       |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i>     |                                       |

### Compliance with reporting obligations

| <i>Total number of overdue reports</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial reports</i> |
|--|------------------------|-------------------------|------------------------|
| 11                                     | 4                      | 2                       | 1                      |

### Cooperation with the Special Procedures

|  |  |
|--|--|
| <i>Extension of a standing invitation</i><br><br>No  | <i>Outstanding requests by the Special Procedures to carry out a visit</i><br><br>None |
| <i>Communications with the Special Procedures during the last reporting period</i><br>No communications sent to the government are recorded in the reports which are available at this time. |  |

## GHANA

Violence against women is widespread, and violence in the family is thought to affect one in three women. A law on human trafficking was passed by parliament in June 2005; however, no progress has been made in adopting the domestic violence bill. Although Ghana retains the death penalty in their law books, there have been no executions.

In April 2005, the government issued the final report of the National Reconciliation Commission, set up to investigate human rights abuses committed between 1957 and 1993, together with plans for implementing some of the recommendations and for setting up a reparation and rehabilitation fund. The report concludes that the majority of human rights abuses are attributed to the previous unconstitutional governments, and the government has issued an apology to all those who have been wronged by previous governments.

Forced evictions have been threatened for a long time, and at the end of March and culminating on 8 April 2006 hundreds of residents of the Digya national park area in the Tapa-Abotoase area of Lake Volta were forcibly evicted. The government argued that the evictions were necessary to clear land was set aside as a forest reserve. The evictions were carried out without adequate prior consultation or adequate notice, and neither compensation nor alternative accommodation was provided. The residents, including women and children, have been deprived of their homes and, in most cases, also of their livelihood. Amnesty International is deeply concerned at reports that more than 100 of those evicted died, when a ferry forcibly removing them from the island capsized on 8 April. The rest of the up to 7,000 community members residing in the Digya National Park may face similar forced evictions.

*Recent Amnesty International reports:*

- Ghana: Forced evictions in the Digya national park area must stop (AI Index: AFR 28/001/2006)

## Ghana's cooperation with the Treaty Bodies and the Special Procedures

### Ratification of International Human Rights Treaties

| <i>Treaty</i>  | <i>Ratification</i>               | <i>Reservations/declarations</i> |
|--|-----------------------------------|----------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>  | <i>Ratified</i>                   |                                  |
| <i>Optional Protocol to the ICCPR</i>  | <i>Ratified</i>                   |                                  |
| <i>Second Optional Protocol to the ICCPR</i>   |                                   |                                  |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       | <i>Ratified</i>                   |                                  |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i>                   |                                  |
| <i>Optional Protocol to the CEDAW</i>  | <i>Signed</i>                     |                                  |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified</i>                   |                                  |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i> <sup>art.22</sup> | <i>Entered</i>                   |
| <i>Optional Protocol CAT</i>   |                                   |                                  |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i>                   |                                  |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Signed</i>                     |                                  |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Signed</i>                     |                                  |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> | <i>Ratified</i>                   |                                  |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Ratified</i>                   |                                  |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i>                   |                                  |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i>                   | <i>Entered</i>                   |

### Compliance with reporting obligations

| <i>Total overdue reports</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial reports</i> |
|------------------------------|------------------------|-------------------------|------------------------|
| 8                            | 1                      |                         | 4                      |

### Cooperation with the Special Procedures

|   |   |
|---|---|
| <i>Extension of a standing invitation</i><br><br><i>No</i>  | <i>Outstanding requests by the Special Procedures to carry out a visit</i><br><br><i>None</i> |
| <i>Communications with the Special Procedures during the last reporting period</i><br><i>No communications sent to the government are recorded in the reports which are available at this time.</i> |   |

## KENYA

Torture and unlawful killings by state agents continue to be reported, however some people remain reluctant to report torture for fear of reprisals. There have been several reports of unlawful killings by law enforcement officials and only few of the cases have been investigated or prosecuted, which leads to impunity for such acts.

Women and girls continue to face widespread violence and discrimination. Official figures presented to Parliament show that the police recorded 2,300 rapes in 2004; however, data on violence against women remain inadequate, and statistics from health facilities and non-governmental organizations reveal that the number of unreported rapes could be as high as 16,000 a year.

Amnesty International has received reports of human rights violations during “anti-terrorism” operations following the 2002 bombing of a hotel near Mombasa. These include the use of torture and ill-treatment during detention, detention of suspects without charge in undisclosed locations and without access to a lawyer or relatives, the holding of suspects in degrading and unsanitary conditions without access to medical care; and harassment of family members.

The work of human rights defenders continues to be obstructed and activists have been subjected to harassment and ill-treatment. Some demonstrators have been arrested and charged.

The media and journalists face increased intimidation and harassment by the authorities who have taken aggressive measures to silence investigative or critical voices.

During the 61<sup>st</sup> session of the UN Commission on Human Rights, the former Minister of Justice and Constitutional Affairs, Hon. Kiraitu Murungi, declared that his government was committed to abolishing the death penalty and that in the meantime all death sentences would be commuted to life imprisonment. By the end of April 2006, however, this process had not been completed.

*Recent Amnesty International reports:*

- Kenya: The Government must respect the rights of refugees under international law (AI Index: AFR 32/007/2005)
- Kenya: Abolition of the death penalty is essential for a Constitution that respects human rights (AI Index: AFR 32/005/2005)

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14 2006 Elections to the Human Rights Council:  
Background information on candidate countries

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- Kenya: The impact of “anti-terrorism” operations on human rights (AI Index: AFR 32/002/2005)

**Kenya’s cooperation with the Treaty Bodies and the Special Procedures**

**Ratification of International Human Rights Treaties**

| <i>Treaty</i>  | <i>Ratification</i> | <i>Reservations/<br/>declarations</i> |
|--|---------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>  | <i>Ratified</i>     |                                       |
| <i>Optional Protocol to the ICCPR</i>  |                     |                                       |
| <i>Second Optional Protocol to the ICCPR</i>   |                     |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i>     |                                       |
| <i>Optional Protocol to the CEDAW</i>  |                     |                                       |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified</i>     |                                       |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i>     |                                       |
| <i>Optional Protocol CAT</i>   |                     |                                       |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i>     |                                       |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Ratified</i>     |                                       |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Signed</i>       |                                       |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                     |                                       |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Ratified</i>     |                                       |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i>     |                                       |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i>     |                                       |

**Compliance with reporting obligations**

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|----------------------|------------------------|-------------------------|------------------------|
| 9                    | 2                      |                         | 3                      |



### Cooperation with the Special Procedures

|   |  |
|---|--|
| <i>Extension of a standing invitation</i><br><br>No   | <p><b>Outstanding requests by the Special Procedures to carry out a visit</b></p> <ol style="list-style-type: none"> <li>1. <i>Special Rapporteur on indigenous people</i></li> <li>2. <i>Special Representative on human rights defenders (SR HRD)</i></li> </ol> |
| <p><b>Communications with the Special Procedures during the last reporting period</b></p> <p><u>Special Rapporteur on extrajudicial, summary or arbitrary executions</u>: one allegation letter regarding persons exercising their right to freedom of opinion and expression, and about excessive force. The government has not provided a response to this recent communication.</p> <p><u>SR HRD</u>: “The Special Representative regrets that at the time this report was being finalized, no response had been received from the Government of Kenya to her communications of 6 July concerning Mr. Ojiayo Samson and Mr. Mithika Mwenda or 27 July 2005 concerning the arbitrary arrest of a number of human rights defenders. The Special Representative regrets that no response has been received from the Government of Kenya to her request for an invitation to conduct a country visit.”</p> <p><u>Special Rapporteur on torture</u>: one urgent appeal concerning two individuals to which the government has provided no response.</p> |  |

## MALI

Amnesty International does not currently have a programme of research on Mali. However, please see the table below for information regarding Mali's record on ratification of treaties, submission of periodic reports to the treaty monitoring bodies, and cooperation with the Special Procedures.

### Mali's cooperation with the Treaty Bodies and the Special Procedures

#### Ratification of International Human Rights Treaties

| <i>Treaty</i>   | <i>Ratification</i> | <i>Reservations/declarations</i> |
|---|---------------------|----------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>                       | <i>Ratified</i>     |                                  |
| <i>Optional Protocol to the ICCPR</i>   | <i>Ratified</i>     |                                  |
| <i>Second Optional Protocol to the ICCPR</i>  |                     |                                  |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>            | <i>Ratified</i>     |                                  |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i> | <i>Ratified</i>     |                                  |
| <i>Optional Protocol to the CEDAW</i>   | <i>Ratified</i>     |                                  |

|  |                 |                |
|--|-----------------|----------------|
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified</i> |                |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i> |                |
| <i>Optional Protocol CAT</i>   | <i>Ratified</i> |                |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i> | <i>Entered</i> |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Ratified</i> | <i>Entered</i> |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Ratified</i> |                |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> | <i>Ratified</i> |                |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Ratified</i> |                |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i> |                |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i> |                |

#### **Compliance with reporting obligations**

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|----------------------|------------------------|-------------------------|------------------------|
| 12                   | 4                      | 2                       | 4                      |

#### **Cooperation with the Special Procedures**

|  |   |
|--|---|
| <i>Extension of a standing invitation</i><br><br><i>No</i>   | <i>Outstanding requests by the Special Procedures to carry out a visit</i><br><br><i>Special Representative on human rights defenders</i> |
| <i>Communications with the Special Procedures during the last reporting period</i><br><i>No communications with the government are recorded in the reports which are available at this time.</i> |   |

## **MAURITIUS**

Amnesty International does not currently have a programme of research on Mauritius. However, please see the table below for information regarding Mauritius' record on ratification of treaties, submission of periodic reports to the treaty monitoring bodies, and cooperation with the Special Procedures.

## Mauritius' cooperation with the Treaty Bodies and the Special Procedures

### Ratification of International Human Rights Treaties

| <i>Treaty</i>  | <i>Ratification</i> | <i>Reservations/<br/>declarations</i> |
|--|---------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>  | <i>Ratified</i>     |                                       |
| <i>Optional Protocol to the ICCPR</i>  | <i>Ratified</i>     |                                       |
| <i>Second Optional Protocol to the ICCPR</i>   |                     |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       | <i>Ratified</i>     |                                       |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Optional Protocol to the CEDAW</i>  | <i>Signed</i>       |                                       |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified</i>     |                                       |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i>     |                                       |
| <i>Optional Protocol CAT</i>   | <i>Ratified</i>     |                                       |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Signed</i>       |                                       |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Signed</i>       |                                       |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                     |                                       |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Ratified</i>     |                                       |
| <i>Convention Relating the Status of Refugees</i>  |                     |                                       |
| <i>Protocol relating to the Status of Refugees</i>   |                     |                                       |

### Compliance with reporting obligations

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|----------------------|------------------------|-------------------------|------------------------|
| 9                    | 2                      | 1                       |                        |

### Cooperation with the Special Procedures

|  |  |
|--|--|
| <i>Extension of a standing invitation</i><br><br><i>No</i> | <i>Outstanding requests by the Special Procedures to carry out a visit</i><br><i>Special Rapporteur on freedom of religion or belief</i> |
|--|--|

***Communications with the Special Procedures during the last reporting period***

*No communications with the government are recorded in the reports which are available at this time.*

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## **MOROCCO**

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The first truth commission in the region, the Equity and Reconciliation Commission, completed its work in November last year. The remit of the Commission had been to inquire into grave human rights violations committed between 1956 and 1999, and it received information from more than 16,000 people (including Amnesty International); however, in many cases, it had not obtained testimonies requested from state officials. In its report, it recommended that compensation be paid to more than 9,000 people who had suffered human rights abuses between 1956 and 1999, but made no proposals for suspected perpetrators to be brought to account. This is a cause of serious concern as some of the alleged perpetrators continue to serve as members of the security forces.

New allegations have surfaced about Morocco's role in the US-led "war on terror". In December 2005, a Council of Europe investigator reported that some prisoners previously held by the USA in Europe had been moved to North Africa, possibly Morocco. Morocco denies the claim.

Eight Sahrawi human rights defenders were imprisoned after protests which originated in Western Sahara and to which police responded with excessive force. Six have since been released, five of them in a royal pardon in March 2006; the other two remain in jail.

Amnesty International has received reports that police used excessive force in dealing with popular protests in Western Sahara from May to December. Scores of people were injured, and hundreds were arrested. Two men are alleged to have died after being beaten by police. Dozens of those held in custody alleged that they were tortured or ill-treated, either to force them to sign confessions, to intimidate them from protesting further, or to punish them for their pro-independence stance. Dozens of people were charged with inciting or participating in violence in the demonstrations, and over 20 were sentenced, some of them to several years in prison. Some have since been released in the royal pardon of March 2006.

Thousands of migrants, including an unknown number of refugees and asylum-seekers, have sought to gain access to EU countries via the Spanish enclaves of Ceuta and Melilla from Morocco. The situation escalated between August and October last year and both Spanish and Moroccan security forces resorted to excessive and, in some cases, lethal force against the migrants. At least 13 were killed. The authorities forcibly moved hundreds of migrants to remote desert areas close to the border with Algeria without adequate water, food or shelter.

*Recent Amnesty International reports:*

- Morocco/Western Sahara: Sahrawi human rights defenders under attack (AI Index: MDE 29/008/2005)
- Morocco/Western Sahara: Torture in the "anti-terrorism" campaign - the case of Témara detention centre (AI Index: MDE 29/004/2004)

## Morocco's cooperation with the Treaty Bodies and the Special Procedures

### Ratification of International Human Rights Treaties

| <i>Treaty</i>  | <i>Ratification</i> | <i>Reservations/<br/>declarations</i> |
|--|---------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>  | <i>Ratified</i>     |                                       |
| <i>Optional Protocol to the ICCPR</i>  |                     |                                       |
| <i>Second Optional Protocol to the ICCPR</i>   |                     |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       | <i>Ratified</i>     |                                       |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Optional Protocol to the CEDAW</i>  |                     |                                       |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Optional Protocol CAT</i>   |                     |                                       |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Ratified</i>     |                                       |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Ratified</i>     |                                       |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Signed</i>       |                                       |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i>     |                                       |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i>     |                                       |

### Compliance with reporting obligations

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|----------------------|------------------------|-------------------------|------------------------|
| 5                    |                        |                         | 2                      |

### Cooperation with the Special Procedures

|   |   |
|---|---|
| <i>Extension of a standing invitation</i><br><br>No   | <i>Outstanding requests by the Special Procedures to carry out a visit</i> <ol style="list-style-type: none"><li>1. <i>Special Rapporteur on the right to education</i></li><li>2. <i>Working Group on Enforced or Involuntary Disappearances (WGEID)</i></li></ol> |
| <p><b>Communications with the Special Procedures during the last reporting period</b></p> <p><u>Working Group on arbitrary detention:</u> two urgent appeals concerning 5 individuals, to which the government provided responses.</p> <p><u>WGEID:</u> “In the past and during the year under review, the Working Group has transmitted 248 cases to the Government; of those, 46 cases have been clarified on the basis of information provided by the source, 102 cases have been clarified on the basis of information provided by the Government and 100 cases remain outstanding. The Working Group expresses its appreciation to the Government of Morocco for the information that it has provided and for its efforts to investigate the fate and whereabouts of persons reported to have disappeared in the past. It hopes that this process will continue.”</p> <p><u>Special Rapporteur on extrajudicial, summary or arbitrary executions:</u> one allegation letter concerning 8 individuals, about excessive force, to which the government has not provided a response.</p> <p><u>Special Representative on human rights defenders:</u> “La Représentante spéciale du Secrétaire General remercie le Gouvernement marocain pour sa réponse concernant la communication en date du 27 juillet 2005 et espère recevoir bientôt une réponse à ses autres communications.”</p> <p><u>Special Rapporteur on the independence of judges and lawyers:</u> “Le Rapporteur spécial remercie le Gouvernement du Maroc pour sa coopération et souhaite l’assurer que l’information envoyée est à l’étude au moment de clore ce document et une analyse du Rapporteur spécial à ce sujet sera insérée dans son prochain rapport.”</p> <p><u>Special Rapporteur on torture:</u> two urgent appeals concerning four individuals, both of which the government has responded to, and one allegation letter concerning one individual which it has not replied to.</p> |   |

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## NIGERIA

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Death sentences continue to be handed down, but no executions were carried out in the past year. Trials by *Sharia* courts, which may impose floggings and death by stoning for sexually related offences, are generally grossly unfair. Frequently the poor and vulnerable are denied basic rights such as the right to a lawyer.

The security forces in the oil producing Niger Delta are responsible for killing and injuring people living in affected communities. People who protest against the oil companies have been killed and ill-treated and human rights defenders and journalists covering such issues are frequently ill-treated, unlawfully detained and harassed. Access to justice for the victims of these abuses is hindered by expensive and lengthy litigation processes.

Violence against women is widespread and entrenched, due to discriminatory laws and practices, dismissive attitudes within the police, an inaccessible justice system and the lack of shelters for victims. Women are raped and subjected to other forms of sexual violence by government agents as well as partners, employers and others. In some communities, female genital mutilation and forced marriages continue to be practised.

Political elections in Nigeria are generally marred by fraud and violence. In the period leading up to federal and state elections in April and May 2003, there was an increase in political assassinations, harassment of rival candidates, and violent clashes in which party supporters died. State-endorsed armed vigilante groups are responsible for large numbers of extrajudicial executions in the southeast, and suspected of involvement in a number of unsolved killings of politicians.

Newspaper editors and journalists who criticize the federal government or expose corruption are harassed by the security police, and sometimes held in incommunicado detention for days.

In a number of mass forced evictions, thousands of people have been made homeless without adequate notice, compensation or alternative accommodation. The state officials carrying out the forced evictions reportedly used tear gas, and beat residents, and in the process young children were injured.

*Recent Amnesty International reports:*

- Nigeria: Making the destitute homeless – forced evictions in Makoko, Lagos State (AI Index AFR 44/001/2006)
- Nigeria: Ten years on – Injustice and violence haunt the oil Delta (AI Index: AFR 44/022/2005)
- Nigeria: Unheard voices – Violence against women in the family (AI Index: AFR 44/004/2005)

## **Nigeria's cooperation with the Treaty Bodies and the Special Procedures**

### **Ratification of International Human Rights Treaties**

| <i>Treaty</i>   | <i>Ratification</i> | <i>Reservations/<br/>declarations</i> |
|---|---------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>                       | <i>Ratified</i>     |                                       |
| <i>Optional Protocol to the ICCPR</i>   |                     |                                       |
| <i>Second Optional Protocol to the ICCPR</i>  |                     |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>            | <i>Ratified</i>     |                                       |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i> | <i>Ratified</i>     |                                       |
| <i>Optional Protocol to the CEDAW</i>   | <i>Ratified</i>     |                                       |

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|   |          |  |
|---|----------|--|
| Convention on the Elimination of All Forms of Racial Discrimination (CERD)                                    | Ratified |  |
| Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)                | Ratified |  |
| Optional Protocol CAT   |          |  |
| Convention on the Rights of the Child (CRC)   | Ratified |  |
| Optional Protocol to the CRC on children in armed conflict  | Signed   |  |
| Optional Protocol to the CRC on the sale of children, child prostitution and child pornography                | Signed   |  |
| International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families |          |  |
| Rome Statute of the International Criminal Court  | Ratified |  |
| Convention Relating the Status of Refugees  | Ratified |  |
| Protocol relating to the Status of Refugees   | Ratified |  |

**Compliance with reporting obligations**

| Total overdue reports | 5 years overdue | 10 years overdue | Initial overdue |
|-----------------------|-----------------|------------------|-----------------|
| 5                     | 2               |                  | 1               |

**Cooperation with the Special Procedures**

|   |  |
|---|--|
| <p><b>Extension of a standing invitation</b></p> <p>No</p>  | <p><b>Outstanding requests by the Special Procedures to carry out a visit</b></p> <ol style="list-style-type: none"> <li>1. Special Rapporteur on trafficking</li> <li>2. Special Rapporteur on the right to adequate housing</li> <li>3. Special Rapporteur on torture</li> <li>4. Special Rapporteur on the independence of judges and lawyers</li> <li>5. Representative of the Secretary-General on internally displaced persons</li> <li>6. Special Rapporteur on violence against women</li> </ol> |
| <p><b>Missions carried out during last reporting period:</b> Special Rapporteur on freedom of religion or belief (UN Doc. E/CN.4/2006/5/Add.2), Special Rapporteur on extrajudicial, summary or arbitrary executions (UN Doc. E/CN.4/2006/53/Add.4) and Special Representative on human rights defenders (UN Doc. E/CN.4/2006/95/Add.2)</p> |  |
| <p><b>Communications with the Special Procedures during the last reporting period</b></p> <p><u>Working Group on arbitrary detention</u> issued one urgent appeal concerning six individuals. No response was sent by the government.</p>   |  |



Working Group on Enforced or Involuntary Disappearances: “In the past the Working Group has transmitted six cases to the Government. The Working Group has clarified five cases on the basis of information provided by the Government. There remains one outstanding case before the Working Group.”

Special Rapporteur on extrajudicial, summary or arbitrary executions: one allegation letter concerning deaths in custody of 20 individuals, to which the government has responded to reject the allegations but without adequate substantiation.

Special Rapporteur on the right to the highest attainable standard of physical and mental health: “The Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted any reply to his communication. News reports indicate that Florencio Ela Bibang and Felipe Esono Ntumu were tried in absentia by a military court in the city of Bata in Equatorial Guinea between 6 and 9 September 2005 and sentenced to 30 years in prison for their alleged involvement in an attempted coup on 8 October 2004. Another news report indicated that the three men were abducted from Nigeria and are being held incommunicado at Black Beach Prison in Malabo. Reports indicate that Florencio Ela Bibang is suffering from hepatitis A and may not be receiving medical care.

Special Representative on human rights defenders: “The Special Representative regrets that at the time this report was being finalized, no response had been received from the Government of Nigeria.

She also notes that in May 2005 at the invitation of the Government, she conducted an official visit to Nigeria. She thanks the Government for its collaboration in preparation and conduct of the mission. She draws attention to her report made following this visit.”

Special Rapporteur on torture: one urgent appeal concerning three individuals and one allegation letter concerning one individual. The government has not provided any responses.

## SENEGAL

The December 2004 peace agreement ended two decades of conflict in Casamance. This allowed reconstruction work and de-mining to begin and refugees, internally displaced people and former fighters to return home. However, implementation of the peace agreement has been hampered by divisions within rival factions of the Democratic Forces of Casamance Movement (*Mouvement des forces démocratiques de Casamance*, MFDC).

Journalists and political opponents continue to be harassed and intimidated in violation of the rights to freedom of expression.

Despite public commitments by the authorities, steps have not been taken to end impunity for human rights perpetrators. To date, the government has not acted on the extradition request and international arrest warrant issued by a Belgian judge and charging Chad's former president, Hissène Habré, with gross human rights violations committed during his 1982-90 rule. Habré has lived in Senegal since he was ousted from power in 1990.

*Recent Amnesty International reports:*

- Senegal: Government must immediately arrest and extradite Hissène Habré to Belgium to face crimes against humanity charges (AI Index: AFR 49/001/2005)

## Senegal's cooperation with the Treaty Bodies and the Special Procedures

### Ratification of International Human Rights Treaties

| <i>Treaty</i>  | <i>Ratification</i>               | <i>Reservations/d<br/>eclarations</i> |
|--|-----------------------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>  | <i>Ratified</i>                   |                                       |
| <i>Optional Protocol to the ICCPR</i>  | <i>Ratified</i>                   |                                       |
| <i>Second Optional Protocol to the ICCPR</i>   |                                   |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       | <i>Ratified</i>                   |                                       |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i>                   |                                       |
| <i>Optional Protocol to the CEDAW</i>  | <i>Ratified</i>                   |                                       |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified</i> <sup>art 14</sup> |                                       |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i> <sup>art 22</sup> |                                       |
| <i>Optional Protocol CAT</i>   | <i>Signed</i>                     |                                       |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i>                   |                                       |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Ratified</i>                   |                                       |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Ratified</i>                   |                                       |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> | <i>Ratified</i>                   |                                       |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Ratified</i>                   |                                       |
| <i>Convention Relating the Status of Refugees</i>  | <i>Senegal</i>                    |                                       |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Senegal</i>                    |                                       |

### Compliance with overdue reports

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|----------------------|------------------------|-------------------------|------------------------|
| 14                   | 5                      | 1                       | 2                      |

### Cooperation with the Special Procedures

|   |  |
|---|--|
| <i>Extension of a standing invitation</i><br><br>No   | <i>Outstanding requests by the Special Procedures to carry out a visit</i> <ol style="list-style-type: none"><li>1. <i>Special Rapporteur on the right to education</i></li><li>2. <i>Special Rapporteur on trafficking</i></li><li>3. <i>Special Representative on human rights defenders</i></li></ol> |
| <i>Communications with the Special Procedures during the last reporting period</i><br><br><i>Special Rapporteur on torture: one urgent appeal concerning one individual, which the government did not respond to.</i> |  |

## SOUTH AFRICA

In the wave of public protests over socio-economic conditions prior to the local government elections in March 2006 police responded for the most part without use of excessive force. However, in some incidents they misused rubber bullets – the weapon of “last resort” under South African Police Service regulations – in their response to demonstrations in the Cape Town and Durban areas, in Delmas, Queenstown and Johannesburg. There were also incidents involving the misuse of pepper spray, in particular by members of the Municipal Police Services in Cape Town, to break up peaceful protests against local government authorities. The 1993 Gatherings Act was misused by some municipal authorities to suppress demonstrations by groups critical of their failure to deliver services to poor communities. Fifty-one members of the Landless People’s Movement remain subject to unfair trial proceedings two years after their arrest at a non-violent demonstration.

The use of torture and the misuse of lethal force against criminal suspects continue to be reported. The capacity and powers of the police oversight body, the Independent Complaints Directorate, should be strengthened and the draft law to criminalise torture should be introduced in parliament without further delay. Prison conditions are poor due to severe overcrowding.

The UN High Commissioner for Refugees, the courts, the South African Human Rights Commission and NGOs have criticized the government for failing to address organizational issues and arbitrary practices which prevent the majority of asylum-seekers from obtaining access to refugee status determination procedures and documentation in a timely manner. These failures have effectively denied asylum-seekers the right to work legally and to obtain health care or access to education, and left them at risk of arbitrary arrest, detention in police stations, and deportation.

High levels of sexual violence against women and children continue to be reported, with police recording 55, 114 rapes in the year ending March 2005, an increase of 4.5 per cent over the previous year. A draft law on sexual offences intended to increase access to justice and other services for survivors has been delayed for more than two years. Some improvements in the prosecution of crimes of sexual violence have, nonetheless, continued to be achieved through the development of dedicated sexual offences courts.

HIV prevalence rates among young women below 30 years of age remain disproportionately high relative to men of the same age. Although the number of “accredited” public health facilities providing treatment for people living with full-blown AIDS continues to increase, obstacles remain to access to treatment for the majority of those needing it as a result of severe shortages of skilled medical staff, “under-spending” of HIV/AIDS budgets by provincial departments of health, organizational problems affecting access for HIV-positive prisoners and a lack of national political leadership.

### South Africa’s cooperation with the Treaty Bodies and the Special Procedures

#### Ratification of International Human Rights Treaties

| <i>Treaty</i>  | <i>Ratification</i>              | <i>Reservations/<br/>declarations</i> |
|--|----------------------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>  | <i>Ratified</i>                  |                                       |
| <i>Optional Protocol to the ICCPR</i>  | <i>Ratified</i>                  |                                       |
| <i>Second Optional Protocol to the ICCPR</i>   | <i>Ratified</i>                  |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       | <i>Signed</i>                    |                                       |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i>                  |                                       |
| <i>Optional Protocol to the CEDAW</i>  | <i>Ratified</i>                  |                                       |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified<sup>art 14</sup></i> |                                       |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified<sup>art 22</sup></i> | <i>Entered</i>                        |
| <i>Optional Protocol CAT</i>   |                                  |                                       |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i>                  |                                       |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Signed</i>                    |                                       |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Ratified</i>                  |                                       |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                                  |                                       |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Ratified</i>                  |                                       |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i>                  |                                       |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i>                  |                                       |

**Compliance with reporting obligations**

| <b>Total overdue reports</b> | <b>5 years overdue</b> | <b>10 years overdue</b> | <b>Initial overdue</b> |
|------------------------------|------------------------|-------------------------|------------------------|
| 7                            | 2                      |                         | 2                      |

**Cooperation with Special Procedures**

|   |  |
|---|--|
| <b>Extension of a standing invitation</b><br><br>Yes  | <b>Outstanding requests by the Special Procedures to carry out a visit</b><br><br>1. Special Rapporteur on the right to adequate housing<br>2. Special Rapporteur on migrants<br>3. Special Rapporteur on food |
| <b>Missions carried out during the last reporting period:</b> Working Group on arbitrary detention (UN Doc E/CN.4/2006/7/Add.3) and Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (UN Doc. E/CN.4/2006/78/Add.2)  |  |
| <b>Communications with the Special Procedures during the last reporting period</b><br><br><u>Special Rapporteur on the right to adequate housing:</u> "By letter dated 28 October 2005, the Government informed the Special Rapporteur that his letter of 18 October 2005 had been transmitted to the relevant authorities in Pretoria for attention and a response. However, the Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted any reply to his communication. The Special Rapporteur continues to receive information documenting allegations of forced evictions in Johannesburg and he is monitoring the situation with concern."<br><br><u>Special Rapporteur on the independence of judges and lawyers:</u> With reference to the urgent appeal of 18 February 2004, the Special Rapporteur was informed by a reliable source and notes with satisfaction that a clerk was appointed to assist Judge Graham Travers who, owing to the fact that he suffers from muscular dystrophy, was under threat to lose his position. He would however appreciate an official confirmation of this development.<br>The Special Rapporteur further welcomes the above-reported opening of the Southern Africa Litigation Centre (SALC) which represents a major hope and resource for increasing the human rights awareness of judges and lawyers and should thus help consolidating the rule of law in the southern African region. |  |

**TUNISIA**

There are reports that dozens of people have been arrested and charged under anti-terrorism legislation passed in December 2003. Some were sentenced to lengthy prison terms following unfair trials. Some of them have been held incommunicado, and there are allegations of torture to extract confessions or to force detainees to sign statements.

Freedom of expression remains severely curtailed. The first congress of the Union of Tunisian Journalists was banned from taking place in September 2005. In connection with the World Summit on the Information Society, held in November 2005, some human rights organizations were prevented from carrying out their activities.

Human rights defenders face harassment and sometimes physical violence. Many human rights defenders, their families and friends are under surveillance by the authorities, and their activities are severely restricted.

There are reports of attacks on the independence of the judiciary and the right to freedom of expression of judges has been restricted. Some judges are reported to have been arbitrarily transferred to isolated areas, far from their families, in an attempt to intimidate and silence them.

Hundreds of political prisoners, including prisoners of conscience, remain in prison; many have been held for more than a decade. Some are held in solitary confinement despite government promises to end such practices.

Large numbers of political prisoners have gone on repeated hunger strikes to protest against the continuing denial of medical care and harsh prison conditions. In April 2005, the authorities signed an agreement with the International Committee of the Red Cross (ICRC), which allows it to visit prisons regularly to assess conditions of detention and the treatment of prisoners.

*Recent Amnesty International reports:*

- Tunisia: Human rights abuses in the run-up to the World Summit on the Information Society (AI Index: MDE 30/019/2005)

## Tunisia's cooperation with the Treaty Bodies and the Special Procedures

### Ratification of International Human Rights Treaties

| <i>Treaty</i>   | <i>Ratification</i>               | <i>Reservations/<br/>declarations</i> |
|---|-----------------------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>                                   | <i>Ratified</i>                   |                                       |
| <i>Optional Protocol to the ICCPR</i>   |                                   |                                       |
| <i>Second Optional Protocol to the ICCPR</i>  |                                   |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                        | <i>Ratified</i>                   |                                       |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>             | <i>Ratified</i>                   | <i>Entered</i>                        |
| <i>Optional Protocol to the CEDAW</i>   |                                   |                                       |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                     | <i>Ratified</i>                   |                                       |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i> | <i>Ratified</i> <sup>art.22</sup> |                                       |
| <i>Optional Protocol CAT</i>  |                                   |                                       |
| <i>Convention on the Rights of the Child (CRC)</i>  | <i>Ratified</i>                   | <i>Entered</i>                        |

|  |                 |  |
|--|-----------------|--|
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Ratified</i> |  |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Ratified</i> |  |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                 |  |
| <i>Rome Statute of the International Criminal Court</i>  |                 |  |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i> |  |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i> |  |

### Compliance with reporting obligations

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|----------------------|------------------------|-------------------------|------------------------|
| 12                   | 3                      |                         | 2                      |

### Cooperation with the Special Procedures

|   |  |
|---|--|
| <i>Extension of a standing invitation</i><br><br>No   | <p><b><i>Outstanding requests by the Special Procedures to carry out a visit</i></b></p> <ol style="list-style-type: none"> <li>1. <i>Special Rapporteur on torture</i></li> <li>2. <i>Special Rapporteur on the independence of judges and lawyers</i></li> <li>3. <i>Special Representative on human rights defenders</i></li> </ol> |
| <p><b><i>Communications with the Special Procedures during the last reporting period</i></b></p> <p><u><i>Working Group on arbitrary detention:</i></u> adopted Opinion 36/2005 concerning one individual whose detention was not found to be arbitrary and Opinion 41/2005 concerning one individual whose detention was found to be arbitrary. Government provided a response in both cases. Working Group also issued one urgent appeal concerning one individual, to which the government provided a response.</p> <p><u><i>Special Rapporteur on counter-terrorism:</i></u> “As at 15 December 2005, there had been no response to the Special Rapporteur’s correspondence.”</p> <p><u><i>Working Group on Enforced or Involuntary Disappearances:</i></u> “In the past and during the year under review, the Working Group has transmitted 17 cases to the Government; of those, 5 cases have been clarified on the basis of information provided by the source and 12 have been clarified on the basis of the information provided by the Government. There are no outstanding cases of disappearances before the Working Group.”</p> <p><u><i>Special Rapporteur on extrajudicial, summary or arbitrary executions:</i></u> two allegation letters concerning deaths in custody of two individuals to which the government provided one cooperative but incomplete response to one communication, and no response to the other</p> <p><u><i>Special Representative on human rights defenders:</i></u> “La Représentante spéciale du Secrétaire général remercie le Gouvernement tunisien pour ses promptes réponses à la plupart de ses communications. Elle prend bonne note des informations apportées par le Gouvernement. Néanmoins, en dépit de ces éclaircissements, elle demeure profondément préoccupée par les apparentes violations à la liberté d’association, d’expression et de réunion des défenseurs des droits de l’homme en Tunisie.</p> |  |



*La Représentante spéciale du Secrétaire général regrette que le Gouvernement tunisien n'ait toujours pas répondu favorablement à sa demande d'invitation afin d'effectuer une visite officielle dans le pays pour pouvoir évaluer la situation des défenseurs des droits de l'homme.*"

*Special Rapporteur on the independence of judges and lawyers: "Le Rapporteur spécial est inquiet de constater que ce ne sont pas moins de six séries de graves allégations qui lui sont parvenues concernant la Tunisie durant l'année. Il remercie le Gouvernement de la Tunisie pour sa coopération et les informations qu'il a bien voulu lui transmettre en réponse à ses communications du 25 janvier, 9 mars, 16 juin et 7 septembre. Il regrette que ses communications du 9 mai 2004, 12 mai et 19 août 2005 soient par contre demeurées sans réponse à ce jour et invite instamment le Gouvernement de la Tunisie à lui faire parvenir au plus tôt, et de préférence d'ici la clôture de la 62<sup>ème</sup> session de la Commission des droits de l'homme, des informations précises et détaillées en réponse aux allégations relayées dans ces deux communications. Eu égard aux informations reçues, elles appellent des commentaires approfondis qui dépassent les limitations techniques du présent rapport ainsi que des compléments d'information sur plusieurs points. D'une manière générale, le Rapporteur spécial est fortement préoccupé par les actes de violence et d'intimidation à l'encontre des avocats et magistrats tunisiens, dont le but semble être de les empêcher d'exercer leur travail de façon libre et indépendante. A la lumière de ces faits, il rappelle que les demandes de visite adressées au Gouvernement tunisien successivement les 4 décembre 1997, 15 avril 2002 et 20 janvier 2004 sont restées sans réponse. Il réitère sa proposition de mener au plus tôt une visite en Tunisie pour être à même de vérifier sur place si les allégations d'atteinte à l'indépendance du Pouvoir judiciaire et d'atteinte à l'intégrité des avocats et des magistrats sont véritablement fondées et en général pour examiner avec le Gouvernement et les organisations et personnes intéressées les dispositions souhaitables pour renforcer l'efficacité et l'indépendance du Pouvoir Judiciaire. Il espère que le Gouvernement accèdera à sa demande et pourra l'en informer d'ici la clôture de la 62<sup>ème</sup> session de la Commission des droits de l'homme."*

*Special Rapporteur on torture: two allegation letters concerning two individuals, to which the government has not responded, three urgent appeals concerning fifty two individuals, to which the government has provided two responses, and three urgent appeals concerning members of la Ligue tunisienne des droits de l'homme, to which the government has provided no responses. The Special Rapporteur also received responses from the government to three previous cases concerning thirteen individuals.*

## ZAMBIA

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There are reports of torture of suspects in police custody and excessive use of force by police. Low-paid police officers regularly detain people in order to recover debts owed by them to third parties.

Sexual violence against women is a major cause of HIV/AIDS. Many women are forced into economically dependent sexual relations because of poverty.

Opposition party officials have been denied equal access to state-controlled media and some have been arrested. Independent journalists have also been harassed and arrested.

President Mwanawasa made a public commitment that there would be no executions during his presidency and in November 2005 commuted 12 death sentences to life



imprisonment. To Amnesty International's knowledge no death sentences have been carried out since 1997.

## Zambia's cooperation with the Treaty Bodies and the Special Procedures

### Ratification of International Human Rights Treaties

| <i>Treaty</i>  | <i>Ratification</i> | <i>Reservations/<br/>declarations</i> |
|--|---------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>  | <i>Ratified</i>     |                                       |
| <i>Optional Protocol to the ICCPR</i>  | <i>Ratified</i>     |                                       |
| <i>Second Optional Protocol to the ICCPR</i>   |                     |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i>     |                                       |
| <i>Optional Protocol to the CEDAW</i>  |                     |                                       |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified</i>     |                                       |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i>     |                                       |
| <i>Optional Protocol CAT</i>   |                     |                                       |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i>     |                                       |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  |                     |                                       |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                |                     |                                       |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                     |                                       |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Ratified</i>     |                                       |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i>     |                                       |

### Compliance with reporting obligations

| <i>Total overdue reports</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial reports</i> |
|------------------------------|------------------------|-------------------------|------------------------|
| 2                            |                        |                         |                        |

**Cooperation with the Special Procedures**

|  |  |
|--|--|
| <p><i>Extension of a standing invitation</i></p> <p>No</p>   | <p><i>Outstanding requests by the Special Procedures to carry out a visit</i></p> <p><i>Special Representative on human rights defenders</i></p> |
| <p><i>Communications with the Special Procedures during the last reporting period</i></p> <p><i>Special Rapporteur on torture: follow up to previously transmitted case, to which the government has provided a response</i></p> |  |

## ASIAN STATES: 13 seats

**At the time of writing, 18 countries belonging to the Asian Group had put themselves forward: Bahrain, Bangladesh, China, India, Indonesia, Iran, Iraq, Japan, Jordan, Kyrgyzstan, Lebanon, Malaysia, Pakistan, Philippines, Saudi Arabia, South Korea, Sri Lanka and Thailand. All candidate countries had also submitted public pledges.**

### BAHRAIN

Under a new counter-terrorism law proposed by the government anyone convicted of committing or planning terrorist acts would face the death penalty. Human rights activists and members of Parliament have criticized the proposed law as an attempt to restrict freedoms excessively. In July 2005, Parliament also approved a new law to regulate political associations; human rights and other groups have criticized the new law as overly restrictive and have called on the King to cancel it.

In February 2005, three men were arrested in connection with comments published on their website which were alleged to be critical of the government and offensive to the royal family. They were charged with “inciting hatred, defamation and spreading false information”. The three went on hunger strike during their detention and were released on 14 March 2005. By the end of 2005, it was not clear whether they were still awaiting trial.

A leading human rights defender, Ghada Jamsheer, appeared in court in June 2005 on charges of insulting the judiciary; defamation and slander of a family court judge; and slander of the husband of a victim of domestic violence. The first charge arises from petitions and articles issued between October 2002 and June 2003 by the Women’s Petition Committee, of which Ghada Jamsheer is the director. Ghada Jamsheer denied all the charges, all of which were subsequently dropped or dismissed by the courts.

In June 2005, the security forces reportedly used excessive force when dispersing peaceful demonstrators calling for more job opportunities. Many of the demonstrators were beaten and some required hospital treatment. About 30 were arrested, but released the same day without charge. In July, a further demonstration against unemployment resulted in more than 30 people being severely beaten by the security forces; some required hospital treatment.

Two Bangladeshi nationals, sentenced to death for murder in November 2004, had their death sentences upheld on appeal in December 2005.

*Recent Amnesty International reports:*

- Gulf Cooperation Council (GCC) countries: Women deserve dignity and respect (AI Index: MDE 04/004/2005)

**Bahrain's cooperation with the Treaty Bodies and the Special Procedures**

**Ratification of International Human Rights Treaties**

| <i>Treaty</i>  | <i>Ratification</i> | <i>Reservations/<br/>declarations</i> |
|--|---------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>  |                     |                                       |
| <i>Optional Protocol to the ICCPR</i>  |                     |                                       |
| <i>Second Optional Protocol to the ICCPR</i>   |                     |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       |                     |                                       |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Optional Protocol to the CEDAW</i>  |                     |                                       |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Optional Protocol CAT</i>   |                     |                                       |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i>     |                                       |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Ratified</i>     |                                       |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Ratified</i>     |                                       |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                     |                                       |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Signed</i>       |                                       |
| <i>Convention Relating the Status of Refugees</i>  |                     |                                       |
| <i>Protocol relating to the Status of Refugees</i>   |                     |                                       |

**Compliance with reporting obligations**

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|----------------------|------------------------|-------------------------|------------------------|
| 5                    | 1                      |                         | 3                      |

**Cooperation with the Special Procedures**

|  |  |
|--|--|
| <i>Extension of a standing invitation</i><br><br><i>No</i> | <i>Outstanding requests by the Special Procedures to carry out a visit</i><br><br><i>1. Special Rapporteur on migrants</i> |
|--|--|

|   |   |
|---|---|
|   | 2. <i>Special Rapporteur on trafficking (tentative date set for 2006)</i> |
| <p><b><i>Communications with the Special Procedures during the last reporting period</i></b></p> <p><u><i>Special Representative on human rights defenders:</i></u> “The Special Representative thanks the Government of Bahrain for its detailed and prompt responses to the communications sent. She welcomes the clarifications which they bring. In the case of Ghada Yusif Jamsheer she is encouraged by the steps reportedly taken by the Government as well as the assurances given with regards to the protection of women’s rights and women human rights defenders in Bahrain. She notes however, the the clarifications brought to her by the Government in its response do not entirely dispel her concerns with regards to the freedom that defenders enjoy with respect to criticizing existing institutions and demanding reforms in particular the Sharia courts and judge. She remains concerned in particular at the heaviness of the alleged sentence and she reiterates the principles enunciated, inter alia, by the Commission on Human Rights in its Resolution 2000/63, that criminal defamation laws should be repealed in favour of civil laws, and that sanctions for defamation should not be so large as to exert an alarming effect on freedom of expression. It is provided in the same Resolution that public figures are required to tolerate a greater degree of criticism than private citizens. With respect to the case concerning the ill-treatment of demonstrators in Manama, the Special Representative is encouraged by the commitment expressed by the Government to the principle of freedom of expression and assembly and its stated intention to ratify the ICESCR. She notes however, that the explanations provided by the Government of Bahrain on the general freedom of assembly do not entirely dispel the concern expressed in this particular case.”</p> <p><u><i>Special Rapporteur on torture:</i></u> one allegation letter concerning a group, including two named individuals, to which the government has provided a response.</p> |   |

## **BANGLADESH**

The level of violence has escalated following a series of bombings in 2005, including suicide bombings, targeting buildings and individuals. Leaflets at the bomb sites called for the introduction of Islamic law in Bangladesh. More than 25 people were killed and hundreds injured in these attacks. Following the attacks, hundreds of people were arrested. Despite persistent reports in the Bangladeshi media that armed Islamist groups were responsible for these attacks, the government continued to blame the political opposition, without providing any evidence to substantiate such claims. However, in March 2006, the government began to respond to the mounting internal and international concern that individuals and groups allegedly responsible for these attacks enjoyed impunity, and a number of individuals belonging to Islamist groups were detained against whom there were persistent allegations of bomb and grenade attacks.

Impunity for human rights violations is a widespread concern in Bangladesh. Torture continues to be reported and the government has done little to stop its practice and bring those responsible to justice.

Human rights defenders face abuses by the police, army and other law enforcement personnel, including arbitrary arrest and torture. Many have been threatened by individuals or

groups linked to armed criminal gangs or political parties. Despite the attacks, human rights defenders have remain very active.

Hundreds of journalists have been harassed, intimidated and attacked by state agents and non-state actors, including Islamist groups, which have also attacked courts, judges and lawyers, apparently because they practised non-Islamic law.

Minorities, including Hindus, Christians, Ahmadis and tribal people in the Chittagong Hill Tracts and elsewhere have been attacked with apparent impunity.

In the first quarter of 2005, according to media reports, more than 1,900 women were subjected to violence including rape, acid attacks, abuse for not meeting their husbands' dowry demands, and being trafficked.

In 2005, at least 217 men and one woman were sentenced to death, and at least three men were executed by hanging.

*List of main AI documents:*

- Bangladesh: Investigations must comply to international human rights standards and extend to all those involved in human rights abuses regardless of their political links (AI Index: ASA 13/003/2006)
- Bangladesh: Harassment of leaders of the indigenous people (AI Index: ASA 13/010/2005)
- Bangladesh: Alleged government complicity in physical attacks against opposition activists (AI Index: ASA 13/008/2005)
- Bangladesh: Human rights defenders under attack (AI Index: ASA 13/004/2005)

## **Bangladesh's cooperation with the Treaty Bodies and the Special Procedures**

### **Ratification of International Human Rights Treaties**

| <i>Treaty</i>   | <i>Ratification</i> | <i>Reservations/<br/>declarations</i> |
|---|---------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>                       | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Optional Protocol to the ICCPR</i>   |                     |                                       |
| <i>Second Optional Protocol to the ICCPR</i>  |                     |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>            | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i> | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Optional Protocol to the CEDAW</i>   | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>         | <i>Ratified</i>     |                                       |

|  |                 |                |
|--|-----------------|----------------|
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i> | <i>Entered</i> |
| <i>Optional Protocol CAT</i>   |                 |                |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i> | <i>Entered</i> |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Ratified</i> |                |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Ratified</i> |                |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> | <i>Signed</i>   |                |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Signed</i>   |                |
| <i>Convention Relating the Status of Refugees</i>  |                 |                |
| <i>Protocol relating to the Status of Refugees</i>   |                 |                |

### Compliance with reporting obligations

| <i>Total overdue reports</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial reports</i> |
|------------------------------|------------------------|-------------------------|------------------------|
| 8                            | 2                      |                         | 3                      |

### Cooperation with the Special Procedures

|  |   |
|--|---|
| <i>Extension of a standing invitation</i><br><br>No  | <p><b><i>Outstanding requests by the Special Procedures to carry out a visit</i></b></p> <ol style="list-style-type: none"> <li>1. <i>Special Rapporteur on freedom of opinion and expression</i></li> <li>2. <i>Special Rapporteur on the right to adequate housing</i></li> </ol> |
| <p><b><i>Communications with the Special Procedures during the last reporting period</i></b></p> <p><u><i>Working Group on arbitrary detention:</i></u> <i>one urgent appeal concerning one individual, to which the government provided a response.</i></p> <p><u><i>Working Group on Enforced or Involuntary Disappearances:</i></u> <i>“In the past and during the year under review, the Working Group has transmitted one case to the Government and this one case remains outstanding.”</i></p> <p><u><i>Special Rapporteur on extrajudicial, summary or arbitrary executions:</i></u> <i>two urgent appeals and two allegation letters sent to the government concerning 7 individuals, and in respect of death threats, death penalty safeguards, a death in custody and excessive force. The government has sent one largely satisfactory response and has acknowledged receipt of one communication. The government has not responded to two communications.</i></p> <p><u><i>Special Rapporteur on the right to the highest attainable standard of physical and mental health:</i></u> <i>“By letter dated 26 September 2005, the Government informed the Special Rapporteur that his letter of 16 September 2005 had been transmitted to the relevant authorities in Bangladesh for necessary inquiry and action. However, the Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted any reply to his communication.”</i></p> |   |

*Special Representative on human rights defenders:* “The Special Representative thanks the Government of Bangladesh for its detailed responses. She is encouraged to observe that in a majority of cases, the Government has taken measures to ensure alleged violations are investigated and the perpetrators held accountable. In the case of the attacks against judges she is also encouraged by the concrete measures and overall attention that the Government has paid to this issue. She notes however, that despite these efforts according to the information received no perpetrators of violations have yet been brought to justice.”

*Special Rapporteur on the independence of judges and lawyers:* “The Special Rapporteur thanks the Government of Bangladesh for its cooperation and values its efforts in providing within a short delay substantive information in response to the above allegations. He wishes to assure the Government that their replies are being studied at the time of finalizing this report and will be commented shortly.”

*Special Rapporteur on freedom of religion or belief:* “The Special Rapporteur is grateful for the Government’s response to the communications sent on 5 July 2005. However, taking into account the serious character of the situation faced by the Ahmadiyya community in Bangladesh, she regrets that she has still not received a reply to her previous communication dated 10 March 2005. The Special Rapporteur therefore urges the Government to take concrete measures to eliminate acts of religious intolerance towards the Ahmadiyya community in accordance with article 8(a) of the 2005/40 Resolution of the Commission on Human Rights and would like to receive detailed information about the content of these measures as soon as possible.”

*Special Rapporteur on torture:* one urgent action concerning one individual, to which the government provided a response, two allegation letters concerning eight individuals, which the government has not responded to, and a follow up letter on a past case concerning one individual, to which the government has replied.

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## CHINA

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Individuals regularly attempt to seek redress for various abuses through China’s petitioning system, or the courts; however, few succeed due to fundamental weaknesses in these systems. Human rights defenders continue to lobby the authorities and the international community about various abuses; however, the authorities use broadly defined national security offences to prosecute and imprison activists.

There has been a renewed crackdown on journalists and the media, and several have been detained for broadly defined “state secrets” offences. Those reporting on sensitive issues or challenging the status quo are at risk of dismissal, arbitrary detention or imprisonment. Restrictions on Internet use have been tightened and dozens of people have been arrested for accessing or circulating politically sensitive information on-line.

Forced evictions in urban areas as well as land requisition and high taxes in the countryside have increasingly led to local protests and unrest. These have been met with violence, sometimes by criminal gangs, allegedly backed or hired by local authorities or enterprises.



General working conditions in factories, mines and other enterprises remain poor, and the rights of freedom of expression and association of workers' representatives continue to be severely restricted; independent trade unions are illegal.

Despite laws prohibiting such practices, many women continue to be subjected to forced abortions and sterilizations by local authorities in line with strict family planning policies. Trafficking in women and children, especially girls, continues to be reported. Reports of domestic violence remain widespread, and women in detention risk sexual abuse and other forms of torture or ill-treatment.

The crackdown on the Falun Gong spiritual movement was renewed in April 2005; many Falun Gong practitioners reportedly remain in detention where they were at high risk of torture or ill-treatment. Unregistered Catholics and Protestants associated with unofficial house churches have also been harassed, arbitrarily detained and imprisoned.

The death penalty continues to be used extensively and arbitrarily. People have been executed for non-violent crimes such as tax fraud and embezzlement as well as drug offences and violent crimes.

Torture and ill-treatment continue to be reported in a wide variety of state institutions. Common methods include kicking, beating, electric shocks, suspension by the arms, shackling in painful positions, and sleep and food deprivation. Restricted access to the outside world and the lack of effective complaints mechanisms are key factors allowing the practice to flourish.

People accused of political or criminal offences continue to be denied due process. Detainees' access to lawyers and family members is severely restricted and trials fall far short of international standards for fair trial.

People continue to flee from North Korea into China to escape acute food shortages. Hundreds, possibly thousands, of North Koreans have been arrested and forcibly returned by the Chinese authorities who consider them to be economic migrants and deny them access to any refugee determination procedures, in breach of the UN Refugee Convention.

The authorities continue to use the global "war on terror" to justify harsh repression in the Xinjiang Uighur Autonomous Region, resulting in serious human rights violations against the ethnic Uighur community. Freedom of religion, expression and association also continue to be severely restricted in Tibet. Dozens of prisoners of conscience remain behind bars, including Buddhist monks and nuns.

In Hong Kong Special Administrative Region, police used pepper spray, tear-gas and bean-bag rounds against protesters during ministerial meetings of the World Trade Organization in December 2005, prompting accusations by human rights monitors of excessive use of force. More than 1,000 protesters were detained, and several claimed to have been ill-treated in police custody. All were subsequently released.

*Recent Amnesty International reports:*

- People's Republic of China: Briefing on EU concerns regarding human rights in China (AI Index: ASA 17/027/2005)
- People's Republic of China: The Olympic countdown – three years of human rights reform? (AI Index: ASA 17/021/2005)

- People's Republic of China: Human Rights Defenders at risk - Update (AI Index: ASA 17/002/2005)

## China's cooperation with the Treaty Bodies and the Special Procedures

### Ratification of International Human Rights Treaties

| <i>Treaty</i>  | <i>Ratification</i> | <i>Reservations/declarations</i> |
|--|---------------------|----------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>  | <i>Signed</i>       |                                  |
| <i>Optional Protocol to the ICCPR</i>  |                     |                                  |
| <i>Second Optional Protocol to the ICCPR</i>   |                     |                                  |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       | <i>Ratified</i>     | <i>Entered</i>                   |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i>     | <i>Entered</i>                   |
| <i>Optional Protocol to the CEDAW</i>  |                     |                                  |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified</i>     | <i>Entered</i>                   |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i>     | <i>Entered</i>                   |
| <i>Optional Protocol CAT</i>   |                     |                                  |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i>     | <i>Entered</i>                   |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Signed</i>       |                                  |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Ratified</i>     |                                  |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                     |                                  |
| <i>Rome Statute of the International Criminal Court</i>  |                     |                                  |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i>     | <i>Entered</i>                   |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i>     | <i>Entered</i>                   |

### Compliance with reporting obligations

| <i>Total overdue reports</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|------------------------------|------------------------|-------------------------|------------------------|
| 5                            | 1                      |                         |                        |

### Cooperation with the Special Procedures

|   |   |
|---|---|
| <p><b>Extension of a standing invitation</b></p> <p>No</p>  | <p><b>Outstanding requests by the Special Procedures to carry out a visit</b></p> <ol style="list-style-type: none"><li>1. <i>Special Rapporteur on freedom of opinion and expression</i></li><li>2. <i>Special Rapporteur on toxic waste</i></li><li>3. <i>Special Rapporteur on extrajudicial, summary or arbitrary executions (SR EJE)</i></li><li>4. <i>Independent Expert on extreme poverty</i></li><li>5. <i>Special Rapporteur on freedom of religion or belief</i></li></ol> |
| <p><b>Mission carried out during the last reporting period:</b> <i>Special Rapporteur on torture (UN Doc. E/CN.4/2006/6/Add.6)</i></p>  |   |
| <p><b>Communications with the Special Procedures during the last reporting period</b></p> <p><u>Working Group on arbitrary detention:</u> <i>Opinion 17/2005 concerning two individuals whose detention was found to be arbitrary. No response from government. Opinions 20/2005, 32/2005, 33/2005, 38/2005, 43/2005 concerning a total of five individuals whose detention was found to be arbitrary. A response from government received in all cases. WGAD sent 10 urgent appeals concerning 14 individuals. The government has responded to 7 appeals.</i></p> <p><u>Working Group on Enforced or Involuntary Disappearances:</u> <i>“In the past and during the year under review, the Working Group transmitted 110 cases to the Government; of those, 10 cases have been clarified on the basis of information provided by the source, 69 cases have been clarified on the basis of information provided by the Government and 31 cases remain outstanding. The Working Group expresses its appreciation to the Government of China for its cooperation. However the Working Group notes a worrying circumstance in which individuals from vulnerable groups, including children and mentally challenged people, have allegedly disappeared.”</i></p> <p><u>SR EJE:</u> <i>three urgent appeals and three allegation letters concerning 9 individuals plus a group of persons, and in respect of death penalty safeguards and deaths in custody. The government has provided three largely satisfactory responses and one cooperative but incomplete response. The Special Rapporteur is awaiting translations of two government responses.</i></p> <p><u>Special Rapporteur on the highest attainable standard of physical and mental health:</u> <i>“The Special Rapporteur thanks the Government for its responses. However, he regrets that at the time of the finalization of his report, the Government had not transmitted any reply to his communication sent on 29 September 2005.”</i></p> <p><u>Special Rapporteur on the right to adequate housing:</u> <i>“The Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted any reply to his communication. The Special Rapporteur continues to receive information on the violation of the rights of housing activists protesting forced evictions, most recently at the United Nations Global Compact Summit in Shanghai on 1 December 2005 when approximately 60 activists were detained by police, though later released or returned to their home districts, when they attempted to deliver a letter to United Nations officials attending the Summit. The letter was addressed to the Secretary-General of the United Nations and reportedly documented allegations against the local Shanghai authorities and police of human rights abuses, including forced evictions and land grabs. The Special Rapporteur continues to monitor the situation with interest.”</i></p> <p><u>Special Representative on human rights defenders:</u> <i>“The Special Representative thanks the Government</i></p> |   |

*of China for its replies to the communications of 2005 but regrets that it was not possible for her to make any comment on these cases due to these not being translated in time for the writing of this report. With regard to the responses to communications sent in 2004, the Special Representative takes note of the Government's position. The Special Representative notes with concern the limitations by domestic law to Chinese defenders' rights and freedoms under the Universal Declaration of Human Rights and especially their right to freedom of speech, freedom of the press, freedom of association and freedom of assembly. She remains deeply concerned by reports of arbitrary arrests and detention, including incommunicado, torture and ill-treatment of defenders, and in particular those that deal with issues concerning the 1989 events of Tiananmen Square, religious minorities, ethnic minorities such as Uirghurs and Tibetans, and lawyers who take on human rights cases such as forced sterilization and abortions, forced evictions and labour issues."*

*Special Rapporteur on the independence of judges and lawyers: The Special Rapporteur notes the number of communications that had to be addressed to the Government of China between 2004 and 2005. He thanks the Government for its cooperation and the substantive information it provided in answer to his requests while being concerned by the delays in receiving them. He similarly regrets and apologizes for the particularly long delays in translations of the Government latest reply which have made it impossible for him to make appropriate and timely follow-up on them. Both delays have no small incidence for the alleged victims and he is concerned that they may be avoided in the future. With this in mind, he urges the Government also to provide at the earliest possible date, and preferably before the end of the 62nd session of the Commission on Human Rights, detailed substantive answers to the allegations relayed to them in his letters of 1 July, 25 November and 21 December 2005, and the Secretariat to arrange for early translation of the Government responses." [Please consult report for complete text of observation]*

*Special Rapporteur on freedom of religion or belief: due to technical difficulties it is not possible to read the full text of the observation of the Special Rapporteur at this time.*

*Special Rapporteur on torture: six urgent appeals concerning twenty named individuals and 400 monks. The government responded to three. Two allegation letters concerning two individuals, to which the government provided no responses. The Special Rapporteur sent seven follow-up letters to past cases concerning ten named individuals and a group of Falun Gong practitioners, all of which the government responded to.*

## **INDIA**

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Although politically motivated violence has slightly decreased in Jammu and Kashmir, torture, deaths in custody and "disappearances" continue to be reported. At least 38 people are reported to have died in custody in 2005.

The vast majority of survivors of targeted killings and sexual violence in Gujarat in 2002 - most of them Muslim - have still not received justice and reparations for these crimes, some of which amount to crimes against humanity. In December 2005 a mass grave containing the remains of the victims was found. In February 2006, in a key case relating to the violence, nine persons were convicted and sentenced to life imprisonment. Amnesty International continues to receive reports of harassment of human rights defenders and the social and economic boycotting of the Muslim minority in Gujarat particularly after criminal convictions.

Members of the security forces continue to enjoy impunity for human rights violations. Nine years after the “disappearance” and killing of human rights lawyer Jalil Andrabi in Srinagar, Jammu and Kashmir, an army major identified as responsible by a special investigation team has still not been brought to justice. In Punjab, police officers responsible for serious human rights violations in the mid-1990s continue to evade justice, despite the recommendations of several judicial inquiries and commissions.

Human rights defenders in many parts of the country continue to be harassed and attacked, including activists working on behalf of socially and economically marginalized communities.

At least 77 people were sentenced to death in 2005; however, no executions took place. There is no comprehensive information on the number of people under sentence of death in each state. The central and state governments do not publish any information on the number of people under the sentence of death.

Although the Prevention of Terrorism Act (POTA) was repealed more than a year ago, the cases of those held under the Act have not yet been fully reviewed, and some state governments have yet to take action on the recommendations by the judicial committee reviewing the cases. Human rights organizations have expressed concern over amendments made to the Unlawful Activities (Prevention) Act and state-level acts (especially in Chattisgarh state) which grant special powers to the state, similar to those previously provided by the POTA.

A government committee has recommended the repeal of the Armed Forces Special Powers Act which gives sweeping powers of immunity to security forces in conflict situations. The government has deferred decision on the demand for repeal of the Act.

Despite positive economic gains in recent years, approximately 300 million people remain mired in poverty. Twenty-one years after the Union Carbide Corporation’s pesticide plant in Bhopal leaked toxic gases that took a heavy toll on lives and the environment; survivors are still fighting for adequate compensation, medical help and rehabilitation. The plant site has still not been cleaned and toxic waste continues to pollute the groundwater.

Dalits still face intense social, political, cultural and economic discrimination, oppression and violence. Only a few cases registered under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act 1989 have led to convictions. Adivasi communities in several states also face tremendous pressure from dam and mining projects, expansion of modern forms of agriculture and settlements and have to contend with serious displacement issues arising from lack of adequate rehabilitation and resettlement policies and programmes.

*Recent Amnesty International reports:*

- The death penalty in India: briefing for the EU-India Summit, 7 September 2005 (AI Index: ASA 20/034/2005)
- Briefing on the Armed Forces Special Powers Act (Manipur) (AI Index: ASA 20/025/2005)
- India: Union Carbide Corporation, DOW Chemicals and the Bhopal communities in India - the case (AI Index: ASA 20/005/2005)

- Justice the victim: Gujarat state fails to protect women from violence in 2002 (AI Index: ASA 20/002/2005)

## India's cooperation with the Treaty Bodies and the Special Procedures

### Ratification of International Human Rights Treaties

| <i>Treaty</i>  | <i>Ratification</i> | <i>Reservations/<br/>declarations</i> |
|--|---------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>  | <i>Ratified</i>     |                                       |
| <i>Optional Protocol ICCPR</i>   |                     |                                       |
| <i>Second Optional Protocol ICCPR</i>  |                     |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights</i>  | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Optional Protocol to the CEDAW</i>  |                     |                                       |
| <i>Convention on the Elimination of All Forms of Racial Discrimination</i>   | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Signed</i>       |                                       |
| <i>Optional Protocol to the CAT</i>  |                     |                                       |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Ratified</i>     |                                       |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                     |                                       |
| <i>Rome Statute of the International Criminal Court</i>  |                     |                                       |
| <i>Convention Relating the Status of Refugees</i>  |                     |                                       |
| <i>Protocol relating to the Status of Refugees</i>   |                     |                                       |

### Compliance with reporting obligations

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|----------------------|------------------------|-------------------------|------------------------|
| <i>4</i>             | <i>2</i>               | <i>1</i>                |                        |



### Cooperation with the Special Procedures

|   |  |
|---|--|
| <p><b>Extension of a standing invitation</b></p> <p>No</p>  | <p><b>Outstanding requests by the Special Procedures to carry out a visit</b></p> <ol style="list-style-type: none"><li>1. <i>Special Rapporteur on torture (requested since 1993)</i></li><li>2. <i>Special Rapporteur on extrajudicial, summary or arbitrary executions (SR EJE, first requested in 2000)</i></li><li>3. <i>Special Representative on human rights defenders (SR HRD)</i></li><li>4. <i>Special Rapporteur on racism</i></li><li>5. <i>Special Rapporteur on toxic waste</i></li><li>6. <i>Working Group on arbitrary detention</i></li><li>7. <i>Working Group on Enforced or Involuntary Disappearances</i></li><li>8. <i>Special Rapporteur on the sale of children</i></li></ol> |
| <p><b>Missions carried out during the last reporting period:</b> <i>Special Rapporteur on the right to food (UN Doc. E/CN.4/2006/44/Add.2)</i></p>  |  |
| <p><b>Communications with the Special Procedures during the last reporting period</b></p> <p><u>Working Group on arbitrary detention:</u> <i>two urgent appeals concerning four individuals to which the government has not responded.</i></p> <p><u>Working Group on Enforced or Involuntary Disappearances:</u> <i>“In the past and during the year under the review, the Working Group has transmitted 382 cases to the Government; of those, 10 cases have been clarified on the basis of information provided by the Government and 325 cases remain outstanding. While expressing its appreciation to the Government of India for the information provided during the course of the year and for its efforts to investigate cases of disappearance, the Working Group remains concerned about the number of cases brought to its attention and the lack of any clarification.”</i></p> <p><u>SR EJE:</u> <i>three allegation letters issued concerning 38 individuals, about a death in custody, impunity and excessive force, to which the government has sent no responses.</i></p> <p><u>SR HRD:</u> <i>“The Special Representative regrets that at the time this report was finalized no responses had been received from the Government of India to her communications of 2005. The Special Representative thanks the Government of India for their reply to her communication of 6 October 2004 and welcomes the news that Mr. Umakanta Meiti was released without charges. The Special Representative notes that no response has been received to her request to conduct a country visit.”</i></p> <p><u>Special Rapporteur on freedom of religion or belief:</u> <i>“The Special Rapporteur expresses her concern at not having received any response from the Government. She urges the Government to provide her a detailed reply concerning the communications sent as soon as possible. She would like to point out that article 4(g) of Resolution 2005/40 of the Commission on Human Rights urges States to ensure that all public officials and civil servants, including members of law enforcement bodies, in the course of their official duties, respect different religions and beliefs and do not discriminate on the grounds of religion or belief. In addition article 10 of the Resolution emphasizes the importance of a continued and strengthened dialogue among and within religions or beliefs to promote greater tolerance, respect and mutual understanding. With regard to the problem of conversion, the Special Rapporteur would like to draw attention to paragraph 5 of General Comment 22 of the Human Rights Committee which provides that, “the freedom to “have or to adopt” a religion or belief necessarily</i></p> |  |

entails the freedom to choose a religion or belief, including the right to replace one's current religion or belief with another or to adopt atheistic views, as well as the right to retain one's religion or belief." *In addition the Special Rapporteur would like to refer to paragraphs 40 to 68 of her previous report to the General Assembly (A/60/399) where she addressed the question of conversion as well as missionary activities and propagation of religion. In particular, she underlined that "[m]issionary activities and other forms of propagation of religion are part of the right to manifest one's religion or belief. They may be limited only under restrictive conditions, and the Special Rapporteur disapproves of the criminalization of certain acts specific to the propagation of one's religion". She would furthermore like to draw attention to paragraph 21 of General Comment 28 of the Human Rights Committee which provides that article 18 of may not be relied on to justify discrimination against women by reference to freedom of thought, conscience and religion."*

*Special Rapporteur on torture: four allegation letters concerning five individuals to which the government provided no responses, and two follow-up letters to previous cases concerning six individuals to which the government did respond.*

## **INDONESIA**

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The human rights situation in Nanggroe Aceh Darussalam has improved significantly after the Memorandum of Understanding (MoU) was signed on 15 August 2005 which sets out a framework to end peacefully the 29 year conflict between the government and the Free Aceh Movement (Gerakan Aceh Merdeka, GAM). However, concerns remain that past human rights violations will not be prosecuted and that impunity could undermine prospects for a lasting peace. Despite provisions in the MoU that a human rights court would be set up, the government has announced that the court will not have powers to hear cases from the past.

During the military and civil emergencies (May 2003 – May 2005), suspected GAM members and supporters faced unfair trials; many were denied full access to lawyers and were convicted on the basis of confessions reportedly extracted under torture. Local human rights monitors were subjected to arrest, detention and other forms of harassment and intimidation. During the civil emergency period alone, 80 civilians were killed: three died as a result of torture; 64 were assassinated; six were abducted and killed; and seven were killed during shootings.

In Papua the human rights situation remains tense. There have been reports of arbitrary arrests, unlawful killings, torture and ill-treatment. Independent human rights monitoring is hampered by tight restrictions on access to the province by foreign journalists and other international human rights monitors, as well as by harassment and intimidation of local activists. There is concern that plans to increase troop numbers could lead to more human rights violations in the province.

Members of the police have used excessive force on various occasions, including against demonstrators and detainees. In September 2005, 37 people were wounded when the police shot into a crowd of around 700 peasant farmers in Tanak Awuk, Lombok Island. The gathering was organized to commemorate National Peasants' Day and to discuss land issues. The police said they were responding to people attacking them.



A survey conducted by a local non-governmental organization concluded that over 81 per cent of prisoners arrested between January 2003 and April 2005 in Salemba detention centre, Cipinang prison and Pondok Bambu prison, all in Jakarta, were tortured or ill-treated.

At least 64 civilians were arrested under the Law on Combating Criminal Acts of Terrorism between April and June 2005. Amnesty International is concerned about the legislation, including its inadequate definition of acts of “terrorism”, provision for up to six months’ detention without access to judicial review; and provisions allowing capital punishment.

Human Rights Courts have proved unable to bring perpetrators of serious human rights violations to justice including those in Tanjung Priok, Timor-Leste and Abepura. In a report to the Security Council, a Commission of Experts (CoE) appointed by the UN Secretary-General to review the prosecution of serious violations of human rights in Timor-Leste in 1999, concluded that the judicial process before the Indonesian ad hoc Human Rights Court for Timor-Leste was “manifestly inadequate with respect to investigations, prosecutions and trials”. The report also pointed to provisions in the terms of reference of the newly established Truth and Friendship Commission which “contradict international standards on denial of impunity for serious crimes”.

At least 19 prisoners of conscience were sentenced to prison terms during 2005 and three others remain in jail. They include peaceful political and independence activists, members of religious minorities, students and journalists.

At least 17 people, including two convicted of terrorism-related charges, have been sentenced to death since January 2005 bringing to at least 89 the total number of people known to be under sentence of death. At least one woman and one man were executed by firing squad in 2005. Both were convicted of murder.

*Recent Amnesty International reports:*

- A briefing for EU and ASEAN countries concerning the deployment of the Aceh Monitoring Mission to Nanggroe Aceh Darussalam Province (AI Index: ASA 21/017/2005)
- The role of human rights in the wake of the earthquake and tsunami: A briefing for Members of the Consultative Group on Indonesia, 19-20 January 2005 (AI Index: ASA 21/002/2005)
- Recommendations to the Government of Indonesia on the occasion of the election of Ambassador Makarim Wibisono as Chair of the United Nations Commission on Human Rights (AI Index: ASA 21/001/2005)

## **Indonesia’s cooperation with the Treaty Bodies and the Special Procedures**

### **Ratification of International Human Rights Treaties**

| <i>Treaty</i>   | <i>Ratification</i> | <i>Reservations/<br/>declarations</i> |
|---|---------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i> | <i>Ratified</i>     |                                       |
| <i>Optional Protocol to the ICCPR</i>                               |                     |                                       |
| <i>Second Optional Protocol to the ICCPR</i>                        |                     |                                       |

48 2006 Elections to the Human Rights Council:  
Background information on candidate countries

|  |                 |                |
|--|-----------------|----------------|
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       | <i>Ratified</i> | <i>Entered</i> |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i> | <i>Entered</i> |
| <i>Optional Protocol to the CEDAW</i>  | <i>Signed</i>   |                |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified</i> | <i>Entered</i> |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i> | <i>Entered</i> |
| <i>Optional Protocol CAT</i>   |                 |                |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i> | <i>Entered</i> |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Signed</i>   |                |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Signed</i>   |                |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> | <i>Signed</i>   |                |
| <i>Rome Statute of the International Criminal Court</i>  |                 |                |
| <i>Convention Relating the Status of Refugees</i>  |                 |                |
| <i>Protocol relating to the Status of Refugees</i>   |                 |                |

**Compliance with reporting obligations**

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|----------------------|------------------------|-------------------------|------------------------|
| <i>4</i>             | <i>1</i>               |                         | <i>1</i>               |

**Cooperation with the Special Procedures**

|   |   |
|---|---|
| <p><i>Extension of a standing invitation</i></p> <p><i>No</i></p> | <p><i>Outstanding requests by the Special Procedures to carry out a visit</i></p> <ol style="list-style-type: none"> <li><i>1. Special Rapporteur on torture (requested since 1993)</i></li> <li><i>2. Special Rapporteur on freedom of religion or belief (requested since 1996)</i></li> <li><i>3. Special Rapporteur on migrants</i></li> <li><i>4. Special Rapporteur on freedom of opinion and expression</i></li> <li><i>5. Special Representative on human rights defenders (SR HRD)</i></li> <li><i>6. Special Rapporteur on extrajudicial, summary or arbitrary executions (SR EJE)</i></li> <li><i>7. Independent Expert on structural adjustment policies and</i></li> </ol> |
|---|---|

|  | external debt |
|--|---------------|
| <p><b>Communications with the Special Procedures during the last reporting period</b></p> <p><u>Working Group on Enforced or Involuntary Disappearances:</u> “In the past and during the year under review, the Working Group transmitted 159 cases to the Government; of those, 3 cases have been clarified on the basis of information provided by the Government and 156 cases remain outstanding. The Working Group encourages the Governments of Indonesia and Timor-Leste to cooperate fully in clarifying cases that occurred on the territory of what was formerly East Timor. The Working Group is deeply concerned about reports of persecution of human rights defenders working on disappearance cases, in particular the death of Mr. Munir, Chairman of the Asian Federation Against Involuntary Disappearances.”</p> <p><u>Special Rapporteur on countering terrorism while promoting and protecting human rights:</u> “A response to the Special Rapporteur’s correspondence was requested by 14 January 2006.”</p> <p><u>SR EJE:</u> one urgent appeal concerning 3 individuals, about death penalty safeguards, to which the government provided a cooperative but incomplete response.</p> <p><u>SR HRD:</u> “ The Special Representative thanks the Government of Indonesia for its reply to her communication of 23 November 2005, but regrets that at the time this report was being finalized, she had not received a response to her communication of 16 June 2005 concerning Mugiyanto Sri Suparyati, Usman Hamid, and Abdul Hakim Garuda Nusantara and Thoby Mutis. While she acknowledges the Government’s position with regard to the communication of 23 November 2005 concerning Mr. Munir Said Thalib’s murder, she remains concerned that the detailed findings of the TPF investigation team, including those suggesting the involvement of high-ranking intelligence officials and senior employees of Garuda airlines, were not fully taken into account when the authorities proceeded with the case against the sole suspect Mr. Pollycarpus Priyanto who has since been convicted of the murder. The Special Representative also regrets that her request to conduct a country visit was refused by the Government of Indonesia.”</p> <p><u>Special Rapporteur on the independence of judges and lawyers:</u> “The Special Rapporteur thanks the Indonesian Government for their cooperation and their substantive replies. With regard to Mr. Sakak bin Jamak, the Special Rapporteur takes note of the Government comments regarding the judicial proceedings. While noting that the Government does not provide specific details to assure him of the suspension of the execution of the death sentence imposed upon the person in question, he welcomes their comments regarding the rare carrying out of this sentence. He wishes to take this opportunity to reiterate his firm opposition to the death penalty and to urge the Indonesian Government to move towards removing this sentence from national legislation. He further wishes to ask the Government to kindly confirm whether the death penalty against Mr. Sakak bin Jamak was eventually commuted to a given prison term and, if so, what term. With regard to Mr. Munir, the Special Rapporteur notes with satisfaction the swift action taken by the Government and the Judiciary with a view to clarifying the circumstances of his death and to bring those responsible to court and sentence them.”</p> <p><u>Special Rapporteur on freedom of religion or belief:</u> “The Special Rapporteur is grateful for the Government’s responses to some of the communications and urges the Government to reply to the other communications. The Special Rapporteur draws the Government’s attention to Resolution 2005/40 of the UN Commission on Human Rights, in which the Commission urges States to ensure the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes. Paragraph 8 (a) of Resolution 2005/40 urges states to step up their efforts to eliminate intolerance and discrimination based on religion or belief notably by taking all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, with particular regard to religious minorities and also to devote particular</p> |               |

*attention to practices that violate the human rights of women and discriminate against women. She also recalls Article 6(a) of the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion in which it is stated that the right to freedom of thought, conscience, religion or belief includes the freedom, "[t]o worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes". In addition Article 6(b) provides that the freedom to establish and maintain appropriate charitable or humanitarian institutions is also included in the right to freedom of religion. The Special Rapporteur would also like to take this opportunity to insist on receiving an invitation from the Government to visit Indonesia to assess the situation of freedom of religion or belief. As she underlined in her previous report to the General Assembly (A/60/399), the Government has been reminded of this request for an invitation on many occasions since 1996.*

*Special Rapporteur on torture: four allegation letters concerning ten individuals, to which the government has provided two responses, and two urgent appeals concerning four individuals, to which the government has replied.*

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## IRAN

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Discriminatory laws and practices remain a source of social and political unrest and lead to human rights violations, particularly against Iran's ethnic and religious minorities. In April 2005, at least 31 Arabs were killed and hundreds injured during clashes with the police in Ahvaz and elsewhere in Khuzestan province. At the end of June 2005, scores of ethnic Azeris participating in an annual cultural gathering in Kalayber were arrested; at least 21 were subsequently later sentenced to prison terms of between three months and one year. In July 2005, Iranian security forces shot dead a Kurdish opposition activist, and reportedly dragged his body through the streets behind a jeep. Thousands of Kurds took to the streets in protest. Security forces reportedly killed up to 21 people, injured scores more and arrested at least 190.

Members of Iran's religious minorities have also been killed, detained or harassed because of their faith. Even the recognized religious minorities of Jews, Christians and Zoroastrians face are discriminated against in law and practice with respect to employment, marriage, and criminal sanctions. Unrecognized religions such as the Baha'is, Ahl-e Haq and Sabeaens (Mandaeans) are at particular risk of discrimination.

Freedom of expression and association remains severely curtailed. Journalists and webloggers have been detained and imprisoned and some newspapers have been closed down. Human rights defenders face reprisals because of their work, including harassment, intimidation, attacks, detention, imprisonment and torture.

Amnesty International is concerned that trials in Iran before General, Revolutionary or Special Courts do not meet international standards for fair trial. The independence of lawyers and judges is undermined and detainees are not afforded timely access to legal counsel, leading to prolonged periods of incommunicado detention, during which torture or ill-treatment may be used to obtain confessions.

Torture continues to be routine in many prisons and detention centres. At least five people died in custody in 2005. In several cases, torture or ill-treatment may have been a factor.

At least three amputations have been carried out in 2005, and it is common for courts to hand down sentences of flogging.

At least 94 people were executed in 2005, including at least eight minors. Many others were sentenced to death, including at least 11 minors. The true figures may well be higher. In October 2005, a woman was reportedly sentenced to death by stoning, despite a moratorium on the use of this punishment introduced in 2002.

*Recent Amnesty International reports:*

- Iran: Human rights defenders in the front line (AI Index: MDE 13/026/2006)
- Iran: Amnesty International condemns violence against women demonstrators in Iran (AI Index: MDE 13/024/2006)
- Iran: Worrying trends in use of death penalty (AI Index: MDE 13/020/2006)
- Iran: Urgent investigation required into security forces violence against Sufi Muslims in Qom (AI Index: 13/016/2006)
- Iran: New government fails to address dire human rights situation (AI Index: MDE 13/010/2006)
- Iran: Human Rights Defender at risk appeal case- Abdolfattah Soltani (AI Index MDE 13/009/2006)
- Iran: Amnesty International calls for end to death penalty for child offenders (AI Index: MDE 13/005/2006)

## **Iran's cooperation with the Treaty Bodies and the Special Procedures**

### **Ratification of International Human Rights Treaties**

| <i>Treaty</i>   | <i>Ratification</i> | <i>Reservations/<br/>declarations</i> |
|---|---------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>                                   | <i>Ratified</i>     |                                       |
| <i>Optional Protocol to the ICCPR</i>   |                     |                                       |
| <i>Second Optional Protocol to the ICCPR</i>  |                     |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                        | <i>Ratified</i>     |                                       |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>             |                     |                                       |
| <i>Optional Protocol to the CEDAW</i>   |                     |                                       |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                     | <i>Ratified</i>     |                                       |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i> |                     |                                       |

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|--|-----------------|----------------|
| <i>Optional Protocol CAT</i>   |                 |                |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i> | <i>Entered</i> |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  |                 |                |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                |                 |                |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                 |                |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Signed</i>   |                |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i> | <i>Entered</i> |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i> |                |

#### Compliance with reporting obligations

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|----------------------|------------------------|-------------------------|------------------------|
| 8                    | 4                      | 2                       |                        |

#### Cooperation with the Special Procedures

|  |  |
|--|--|
| <p><b><i>Extension of a standing invitation</i></b></p> <p>Yes*</p>  | <p><b><i>Outstanding requests by the Special Procedures to carry out a visit</i></b></p> <ol style="list-style-type: none"> <li>1. <i>Special Rapporteur on torture</i></li> <li>2. <i>Special Rapporteur on extrajudicial, summary or arbitrary executions (SR EJE)*</i></li> <li>3. <i>Working Group on Enforced or Involuntary Disappearances (postponed)</i></li> <li>4. <i>Special Rapporteur on freedom of religion or belief</i></li> </ol> <p>* NB: SR EJE draws particular attention to the problems experienced in relation to his repeated requests to Iran despite the existence of a standing invitation. See UN Doc. E/CN.4/2006/53.</p> |
| <p><b><i>Missions carried out during last reporting period:</i></b> <i>Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (UN Doc. E/CN.4/2006/41/Add.2) and Special Rapporteur on violence against women, its causes and consequences (UN Doc. E/CN.4/2006/61/Add.3)</i></p>  |  |
| <p><b><i>Communications with the Special Procedures during the last reporting period</i></b></p> <p><i>Working Group on arbitrary detention</i> sent eighteen urgent appeals concerning forty two individuals. The Government responded to eight of the communications.</p> <p><i>Working Group on Enforced or Involuntary Disappearances:</i> “The Working Group regrets that the mission to the Islamic Republic of Iran scheduled to take place in July 2004 has been postponed and remains deeply concerned that little has been done to clarify the more than 500 outstanding cases and</p> |  |



that no information has been received from the Government during the period under review. The Working Group wishes to remind the Government of the Islamic Republic of Iran of its obligations under the Declaration to take all measures necessary to prevent further cases of disappearance, to investigate all outstanding cases and to bring the perpetrators to justice.”

*SR EJE*s sent 12 urgent appeals plus five allegations letters concerning 46 individuals, and in regard to death penalty safeguards, attacks or killings, and excessive force. The government has provided five largely satisfactory responses, five cooperative but incomplete responses, and one response rejecting the allegations but without adequate substantiation. The government has not responded to six communications, one of which was sent recently.

*Special Rapporteur on the right to the highest attainable standard of physical and mental health:* “The Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted any reply to his communications. According to news reports, Nasser Zarafshan was released temporarily in order to receive medical treatment for kidney stones on 4 July 2005 and Akbar Ganji was sent back from hospital to Evin Prison on 3 September 2005 to serve the remainder of his six-year sentence. Information received alleges that Mr. Ganji was tortured by security officers while in the quarantine wing of Milad hospital in Tehran and that he has been denied medical treatment for a dislocated shoulder that resulted from mistreatment.”

*Special Representative on human rights defenders:* “The Special Representative thanks the Government of the Islamic Republic of Iran for its replies to her communications of 15 November 2004 and 16 November 2004 and 4 August 2005, but regrets that at the time this report was being finalized, she had not received replies to the majority of her communications in 2005 concerning Mrs. Shirin Ebadi (13 January 2005), Mr. Nasser Zarafshan (16 February 2005), Ms. Najmeh Omidparvar, Ms. Chahrzad Kariman, Ms. Chiva Nazar-Ahari and Ms. Fariba Hedayati (10 March 2005), Mr. Nasser Zarafshan (16 June 2005), Mr. Akbar Ganji (27 June 2005) and Mr. Abdolfattah Soltani and Mrs. Shirin Ebadi (24 August 2005). The Special Representative looks forward to receiving information to her communication of 15 December 2004 concerning Mr. Bahram Mashhadi, a Baha’I who is alleged to have been tried in absentia, without an access to any form of legal counsel. Mr. Mashhadi is said to be currently imprisoned in Tehran. The Special Representative remains concerned as to how raising legitimate human rights concerns in a written appeal on behalf of an entire community, particularly one that does not have Constitutional protection, could attract serious charges carrying incarceration sentences. The Special Representative thanks the Government of the Islamic Republic of Iran for its reply of 22 August 2005 concerning Mr. Abdolfattah Soltani but looks forward to receiving further information pending the legal proceedings against him”.

*Special Rapporteur on the independence of judges and lawyers:* “The Special Rapporteur notes that in the course of 2005 no less than seven communications had to be addressed to the Government of Iran, and that only five of the communications referred to above were the subject of answers. He therefore wishes to thank the Government of Iran for its cooperation in that connection and at the same time to urge it to provide at the earliest possible date, and preferably before the end of the 62nd session of the Commission on Human Rights, detailed substantive answers to the grave allegations regarding which it did not yet provide answers. The Special Rapporteur was informed by non-governmental sources that on 3 December 2005, a judicial decision was issued for Mr. Abdolfattah Soltani, the subject of the urgent appeal sent on 4 August 2005, for an additional period of three months in detention. He urges the Government of Iran to specify the legal basis and grounds for the continued detention, and the place and conditions of detention, and also to confirm that Mr. Soltani was eventually unconditionally released at the end of the three months period. On the other hand, the Special Rapporteur thanks the Government of Iran for providing information on measures taken to reform the Judiciary. He notes that directives were issued by the Head of the Judiciary regarding the involvement of the prosecutor’s office during investigations and welcomes the amendment providing for the mandatory presence of legal counsel during proceedings. He would be very interested in receiving further information on the actual

*implementation and effectiveness of these directives.”*

*Special Rapporteur on freedom of religion or belief: “The Special Rapporteur is grateful for the Government’s responses to some of her communications. However, she regrets that some of the responses were only partial and hopes to receive further information as soon as possible. The Special Rapporteur remains particularly concerned about the continued persecution of members of the Bahá’í community and would in this respect like to reiterate her support for the recommendations made by the Committee on the Elimination of Racial Discrimination in its most recent concluding observations (CERD/C/63/CO/6, para.14). Additionally she would like to draw the Government’s attention to paragraph 9 of General Comment 22 of the Human Rights Committee which provides that, “the fact that a religion is recognized a State religion or that it is established as official or traditional or that its followers comprise the majority of the population, shall not result in any impairment of the enjoyment of any of the rights under the Covenant, including articles 18 and 27, nor in any discrimination against adherents to other religions or non-believers”. Furthermore paragraph 21 of General Comment 28 of the Human Rights Committee provides that State parties must take measures to ensure that freedom of thought, conscience and religion will be guaranteed and protected in law and practice for both men and women, on the same terms and without discrimination. Article 18 may not be relied upon to justify discrimination against women by reference to freedom of thought, conscience and religion.”*

*Special Rapporteur on torture: Twenty urgent appeals concerning sixty four individuals, to which the government has provided five responses, and one follow-up letter to past cases concerning one individual, which the government has replied to.*

## IRAQ

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Nearly three years after United States and allied forces invaded Iraq and toppled the government of Saddam Hussain, the human rights situation in the country remains dire. The deployment of US-led forces in Iraq and the armed response that engendered has resulted in the death of thousands of civilians (according to the independent *Iraqi Body Count*, the number of civilian casualties in Iraq since the military intervention in March 2003 is somewhere between 34,000 and 39,000). Reports from Iraq indicate that attacks by armed groups continue unabated. Hundreds of Iraqi civilians have reportedly been killed or injured in indiscriminate car bombings and suicide attacks by armed groups targeting Iraqi police and government forces, as well as military convoys and bases of the Multinational Force (MNF). Amnesty International is also concerned at reports that the MNF continues to use force against civilians indiscriminately.

Incidents of “disappearances”, kidnappings and extra-judicial killings – often along sectarian lines – are reported to be increasing. Moreover, the Iraqi Ministry of Displacement and Migration recently stated that around 10,000 families have been uprooted as a result of the ongoing sectarian killings, and a large number of Iraqis have sought refuge outside the country.

There are reports of widespread torture and ill-treatment by the Iraqi security forces in secret detention centres, police stations and official detention centres in different parts of the country. Methods of torture include hanging by the arms, burning with cigarettes, beatings, the use of electric shocks on different parts of the body, strangulation, the breaking of limbs and sexual abuse.



Thousands of people have been held without charge or trial by the MNF. Most are Sunnis arrested in the so-called Sunni Triangle where armed groups opposed to the MNF and the Iraqi government are active. Most were denied access to lawyers and families for the first two months of detention.

US military forces continued to control four main detention centres: Abu Ghraib Prison in Baghdad; Camp Bucca in Um Qasr, near Basra in the south; Camp Cropper near Baghdad International Airport; and Fort Suse, near Suleimaniya in the north. At the end of November 2005, more than 14,000 detainees were held in these detention centres; more than 1,400 for more than a year.

Dozens of people have been sentenced to death by Iraqi criminal courts during 2005, and dozens of people remain on death row. The first executions since Iraq re-imposed the death penalty in August 2004 were carried out in September 2005.

The trial against former President Saddam Hussain and seven others started on 19 October 2005 before the Supreme Iraqi Criminal Tribunal. An Amnesty International delegation observed the opening session of the trial, which has been marred by procedural irregularities.. The seven men are accused in connection with the executions of 148 people from al-Dujail, following an assassination attempt against Saddam Hussain in 1982. The defendants, all of whom could face death sentences if convicted, have denied the charges and questioned the legitimacy of the court.

Women and girls continue to face threats, attacks and harassment; some have been killed and abducted by armed groups. Their freedoms are severely curtailed as a result of the lack of security on the streets. Many women and girls are under pressure to wear the hijab and to change their behaviour.

Human rights abuses have also been reported from areas of northern Iraq controlled since 1991 by the Kurdistan Democratic Party and the Patriotic Union of Kurdistan.

*Recent Amnesty International reports:*

- Iraq: Amnesty International's concerns with regards to "Operation Swarmer" (AI Index: MDE 14/011/2006)
- Iraq: Beyond Abu Ghraib, torture and detention in Iraq (AI Index: MDE 14/001/2006)
- Iraq: The new Constitution must protect human rights (AI Index: MDE 14/023/2005)
- Iraq: In cold blood – abuses by armed groups (AI Index: MDE 14/009/2005)
- Iraq: Iraqi Special Tribunal – fair trials not guaranteed (AI Index: MDE 14/007/2005)
- Iraq: Decades of suffering, now women deserve better (AI Index: MDE 14/001/2005)

## Iraq's cooperation with the Treaty Bodies and the Special Procedures

### Ratification of International Human Rights Treaties

| <i>Treaty</i>  | <i>Ratification</i> | <i>Reservations/<br/>declarations</i> |
|--|---------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>  | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Optional Protocol to the ICCPR</i>  |                     |                                       |
| <i>Second Optional Protocol to the ICCPR</i>   |                     |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Optional Protocol to the CEDAW</i>  |                     |                                       |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                |                     |                                       |
| <i>Optional Protocol CAT</i>   |                     |                                       |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  |                     |                                       |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                |                     |                                       |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                     |                                       |
| <i>Rome Statute of the International Criminal Court</i>  |                     |                                       |
| <i>Convention Relating the Status of Refugees</i>  |                     |                                       |
| <i>Protocol relating to the Status of Refugees</i>   |                     |                                       |

### Compliance with reporting obligations

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|----------------------|------------------------|-------------------------|------------------------|
| <i>11</i>            | <i>5</i>               |                         |                        |

### Cooperation with the Special Procedures

|   |  |
|---|--|
| <b>Extension of a standing invitation</b><br><br>No | <b>Outstanding requests by the Special Procedures to carry out a visit</b> <ol style="list-style-type: none"><li>1. Working Group on Enforced or Involuntary Disappearances (requested since 1995)</li><li>2. Special Rapporteur on torture</li><li>3. Special Representative on human rights defenders (SR HRD)</li></ol> |
|---|--|

#### **Communications with the Special Procedures during the last reporting period**

Working Group on arbitrary detention (WGAD): Opinion 44/2005 (Iraq and United States), concerning one individual whose detention was found to be arbitrary. No response from Iraqi government. Opinion 45/2005 (Iraq and United States) concerning one individual, case provisionally filed waiting for further information. No response from Iraqi government. WGAD sent 6 urgent appeals concerning 11 individuals. No response has been received from the government.

Working Group on Enforced or Involuntary Disappearances: “The Working Group welcomes the establishment of the National Centre for Missing and Disappeared Persons in Iraq. This year, in addition, the Government of Iraq asked that the details of all cases be retransmitted. The Working Group welcomes this request. Nonetheless, Iraq remains the country with the highest number of disappearances reported to the Working Group. The Working Group urges the Government to provide information that could lead to the clarification of the 16,387 cases. The Working Group had previously expressed concern over the protection of mass grave sites. The concern remains valid as mass graves and their preservation are crucial to investigations. The Working Group urges the Government of Iraq to make its best efforts to protect mass grave sites.”

Special Rapporteur on extrajudicial, summary or arbitrary executions sent two urgent appeals and three allegation letters, concerning 16 individuals plus a general allegation, in relation to death penalty safeguards, deaths in custody, violations of right to life in armed conflict and impunity. The government has provided two cooperative but incomplete responses, and no response in relation to three communications.

Special Rapporteur on the right to the highest attainable standard of physical and mental health: “The Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted any reply to his communications.”

SR HRD: “The Special Representative thanks the Permanent Mission of Iraq for its reply to her communication of 4 March 2005, but regrets that at the time this report was being finalized, she had not yet received responses to her communications of 11 May 2005 concerning Mr. Rebwar Arif, 30 September 2005 concerning threats to female political leaders and women human rights defenders and 11 November 2005 concerning Mr. Adel Mohamed Al-Zubaidi and Mr. Thamer Hamood Al-Quaee. While she takes note of the Mission’s position in respect of her communication of 4 March 2005 she regrets that the authorities were unable to find and prosecute the perpetrators of these attacks and remains deeply concerned about the hostile and violent environment for human rights defenders in Iraq. The Special Representative thanks the Government of Iraq for its positive response to her request for an invitation to conduct a country visit”.

Special Rapporteur on the independence of judges and lawyers: “The Special Rapporteur thanks the Iraqi Government for its cooperation and the observations provided in response to his report to the General Assembly in 2005. With regard to the Special Tribunal, he however wishes to reiterate his serious concern about its legal and material deficiencies and their impact on the proceedings. The fact that, on stated grounds of security, the identity of judges may not be revealed has not been able to prevent, in the context of violence prevailing in Iraq, the assassination of one of the judges and of five

*candidates to form part of the Tribunal and the assassination of two defence lawyers while another one was injured. For the Special Rapporteur, one of the key issues is the limited competence of the Tribunal since it cannot judge those responsible for war crimes committed by foreign armed forces neither during the first Gulf war (1990) not after 1 May 2003, when the second conflict started. The Tribunal's legitimacy also calls for reservations if one considers that it was set up in the context of an armed occupation which is mainly considered to be illegal, and that the sitting judges were selected at that time." [Please see report for text of full observation].*

*Special Rapporteur on freedom of religion or belief: "The Special Rapporteur regrets that there has been no response received from the Government to this communication. While she recognizes the difficult situation that the Government is facing at the moment, she would like to draw attention to paragraph 8(a) of Resolution 2005/40 of the Commission on Human Rights in which States are urged to eliminate intolerance and discrimination based on religion and to devote particular attention to practices that violate the human rights of women and discriminate against women, including in the exercise of their right to freedom of thought, conscience, religion or belief."*

*Special Rapporteur on torture: Five urgent appeals concerning ten individuals and one allegation letter about violence against women and girls, including nine named individuals. The government has provided no responses.*

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## JAPAN

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Amnesty International believes that the crimes perpetrated against so-called "comfort women" before and during World War II amount to crimes against humanity. Tens of thousands of women were forcibly abducted and deceived into becoming "comfort women" in military controlled "comfort stations" organized in various occupied countries. Here the women and girls were repeatedly raped and held as sex slaves. To date, the Japanese government has refused to acknowledge its responsibility for these crimes, and the survivors have still not been granted full reparations by the government.

One man was executed in 2005, and 78 prisoners remain on death row. The Japan Federation of Bar Associations has called for a moratorium on the death penalty.

In November 2005, two guards at Nagoya prison received suspended sentences for killing a prisoner in 2001 by aiming water from a high-pressure hose at him, causing internal injuries.

The number of people recognized as refugees under the limited provisions of Japan's refugee law rose to at least 46 at the end of 2005. More than 40 others were granted special permission to stay for humanitarian reasons. Conditions in immigration centres are harsh and without adequate medical care.

*Recent Amnesty International reports:*

- Japan: Still waiting after 60 years: Justice for survivors of Japan's military sexual slavery system (AI Index: ASA 22/012/2005)

## Japan's cooperation with the Treaty Bodies and the Special Procedures

### Ratification of International Human Rights Treaties

| <i>Treaty</i>  | <i>Ratification</i> | <i>Reservations/<br/>declarations</i> |
|--|---------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>  | <i>Ratified</i>     |                                       |
| <i>Optional Protocol to the ICCPR</i>  |                     |                                       |
| <i>Second Optional Protocol to the ICCPR</i>   |                     |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i>     |                                       |
| <i>Optional Protocol to the CEDAW</i>  |                     |                                       |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i>     |                                       |
| <i>Optional Protocol CAT</i>   |                     |                                       |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Ratified</i>     |                                       |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Ratified</i>     |                                       |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                     |                                       |
| <i>Rome Statute of the International Criminal Court</i>  |                     |                                       |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i>     |                                       |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i>     |                                       |

### Compliance with reporting obligations

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|----------------------|------------------------|-------------------------|------------------------|
| 5                    |                        |                         |                        |

### Cooperation with the Special Procedures

|  |   |
|--|---|
| <i>Extension of a standing invitation</i><br><br><i>No</i> | <i>Outstanding requests by the Special Procedures to carry out a visit</i><br><br>1. <i>Special Rapporteur on toxic waste</i><br>2. <i>Special Rapporteur on migrants</i> |
|--|---|

|  |   |
|--|---|
|  | 3. <i>Special Rapporteur on trafficking</i> |
| <i>Mission carried out during last reporting period: Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (UN doc. E/CN.4/2006/16/Add.2 and Corr.1)</i>   |   |
| <b><i>Communications with the Special Procedures during the last reporting period</i></b>  |   |
| <i>Working Group on Enforced or Involuntary Disappearances: "In the past and during the year under review, the Working Group has transmitted one case to the Government. This case of a disappeared person remains outstanding before the Working Group."</i>              |   |
| <i>Special Rapporteur on extrajudicial, summary or arbitrary executions: one allegation letter in relation to one individual concerning death penalty safeguards, to which the government has responded to reject the allegations but without adequate substantiation.</i> |   |

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## JORDAN

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Scores of people were arrested in 2005 on suspicion of involvement in terrorism. Most were held initially in incommunicado detention by the General Intelligence Department (GID). Amnesty International continues to receive reports of the torture and ill-treatment of detainees in incommunicado detention, including in order to obtain "confessions".

During 2005, more than a hundred people appeared before the State Security Court, the proceedings of which fall short of international standards for fair trial. In many cases, defendants told the court that they had been tortured to extract "confessions". However, to the knowledge of Amnesty International the Court did not order independent investigations into these allegations.

Amnesty International is concerned that the draft Law of National Security which is yet to come before the Jordanian Parliament, if enacted, will allow for the indefinite detention without charge or trial of persons suspected of involvement in terrorism. In addition, many detainees in Jordan, particularly criminal suspects, are subject to administrative detention under the Law on Crime Prevention of 1954, which empowers provincial governors to authorise the detention without charge or trial of anyone suspected of committing a crime or "deemed to be a danger to society" for a period of one year, which may then be renewed indefinitely.

In June 2005, the government-funded National Centre for Human Rights announced that it had received 250 reports of torture between June 2003 and December 2004. It also pointed to the difficulties faced by defendants in proving torture allegations.

Despite some positive developments in the law relating to women's rights, the protection of women against domestic violence remains inadequate. For example, Article 98 of the Penal Code continues to be invoked in defence of men who kill their female relatives for reasons of "honour" to achieve a reduced sentence for the perpetrator. During 2005, at least 12 women and one man were reportedly victims of family killings. Dozens of women are reported to be administratively detained without charge or trial; among them are victims of rape, women

who had become pregnant outside marriage, and women accused of extramarital sexual relations or of being prostitutes. Many of them are believed to be held in order to protect them from their family and community members. In the past, women have been killed by relatives after they were released from “protective” custody, including in cases where their relatives had signed a guarantee not to harm them.

At least 11 people were sentenced to death in 2005 and 11 were executed. On 16 November 2005, an Italian newspaper quoted the King as saying that “Jordan could soon become the first country in the Middle East without capital punishment

Restrictions of the freedoms to expression and assembly continue to be reported. The authorities are reported to censor newspapers and other publications which are deemed to be critical of the government, and to refuse permission for some public demonstrations under the Public Assemblies Law. The government has also proposed a new law that will restrict the activities of the Professional Associations Council, which has been critical of government policies.

*Recent Amnesty International reports:*

- USA/Jordan/Yemen: Torture and secret detention — Testimony of the “disappeared” in the “war on terror” (AI Index: AMR 51/108/2005)

## Jordan’s cooperation with the Treaty Bodies and the Special Procedures

### Ratification of International Human Rights Treaties

| <i>Treaty</i>   | <i>Ratification</i> | <i>Reservations/<br/>declarations</i> |
|---|---------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>                                   | <i>Ratified</i>     |                                       |
| <i>Optional Protocol to the ICCPR</i>   |                     |                                       |
| <i>Second Optional Protocol to the ICCPR</i>  |                     |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                        | <i>Ratified</i>     |                                       |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>             | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Optional Protocol to the CEDAW</i>   |                     |                                       |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                     | <i>Ratified</i>     |                                       |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i> | <i>Ratified</i>     |                                       |
| <i>Optional Protocol CAT</i>  |                     |                                       |
| <i>Convention on the Rights of the Child (CRC)</i>  | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Optional Protocol to the CRC on children in armed conflict</i>                                     | <i>Signed</i>       |                                       |
| <i>Optional Protocol to the CRC on the sale of children, child</i>                                    | <i>Signed</i>       |                                       |



|  |                 |                |
|--|-----------------|----------------|
| <i>prostitution and child pornography</i>  |                 |                |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                 |                |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Ratified</i> | <i>Entered</i> |
| <i>Convention Relating the Status of Refugees</i>  |                 |                |
| <i>Protocol relating to the Status of Refugees</i>   |                 |                |

### Compliance with reporting obligations

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|----------------------|------------------------|-------------------------|------------------------|
| <i>10</i>            | <i>4</i>               |                         |                        |

### Cooperation with the Special Procedures

|   |   |
|---|---|
| <i>Extension of a standing invitation</i><br><br><i>No</i>  | <i>Outstanding requests by the Special Procedures to carry out a visit</i><br><br><i>None</i> |
| <p><b><i>Communications with the Special Procedures during the last reporting period</i></b></p> <p><u><i>Working Group on Enforced or Involuntary Disappearances:</i></u> “In the past and during the year under review, the Working Group has transmitted two cases to the Government. They both remain outstanding”.</p> <p><u><i>Special Rapporteur on countering terrorism while promoting and protecting human rights:</i></u> “A response to the Special Rapporteur’s correspondence was requested by 14 January 2006.”</p> <p><u><i>Special Rapporteur on freedom of religion or belief:</i></u> “The Special Rapporteur is grateful for the additional legal materials sent by the Government in response to her letter dated 12 July 2005. She takes this opportunity to draw the attention of the Government to Article 18(1) of the International Covenant on Civil or Political Rights, which provides that the right to freedom of religion “shall include freedom to have or to adopt a religion or belief of his choice [...]” In addition, the Special Rapporteur would like to refer to paragraphs 40 to 68 of her previous report to the General Assembly (A/60/399) where she addressed the question of conversion as well as missionary activities and propagation of religion.”</p> <p><u><i>Special Rapporteur on torture:</i></u> one allegation letter concerning two individuals, to which the government has provided no response.</p> |   |

## KYRGYZSTAN

Hundreds of Uzbeks fled to Kyrgyzstan after security forces fired on thousands of mainly unarmed and peaceful demonstrators in neighbouring Uzbekistan in May. Over 540 men, women and children crossed into Kyrgyzstan in the early hours of 14 May. The refugees were



initially based in a makeshift camp near the border; however, their safety could not be guaranteed and on 4 June the Office of the UN High Commissioner for Refugees (UNHCR) moved them to a camp at Besh-Kana. It is reported that Uzbekistani security services put pressure on both the refugees and their relatives to persuade refugees to return voluntarily. On 29 July, UNHCR airlifted 439 refugees to a holding centre in Romania, pending resettlement.

Kyrgyzstan came under pressure from Uzbekistan to extradite a large number of the refugees, and on 9 June the authorities forcibly returned four of them to Uzbekistan in contravention of their international obligations and despite earlier guarantees of protection. On 22 June the Prosecutor General of Kyrgyzstan reportedly described 29 refugees as “criminals”. Twenty-five of these refugees were evacuated to Romania and other European countries for resettlement in July-September, while the remaining four are in detention and believed to be at risk of forcible return to Uzbekistan. Of the hundreds of people who fled Uzbekistan after 13 May, some were reportedly denied entry or were forcibly returned to Uzbekistan. Effective opportunities to legalize their presence in Kyrgyzstan did not exist, and little information was available to them on how to lodge an asylum claim.

A law enacted in August 2005 to outlaw extremism risks threatening freedom of expression and, in particular, freedom of the media because of its broad definition of extremist activities and extremist materials.

More than 20 inmates were killed in widespread prison riots in September and October 2005, reportedly in response to harsh prison conditions and collusion between prison authorities and jailed criminal leaders. In November violence erupted again when government forces tried to regain control of prisons left without guards and administrators following the riots.

There is currently a moratorium on executions, and draft amendments to the Constitution include the permanent and full abolition of the death penalty.

*Recent Amnesty International reports:*

- Kyrgyzstan: Fear of Forcible Return/Fear of Torture (Urgent Action), (AI Index: 58/001/2006)
- Kyrgyzstan: Uzbekistan in pursuit of refugees in Kyrgyzstan – A follow-up report (AI Index: EUR 58/016/2005)
- Kyrgyzstan: Refugees in need of a safe haven (AI Index: EUR 58/008/2005)

**Kyrgyzstan’s cooperation with the Treaty Bodies and the Special Procedures**

**Ratification of International Human Rights Treaties**

| <i>Treaty</i>   | <i>Ratification</i> | <i>Reservations/d<br/>eclarations</i> |
|---|---------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i> | <i>Ratified</i>     |                                       |
| <i>Optional Protocol to the ICCPR</i>                               | <i>Ratified</i>     |                                       |
| <i>Second Optional Protocol to the ICCPR</i>                        |                     |                                       |

|  |                 |  |
|--|-----------------|--|
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       | <i>Ratified</i> |  |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i> |  |
| <i>Optional Protocol to the CEDAW</i>  | <i>Ratified</i> |  |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified</i> |  |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i> |  |
| <i>Optional Protocol CAT</i>   |                 |  |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i> |  |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Ratified</i> |  |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Ratified</i> |  |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> | <i>Ratified</i> |  |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Signed</i>   |  |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i> |  |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i> |  |

#### Compliance with reporting obligations

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|----------------------|------------------------|-------------------------|------------------------|
| 9                    | 1                      |                         | 3                      |

#### Cooperation with the Special Procedures

|   |   |
|---|---|
| <i>Extension of a standing invitation</i><br><br><i>No</i>  | <i>Outstanding requests by the Special Procedures to carry out a visit</i><br><br><i>None</i> |
| <i>Mission carried out during the last reporting period: Special Rapporteur on the independence of judges and lawyers (UN Doc. E/CN.4/2006/52/Add.3)</i>  |   |
| <b><i>Communications with the Special Procedures during the last reporting period</i></b>   |   |
| <i>Working Group on arbitrary detention: sent one urgent appeal concerning 16 individuals. Government has not provided response.</i>  |   |
| <i>Special Rapporteur on extrajudicial, summary or arbitrary executions: one allegation letter concerning the death in custody of one individual, to which the government has provided a largely satisfactory response.</i> |   |

*Special Rapporteur on the independence of judges and lawyers:* “The Special Rapporteur thanks the Government of Kyrgyzstan for its comments to his draft visit report and regrets that these comments could not be taken into account in finalizing his report, due to the fact that they were received after the deadline and when the report was already published. He however welcomes the fact that they will be circulated at the Commission on Human Rights and looks forward to an in-depth discussion of their contents with the Kyrgyz delegation to the Commission on Human Rights. The Special Rapporteur urges the Government to provide answers to the concerns expressed in his press release of 18 October and to the specific allegations transmitted to it in his letter of 30 December 2005.”

*Special Rapporteur on torture:* four urgent appeals, one concerning sixteen individuals, one concerning 400 asylum seekers, one concerning twenty nine Uzbekistani persons seeking international protection and one concerning twelve Uzbekistani persons recognized as refugees, to which the government has provided no responses. The Special Rapporteur has also issued two allegation letters concerning two individuals to which the government has replied.

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## LEBANON

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Former Prime Minister Rafiq al-Hariri and 22 others were killed by a car bomb in Beirut on 14 February 2005. Speculation that Syrian authorities were involved prompted the withdrawal of Syrian troops from Lebanon by May 2005. Following the findings of a UN fact-finding team into the killings, four former heads of Lebanese intelligence and security services were arrested in August 2005. An interim UN report implicated a fifth former Lebanese security official who was arrested in November 2005. A second UN report requested that Syria also detain several suspects. The assassination of Rafiq al-Hariri was followed by 13 other bombings of civilian targets in Lebanon in which 12 people were killed and at least 100 injured.

Many human rights groups operate freely, but some have been harassed or threatened. Human rights lawyer, Dr Muhamad Mugraby was brought before a military court on 17 April 2006 on charges related to remarks he made in a meeting with the European Parliament’s Mashreq Delegation on 4 November 2003. Dr Mugraby was accused of slandering Lebanon’s military establishment and its officers after he criticised the military court system, in particular the legal training of the court’s judges and its ability to address allegations of torture in pre-trial detention to extract “confessions”. If convicted, he would have faced imprisonment of up to three years; however, the charges were eventually dropped.

Amnesty International continues to receive reports of torture and ill-treatment in Lebanese detention centres, particularly during pre-trial detention and as a means of obtaining “confessions”, and is concerned that the authorities have failed to put in place sufficient safeguards to protect detainees against torture and ill-treatment and to ensure investigations into allegations of torture and ill-treatment.

Amnesty International is also concerned that trials before military courts fall seriously short of international standards for fair trial. Contrary to Lebanese legislation which does not give military personnel legal authority over the civilian population, the military courts have been granted a very wide jurisdiction over civilians. Unlike civilian courts, judgments by the military court do not provide a full explanation of the grounds for their verdicts. The Military Court is characterized by its summary proceedings, and its procedures do not always allow

lawyers to discharge their tasks properly. Violations in pre-trial procedures, such as arrests without warrant, prolonged incommunicado detention, and denial of detainees' access to lawyers, have created an environment in which other human rights violations occur.

According to the UN, some 400,000 Palestinian refugees are resident in Lebanon. They have only restricted access to work and social security, as well as insufficient protection of their rights at work. Their access to adequate housing is also severely hampered by Lebanese law and government policies.

Women in Lebanon face discrimination and violence in the family. Discriminatory practices are permitted under personal status laws, nationality laws and laws contained in the Penal Code relating to violence in the family. Women migrants employed as domestic workers face multiple discrimination on grounds of their nationality, gender and economic and legal status. They face exploitation and abuse by employers, including physical and sexual abuse, excessive hours of work and non-payment of wages.

The authorities continue to refuse the International Committee of the Red Cross unfettered access to all prisons despite a presidential decree in 2002 authorizing such access. This is a particular concern in relation to detention centres operated by the Ministry of Defence where detainees are reported to be subjected to torture and ill-treatment.

Mass human rights abuses were committed during and after the civil war, including killings of civilians; abductions and "disappearances" of Lebanese, Palestinian, and foreign nationals; and arbitrary detentions. In 1992 the Lebanese government stated that a total of 17,415 people "disappeared" during the war, but no criminal investigations or prosecutions have ever been undertaken. A new joint Syrian-Lebanese committee was established in May 2005 to investigate the cases of more than 600 Lebanese who "disappeared" during the civil war, apparently while in the custody of Syrian forces. There are concerns, however, about the effectiveness of the committee due to its lack of independence and limited powers.

A mass grave was discovered in November 2005 inside the Lebanese Ministry of Defence compound at al-Yarze, reportedly containing 20 bodies. Another mass grave, reportedly containing 28 bodies, was exhumed in December at 'Anjar, in the Beqa' Valley, near the former Syrian military intelligence headquarters in Lebanon.

*Recent Amnesty International reports:*

- Lebanon: A human rights agenda for the parliamentary elections (AI Index: MDE 18/005/2005).

## **Lebanon's cooperation with the Treaty Bodies and the Special Procedures**

### **Ratification of International Human Rights Treaties**

| <i>Treaty</i>   | <i>Ratification</i> | <i>Reservations/<br/>declarations</i> |
|---|---------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i> | <i>Ratified</i>     |                                       |

|  |                 |                |
|--|-----------------|----------------|
| <i>Optional Protocol to the ICCPR</i>  |                 |                |
| <i>Second Optional Protocol to the ICCPR</i>   |                 |                |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       | <i>Ratified</i> |                |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i> | <i>Entered</i> |
| <i>Optional Protocol to the CEDAW</i>  |                 |                |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified</i> | <i>Entered</i> |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i> |                |
| <i>Optional Protocol CAT</i>   |                 |                |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i> |                |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Signed</i>   |                |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Ratified</i> |                |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                 |                |
| <i>Rome Statute of the International Criminal Court</i>  |                 |                |
| <i>Convention Relating the Status of Refugees</i>  |                 |                |
| <i>Protocol relating to the Status of Refugees</i>   |                 |                |

#### Compliance with reporting obligations

| <i>Total overdue reports</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial reports</i> |
|------------------------------|------------------------|-------------------------|------------------------|
| <i>7</i>                     | <i>3</i>               | <i>1</i>                | <i>1</i>               |

#### Cooperation with the Special Procedures

|  |   |
|--|---|
| <i>Extension of a standing invitation</i><br><i>No</i>   | <i>Outstanding requests by the Special Procedures to carry out a visit</i><br><i>None</i> |
| <i>Missions carried out during the last reporting period: Special Rapporteur on trafficking in persons, especially women and children (UN Doc E/CN.4/2006/62/Add.3)</i>  |   |
| <i>Communications with the Special Procedures during the last reporting period</i><br><i>Working Group on arbitrary detention: Opinion 25/2005 concerning one individual whose case was filed (person released), to which the government provided a response. Two urgent appeals in respect of</i> |   |

two individuals, to which the government provided one response.

Working Group on Enforced or Involuntary Disappearances: “In the past and during the year under review, the Working Group has transmitted 319 cases to the Government; of those, 6 cases have been clarified on the basis of information provided by the source, 2 cases have been clarified on the basis of information provided by the Government and 311 cases remain outstanding. The Working Group is concerned about the lack of relevant information in the response from the Government, which was the same for all 313 cases. It encourages the Government to make all possible efforts in order to determine the fate or whereabouts of the disappeared persons. The Working Group welcomes the creation of the Joint Lebanon-Syria Committee, which addresses disappearances. The Working Group requests that any new information received by the Government concerning the outstanding cases be sent to the Working Group as soon as possible.”

Special Rapporteur on extrajudicial, summary or arbitrary executions: one urgent appeal concerning one individual about death penalty safeguards, to which the government has provided no response.

Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health: “The Special Rapporteur thanks the Government for its reply.”

Special Representative on human rights defenders: “The Special Representative thanks the Government of Lebanon for its reply to her communication of 23 September 2004 concerning Ms. Samira Trad. She looks forward to receiving information regarding the outcome of the trial of Ms. Trad but remains concerned about the persistent harassment of Ms. Trad and her organisation. She also reiterates her concerns with regards to the repeated apparent harassment of Dr. Mugraby and looks forward to receiving a response from the Government on this case.”

Special Rapporteur on the independence of judges and lawyers: “Le Rapporteur spécial est extrêmement préoccupé par l'absence de réponse officielle à ses demandes, notamment s'agissant du cas de M. El-Haj qui risquait de la peine capitale. Il invite le Gouvernement du Liban à lui transmettre au plus tôt, et de préférence avant la fin de la 62ème session de la Commission des droits de l'homme, des informations précises et détaillées en réponse aux allégations ci-dessus. Le Rapporteur spécial souhaite tout spécialement savoir quelles décisions le tribunal a prises en cassation concernant le cas de M. El Haj et avoir des précisions sur le sort actuel de celui-ci. Il saisit cette occasion pour réitérer sa ferme opposition à l'application de la peine capitale et pour inviter le Gouvernement du Liban à prendre toutes les dispositions nécessaires pour parvenir à éliminer cette peine de sa législation. Enfin, il souhaiterait connaître les décisions prises par le tribunal compétent concernant l'appel interjeté par Me Mugraby et si celui-ci a pu d'ores et déjà reprendre sa pratique d'avocat.”

Special Rapporteur on torture: two urgent appeals concerning two individuals, to which the government provided one response.

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## MALAYSIA

The Internal Security Act (ISA) still allows for detention without trial for up to two years, renewable indefinitely, of anyone considered by the authorities to be a potential threat to national security or public order. ISA detainees are at risk of physical intimidation, humiliation and intense psychological pressure, which may amount to torture, while held incommunicado. To Amnesty International's knowledge complaints of abuse by ISA detainees have not been

effectively investigated. At least 71 suspected Islamist activists remain detained without charge or trial under the ISA.

Restrictive laws, such as the Societies Act and the Universities and University Colleges Act, are used to curb the rights to freedom of expression, association and assembly of opposition figures, journalists, students and other members of civil society.

Abuses by police, including ill-treatment in custody, continue as do complaints of degrading treatment of women. The government continues to consider implementation of major institutional reforms.

In March 2005, the authorities launched mass arrest and deportation operations against people suspected of being undocumented migrant workers. There were reports of abuses mainly by auxiliary police and the authorities failed to provide adequate medical care, food and clean water in some detention centres and police cells.

As a sign of a possible increase in religious intolerance, in June 2005, the authorities labelled 22 religious sects as “deviant”. In July 2005 the Sky Kingdom religious sect was attacked by unidentified men, and 58 sect members, including women and children, were subsequently detained. Forty-five people were charged with offences under *Sharia* law, including practising “deviant” Islamic beliefs. To date there has been no prosecutions of those responsible for the attack.

Death sentences have been imposed, mostly for drug trafficking offences, although no executions have been reported. Hundreds of convicted prisoners, mostly undocumented migrant workers, have been caned as an additional punishment to imprisonment.

*Recent Amnesty International reports:*

- Malaysia: Towards human rights-based policing (AI Index: ASA 28/001/2005)

## Malaysia’s cooperation with the Treaty Bodies and the Special Procedures

### Ratification of International Human Rights Treaties

| <i>Treaty</i>   | <i>Ratification</i> | <i>Reservations/<br/>declarations</i> |
|---|---------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>                       |                     |                                       |
| <i>Optional Protocol to the ICCPR</i>   |                     |                                       |
| <i>Second Optional Protocol to the ICCPR</i>  |                     |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>            |                     |                                       |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i> | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Optional Protocol to the CEDAW</i>   |                     |                                       |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>         |                     |                                       |



70 2006 Elections to the Human Rights Council:  
Background information on candidate countries

|   |          |         |
|---|----------|---------|
| Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)                |          |         |
| Optional Protocol CAT   |          |         |
| Convention on the Rights of the Child (CRC)   | Ratified | Entered |
| Optional Protocol to the CRC on children in armed conflict  |          |         |
| Optional Protocol to the CRC on the sale of children, child prostitution and child pornography                |          |         |
| International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families |          |         |
| Rome Statute of the International Criminal Court  |          |         |
| Convention Relating the Status of Refugees  |          |         |
| Protocol relating to the Status of Refugees   |          |         |

**Compliance with reporting obligations**

| Total overdue | 5 years overdue | 10 years overdue | Initial overdue |
|---------------|-----------------|------------------|-----------------|
| 3             | 1               |                  | 1               |

**Cooperation with the Special Procedures**

|   |   |
|---|---|
| <b>Extension of a standing invitation</b><br><br>No | <b>Outstanding requests by the Special Procedures to carry out a visit</b> <ol style="list-style-type: none"> <li>1. Special Representative on human rights defenders (SR HRD)</li> <li>2. Special Rapporteur on migrants</li> <li>3. Special Rapporteur on the right to education (tentative date set 2006)</li> </ol> |
|---|---|

**Communications with the Special Procedures during the last reporting period**

Working Group on Enforced or Involuntary Disappearances: “In the past and during the year under review, the Working Group has transmitted two cases to the Government; of those, one case has been clarified on the basis of information provided by the source and the Working Group decided to discontinue consideration of one case. No cases remain outstanding.”

Special Rapporteur on countering terrorism while promoting and protecting human rights: “As at 15 December 2005, there had been no response to the Special Rapporteur’s correspondence.”

SR HRD: “The Special Representative thanks the Government for its reply to her communication of 26 October 2004 but regrets that at the time this report was being finalized, she had not yet received a response to her communication of 30 June 2005.”

Special Rapporteur on freedom of religion or belief: “The Special Rapporteur thanks the Permanent Mission for acknowledging the communication. She would like to remind the Government that paragraph 9 of General Comment 22 of the Human Rights Committee states that, “the fact that a religion is recognized as a state religion or that it established as official or traditional or that its

*followers comprise the majority of the population, shall not result in any impairment of the enjoyment of any of the rights under the Covenant, including articles 18 or 27, nor in any discrimination against adherents to other religions or non-believers. In particular, certain measures discriminating against the latter, such as measures restricting eligibility for Government service to members of the predominant religion or giving economic privileges to them or imposing special restrictions on the practice of other faiths, are not in accordance with the prohibition of discrimination based on religion or belief and the guarantee of equal protection under article 26.” Moreover, she reminds the Government that the right to change religion is a fundamental part of freedom of religion or belief. In its General Comment No. 22, the Human Rights Committee stated that “the freedom to “have or to adopt” a religion or belief necessarily entails the freedom to choose a religion or belief, including the right to replace one’s current religion or belief with another”. This aspect of the right to freedom of religion or belief is absolute and may therefore not be subjected to any form of limitation (see A/60/399, paras 46 to 54).”*

*Special Rapporteur on torture: one urgent appeal concerning 130 unidentified individuals to which the government has not responded.*

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## PAKISTAN

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Dozens of suspects, Pakistanis as well as foreign men, women and children, have been arbitrarily arrested on suspicion of terrorist activities and of contact with *al-Qa’ida*. Several have “disappeared” in custody and hundreds have been handed over to US custody. Some of them are known to be held in Guantánamo Bay while others are assumed to be held in undisclosed US detention places. Some were rendered by the USA from Pakistan to Middle Eastern countries where they are believed to have been tortured.

The state has failed to protect members of religious minorities from abuse by private individuals. At least 72 people have been charged and arrested under blasphemy laws, including laws that make it a criminal offence for members of the Ahmadiyya community to practise their faith. Among the accused are 39 Muslims, 26 Ahmadis, four Hindus and three Christians. In October 2005, eight Ahmadis were shot dead and 22 injured in their mosque by men shooting from a passing motorbike. Eighteen men arrested shortly afterwards were subsequently released without charge.

Women and girls continue to be subject to violence in the family and community. Hundreds of women have been killed or mutilated for supposed breaches of “honour”; successful prosecutions for such killings are rare. Custodial violence against women, including rape, persists, and under Hudodd law women alleging rape can be accused of *zina* (fornication) which can be punished with stoning to death and lashings. Women’s rights activists continue to be threatened and harassed.

Human rights defenders are not sufficiently protected by the government. Some were attacked by Islamists and the police took no action to protect them. In some cases, the police were responsible or participated in abuses.

The number of death sentences continues to rise; in 2005 at least 241 people were sentenced to death, and at least 31 people were executed. The number of people under sentence of death is around 7,000. Some convicts who are well-off are able to escape punishment under

provisions of the Qisas and Diyat Ordinance which allow heirs of murder victims to accept compensation and pardon the offender.

*Recent Amnesty International reports:*

- Pakistan: Amnesty International's comments on the Lahore judgment of December 2004 revoking the Juvenile Justice System Ordinance (AI Index: ASA 33/026/2005)
- Pakistan: Protection of juveniles in the criminal justice system remains inadequate (AI Index: ASA 33/021/2005)
- Pakistan: Recommendations for an effective National Human Rights Commission (AI Index: ASA 33/019/2005)

### **Pakistan's cooperation with the Treaty Bodies and the Special Procedures**

#### **Ratification of International Human Rights Treaties**

| <i>Treaty</i>  | <i>Ratification</i> | <i>Reservations/<br/>declarations</i> |
|--|---------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>  |                     |                                       |
| <i>Optional Protocol to the ICCPR</i>  |                     |                                       |
| <i>Second Optional Protocol to the ICCPR</i>   |                     |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       | <i>Signed</i>       | <i>Entered</i>                        |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Optional Protocol to the CEDAW</i>  |                     |                                       |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified</i>     |                                       |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                |                     |                                       |
| <i>Optional Protocol CAT</i>   |                     |                                       |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Signed</i>       |                                       |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Signed</i>       |                                       |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                     |                                       |
| <i>Rome Statute of the International Criminal Court</i>  |                     |                                       |
| <i>Convention Relating the Status of Refugees</i>  |                     |                                       |

Protocol relating to the Status of Refugees

**Compliance with overdue reports** (information taken from OHCHR website)

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|----------------------|------------------------|-------------------------|------------------------|
| 5                    | 2                      |                         |                        |

**Cooperation with the Special Procedures**

| <i>Extension of a standing invitation</i> | <i>Outstanding requests by the Special Procedures to carry out a visit</i>  |
|---|---|
| No  | <ol style="list-style-type: none"> <li>1. <i>Special Representative on human rights defenders (SR HRD)</i></li> <li>2. <i>Special Rapporteur on extrajudicial, summary or arbitrary executions (SR EJE, requested in 2000)</i></li> <li>3. <i>Special Rapporteur on racism</i></li> </ol> |

**Communications with the Special Procedures during the last reporting period**

Working Group on arbitrary detention: *Opinion 16/2005 concerning one individual whose detention was found to be arbitrary. No response from government.*

Working Group on Enforced or Involuntary Disappearances: *“In the past and during the year under review, the Working Group has transmitted 83 cases to the Government; of those, 4 cases have been clarified on the basis of information provided by the source, 4 cases have been clarified on the basis of information provided by the Government and 75 cases remain outstanding.”*

SR EJEs: *three urgent appeals and seven allegation letters concerning 41 individuals, in relation to death penalty safeguards, deaths in custody, attacks or killings, disappearances, and impunity, to which the government has provided five largely satisfactory responses and five cooperative but incomplete responses.*

SR HRD: *“The Special Representative thanks the Government of Pakistan for its responses to her communications of 7 July 2005, 29 June 2005 and 2 September 2005. While she welcomes the release of Muhammad Ali Shah (Chairperson), Sultan Ahmed (alias Sami Memon), Jamal Mustafa Shoro, Allah Dino Mallah and Muhammad Mallah but remains concerned about the use of preventive detention in such circumstances as it may be used to prevent human rights defenders from carrying out their activities in defence of human rights. Concerning the communication of 2 September 2005 the Special Representative regrets that no information was provided by the Government regarding any measures that were taken to investigate the threats and harassment experienced by Farooq Ahmed Khan or to bring the perpetrators to justice.”*

Special Rapporteur on freedom of religion or belief: *“The Special Rapporteur is grateful for the Government’s response and investigations into the cases of Pastor Fazal and Pastor Babar and his driver. She would like to draw the Government’s attention to paragraph 12 of Resolution 2005/40 of the Commission on Human Rights with regard to her communication concerning the arrest of Mohammed Younus Shikh. In paragraph 12 the Commission on Human Rights emphasizes that restrictions on the freedom to manifest religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion. She would also like to encourage the Government, with regard to the Sangla*

*Hills violence, to continue taking the necessary steps to comply with paragraph 8 (a) of Resolution 2005/40 of the Commission on Human Rights which urges states to step up their efforts to eliminate intolerance and discrimination based on religion or belief notably by taking all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, with particular regard to religious minorities.”*

*Special Rapporteur on torture: one urgent appeal concerning two named individuals and all members of the Baloch Students Organization to which the government provided no response, one allegation letter concerning seven individuals, to which the government provided one response, and eight follow-up letters on past cases concerning nine individuals to which the government provided eight responses.*

## **PHILIPPINES**

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The number of politically-targeted attacks on leftist activists and community workers has risen sharply over recent years, with at least 66 fatal shootings reported during 2005. Most of the attacks were carried out by unidentified assailants on motorcycles, at times wearing face masks and often described as “vigilantes”, or hired killers allegedly linked to the Armed Forces of the Philippines. Investigations into such killings remain ineffective, and consequently the perpetrators continue to enjoy impunity. Journalists are also at risk of armed attacks and at least seven were killed by unidentified assailants in 2005, reportedly because of their work.

President Arroyo declared a week-long State of Emergency in late February 2006 citing a conspiracy to overthrow the government by members of the mainstream opposition, rightists, communists and “military adventurists”. Police enforced a ban on public assemblies and there were reports of excessive use of force by riot police when confronting and dispersing peaceful demonstrations. These reports continue to be received. In addition, following a raid on a newspaper office, police threatened media outlets who failed to respect guidelines related to “responsible” reporting with being shut down.

Although the recent alleged coup conspiracy reportedly involved persons from across the political spectrum, there are reports that the political Left in particular have been targeted for politically-motivated arrests. Amid concerns over failures to respect the right to due process and a fair trial, a leftist Congress member has been arrested and five others charged with “rebellion”. Senior government officials have publicly asserted that legal leftist parties are linked to communist armed groups, and Amnesty International is concerned that the continuing pattern of unresolved killings of leftist activists in the provinces could intensify.

The ability of the authorities to conduct prompt, thorough and impartial investigations into these and other human rights violations is a pressing concern. The implementation of fair trial and custodial safeguards remains weak, and criminal suspects are at risk of ill-treatment or torture, especially during periods of custodial investigation. Victims of human rights abuses, especially the poor and marginalized, are often unable to gain redress due to intimidation and the lack of an effective witness protection programme.

Minors in detention are held in poor prison conditions and at times at risk of physical or sexual abuse. There are also reports of inhumane prison conditions for adult male and female prisoners and of excessive use of force by the authorities.

Death sentences continue to be imposed, some of them following unfair trials. However, in April 2006 President Arroyo announced the commutation of death sentences to life imprisonment. This move will affect at least 1,230 prisoners sentenced to death since 1994. At least 22 of them are young offenders sentenced to death for offences committed when they were under the age of 18, even though the law makes clear that child offenders cannot be sentenced to death or executed. President Arroyo has also prioritized legislation, currently under consideration by Congress, to abolish the death penalty.

Peace talks between the government and the National Democratic Front, representing the Communist Party of the Philippines and its armed wing, the New People's Army (NPA) remain suspended. With the peace process stalled, the Joint Monitoring Commission, set up to examine complaints of human rights abuses and breaches of humanitarian laws by both sides, has made little progress. Previous government pledges to release political prisoners have only been partially implemented. Attacks by the New People's Army (NPA) on government targets continue as do clashes between the NPA and the Armed Forces of the Philippines. Suspected NPA members and their supporters remain at risk of arbitrary arrests, torture, extrajudicial executions and "disappearances".

Despite periodic breaches, the ceasefire agreement between the government and the Muslim secessionist Moro Islamic Liberation Front (MILF) has been maintained in Mindanao; intermittent informal peace talks continue.

*Recent Amnesty International reports and Statements:*

- Philippines: Sharp rise in "vigilante" killings as human rights activist's death remains unsolved (AI Index: ASA 35/001/2005)
- Public Statement: Philippines: Time to reassert the need for respect for human rights as State of Emergency is lifted. (AI Index: ASA 35/002/2006, 8 March 2006)

**Philippines' cooperation with the Treaty Bodies and the Special Procedures**

**Ratification of International Human Rights Treaties**

| <i>Treaty</i>   | <i>Ratification</i> | <i>Reservations/<br/>declarations</i> |
|---|---------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>                       | <i>Ratified</i>     |                                       |
| <i>Optional Protocol to the ICCPR</i>   | <i>Ratified</i>     |                                       |
| <i>Second Optional Protocol to the ICCPR</i>  |                     |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>            | <i>Ratified</i>     |                                       |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i> | <i>Ratified</i>     |                                       |



|  |                 |  |
|--|-----------------|--|
| <i>Optional Protocol to the CEDAW</i>  | <i>Ratified</i> |  |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified</i> |  |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i> |  |
| <i>Optional Protocol CAT</i>   |                 |  |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i> |  |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Ratified</i> |  |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Ratified</i> |  |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> | <i>Ratified</i> |  |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Signed</i>   |  |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i> |  |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i> |  |

#### Compliance with reporting obligations

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|----------------------|------------------------|-------------------------|------------------------|
| 15                   | 7                      | 2                       | 3                      |

#### Special Procedures

|   |   |
|---|---|
| <i>Extension of a standing invitation</i><br><br><i>No</i>  | <p><b><i>Outstanding requests by the Special Procedures to carry out a visit</i></b></p> <ol style="list-style-type: none"> <li><i>1. Special Rapporteur on migrants</i></li> <li><i>2. Special Rapporteur on toxic and dangerous products and wastes</i></li> <li><i>3. Special Rapporteur on freedom of opinion and expression</i></li> <li><i>4. Special Rapporteur on the right to adequate housing</i></li> <li><i>5. Independent Expert on extreme poverty</i></li> </ol> |
| <p><b><i>Communications with the Special Procedures during the last reporting period</i></b></p> <p><i>Working Group on arbitrary detention: one urgent appeal concerning 10 individuals, to which the government provided a response.</i></p> <p><i>Special Rapporteur on the promotion and protection of human rights while countering terrorism: “As at 15 December 2005, there had been no response to the Special Rapporteur’s correspondence.”</i></p> <p><i>Working Group on Enforced or Involuntary Disappearances: “The Working Group again encourages the Government to report on the implementation of the recommendations emanating from the Working Group’s visit of 1991. The Working Group is concerned about disappearances which allegedly</i></p> |   |



occurred in 2004. It reminds the Government of its obligation under article 13 of the Declaration to make every effort to clarify the 594 outstanding cases. The Working Group invites the Government of the Philippines to meet with the Working Group in 2006. The Working Group welcomes the consolidation of the anti-disappearance bills, which have been under consideration for several years, and the subsequent approval of the consolidated bill by the Committee on Justice of the House of Representatives on 16 November 2005. The Working Group encourages the timely adoption of this important legislation.”

Special Rapporteur on extrajudicial, summary or arbitrary executions: one urgent appeal and three allegation letters concerning ten individuals, about death penalty safeguards, attacks or killings, and impunity, to which the government has provided one largely satisfactory response and one cooperative but incomplete response. The government has not responded to two of the allegation letters.

Special Rapporteur on adequate housing as a component of the right to an adequate standard of living: “The Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted any reply to his communication. The Special Rapporteur continues to monitor the situation with interest.”

Special Representative on human rights defenders: “The Special Representative thanks the Government of the Philippines for its reply to her communication of 28 October 2005, but regrets that at the time this report was being finalized she had not received responses to her communications of 22 February 2005, 25 August 2005 and 2 December 2005. She looks forward to receiving more information concerning the investigations into the killing of Victoria Samonte.”

Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people:

“The Special Rapporteur thanks the Government for its prompt replies and trusts he will receive updated information on the ongoing investigations in the case of Francisco Bulane, Padilla Bulane and Prumencio Bulane.”

Special Rapporteur on the independence of judges and lawyers: “The Special Rapporteur is concerned that after almost a year no answer was sent to him by the Government of the Philippines. He thus urges the Government of the Philippines to provide at the earliest possible date and preferably before the end of the 62nd session of the Commission on Human Rights, detailed substantive answers to the above allegations. He would especially appreciate receiving details of any measures taken with a view to protect the life of Bienvenido Salinas and his family and ensure their security.”

Special Rapporteur on torture: one allegation letter concerning one individual to which the government provided no response. The Special Rapporteur received ten responses from the government to ten previous communications concerning nineteen individuals.

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## SAUDI ARABIA

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Armed confrontations between security forces and groups allegedly aligned to *al-Qa'ida* have led to scores of people on both sides being killed, in the context of the government's “campaign for fighting terrorism”. Government forces have arrested scores of suspected “Islamists”, but have not disclosed information to Amnesty International about those detained. The Interior Ministry has stated that many of those detained would be tried; however, Amnesty International has not been able to confirm whether such trials have taken place.

The organisation has long standing concerns about Saudi Arabia's justice system and the secrecy surrounding it and is concerned that those tried will not get a fair trial. Other security suspects were returned to or received from other countries. In February and March 2005, 27 Yemeni nationals were deported to Yemen, where they may have been detained, while Yemeni authorities returned 25 Saudi Arabian nationals to Saudi Arabia. Further exchanges of such prisoners between those two countries, and between Saudi Arabia and other countries, are believed to have taken place.

Women are discriminated against in law and practice and do not have adequate protection against domestic and family violence. The exclusion of women from participation in the municipal elections has been widely criticized by women's rights activists. Cases of forced marriage continue to be reported, despite a statement by the Grand Mufti banning the practice.

Peaceful critics of the state as well as suspected members of armed groups have been detained in the past year; however, the exact number of those detained is not known. Freedom of expression also continues to be curtailed.

Reports of abuses against migrant workers continue, despite announcements by the government of plans to improve the protection of foreign workers' rights.

Flogging remains a routine corporal punishment imposed by courts as a main or additional sentence for a wide range of offences, including in cases involving prisoners of conscience.

In 2005, at least 86 men and two women were executed; almost half of them were foreign nationals. The authorities have not disclosed the number of death sentences. Defendants in capital cases often do not have legal representation and are not informed of the progress of the proceedings.

*Recent Amnesty International reports:*

- Gulf Cooperation Council (GCC) countries: Women deserve dignity and respect (AI Index: MDE 04/004/2005)

## **Saudi Arabia's cooperation with the Treaty Bodies and the Special Procedures**

### **Ratification of International Human Rights Treaties**

| <i>Treaty</i>   | <i>Ratification</i> | <i>Reservations/declarations</i> |
|---|---------------------|----------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>                       |                     |                                  |
| <i>Optional Protocol to the ICCPR</i>   |                     |                                  |
| <i>Second Optional Protocol to the ICCPR</i>  |                     |                                  |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>            |                     |                                  |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i> | <i>Ratified</i>     | <i>Entered</i>                   |

|  |                 |                |
|--|-----------------|----------------|
| <i>Optional Protocol to the CEDAW</i>  |                 |                |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified</i> | <i>Entered</i> |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i> | <i>Entered</i> |
| <i>Optional Protocol CAT</i>   |                 |                |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i> | <i>Entered</i> |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  |                 |                |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                |                 |                |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                 |                |
| <i>Rome Statute of the International Criminal Court</i>  |                 |                |
| <i>Convention Relating the Status of Refugees</i>  |                 |                |
| <i>Protocol relating to the Status of Refugees</i>   |                 |                |

### Compliance with reporting obligations

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|----------------------|------------------------|-------------------------|------------------------|
| 3                    |                        |                         | 1                      |

### Cooperation with the Special Procedures

|   |  |
|---|--|
| <p><b><i>Extension of a standing invitation</i></b></p> <p style="text-align: center;"><i>No</i></p>  | <p><b><i>Outstanding requests by the Special Procedures to carry out a visit</i></b></p> <ol style="list-style-type: none"> <li>1. <i>Special Rapporteur on torture</i></li> <li>2. <i>Special Rapporteur on trafficking</i></li> <li>3. <i>Special Rapporteur on extrajudicial, summary or arbitrary executions (SR EJE)</i></li> </ol> |
| <p><b><i>Communications with the Special Procedures during the last reporting period</i></b></p> <p><i>Working Group on arbitrary detention: Opinion 22/2005 concerning four individuals whose cases have been filed, persons released. Government provided response. Opinions 34/2005 and 35/2005 concerning five individuals in total whose detention has been found to be arbitrary. No responses from government. WGAD also issued 4 urgent appeals concerning 23 individuals. No response has been received.</i></p> <p><i>Working Group on Enforced or Involuntary Disappearances: "In the past and during the year under review, the Working Group has transmitted four cases to the Government; of those, one case has been clarified on the basis of information provided by the Government and the Working Group decided to discontinue consideration of two cases. Accordingly, one case remains outstanding."</i></p> <p><i>SR EJE: four urgent appeals concerning 6 individuals and about death penalty safeguards, to which</i></p> |  |

*the government has provided a cooperative but incomplete response to one communication, and no response to three.*

*Special Representative on human rights defenders: “The Special Representative thanks the Government of Saudi Arabia for its response to her communication of 30 May 2005 and welcomes the release of Mr. Ali ak-Domani, Abdullah al-Hamid and Matruk al-Falih. However, she remains concerned about the use by authorities of arbitrary arrests and detentions to inhibit the legitimate activities of human rights defenders. The Special Representative regrets that at the time this report was being finalized, no response had been received to the communication of 26 May 2005.”*

*Special Rapporteur on the independence of judges and lawyers: The Special Rapporteur thanks the Government of Saudi Arabia for its cooperation and its substantive responses to the allegations relayed to it on 30 May and 22 December 2005. He wishes to assure the Government that their latest communication is under study and will duly be reflected in his next report. Yet, it cannot but note with concern that in the course of 2005 no less than six communications had to be addressed to the Government of Saudi Arabia. He regrets that his communications of 17 November 2004, of 26 January, 23 August and 29 November 2005 have remained so far unanswered and urges the Government of Saudi Arabia to provide at the earliest possible date and preferably before the end of the 62nd session of the Commission on Human Rights, detailed substantive answers to the allegations relayed in these three communications.” [Please see report for full text of observation].*

*Special Rapporteur on freedom of religion or belief: “The Special Rapporteur is concerned that the Government has not responded to her urgent appeals. She would like to draw the Government’s attention to paragraph 9 of General Comment 22 of the Human Rights Committee which provides that “the fact that a religion is recognized as a state religion or that it is established as official or traditional or that its followers comprise the majority of the population, shall not result in any impairment of the enjoyment of any of the rights under the Covenant, including articles 18 or 27, nor in any discrimination against adherents to other religions or non-believers. In particular, certain measures discriminating against the latter [...] are not in accordance with the prohibition of discrimination based on religion or belief and the guarantee of equal protection under article 26. The measures contemplated by article 20, paragraph 2 of the Covenant constitute important safeguards against the infringement of the rights of religious minorities and other religious groups to exercise the rights guaranteed by articles 18 and 27, and against acts of violence or persecution directed towards those groups.” Paragraph 10 provides that: “If a set of beliefs is treated as official ideology in constitutions, statutes, proclamations of ruling parties etc. or in actual practice, this shall not result in any impairment of the freedoms under article 18 or any other rights recognized under the Covenant nor in any discrimination against persons who do not accept the official ideology or who oppose it.” The Special Rapporteur is concerned about the measures taken against those individuals or groups who profess a different religion to the official religious doctrine and urges the Government to take steps to ensure that freedom of religion does not make adherence to a religion other than the State religion impossible.”*

*Special Rapporteur on torture: three urgent appeals concerning four individuals to which the government provided one response.*

## SOUTH KOREA

Migrant workers face widespread discrimination, and many work in dangerous conditions, are underpaid and not paid regularly, or do not receive severance pay. As of December 2005, there were over 200,000 undocumented migrant workers liable to immediate detention pending deportation. Detention policies for asylum-seekers are arbitrary, and there is a lack of transparency in refugee recognition procedures which do not take sufficient account of threats faced by asylum-seekers.

In March 2006, a group of elderly farmers were evicted from their land by riot police in order to make way for the expansion of a US military base. The villagers claimed that the compensation offered was insufficient to buy them land elsewhere and their livelihoods were therefore at stake. Several human rights activists who protested the eviction were arrested by the police; however, they were released a week later.

Although there were no executions in 2005, at least 63 prisoners remain under sentence of death. There has been an unofficial moratorium on executions since 1998. A Special Bill to abolish the death penalty for all crimes was introduced by the National Assembly in February 2005 - 175 MPs out of a possible 299 voted in favour. The Bill is currently under consideration by a special committee before it goes back to Parliament for a final vote.

As of 9 March 2006 four men, including two long-term prisoners, were serving sentences imposed under the National Security Law, which allows for long prison sentences or the death penalty for non-violent political activities.

At least 1,090 conscientious objectors, most of them Jehovah's Witnesses, were in prison at the end of 2005 for their refusal to carry out compulsory military service.

### *Recent Amnesty International reports:*

- Republic of Korea (South Korea): Open Letter to all Leaders of Political Parties: An Important Duty to Revitalise Efforts to Fundamentally Repeal or Review the National Security Law (AI Index: ASA 25/009/2004)
- Republic of Korea (South Korea): Open Letter to newly elected Members of the 17<sup>th</sup> National Assembly: a historic opportunity to consolidate human rights gains (AI Index: ASA 25/004/2004)
- Republic of Korea (South Korea): Elderly farmers forcibly evicted for US army base (AI Index: ASA 25/001/2006)

### **Republic of Korea's cooperation with the Treaty Bodies and the Special Procedures**

#### **Ratification of International Human Rights Treaties**

| <i>Treaty</i>   | <i>Ratification</i> | <i>Reservations/<br/>declarations</i> |
|---|---------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i> | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Optional Protocol to the ICCPR</i>                               | <i>Ratified</i>     |                                       |

|  |                                  |                |
|--|----------------------------------|----------------|
| <i>Second Optional Protocol to the ICCPR</i>   |                                  |                |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       | <i>Ratified</i>                  |                |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i>                  | <i>Entered</i> |
| <i>Optional Protocol to the CEDAW</i>  |                                  |                |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified<sup>art 14</sup></i> |                |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i>                  |                |
| <i>Optional Protocol CAT</i>   |                                  |                |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i>                  | <i>Entered</i> |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Ratified</i>                  |                |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Ratified</i>                  | <i>Entered</i> |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                                  |                |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Ratified</i>                  |                |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i>                  | <i>Entered</i> |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i>                  | <i>Entered</i> |

#### Compliance with reporting obligations

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|----------------------|------------------------|-------------------------|------------------------|
| 3                    |                        |                         |                        |

#### Cooperation with the Special Procedures

|   |   |
|---|---|
| <i>Extension of a standing invitation</i><br><br><i>No</i>  | <i>Outstanding requests by the Special Procedures to carry out a visit</i><br><i>Special Rapporteur on migrants</i> |
| <b><i>Communications with the Special Procedures during the last reporting period</i></b>   |   |
| <i>Special Rapporteur on freedom of religion or belief: "The Special Rapporteur is grateful for the Government's detailed response. She has also taken note of the Government's position on conscientious objectors through the third periodic State Party Report, which it submitted to the Human Rights Committee in February 2005 (CCPR/C/KOR/2005/3). While she notes that military service may sometimes be necessary for purposes of national security she would like to draw the Government's attention to paragraph 11 of General Comment 22 of the Human Rights Committee which provides that although the International Covenant on Civil and Political Rights "does not explicitly refer to a right to</i> |   |



*conscientious objection, the Committee believes that such a right can be derived from article 18, inasmuch as the obligation to use lethal force may seriously conflict with the freedom of conscience and the right to manifest one's religion or belief."*

## **SRI LANKA**

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Human rights abuses such as politically motivated killings, torture and the recruitment of children as soldiers have been regularly reported since the signing of the Ceasefire Agreement in February 2002. The majority appears to have been committed by the Liberation Tigers of Tamil Eelam (LTTE), but the security forces are reportedly also responsible for a number of extrajudicial executions of civilians. Reports of abuses escalated dramatically following a split in the LTTE in February 2004. Members of the break-away Karuna faction are reported to have killed civilians and LTTE cadres, creating an atmosphere of fear and insecurity for civilians in eastern Sri Lanka.

A number of high-profile individuals have been assassinated, including the Foreign Minister, who was killed in Colombo on 12 August 2005, reportedly by the LTTE. By the end of 2005, violence had also flared up in the north of the country, particularly in the Jaffna peninsula where over 150 people, including civilians, were killed during December 2005 and January 2006.

Following a visit by Erik Solheim, Norway's International Development Minister and envoy to the peace process, the government and the LTTE met to discuss the implementation of the Ceasefire Agreement in Geneva on 22-23 February 2006. Both parties agreed to uphold the agreements made, including the disarming of paramilitary groups and to meet again in Geneva on 19 April.

At the beginning of 2005, an estimated 1 million people were displaced by the tsunami and by September 2005 approximately 450,000 of these remained displaced and living in temporary shelters. In response to the tsunami the government established a coastal buffer zone, inside which no rebuilding is permitted. The government announced that communities who had lived in the buffer zone would be relocated inland; however, by the middle of 2005 most of these communities remained in temporary shelters awaiting relocation. These coastal communities have expressed concern that the forced relocation will erode their livelihoods and way of life.

A further 350,000 people remain displaced by the armed conflict. They have been unable to return home following the 2002 ceasefire for a number of reasons, including high-security zones, lack of available land for resettlement and landmines. Many are still living in government-run camps in very cramped conditions with little privacy.

Incidents of sexual and domestic violence continue to be reported, including sexual and domestic violence against women living in tsunami IDP camps. Women's groups have expressed concern that lack of security in these camps make women vulnerable to violence. High levels of domestic violence have been reported in some camps.



Reports of child recruitment by the LTTE continue to rise. Although a small number of children were released by the LTTE during 2005, it has failed to end recruitment and release the children within its ranks as agreed under the Action Plan for Children Affected by War.

Although the National Police Commission (NPC) announced in August 2004 that addressing torture by police would be its top priority, reports continue of torture in police custody, in some cases resulting in deaths. Little or no attempt has been made to prosecute police officers responsible for torture or to provide compensation for torture victims. Some victims of torture who brought complaints have reportedly been threatened by police.

There were no executions, despite an announcement in 2004 that the death penalty would be reactivated for certain crimes. In July 2005, the Commissioner General of Prisons reported that there were approximately 100 prisoners on death row.

The terms of office of the five commissioners of the national Human Rights Commission (HRC) expired on 3 April 2005 and no further appointments can be made until the Constitutional Council – the body that makes the appointments - is reconstituted. The HRC started its work in 1997 as an independent statutory body to investigate reports of human rights violations and its work will be severely disrupted unless the government takes immediate steps to enable it to continue functioning.

*Recent Amnesty International reports:*

- Sri Lanka: Urgent Action needed to ensure future of national Human Rights Commission (AI Index: 37/008/2006)
- Sri Lanka: A Climate of Fear in the East (AI Index: 37/005/2006)

## **Sri Lanka's cooperation with the Treaty Bodies and the Special Procedures**

### **Ratification of International Human Rights Treaties**

| <i>Treaty</i>   | <i>Ratification</i> | <i>Reservations/<br/>declarations</i> |
|---|---------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>                       | <i>Ratified</i>     |                                       |
| <i>Optional Protocol to the ICCPR</i>   | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Second Optional Protocol to the ICCPR</i>  |                     |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>            | <i>Ratified</i>     |                                       |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i> | <i>Ratified</i>     |                                       |
| <i>Optional Protocol to the CEDAW</i>   | <i>Ratified</i>     |                                       |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>         | <i>Ratified</i>     |                                       |
| <i>Convention against Torture and Other Cruel, Inhuman or</i>                             | <i>Ratified</i>     |                                       |

|   |          |         |
|---|----------|---------|
| Degrading Treatment or Punishment (CAT)   |          |         |
| Optional Protocol CAT   |          |         |
| Convention on the Rights of the Child (CRC)   | Ratified |         |
| Optional Protocol to the CRC on children in armed conflict  | Ratified |         |
| Optional Protocol to the CRC on the sale of children, child prostitution and child pornography                | Signed   |         |
| International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families | Ratified | Entered |
| Rome Statute of the International Criminal Court  |          |         |
| Convention Relating the Status of Refugees  |          |         |
| Protocol relating to the Status of Refugees   |          |         |

#### Compliance with reporting obligations

| Total overdue | 5 years overdue | 10 years overdue | Initial overdue |
|---------------|-----------------|------------------|-----------------|
| 9             | 2               |                  | 2               |

#### Cooperation with the Special Procedures

|  |   |
|--|---|
| <p><b>Extension of a standing invitation</b></p> <p>No</p>   | <p><b>Outstanding requests by the Special Procedures to carry out a visit</b></p> <ol style="list-style-type: none"> <li>1. Special Rapporteur on torture</li> <li>2. Special Rapporteur on the independence of judges and lawyers</li> <li>3. Representative of the Secretary-General on internally displaced persons</li> <li>4. Special Rapporteur on freedom of opinion and expression (postponed)</li> </ol> |
| <p><b>Missions carried out during the last reporting period:</b> Special Rapporteur on freedom of religion or belief (UN Doc E/CN.4/2006/5/Add.3) and Special Rapporteur on extrajudicial, summary or arbitrary executions (UN Doc. E/CN.4/2006/53/Add.5).</p>   |   |
| <p><b>Communications with the Special Procedures during the last reporting period</b></p> <p><u>Working Group on arbitrary detention:</u> Opinion 8/2005 concerning 12 individuals whose detention was found to be arbitrary. The government has provided a response. The WGAD also issued two urgent appeals concerning 4 individuals. The government has not provided a response.</p> <p><u>Working Group on Enforced or Involuntary Disappearances:</u> "In the past and during the year under review, the Working Group has transmitted 12,278 cases to the Government; of those, 40 cases have been clarified on the basis of information provided by the source, 6,530 cases have been clarified on the basis of information provided by the Government and 5,708 cases remain outstanding. The Working Group wishes to express its appreciation to the Government of Sri Lanka for the amount of information that it has provided and for its efforts to investigate and clarify the fate of the many thousands of persons who disappeared in the past. The Working Group invites the Government to report on the</p> |   |

*further implementation of the recommendations emanating from the Working Group visits in 1991, 1992 and 1999.”*

*Special Rapporteur on extrajudicial, summary or arbitrary executions: two urgent appeals and five allegation letters concerning 45 individuals as well as allegations of a general nature, about attacks or killings, deaths in custody, death threats, death penalty safeguards and impunity. The government has provided two largely satisfactory responses, and two cooperative but incomplete responses. It has yet to respond to a further three communications, one of which was sent recently.*

*Special Rapporteur on the right to adequate housing: “The Special Rapporteur thanks the Government for its reply and is pleased that it has followed recommendations of the Human Rights Commission. However, he regrets that affected families have not been provided compensation.”*

*Special Representative on human rights defenders: “The Special Representative thanks the Government for its response to her communication of 7 January 2005 but regrets that at the time this report was being finalized she had not received responses to her other communications of 2005. She welcomes the measures that have been taken to provide protection for Uswatta Liyanage Anthony Joseph Perera and looks forward to receiving information regarding the investigations that are being undertaken.”*

*Special Rapporteur on freedom of religion or belief: “The Special Rapporteur is grateful for the Government’s response dated 17 March 2005 and would like to take this opportunity to once again thank the Government for having enabled her to visit Sri Lanka from 2 to 12 May 2005. For a full analysis of the situation of freedom of religion or belief in Sri Lanka, including regarding the issues raised above, the Special Rapporteur refers to the report she has recently submitted following her visit (E/CN.4/2006/5/Add.3)”.*

*Special Rapporteur on torture: five urgent appeals concerning eight individuals to which the government provided one response, three allegation letters concerning fifteen individuals, none of which it replied to, and twenty one follow-up letters concerning twenty two individuals, all of which it responded to.*

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## THAILAND

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Violence is continuing in the Muslim-majority provinces in the far south, characterized by bombings, beheadings and “drive-by” shootings by armed groups of both civilians and members of the security forces. The armed groups responsible have not publicly stated their demands. The authorities’ response to the violence has been marked by arbitrary detentions, reported “disappearances”, torture and excessive use of lethal force. There has also been a lack of adequate investigations into both human rights abuses and killings, and a failure to prosecute state officials suspected of responsibility for human rights violations. The authorities have been given sweeping powers under an emergency decree to declare a state of emergency, censor the press, deny access to redress for victims of abuses, and hold detainees in informal places of detention.

During the last five years, 19 human rights defenders, including students, lawyers and academics, have been murdered, and there has been little substantial progress in state investigations into their killings. Human rights defenders have also been subjected to surveillance, harassment, and anonymous death threats. In June 2005, a Buddhist monk was hacked to death in Fang District, Chiang Mai Province, after he protested against attempts by

land developers to encroach on land belonging to a Buddhist foundation. The authorities conducted an investigation, but no one has been brought to justice for his murder.

Torture and ill-treatment continues to be reported, and around 1,000 people are under sentence of death; many of them held continuously in heavy metal shackles. Prison conditions are often harsh, and include extreme over-crowding, lack of adequate food, sanitation, and medical care.

*Recent Amnesty International reports:*

- Thailand: The plight of Burmese migrant workers (AI Index: ASA 39/001/2005)
- Thailand: "Disappearance" verdict leaves unanswered questions (AI Index: ASA 39/004/2006)
- Thailand: Locals trapped by escalating violence in the South (AI Index: ASA 39/002/2006)
- Thailand: "If you want peace, work for justice" (AI Index: ASA 39/001/2006)

### **Thailand's cooperation with the Treaty Bodies and the Special Procedures**

#### **Ratification of International Human Rights Treaties**

| <i>Treaty</i>   | <i>Ratification</i> | <i>Reservations/<br/>declarations</i> |
|---|---------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>                                   | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Optional Protocol to the ICCPR</i>   |                     |                                       |
| <i>Second Optional Protocol to the ICCPR</i>  |                     |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                        | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>             | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Optional Protocol to the CEDAW</i>   | <i>Ratified</i>     |                                       |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                     | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i> |                     |                                       |
| <i>Optional Protocol CAT</i>  |                     |                                       |
| <i>Convention on the Rights of the Child (CRC)</i>  | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Optional Protocol to the CRC on children in armed conflict</i>                                     | <i>Ratified</i>     |                                       |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i> | <i>Ratified</i>     |                                       |
| <i>International Convention on the Protection of the Rights of All</i>                                |                     |                                       |

|  |        |  |
|--|--------|--|
| Migrant Workers and Members of Their Families    |        |  |
| Rome Statute of the International Criminal Court | Signed |  |
| Convention Relating the Status of Refugees       |        |  |
| Protocol relating to the Status of Refugees      |        |  |

### Compliance with reporting obligations

| Total overdue | 5 years overdue | 10 years overdue | Initial overdue |
|---------------|-----------------|------------------|-----------------|
| 2             |                 |                  | 2               |

### Special Procedures

|  |   |
|--|---|
| <p><b>Extension of a standing invitation</b></p> <p>No</p>   | <p><b>Outstanding requests by the Special Procedures to carry out a visit</b></p> <ol style="list-style-type: none"> <li>1. Special Rapporteur on the sale of children</li> <li>2. Special Rapporteur on the right to health</li> <li>3. Special Rapporteur on trafficking</li> <li>4. Special Rapporteur on extrajudicial, summary or arbitrary executions (SR EJE)</li> </ol> |
| <p><b>Communications with the Special Procedures during the last reporting period</b></p> <p><u>Working Group on Enforced or Involuntary Disappearances:</u> “In the past and during the year under review, the Working Group has transmitted 35 cases to the Government; of those, 1 case has been clarified on the basis of information provided by the Government and 2 cases were discontinued. There are 32 outstanding cases which remain outstanding before the Working Group.”</p> <p><u>SR EJEs:</u> two allegation letters, one concerning 87 individuals and the other of a general nature, about excessive force, deaths in custody and impunity, to which the government provided one largely satisfactory response, and no response to the other communication.</p> <p><u>Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health:</u> “The Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted any reply to his communications.”</p> <p><u>Special Rapporteur on the right to adequate housing as a component of the right to an adequate standard of living:</u> “The Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted any reply to his communication. The Special Rapporteur continues to monitor the situation with interest.”</p> <p><u>Special Representative on human rights defenders:</u> “The Special Representative thanks the Government of Thailand for its replies to her communication of 14 March 2005, but regrets that at the time this report was being finalized no response had been received to the communications of 28 December 2004, 7 September 2005 and 26 September 2005. With regard to the response to the communication of 14 March 2005, the Special Representative looks forward to receiving further information regarding the apprehension of the second accused person.”</p> <p><u>Special Rapporteur on the human rights and fundamental freedoms of indigenous people:</u> “The Special</p> |   |

*Rapporteur regrets not having received a reply from the Government of Thailand at the time of writing and will continue to monitor the situation.”*

*Special Rapporteur on freedom of religion or belief: The Special Rapporteur is concerned that there has been no response yet to this communication and hopes that the Government will remedy this situation in the near future. She would like to draw the Government’s attention to Paragraph 8 (a) of Resolution 2005/40 which urges states to step up their efforts to eliminate intolerance and discrimination based on religion or belief notably by taking all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief. She would also like to refer to paragraph 10 of the same resolution, in which the Commission on Human Rights emphasizes the importance of a continued and strengthened dialogue among and within religions or beliefs, encompassed by the dialogue among civilizations, to promote greater tolerance, respect and mutual understanding. Moreover, as she underlined in her previous report to the Commission on Human Rights (E/CN.4/2005/61, para. 42), “human rights obligations of States [...] also consist in ensuring the free exercise of freedom of religion or belief by protecting religious minorities and enabling them to practise their faith in all security. States also have an obligation to bring the perpetrators of acts of violence or of other acts of religious intolerance to justice and to promote a culture of religious tolerance”.*

*Special Rapporteur on torture: two urgent appeals concerning two individuals and one allegation letter concerning one individual. The government provided no responses. As regards follow up to previous cases, the government responded on one case concerning one individual and one case concerning 87 individuals.*

## EASTERN EUROPEAN STATES: 6 seats

**At the time of writing, 13 countries belonging to the Eastern European Group had put themselves forward: Albania, Armenia, Azerbaijan, Czech Republic, Georgia, Hungary, Latvia, Lithuania, Poland, Romania, Russian Federation, Slovenia and Ukraine. All candidate countries had also submitted public pledges.**

### ALBANIA

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Although Albania is party to UN and regional human rights treaties, successive governments have failed to abide by their international obligations, including incorporating provisions of these into domestic law, or by implementing recommendations of the treaty bodies.

There are persistent complaints from detainees that they had been tortured or ill-treated by police officers or prison guards during arrest, in police custody or in prison. Such complaints are often not investigated or the investigations tend to be delayed or inconclusive. Prosecutors appear reluctant to apply provisions of the Criminal Code dealing with “torture and any other degrading or inhuman treatment”, but prefer instead to invoke lesser charges, such as “arbitrary acts”, which usually result in non-custodial sentences.

Despite the establishment of some new prison facilities, prison conditions are generally overcrowded and the diet and hygiene poor, leading to frequent protests by prisoners. Conditions for remand prisoners in Vlorë detention centre and in pre-trial detention facilities in police stations are particularly harsh. In violation of domestic law, some convicted prisoners are held together with remand prisoners, and minors sometimes share cells with adult detainees.

Domestic violence is common and affects around a third of women, of all ages and social groups. Women rarely report such incidents to the police, and with the exception of serious cases, including those involving firearms, few perpetrators have been prosecuted.

Trafficking of women and children for sexual exploitation and cheap labour continues to take place, driven by poverty, lack of education, family breakdown and criminal networks at home and abroad. Despite the adoption of a witness protection law in 2004, in practice the protection is often inadequate and victims are unwilling to testify against their traffickers for fear of reprisal. There are also reports that traffickers use bribes or threats to persuade relatives of victims to withdraw their testimony.

Discrimination against the minority Roma and Ashkalia community is widespread; many are denied access to economic, social and cultural rights.

*Recent Amnesty International reports:*

- Albania: Obligations under the UN Convention against Torture – a gap between law and practice (AI Index: EUR 11/001/2005)



- Albania: Violence against Women in the Family: “It’s not her shame” (AI Index: EUR 11/002/2006)

## Albania’s cooperation with the Treaty Bodies and the Special Procedures

### Ratification of International Human Rights Treaties

| <i>Treaty</i>  | <i>Ratification</i> | <i>Reservations/ declarations</i> |
|--|---------------------|-----------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>  | <i>Ratified</i>     |                                   |
| <i>Optional Protocol ICCPR</i>   |                     |                                   |
| <i>Second Optional Protocol ICCPR</i>  |                     |                                   |
| <i>International Covenant on Economic, Social and Cultural Rights</i>  | <i>Ratified</i>     |                                   |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i>     |                                   |
| <i>Optional Protocol to the CEDAW</i>  | <i>Ratified</i>     |                                   |
| <i>Convention on the Elimination of All Forms of Racial Discrimination</i>   | <i>Ratified</i>     |                                   |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i>     |                                   |
| <i>Optional Protocol to the CAT</i>  | <i>Ratified</i>     |                                   |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i>     |                                   |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  |                     |                                   |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                |                     |                                   |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                     |                                   |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Ratified</i>     |                                   |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i>     |                                   |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i>     |                                   |

### Compliance with reporting obligations

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|----------------------|------------------------|-------------------------|------------------------|
| 3                    | 1                      |                         |                        |

### Cooperation with the Special Procedures

|   |   |
|---|---|
| <i>Extension of a standing invitation</i><br><br><i>No</i>  | <i>Outstanding requests by the Special Procedures to carry out a visit</i><br><br><i>Special Representative on human rights defenders</i> |
| <i>Communications with the Special Procedures during the last reporting period</i><br><br><i>No communications sent to the government are recorded in the reports which are available at this time.</i> |   |

## ARMENIA

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Conscientious objectors to compulsory military service are sent to jail. Although a 2004 law provides for unarmed military service, this is not considered a genuinely civilian alternative to military service. At least six members of the Jehovah's Witnesses were sentenced to prison terms of up to three years, when they objected to the alternative service being under the control of the Ministry of Defence and not genuinely civilian. Conscientious objectors have allegedly been treated in military rather than civilian hospitals, and some have reportedly been put on trial for desertion.

In August 2005, the police allegedly used excessive force against peaceful protests by residents of Yerevan over the demolition of their homes to make way for an urban renewal scheme. Those who refused to vacate their homes had parts of their houses destroyed, and one resident was allegedly removed by force and severely beaten. The lawyer who represented several of the residents was arrested on 10 October, reportedly on fabricated fraud charges based on evidence obtained under duress. The protesters held that the compensation offered was inadequate and their eviction illegal – these claims were supported by the Ombudsperson, who has received over 200 complaints.

The right to freedom of expression has been curtailed by government controls over electronic media, and independent television channels have been persistently refused licences and frequencies.

### Armenia's cooperation with the Treaty Bodies and the Special Procedures

#### Ratification of International Human Rights Treaties

| <i>Treaty</i>   | <i>Ratification</i> | <i>Reservations / declarations</i> |
|---|---------------------|------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i> | <i>Ratified</i>     |                                    |
| <i>Optional Protocol to the ICCPR</i>                               | <i>Ratified</i>     |                                    |
| <i>Second Optional Protocol to the ICCPR</i>                        |                     |                                    |

|  |                 |  |
|--|-----------------|--|
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       | <i>Ratified</i> |  |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i> |  |
| <i>Optional Protocol to the CEDAW</i>  |                 |  |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified</i> |  |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i> |  |
| <i>Optional Protocol CAT</i>   |                 |  |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i> |  |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Ratified</i> |  |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Ratified</i> |  |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                 |  |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Signed</i>   |  |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i> |  |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i> |  |

### Compliance with reporting obligations

| <i>Total overdue reports</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|------------------------------|------------------------|-------------------------|------------------------|
| 7                            | 1                      |                         |                        |

### Cooperation with the Special Procedures

|  |   |
|--|---|
| <i>Extension of a standing invitation</i><br><br><i>Yes (effective as of 12 April 2006)</i>  | <i>Outstanding requests by the Special Procedures to carry out a visit</i><br><br><i>None</i> |
| <b><i>Communications with the Special Procedures during the last reporting period</i></b>  |   |
| <i>Special Rapporteur on freedom of religion or belief: "The Special Rapporteur is grateful for the Government's response. She would like to draw the Government's attention to Paragraph 5 of Resolution 1998/77 of the Commission on Human Rights, which emphasizes that States should take the necessary measures to refrain from subjecting conscientious objectors to imprisonment. Moreover, she notes that the Human Rights Committee has encouraged States to ensure that the length of alternative service does not have a punitive character, in comparison to the duration of regular military service. (See inter alia CCPR/CO/83/GRC, paragraph 15). Noting Armenia's commitment regarding alternative service further to its accession to the Council of Europe, she encourages the Government to initiate a</i> |   |

*review the law from the perspective of its compliance with international standards and best practices.”*

## **AZERBAIJAN**

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The rights to freedom of expression and assembly have been restricted in particular in connection with elections. There have been incidents where the security forces have used excessive force to break up both authorized and unauthorized demonstrations in the capital Baku. Scores of opposition activists and journalists were beaten and detained in connection with protests following the November 2005 parliamentary election. Electronic media remain under the complete control of the authorities; while a few opposition newspapers exist, their circulation is low, especially outside the capital.

Dozens of opposition activists and state officials have been charged with plotting to overthrow the government. Several of them have reported being tortured or ill-treated in detention. Many are still in prison, and some of them have not been granted a fair trial. President Aliyev has released some political prisoners since assuming office; others remain in prison.

In March 2005, Elmar Huseynov, editor of the weekly *Monitor* magazine, was killed in suspicious circumstances outside his home in Baku. His death sparked large-scale demonstrations amid opposition claims that he was murdered because he had criticized official corruption. The authorities deny any involvement. Other opposition journalists have also been attacked and beaten.

Amnesty International is also concerned at the fate of refugees and asylum-seekers; some Chechens, Afghans and ethnic Azeris have been unable to obtain official refugee status. Kurds belonging to the Kurdistan Workers' Party (PKK) have also been extradited to Turkey where they may face torture and ill-treatment, a practice that looks set to continue.

In February 2005, the Organization for Security and Cooperation in Europe (OSCE) published a report on the trials of 125 people charged in connection with the October 2003 post-election violence. At least 40 men received prison sentences for their alleged participation in the violence. The OSCE report concluded that most of the trials fell short of international standards for fair trial, that the courts had admitted evidence reportedly obtained under torture, and that defendants were denied the rights to presumption of innocence and to prepare an effective defence. The report called for the release or retrial of all those denied a fair trial.

### **Azerbaijan's cooperation with the Treaty Bodies and the Special Procedures**

#### **Ratification of International Human Rights Treaties**

| <i>Treaty</i>   | <i>Ratification</i> | <i>Reservations/<br/>declarations</i> |
|---|---------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i> | <i>Ratified</i>     |                                       |

|  |                                  |                |
|--|----------------------------------|----------------|
| <i>Optional Protocol to the ICCPR</i>  | <i>Ratified</i>                  |                |
| <i>Second Optional Protocol to the ICCPR</i>   | <i>Ratified</i>                  | <i>Entered</i> |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       | <i>Ratified</i>                  |                |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i>                  |                |
| <i>Optional Protocol to the CEDAW</i>  | <i>Ratified</i>                  |                |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified<sup>art 14</sup></i> |                |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified<sup>art 22</sup></i> |                |
| <i>Optional Protocol CAT</i>   | <i>Signed</i>                    |                |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i>                  |                |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Ratified</i>                  |                |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Ratified</i>                  |                |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> | <i>Ratified</i>                  |                |
| <i>Rome Statute of the International Criminal Court</i>  |                                  |                |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i>                  |                |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i>                  |                |

#### Compliance with reporting obligations

| <i>Total overdue reports</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|------------------------------|------------------------|-------------------------|------------------------|
| 5                            |                        |                         | 3                      |

#### Cooperation with the Special Procedures

|   |  |
|---|--|
| <i>Extension of a standing invitation</i><br>No   | <i>Outstanding requests by the Special Procedures to carry out a visit</i><br><i>Special Rapporteur on freedom of opinion and expression (postponed)</i> |
| <i>Follow up report to implementation of recommendations arising from a past mission: Special Rapporteur on torture (UN Doc. E/CN.4/2006/6/Add.2)</i> |  |

***Communications with the Special Procedures during the last reporting period***

Working Group on arbitrary detention: one urgent appeal concerning 3 individuals. No response received from the government.

Special Representative on human rights defenders: “The Special Representative takes note of the Government’s response in the DEVAMM case. She regrets that she has not received a response to the communication sent this year.”

Special Rapporteur on freedom of religion or belief: “The Special Rapporteur is grateful for the detailed response regarding Mr. Mahir Baghirov. However, she would like to refer the Government’s attention to Article 1 of Resolution 1998/77 of the Commission on Human Rights, which draws attention to the right of everyone to have conscientious objections to military service. This right is not, and should not be, limited to clerics and students of religious schools. She encourages the Government to review its legislation on alternative service, in accordance with international standards and best practices. She will address the question of conscientious objection as well as other situations raised by the above communication in the report that will be submitted further to the visit that she carried out in Azerbaijan from 26 February to 5 March 2006 at the invitation of the Government.”

Special Rapporteur on torture: one urgent appeal concerning two individuals, to which the government has provided no response, and two allegation letters concerning fifteen individuals, which the government has also not responded to.

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## **CZECH REPUBLIC**

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Roma continue to face discrimination in employment, housing and education. They are also frequently attacked by racist individuals. Because of discriminatory practices, Roma can often not find housing, even if they are able to present financial guarantees, and as a result they live in segregated sub-standard housing. In June 2005, the municipality in the northern town of Bohumin issued eviction orders to the predominantly Romani residents of a hostel when it was decided to convert it into flats, but did not provide suitable alternative accommodation.

In May 2005, the European Court of Human Rights (ECHR) decided to admit a complaint filed by 18 schoolchildren of Romani origin against the Czech Republic. The applicants claimed that their placement in “special schools” for mentally disabled children on the basis of their ethnic origin constituted racial discrimination. In February 2006, the Court failed to find the Czech Roma children victims of racial discrimination in education. The case is to be expected to be referred to the Grand Chamber.

There are reports of ill-treatment by the police particularly of Roma, but also of other vulnerable groups, such as homeless people, people with substance abuse problems and foreigners. There is no independent mechanism to investigate complaints about the actions of law enforcement officials.

The 2005 Third and Fourth reports of the Czech Ombudsman, noted a number of cases of serious maladministration in relation to sexual sterilisation under Czech legislation. The Ombudsman suggested a number of measures for remedy which will be discussed in the Chamber of Deputies.

Cage beds are still being used in psychiatric institutions under the Ministry of Health despite official bans. These institutions house children and adults with mental disabilities and people with substance abuse problems.

### Czech Republic's cooperation with the Treaty Bodies and the Special Procedures

#### Ratification of International Human Rights Treaties

| <i>Treaty</i>  | <i>Ratification</i>               | <i>Reservations/<br/>declarations</i> |
|--|-----------------------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>  | <i>Ratified</i>                   |                                       |
| <i>Optional Protocol to the ICCPR</i>  | <i>Ratified</i>                   |                                       |
| <i>Second Optional Protocol to the ICCPR</i>   | <i>Ratified</i>                   |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       | <i>Ratified</i>                   | <i>Entered</i>                        |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i>                   |                                       |
| <i>Optional Protocol to the CEDAW</i>  | <i>Ratified</i>                   |                                       |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified</i> <sup>art 14</sup> |                                       |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i> <sup>art 22</sup> |                                       |
| <i>Optional Protocol CAT</i>   | <i>Signed</i>                     |                                       |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i>                   | <i>Entered</i>                        |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Ratified</i>                   |                                       |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Signed</i>                     |                                       |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                                   |                                       |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Signed</i>                     |                                       |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i>                   |                                       |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i>                   |                                       |

#### Compliance with reporting obligations

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|----------------------|------------------------|-------------------------|------------------------|
| <i>1</i>             |                        |                         |                        |



### Cooperation with the Special Procedures

|  |  |
|--|--|
| <i>Extension of a standing invitation</i><br><br>Yes   | <i>Outstanding requests by the Special Procedures to carry out a visit</i><br><br>None |
| <i>Communications with the Special Procedures during the last reporting period</i><br><br>No communications sent to the government are recorded in the reports which are available at this time. |  |

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## GEORGIA

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Since the “Rose Revolution”, the authorities of Georgia have introduced a number of measures to address the longstanding concern of torture and ill-treatment by police. Measures include legal amendments, extensive monitoring of detention facilities, accession to the Optional Protocol to the UN Convention against Torture, and at least 12 perpetrators of crimes amounting to torture or ill-treatment are in prison.

However, reports of torture and ill-treatment continue. Methods reported include threatened suffocation with plastic bags, placing a gun in the detainee’s mouth and threatening to shoot, beatings, and threats against the victims’ family. Most injuries inflicted by the police are reported to have been inflicted at the time of arrest, including in police vehicles, in police stations, and in the Ministry of Internal Affairs. Many such cases do not come to light because police cover up their crimes and detainees are reluctant to complain for fear of repercussions.

Impunity for torture and ill-treatment persists, and only one victim of torture and ill-treatment is known to have been awarded compensation. According to official sources, 151 criminal investigations were opened and charges were brought against 31 law enforcement officers during 2005. However, many investigations are not carried out in an impartial and independent manner, and in dozens of cases the perpetrators have not been brought to justice. Since November 2005, Amnesty International has repeatedly urged the authorities to set up an independent body to review investigations into allegations of torture or ill-treatment and judicial proceedings.

In several instances members of religious minorities have been harassed and beaten by members of the Georgian Orthodox Church. In some cases, the attacks were allegedly incited by Georgian Orthodox priests. Although some perpetrators of violent attacks on religious minorities were imprisoned during 2005, hundreds continue to enjoy impunity.

A number of Chechen refugees sought by the Russian Federation on terrorism charges and an ethnic Kurd wanted by Turkey are at risk of forced return to a country where they would be at risk of serious human rights violations.

#### *Recent Amnesty International reports:*

- Georgia: Police torture and other ill-treatment must be relegated to the past (AI Index: EUR 56/003/2006)

- Europe and Central Asia: Summary of Amnesty International's concerns in the region, January-June 2005: Georgia (AI Index: EUR 01/012/2005)
- Georgia: Torture and ill-treatment – Still a concern after the “Rose Revolution” (AI Index: EUR 56/001/2005)

## Georgia's contribution with Treaty Bodies and Special Procedures

### Ratification of International Human Rights Treaties

| <i>Treaty</i>  | <i>Ratification</i>               | <i>Reservations/declarations</i> |
|--|-----------------------------------|----------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>  | <i>Ratified</i>                   |                                  |
| <i>Optional Protocol to the ICCPR</i>  | <i>Ratified</i>                   |                                  |
| <i>Second Optional Protocol to the ICCPR</i>   | <i>Ratified</i>                   |                                  |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       | <i>Ratified</i>                   |                                  |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i>                   |                                  |
| <i>Optional Protocol to the CEDAW</i>  | <i>Ratified</i>                   |                                  |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified</i> <sup>art 14</sup> |                                  |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i> <sup>art 22</sup> |                                  |
| <i>Optional Protocol CAT</i>   | <i>Ratified</i>                   |                                  |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i>                   |                                  |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  |                                   |                                  |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Ratified</i>                   |                                  |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                                   |                                  |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Ratified</i>                   |                                  |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i>                   | <i>Entered</i>                   |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i>                   |                                  |

### Compliance with overdue reports

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|----------------------|------------------------|-------------------------|------------------------|
| <i>None</i>          |                        |                         |                        |

### Cooperation with the Special Procedures

|  |  |
|--|--|
| <i>Extension of a standing invitation</i><br><br>Yes   | <i>Outstanding requests by the Special Procedures to carry out a visit</i><br><br>None |
| <i>Missions carried out during last reporting period: Special Rapporteur on torture (UN Doc. E/CN.4/2006/6/Add.3) and Representative of the Secretary-General on internally displaced persons (UN Doc. E/CN.4/2006/71/Add.7).</i>  |  |
| <i>Communications with the Special Procedures during the last reporting period</i><br><br><i>Special Representative on human rights defenders: "The Special Representative regrets that at the time this report was being finalized, no response had been received from the Government of Georgia to the communication of 7 October 2005 concerning Mr. Ucha Nanuashvili."</i> |  |

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## HUNGARY

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Romani and Jewish communities are targeted in racist attacks and other racially motivated crimes, in a climate of racism and intolerance fostered by statements by senior political figures and the news media.

In September 2005, the European Roma Rights Centre issued a report on Romani children's rights in Hungary, which describes the segregation of Romani children in education, health care and housing. More than half of Romani households do not have access to hot running water, and 17 per cent of the Romani population live in settlements where there is no doctor. In November 2005, the Commissioner for Integration of Disadvantaged and Roma Children at the Hungarian Ministry of Education confirmed that the segregation of Romani children is a serious problem.

The only crisis centre in Budapest for women experiencing violence in the home remains partially closed, and no new shelters have been established. In a landmark case in January 2005, the UN Committee on the Elimination of Discrimination against Women found that Hungary had not provided effective protection from domestic violence. In the case in question, the applicant had been subjected to regular and severe violence, and her partner had threatened both her and the children; however she could not be admitted to a government shelter as none was equipped to accept her with her children, one of whom had severe disabilities. Neither protection nor a legal restraining order was available under national law. The Committee ordered immediate measures to guarantee the physical and mental integrity of the woman and her family, and to ensure that all victims of domestic violence were accorded the maximum protection of the law.

## Hungary's cooperation with the Treaty Bodies and the Special Procedures

### Ratification of International Human Rights Treaties

| <i>Treaty</i>  | <i>Ratification</i>               | <i>Reservations/<br/>declarations</i> |
|--|-----------------------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>  | <i>Ratified</i>                   | <i>Entered</i>                        |
| <i>Optional Protocol to the ICCPR</i>  | <i>Ratified</i>                   |                                       |
| <i>Second Optional Protocol to the ICCPR</i>   | <i>Ratified</i>                   |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       | <i>Ratified</i>                   | <i>Entered</i>                        |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i>                   | <i>Entered</i>                        |
| <i>Optional Protocol to the CEDAW</i>  | <i>Ratified</i>                   |                                       |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified</i> <sup>art 14</sup> | <i>Entered</i>                        |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i> <sup>art 22</sup> |                                       |
| <i>Optional Protocol CAT</i>   |                                   |                                       |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i>                   |                                       |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Signed</i>                     |                                       |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Signed</i>                     |                                       |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                                   |                                       |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Ratified</i>                   |                                       |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i>                   |                                       |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i>                   |                                       |

### Compliance with reporting obligations

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|----------------------|------------------------|-------------------------|------------------------|
| 5                    | 1                      |                         |                        |

### Cooperation with the Special Procedures

|  |  |
|--|--|
| <i>Extension of a standing invitation</i><br>Yes | <i>Outstanding requests by the Special Procedures to carry out a visit</i><br><i>Independent Expert on minority issues</i> |
|--|--|

***Communications with the Special Procedures during the last reporting period***

*No communications sent to the government are recorded in the reports which are available at this time.*

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## LATVIA

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The rights of lesbian, gay, bi-sexual and transgender people came under attack, when the executive director of the Riga City Council withdrew permission for a Gay Pride march on 23 July. This followed a statement on television by the Prime Minister stated that he could not “accept a parade of sexual minorities” in the capital. The organizers of the march complained to the Riga administrative court and the day before the march it was allowed to go ahead as planned. Approximately 300 people participated in the march, while over a thousand people staged a protest against it.

In May 2005, the European Committee for the Prevention of Torture (CPT) published a report of a visit to Latvia in 2002, which highlighted several worrying practices. The CPT delegation had received credible allegations of physical ill-treatment by law enforcement agencies throughout, mostly related during detention. The ill-treatment reported included “asphyxiation with a plastic bag, strangulation, very severe beating, infliction of electric shocks, and submerging the head of the suspect in the water of a lake”; some of it so severe that could amount to torture. The CPT report also noted the poor conditions of detention in police establishments.

*Recent Amnesty International reports:*

- Latvia: Leading politicians make remarks which may have incited to verbal and physical attacks (AI Index: EUR 52/001/2005)

### **Latvia’s cooperation with the Treaty Bodies and the Special Procedures**

#### **Ratification of International Human Rights Treaties**

| <i>Treaty</i>   | <i>Ratification</i> | <i>Reservations/<br/>declarations</i> |
|---|---------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>                       | <i>Ratified</i>     |                                       |
| <i>Optional Protocol to the ICCPR</i>   | <i>Ratified</i>     |                                       |
| <i>Second Optional Protocol to the ICCPR</i>  |                     |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>            | <i>Ratified</i>     |                                       |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i> | <i>Ratified</i>     |                                       |
| <i>Optional Protocol to the CEDAW</i>   |                     |                                       |

|  |                 |                |
|--|-----------------|----------------|
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified</i> |                |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i> |                |
| <i>Optional Protocol CAT</i>   |                 |                |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i> |                |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Ratified</i> |                |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Ratified</i> |                |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                 |                |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Ratified</i> |                |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i> | <i>Entered</i> |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i> | <i>Entered</i> |

#### Compliance with reporting obligations

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|----------------------|------------------------|-------------------------|------------------------|
| <i>3</i>             | <i>1</i>               |                         |                        |

#### Cooperation with the Special Procedures

|   |   |
|---|---|
| <i>Extension of a standing invitation</i><br><i>Yes</i>   | <i>Outstanding requests by the Special Procedures to carry out a visit</i><br><i>None</i> |
| <i>Communications with the Special Procedures during the last reporting period</i><br><i>Working Group on arbitrary detention: Opinion 6/2005 concerning one individual, detention not arbitrary. Government response received.</i> |   |

## LITHUANIA

Trafficking in women and girls remains a serious and increasing problem. According to a survey issued by the International Organization for Migration (IOM), the number of people being trafficked to work in the sex trade has increased after Lithuania joined the EU in 2004. About 2,000 women and girls are reported to have been taken abroad illegally in the course of 2005. Although trafficking-related convictions and sentences increased in 2005, overall efforts to investigate and prosecute allegations of trafficking are still inadequate.

## Lithuania's cooperation with the Treaty Bodies and the Special Procedures

### Ratification of International Human Rights Treaties

| <i>Treaty</i>  | <i>Ratification</i> | <i>Reservations/declarations</i> |
|--|---------------------|----------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>  | <i>Ratified</i>     |                                  |
| <i>Optional Protocol to the ICCPR</i>  | <i>Ratified</i>     |                                  |
| <i>Second Optional Protocol to the ICCPR</i>   | <i>Ratified</i>     |                                  |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       | <i>Ratified</i>     |                                  |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i>     |                                  |
| <i>Optional Protocol to the CEDAW</i>  | <i>Ratified</i>     |                                  |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified</i>     |                                  |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i>     |                                  |
| <i>Optional Protocol CAT</i>   |                     |                                  |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i>     |                                  |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Ratified</i>     |                                  |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Ratified</i>     |                                  |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                     |                                  |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Ratified</i>     | <i>Entered</i>                   |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i>     |                                  |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i>     |                                  |

### Compliance with reporting obligations

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|----------------------|------------------------|-------------------------|------------------------|
| <i>3</i>             |                        |                         | <i>1</i>               |

### Cooperation with the Special Procedures

|   |   |
|---|---|
| <i>Extension of a standing invitation</i><br><i>Yes</i> | <i>Outstanding requests by the Special Procedures to carry out a visit</i><br><i>None</i> |
|---|---|



**Communications with the Special Procedures during the last reporting period**

No communications sent to the government are recorded in the reports which are available at this time.

## **POLAND**

Racism and intolerance towards minorities has been reported in both the private and public spheres. Members of sexual minorities continue to face discrimination and restrictions on their right to freedom of expression and assembly.

In June 2005, the then mayor of Warsaw refused for the second year to authorize the Equality Parade, on the grounds that such an event would be “sexually obscene” and offensive to other people’s religious feelings. Despite the ban, an improvised parade still took place on 10 June, gathering more than 2,500 participants. Less than a week later, the mayor authorized the so-called Normality Parade, allowing an extremist homophobic grouping known as All Polish Youth (*Młodzież Wszechpolska*) to march in Warsaw.

In November, the mayor of Poznań banned a gay parade, ostensibly because of security concerns. However, the parade’s organizers claimed that the Poznań municipality had earlier indicated that there were no reasons to ban the parade, but that the mayor had given in to pressure from the conservative political parties Law and Justice (*Prawo i Sprawiedliwość*, PiS) and the League of the Polish Families (*Liga Polskich Rodzin*). An unauthorized parade which took place on 19 November was met with physical attacks and verbal abuse from members of All Polish Youth. As a protest, demonstrations in support of tolerance and equality took place throughout Poland on 27 November. In December an administrative court in Poznań annulled the authorities’ decision to ban the parade.

The government has taken no action against public statements inciting intolerance against sexual minorities, such as that made by a then Member of the European Parliament who stated that the League of Polish Families intended to “illegalize all homosexual organizations” and “attack paedophiles” among them. Moreover, PiS Prime Minister, Kazimierz Marcinkiewicz, party candidate at that time, said in October that homosexuality was “unnatural”, adding that if a homosexual “tries to infect others with their homosexuality, then the state must intervene in this violation of freedom”.

There are reports that the police have used excessive force against non-violent demonstrators.

### **Poland’s cooperation with the Treaty Bodies and the Special Procedures**

#### **Ratification of International Human Rights Treaties**

| <i>Treaty</i>   | <i>Ratification</i> | <i>Reservations/d<br/>eclarations</i> |
|---|---------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i> | <i>Ratified</i>     |                                       |

|  |                                   |                |
|--|-----------------------------------|----------------|
| <i>Optional Protocol to the ICCPR</i>  | <i>Ratified</i>                   | <i>Entered</i> |
| <i>Second Optional Protocol to the ICCPR</i>   | <i>Signed</i>                     |                |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       | <i>Ratified</i>                   |                |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i>                   |                |
| <i>Optional Protocol to the CEDAW</i>  | <i>Ratified</i>                   |                |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified</i> <sup>art 14</sup> | <i>Entered</i> |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i> <sup>art 22</sup> | <i>Entered</i> |
| <i>Optional Protocol CAT</i>   | <i>Ratified</i>                   |                |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i>                   | <i>Entered</i> |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Ratified</i>                   |                |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Ratified</i>                   |                |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                                   |                |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Ratified</i>                   |                |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i>                   | <i>Entered</i> |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i>                   |                |

#### Compliance with reporting obligations

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|----------------------|------------------------|-------------------------|------------------------|
| 3                    |                        |                         |                        |

#### Cooperation with the Special Procedures

|  |  |
|--|--|
| <i>Extension of a standing invitation</i><br>Yes   | <i>Outstanding requests by the Special Procedures to carry out a visit</i><br>None |
| <i>Communications with the Special Procedures during the last reporting period</i><br><i>Special Representative on human rights defenders: "The Special Representative regrets that at the time this report was being finalized, no response had been received from the Government of Poland to her communication of 5 December 2005 concerning the Equality March."</i> |  |

## ROMANIA

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Roma continue to face discrimination despite the government's stated commitment to the Decade of Roma Inclusion, a campaign to eliminate marginalization of Roma. According to the Open Society Foundation, 75 per cent of Romanians do not want to live near Roma.

In July 2005, the European Court of Human Rights ruled on the Hădăreni case, an incident in 1993 when three Roma were killed and more than 170 others were forced to abandon their homes in the town of Hădăreni and flee after a night of racial violence. Following the attack, the Roma families were forced to live in degrading conditions. The Court found Romania in violation of numerous provisions of the European Convention on Human Rights, including the right to a fair hearing, the right to respect for family and private life, and the right not to be discriminated against, and obliged Romania to pay compensation to those affected.

There has been an increase in racist remarks in the Romanian media, in particular in relation to sport events. The Mayor of the southern city of Craiova was fined twice by the National Council for Combating Discrimination for expressing racist views in public, but remained in the position of Mayor. The football team *Steaua* from Bucharest was fined for racist incidents in September 2005, and the chief of the Romanian Football League was under investigation for possessing anti-Semitic literature.

A draft law aimed at preventing discrimination against minorities, which was adopted by the government in May 2005, was rejected by parliament the following October. The law had been supported by the Hungarian and Romani minorities in Romania.

Amnesty International continues to have concerns about the mental health care service. Following the deaths of 17 patients from malnutrition and hypothermia in Poiana Mare psychiatric hospital in 2004, criminal investigations were initiated. However, these found "no causal link" between the deaths and the involvement of staff, and were closed in February 2005. After campaigns by local and international human rights organizations, the investigation has reportedly been reopened. However, in November 2005 the Minister of Health announced plans to close down the facility and transfer its patients to more appropriate institutions.

There are reports that several cases involving ill-treatment of minors have not been adequately investigated or the results of investigations made public. In several cases the authorities claimed that the children had inflicted the injuries on themselves or had been injured prior to their arrest. These claims contradict statements by the victims.

Members of the lesbian, gay, bisexual and transgender community continue to face discrimination and intolerance. Although homosexuality was decriminalized in 2001, more than 40 per cent of the population is reported to believe that homosexuals should be removed from the country. The *GayFest* parade in May 2005 was opposed by both the Orthodox Church and local authorities, but passed without incidents after authorization was granted after a direct intervention by the President.

## Romania's cooperation with the Treaty Bodies and the Special Procedures

### Ratification of International Human Rights Treaties

| <i>Treaty</i>  | <i>Ratification</i>               | <i>Reservations/<br/>declarations</i> |
|--|-----------------------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>  | <i>Ratified</i>                   | <i>Entered</i>                        |
| <i>Optional Protocol to the ICCPR</i>  | <i>Ratified</i>                   | <i>Entered</i>                        |
| <i>Second Optional Protocol to the ICCPR</i>   | <i>Ratified</i>                   |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       | <i>Ratified</i>                   | <i>Entered</i>                        |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i>                   | <i>Entered</i>                        |
| <i>Optional Protocol to the CEDAW</i>  | <i>Ratified</i>                   |                                       |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified</i> <sup>art 14</sup> | <i>Entered</i>                        |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i>                   |                                       |
| <i>Optional Protocol CAT</i>   | <i>Signed</i>                     |                                       |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i>                   |                                       |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Ratified</i>                   |                                       |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Ratified</i>                   |                                       |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                                   |                                       |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Ratified</i>                   |                                       |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i>                   |                                       |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i>                   |                                       |

### Compliance with reporting obligations

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|----------------------|------------------------|-------------------------|------------------------|
| 13                   | 5                      | 2                       | 2                      |

### Cooperation with the Special Procedures

|   |  |
|---|--|
| <p><i>Extension of a standing invitation</i></p> <p>Yes</p>   | <p><i>Outstanding requests by the Special Procedures to carry out a visit</i></p> <p><i>Special Rapporteur on the right to education</i></p> |
| <p><i>Follow up report to implementation of recommendations arising from a past mission: report of the Special Rapporteur on torture (UN Doc. E/CN.4/2006/6/Add.2)</i></p>  |  |
| <p><i>Communications with the Special Procedures during the last reporting period</i></p> <p><i>Special Rapporteur on torture: one allegation letter concerning one individual and five follow-up letters concerning five individuals to previous cases. The government responded to all communications.</i></p> <p><i>Special Rapporteur on freedom of religion or belief: “The Special Rapporteur is concerned that the Government has not responded to her communication. In this regard she would like to draw the Government’s attention to paragraph 4(a) of Resolution 2005/40 of the Commission on Human Rights which urges States to ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience and religion and belief to all without distinction. Furthermore, paragraph 4(c) of the same Resolution requires States “to review whenever relevant existing registration practices in order to ensure the right of all persons to manifest their religion or belief, alone or in community with others and in public or private.” In addition, the Special Rapporteur would like to reiterate the points made with regard to this issue by her predecessor in the report submitted to the Commission on Human Rights following his visit to Romania in September 2003 (E/CN.4/2004/63/Add.2, paras 94 to 96): “With regard to the distinction between recognized religions and non-recognized religions or religious or faith-based communities, the Special Rapporteur [...] considers that the principle of freedom of religion or belief, as enshrined in international human rights law, is difficult to reconcile with a formal or legal distinction between different kinds of religious or faith-based communities insofar as such a distinction in their status must imply a difference in rights or treatment, which may, in some cases, constitute discrimination that is incompatible with the exercise of human rights”. The Special Rapporteur therefore encouraged “the Romanian Government to abolish the distinction between recognized and non-recognized religions, possibly when it adopts the new law on religions, which it is hoping to do in the near future. In any case, the Government should ensure that this distinction does not lead to discrimination that is incompatible with international human rights law or to restrictions that might curtail the right to freedom of religion or belief, in violation of international law.” The Special Rapporteur wishes to receive further information from the Government, including regarding the compatibility of its measures concerning religious communities with relevant international human rights law.”</i></p> |  |

## RUSSIAN FEDERATION

Serious human rights violations, including war crimes, continue to be committed in Chechnya by both Chechen and federal forces. Chechen security forces are increasingly implicated in arbitrary detention, torture and “disappearances” in Chechnya. Women suffer gender-based violence, including rape or threats of rape, by members of the federal and Chechen security forces. There are also reports that Chechen armed opposition groups continue to commit war crimes, including direct attacks on civilians. Amnesty International is aware of only two

convictions during 2005 for serious human rights violations committed in Chechnya. The majority of investigations into alleged violations are ineffective and in the few cases that come to court the prosecution is flawed.

In February 2005, the European Court of Human Rights released its judgments in the first six cases from the Chechen Republic to reach the Court. The Court ruled that the Russian government had violated the right to life, the prohibition of torture, the rights to an effective remedy and the peaceful enjoyment of possessions. Applicants to the Court in places of detention in other parts of the Russian Federation have faced pressure to withdraw their applications and have had their correspondence with their lawyers obstructed.

Violence and unrest have also been reported in other North Caucasus republics, including abuses such as arbitrary detention, torture, “disappearances” and abductions. On 13 October 2005 a group of up to 300 gunmen launched attacks on government installations in and near Nalchik, the capital of Kabardino-Balkaria, in which more than 100 people, including at least 12 civilians, are reported to have been killed. The raid was reportedly in response to months of persecution of practising Muslims in the region, including arbitrary detention and torture by law enforcement officials, and the closure of mosques. Following the raid, law enforcement officials detained dozens of people; many of the detainees were reportedly tortured.

Over 30,000 people are internally displaced by the Chechen conflict in neighbouring regions of the north Caucasus, in particular in Ingushetia and Dagestan. The conditions in most of the camps in Ingushetia are cramped and unsuitable.

Violence against women is widespread. According to the Russian governmental newspaper *Rossiiskaia Gazeta* up to 80 per cent of all violent crimes in Russia are committed in the private sphere. Women appear to be the main victims of such violence. Although no official statistics are available, independent research shows that about 70 per cent of married women have been subjected to some form of violence from their husbands. According to women’s human rights organizations, there is only one place in a crisis centre for every 9 million women in Russia.

The climate of hostility towards independent NGOs continues. Human rights defenders, activists and independent journalists working on human rights issues, in particular on Chechnya or on other issues perceived as “political”, suffer harassment and prosecution, and in some instances in the North Caucasus, have been arbitrarily detained, “disappeared” or killed. A new law governing civil society organizations raises serious concerns about freedom of association in Russia. The law gives excessive powers of scrutiny and discretion to the authorities in monitoring organizations and making decisions on their registration and closure, unprecedented powers of scrutiny of sources of funding, and appears to discriminate against foreign NGOs.

Foreign nationals from all around the world, including asylum-seekers, refugees, students and migrant workers, have been the victims of racially motivated physical assaults, some of which have been fatal. Citizens of the Russian Federation have also been targeted, in particular Chechens and other North Caucasus ethnic groups, Jews, Roma and practising Muslims. The Sova Information-Analytical Centre reported that there were at least 28 murders and 365 assaults across the country which had been motivated by racial hatred. In some cases lack of trust in the police has prevented victims from reporting such attacks.

Amnesty International has also received reports of violations of Russian and international law, including arbitrary detention and torture during detention across the Russian Federation. The conditions in some pre-trial detention facilities are reportedly so poor that they may amount to cruel, inhuman or degrading treatment.

The Russian authorities forcibly returned at least one person to a country in former Soviet Central Asia despite a serious risk of torture and other grave human rights violations.

*Recent Amnesty International reports:*

- Russian Federation: Preliminary briefing to the UN Committee against Torture (AI Index: EUR 46/014/2006)
- Russian Federation: New law stifles independent civil society (AI Index: EUR 46/001/2006)
- Russian Federation: Nowhere to turn to – violence against women in the family (AI Index: EUR 46/056/2005)
- Russian Federation: Torture, “disappearances” and alleged unfair trials in Russia’s North Caucasus (AI Index: EUR 46/039/2005)
- Russian Federation: Violations continue, no justice in sight – a briefing paper on human rights violations in the context of the armed conflict in the Chechen Republic (AI Index: EUR 46/029/2005)

## **Russian Federation’s cooperation with the Treaty Bodies and the Special Procedures**

### **Ratification of International Human Rights Treaties**

| <i>Treaty</i>   | <i>Ratification</i>               | <i>Reservations/d<br/>eclarations</i> |
|---|-----------------------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>                                   | <i>Ratified</i>                   | <i>Entered</i>                        |
| <i>Optional Protocol to the ICCPR</i>   | <i>Ratified</i>                   | <i>Entered</i>                        |
| <i>Second Optional Protocol to the ICCPR</i>  |                                   |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                        | <i>Ratified</i>                   | <i>Entered</i>                        |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>             | <i>Ratified</i>                   |                                       |
| <i>Optional Protocol to the CEDAW</i>   | <i>Ratified</i>                   |                                       |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                     | <i>Ratified</i> <sup>art 14</sup> | <i>Entered</i>                        |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i> | <i>Ratified</i> <sup>art 22</sup> |                                       |
| <i>Optional Protocol CAT</i>  |                                   |                                       |
| <i>Convention on the Rights of the Child (CRC)</i>  | <i>Ratified</i>                   |                                       |



|  |                 |  |
|--|-----------------|--|
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Signed</i>   |  |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                |                 |  |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                 |  |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Signed</i>   |  |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i> |  |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i> |  |

### Compliance with reporting obligations

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|----------------------|------------------------|-------------------------|------------------------|
| 2                    |                        |                         |                        |

### Cooperation with the Special Procedures

|  |  |
|--|--|
| <p><i>Extension of a standing invitation</i></p> <p style="text-align: center;"><i>No</i></p>  | <p><b><i>Outstanding requests by the Special Procedures to carry out a visit</i></b></p> <ol style="list-style-type: none"> <li>1. <i>Special Representative on human rights defenders (SR HRD)</i></li> <li>2. <i>Special Rapporteur on freedom of opinion and expression</i></li> <li>3. <i>Special Rapporteur on freedom of religion or belief (requested since 1998)</i></li> <li>4. <i>Special Rapporteur on toxic waste</i></li> <li>5. <i>Special Rapporteur on indigenous people</i></li> <li>6. <i>Special Rapporteur on extrajudicial, summary or arbitrary executions (SR EJE)</i></li> <li>7. <i>Special Rapporteur on torture</i></li> <li>8. <i>Working Group on Enforced or Involuntary Disappearances</i></li> </ol> |
| <p><b><i>Missions carried out during the last reporting period:</i></b> <i>Special Rapporteur on violence against women, its causes and consequences (UN Doc. E/CN.4/2006/61/Add.2)</i></p> <p><b><i>Follow up report to implementation of recommendations arising from a past mission:</i></b> <i>report of the Special Rapporteur on torture (UN Doc. E/CN.4/2006/6/Add.2)</i></p>   |  |
| <p><b><i>Communications with the Special Procedures during the last reporting period</i></b></p> <p><u><i>Working Group on arbitrary detention:</i></u> <i>Opinion 28/2005 concerning one individual whose detention was not found to be arbitrary. Government provided response. WGAD also issued 5 urgent appeals concerning 12 individuals. The government responded to three.</i></p> <p><u><i>Working Group on Enforced or Involuntary Disappearances:</i></u> <i>“In the past and during the year under review, the Working Group has transmitted 461 cases to the Government; of those, 9 cases have been clarified on the basis of information provided by the source, 1 case has been clarified on the basis of</i></p> |  |

information provided by the Government and 451 cases remain outstanding. The Working Group is gravely concerned about the new cases that continue to occur in the Russian Federation and the large number of unresolved cases arising from the conflicts in the northern Caucasus. The Working Group reiterates to the Government its obligation under the Declaration to prevent and to terminate all acts of enforced disappearance and to prosecute alleged perpetrators. The Working Group welcomes the invitation by the Government of the Russian Federation to the Working Group to conduct a country visit, and looks forward to setting dates as soon as possible.”

SR EJEs: one urgent appeal concerning three individuals and about death threats, to which the government has provided no response.

SR HRD: “The Special Representative thanks the Government of Russia for its responses to her communications. She reiterates her concerns regarding the personal safety and security of human rights defenders in the Russian Federation. Furthermore, she is concerned regarding the restrictions on freedom of association and expression allegedly being imposed on human rights organizations and the labelling of those connected with these NGOs as terrorists. She is also concerned by the use of taxation laws to harass these NGOs”.

Special Rapporteur on the right to the highest attainable standard of physical and mental health: “The Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted any reply to his communication.”

Special Rapporteur on the independence of judges and lawyers: The Special Rapporteur notes that in the course of 2005 four new communications had to be addressed to the Government of the Russian Federation. He thanks the Government for its cooperation and the substantive information it sent in reply to allegations relayed to it on 3 November 2004 and later on 4 March and 10 October 2005. He however regrets that his communications of 4 May 2004, 26 January and 21 November 2005 have remained so far unanswered and urges the Government to provide at the earliest possible date, and preferably before the end of the 62nd session of the Commission on Human Rights, detailed substantive answers to the allegations relayed in these communications. The Special Rapporteur takes note of the information provided by the Government regarding the two minors referred to in their communication of 7 February 2005 and would appreciate receiving an update about the outcome of the judicial proceedings regarding the first suspect together with details of both minors’ whereabouts and the imprisonment regime applied to them. The Special Rapporteur feels that special care should prevail with regard to minors so that they enjoy full judicial and human rights guarantees and the service of any sentence against them lead to full social reinsertion. On the other hand, the Special Rapporteur welcomes news that human rights lawyer Makhmut Dchaparovic Magomadov was released and requests the Government to kindly confirm the information and clarify whether the release is unconditional. The Special Rapporteur further takes note of the information provided by the Government regarding the case of Zara Murtazaliyeva and Mr. Trepashkin and wishes to pursue contact with the Government on the judicial proceedings against them.

Special Rapporteur on indigenous people: “The Special Rapporteur thanks the Government of the Russian Federation for its prompt and full reply.”

Special Rapporteur on freedom of religion or belief: “The Special Rapporteur is grateful for the Government’s responses to these communications and would appreciate being notified of the progress of the investigation regarding the incident at Uralmash sports stadium on 10 March 2004. Furthermore she would like to draw the Government’s attention to paragraph 4(b) of Resolution 2005/40 of the Commission on Human Rights in which States are urged to exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights law, to ensure that religious places, sites, shrines and religious expressions are fully respected and protected. The Special Rapporteur would also like to take this opportunity to insist on receiving an invitation from the Government to visit the Russian Federation. As she underlined in her previous report to the General

*Assembly (A/60/399), the Government has been reminded of this request for an invitation on many occasions since 1998.”*

*Special Rapporteur on torture: twelve urgent appeals concerning at least thirty one individuals, to which the government provided six replies, in addition to two allegation letters concerning one named individual and a group to which the government provided two responses, and two follow-up letters on previous cases concerning two individuals, to which the government provided two responses.*

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## SLOVENIA

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The Slovenian authorities have still not resolved the status of the so-called “erased” – some 18,305 individuals unlawfully removed from the Slovenian registry of permanent residents in 1992. The “erased” are mainly people from other former Yugoslav republics, who had been living in Slovenia but had not acquired Slovenian citizenship after Slovenia became independent. Although the Slovenian Constitutional Court ruled in 1999 and 2003 that the removal of these individuals from the registry of permanent residents is unlawful, some 6,000 of the “erased” still do not have Slovenian citizenship or a permanent residence permit at the end of 2005. Many of the “erased” continue to live in Slovenia “illegally” as foreign nationals or stateless persons; others have been forced to leave the country.

The Slovenian authorities have failed to fully integrate Romani children into the education system and instead have tolerated or promoted the creation of special classes for Romani children in certain primary schools, where they are taught a reduced or simplified curriculum.

*Recent Amnesty International reports:*

- Europe and Central Asia: Summary of Amnesty International’s concerns in the region, January-June 2005: Slovenia (AI Index: EUR 01/012/2005)
- Slovenia: The “erased” – Briefing to the UN Committee on Economic, Social and Cultural Rights (AI Index: EUR 68/002/2005)

### Slovenia’s cooperation with the Treaty Bodies and the Special Procedures

#### Ratification of International Human Rights Treaties

| <i>Treaty</i>  | <i>Ratification</i> | <i>Reservations/d<br/>eclarations</i> |
|--|---------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>            | <i>Ratified</i>     |                                       |
| <i>Optional Protocol to the ICCPR</i>  | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Second Optional Protocol to the ICCPR</i>                                   | <i>Ratified</i>     |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i> | <i>Ratified</i>     |                                       |

|  |                                  |                |
|--|----------------------------------|----------------|
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i>                  |                |
| <i>Optional Protocol to the CEDAW</i>  | <i>Ratified</i>                  |                |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified<sup>art 14</sup></i> | <i>Entered</i> |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified<sup>art 22</sup></i> |                |
| <i>Optional Protocol CAT</i>   |                                  |                |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i>                  |                |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Ratified</i>                  |                |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Ratified</i>                  |                |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                                  |                |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Ratified</i>                  |                |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i>                  |                |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i>                  |                |

### Compliance with reporting obligations

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|----------------------|------------------------|-------------------------|------------------------|
| 3                    |                        |                         |                        |

### Cooperation with the Special Procedures

|   |   |
|---|---|
| <i>Extension of a standing invitation</i><br><br><i>Yes</i>   | <i>Outstanding requests by the Special Procedures to carry out a visit</i><br><br><i>None</i> |
| <i>Communications with the Special Procedures during the last reporting period</i><br><br><i>No communications sent to the government are recorded in the reports which are available at this time.</i> |   |

## UKRAINE

Despite positive steps taken by the new government to address torture and ill-treatment, reports indicate that law enforcement officials still use torture and ill-treatment routinely and with impunity to extract confessions and information from detainees. Police officers are often not

adequately trained or equipped to gather evidence and therefore depend on confessions to solve crimes. Cases of torture and ill-treatment are rarely followed up and victims rarely receive compensation.

A programme of renovation and reconstruction of pre-trial detention facilities has been initiated, but conditions in most facilities do not meet international standards. Thirteen per cent of pre-trial detention facilities are not equipped with water and sewage installations, 47 per cent cannot provide washing facilities and only one in four has enough natural light and sleeping places. Tuberculosis is widespread.

Amnesty International continues to receive reports of anti-Semitic and racist attacks across the country, despite pledges by the government to end such attacks. The Union of Councils for Jews in the former Soviet Union has reported at least eight attacks against Jews and defacement of synagogues in Ukraine.

Ukraine continues to be a major source of men, women and children trafficked abroad, despite government efforts to address the problem, as well as provisions in the 2001 Criminal Code criminalizing trafficking.

The Ukrainian authorities were in violation of their obligations under international human rights and refugee laws when they forcibly returned 10 asylum-seekers, who had been seeking international protection in Ukraine, to Uzbekistan during the night of 14-15 February 2006. There was credible evidence that they would be at risk of serious human rights violations in Uzbekistan, including incommunicado detention, torture or other ill-treatment, and a flagrantly unfair trial followed by either long prison sentences or even the death penalty.

*Recent Amnesty International reports:*

- Ukraine: Ten asylum seekers forcibly returned to Uzbekistan (AI Index: EUR 50/001/2006)
- Ukraine: Time for Action – Torture and ill-treatment in police detention (AI Index: EUR 50/004/2005)
- Europe and Central Asia: Summary of Amnesty International’s concerns in the region, January-June 2005: Ukraine (AI Index: EUR 01/012/2005)

## **Ukraine’s cooperation with the Treaty Bodies and the Special Procedures**

### **Ratification of International Human Rights Treaties**

| <i>Treaty</i>  | <i>Ratification</i> | <i>Reservations/<br/>declarations</i> |
|--|---------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>            | <i>Ratified</i>     |                                       |
| <i>Optional Protocol to the ICCPR</i>  | <i>Ratified</i>     |                                       |
| <i>Second Optional Protocol to the ICCPR</i>                                   |                     |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i> | <i>Ratified</i>     | <i>Entered</i>                        |

|   |                            |         |
|---|----------------------------|---------|
| Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)                            | Ratified                   |         |
| Optional Protocol to the CEDAW  | Ratified                   |         |
| Convention on the Elimination of All Forms of Racial Discrimination (CERD)                                    | Ratified <sup>art 14</sup> | Entered |
| Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)                | Ratified <sup>art 22</sup> |         |
| Optional Protocol CAT   | Signed                     |         |
| Convention on the Rights of the Child (CRC)   | Ratified                   |         |
| Optional Protocol to the CRC on children in armed conflict  | Ratified                   |         |
| Optional Protocol to the CRC on the sale of children, child prostitution and child pornography                | Ratified                   |         |
| International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families |                            |         |
| Rome Statute of the International Criminal Court  | Signed                     |         |
| Convention Relating the Status of Refugees  | Ratified                   |         |
| Protocol relating to the Status of Refugees   | Ratified                   |         |

#### Compliance with reporting obligations

| Total overdue reports | 5 years overdue | 10 years overdue | Initial overdue |
|-----------------------|-----------------|------------------|-----------------|
| 2                     |                 |                  | 1               |

#### Cooperation with the Special Procedures

|   |  |
|---|--|
| <b>Extension of a standing invitation</b><br><br>No   | <p><b>Outstanding requests by the Special Procedures to carry out a visit</b></p> <ol style="list-style-type: none"> <li>1. Special Rapporteur on toxic wastes (scheduled for 2006)</li> <li>2. Special Rapporteur on freedom of opinion and expression</li> </ol> |
| <p><b>Communications with the Special Procedures during last reporting period</b></p> <p><u>Working Group on Enforced and Involuntary Disappearances:</u> “In the past and during the year under review, the Working Group has transmitted four cases to the Government; of those, one case has been clarified on the basis of information provided by the Government and three cases remain outstanding”.</p> <p><u>Special Rapporteur on the right to the highest attainable standard of physical and mental health:</u> Response received from the government to communications sent in preceding years.</p> |  |

## **LATIN AMERICAN AND CARIBBEAN STATES: 8 Seats**

**At the time of writing, 11 countries belonging to the Latin American and Caribbean Group had put themselves forward: Argentina, Brazil, Cuba, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Peru, Uruguay and Venezuela. All of them had submitted public pledges.**

### **ARGENTINA**

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In August and September indigenous representatives are demanded that the national government stop violent evictions and suspend mining projects in regions inhabited by indigenous communities.

The police used excessive force against a group of teachers taking part in a peaceful demonstration in support of a pay demand in Salta Province. Some of the demonstrators were beaten and required medical attention, and some were arrested and charged. All were subsequently released.

Some 62,500 inmates were held in Argentine prisons in poor conditions during 2005; 75 per cent of those detained had not yet been tried. Most provincial prisons are overcrowded and lack basic facilities such as drinking water, adequate light and sanitation, medical facilities and rehabilitation schemes. Some cases of ill-treatment by prison guards have been reported. Inmates in Córdoba, Coronda, Rosario, Tucumán, Mendoza and Magdalena prisons have staged protests and riots in which several prisoners died.

In June 2005, the Supreme Court ruled that the Full Stop and Due Obedience laws were unconstitutional, thus clearing the way for the prosecution of members of the military suspected of human rights abuses during the military governments (1976-83).

*Recent Amnesty International reports:*

- Argentina: Memorandum to the Governor of Mendoza Province (AI Index: AMR 13/008/2005)
- Argentina: Historical ruling opens the way for justice in the country (AI Index: AMR 13/005/2005)
- Argentina: Implementation of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (AI Index: AMR 13/001/2005)



## Argentina's cooperation with the Treaty Bodies and the Special Procedures

### Ratification of International Human Rights Treaties

| <i>Treaty</i>  | <i>Ratification</i>               | <i>Reservations/<br/>declarations</i> |
|--|-----------------------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>  | <i>Ratified</i>                   | <i>Entered</i>                        |
| <i>Optional Protocol to the ICCPR</i>  | <i>Ratified</i>                   |                                       |
| <i>Second Optional Protocol to the ICCPR</i>   |                                   |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       | <i>Ratified</i>                   |                                       |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i>                   | <i>Entered</i>                        |
| <i>Optional Protocol to the CEDAW</i>  | <i>Signed</i>                     |                                       |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified</i>                   |                                       |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i> <sup>art 22</sup> |                                       |
| <i>Optional Protocol CAT</i>   | <i>Ratified</i>                   |                                       |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i>                   | <i>Entered</i>                        |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Ratified</i>                   |                                       |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Ratified</i>                   | <i>Entered</i>                        |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> | <i>Signed</i>                     |                                       |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Ratified</i>                   |                                       |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i>                   |                                       |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i>                   |                                       |

### Compliance with reporting obligations

| <i>Total overdue reports</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|------------------------------|------------------------|-------------------------|------------------------|
| 4                            |                        |                         | 2                      |

### Cooperation with the Special Procedures

|  |  |
|--|--|
| <i>Extension of a standing invitation</i><br>Yes | <i>Outstanding requests by the Special Procedures to carry out a visit</i><br><i>Working Group on Enforced or Involuntary Disappearances (tentative date set for 2006)</i> |
|--|--|

***Communications with the Special Procedures during the last reporting period***

*Working Group on Enforced or Involuntary Disappearances:* “The Working Group would like to thank the Government of Argentina for its invitation to conduct a country visit. The Working Group hopes that in cooperation with the Government and NGOs, progress can be made towards the clarification of the 3,375 cases that have remained unresolved for more than 30 years. The lack of clarifications has concerned the Working Group for many years.”

*Special Representative on human rights defenders:* “The Special Representative thanks the Government of Argentina for its response. She is encouraged by the measures taken by the Government to ensure accountability for adverse actions against human rights defenders and positive action taken by the Secretariat for Human Rights in the case of SERPAJ. She encourages the Government to keep her updated of developments concerning the case of Martin Cisneros”.

*Special Rapporteur on the independence of judges and lawyers:* “El Relator Especial agradece al Gobierno argentino su grata cooperación y desea asegurarle que sus respuestas están siendo examinadas y serán reflejadas en su próximo informe. Por otro lado, el Relator Especial celebra la decisión del 14 de junio de 2005 de la Corte Suprema de Justicia de la Argentina, por medio de la cual invalida dos leyes de amnistía que impedían el enjuiciamiento de los crímenes cometidos por oficiales militares durante la llamada "Guerra Sucia" (1976-1983) en la Argentina.”

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## **BRAZIL**

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Extrajudicial executions, excessive use of force and the systematic use of torture by state police forces continue to be reported, and few are investigated. There are also persistent reports of killings perpetrated by “death squads” involving active and former members of the police. State governments are not implementing the public security reforms set out in the proposed Single Public Security System, and consequently residents of poor communities continue to suffer discriminatory, invasive and violent policing which fails to combat crime or provide any form of security

Torture and ill-treatment continue to be used during arrest and interrogation and as a means of control within the detention system, including in facilities for juvenile. In September 2005, the mother of a juvenile in the Vila Maria unit reported that her son had been so severely beaten by wardens that he was urinating blood.

Conditions in prisons amount to cruel, inhuman or degrading treatment and the prison population continue to rise. Overcrowding, poor sanitation and lack of health facilities lead to frequent riots and high levels of prisoner-on-prisoner violence. There are also consistent reports of violence by guards.

Abuses in connection with land disputes continue. Land workers suffer death threats and harassment, as do homeless activists in cities and activists fighting against the constructions of dams. Indigenous peoples campaigning for land and human rights face violent attacks and forced evictions, often leading to extreme deprivation.

Human rights defenders suffer defamation, threats, attacks and killings. The federal government has yet to implement a programme for their protection.

The criminal justice system continues to fail those suffering human rights violations, as few perpetrators are brought to justice. Human rights groups have expressed dismay following the government's announcement that only selected archives relating to "disappearances" and killings of political prisoners during the military government would be opened.

*Recent Amnesty International reports:*

- Brazil: "We have come to take your souls": the caveirao and policing in Rio de Janeiro (AI Index: AMR 19/007/2006 March 2006)
- Brazil: "They come in shooting" – Policing socially excluded communities in Brazil (AI Index: AMR 19/025/2005)
- Brazil: Briefing on Brazil's Second Periodic Report on the Implementation of the International Covenant on Civil and Political Rights (AI Index: AMR 19/021/2005)
- Brazil: "Foreigners in our own country"– Indigenous peoples in Brazil (AI Index: AMR 19/002/2005)

## **Brazil's cooperation with the Treaty Bodies and the Special Procedures**

### **Ratification of International Human Rights Treaties**

| <i>Treaty</i>   | <i>Ratification</i>               | <i>Reservations/<br/>declarations</i> |
|---|-----------------------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>                                   | <i>Ratified</i>                   |                                       |
| <i>Optional Protocol to the ICCPR</i>   |                                   |                                       |
| <i>Second Optional Protocol to the ICCPR</i>  |                                   |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                        | <i>Ratified</i>                   |                                       |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>             | <i>Ratified</i>                   | <i>Entered</i>                        |
| <i>Optional Protocol to the CEDAW</i>   | <i>Ratified</i>                   |                                       |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                     | <i>Ratified</i> <sup>art 14</sup> |                                       |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i> | <i>Ratified</i>                   |                                       |
| <i>Optional Protocol CAT</i>  | <i>Signed</i>                     |                                       |
| <i>Convention on the Rights of the Child (CRC)</i>  | <i>Ratified</i>                   |                                       |
| <i>Optional Protocol to the CRC on children in armed conflict</i>                                     | <i>Ratified</i>                   |                                       |
| <i>Optional Protocol to the CRC on the sale of children, child</i>                                    | <i>Ratified</i>                   |                                       |

|  |                 |                |
|--|-----------------|----------------|
| <i>prostitution and child pornography</i>  |                 |                |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                 |                |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Ratified</i> |                |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i> | <i>Entered</i> |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i> |                |

### Compliance with reporting obligations

| <i>Total overdue reports</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|------------------------------|------------------------|-------------------------|------------------------|
| 3                            | 2                      | 1                       |                        |

### Cooperation with the Special Procedures

|  |   |
|--|---|
| <i>Extension of a standing invitation</i><br><br><i>Yes</i>  | <i>Outstanding requests by the Special Procedures to carry out a visit</i><br><br><i>None</i> |
| <i>Missions carried out during the last reporting period: Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (UN Doc. E/CN.4/2006/16/Add.3) and the Special Representative on human rights defenders (UN Doc. E/CN.4/2006/95/Add.4).</i>  |   |
| <i>Follow up report to implementation of recommendations arising from a past mission: Special Rapporteur on torture (UN Doc. E/CN.4/2006/6/Add.2) and the Special Rapporteur on extrajudicial, summary or arbitrary executions (UN Doc. E/CN.4/2006/53/Add.2)</i>  |   |
| <b><i>Communications with the Special Procedures during the last reporting period</i></b>  |   |
| <i>Working Group on arbitrary detention: Opinion 30/2005 concerning four individuals, whose cases have been filed, persons released. Government provided a response.</i>   |   |
| <i>Working Group on Enforced or Involuntary Disappearances: "In the past and during the year under review, the Working Group has transmitted 63 cases to the Government; of those, 4 cases have been clarified on the basis of information provided by the source, 45 cases have been clarified on the basis of information provided by the Government and 14 cases remain outstanding. The Working Group invites the Government of Brazil to provide information which could lead to the clarification of the outstanding cases."</i> |   |
| <i>Special Rapporteur on extrajudicial, summary or arbitrary executions: one urgent appeal and three allegation letters concerning impunity, death threats and attacks or killings regarding thirteen individuals, to which the government has provided one largely satisfactory response. Three responses remain outstanding.</i>   |   |
| <i>Special Rapporteur on the right to adequate housing: "The Special Rapporteur thanks the Government for its replies. The Special Rapporteur notes the Government's information according to which the measures taken to ensure the certification of areas belonging to the indigenous peoples constitute a benchmark of the government's policy for the protection and promotion of indigenous rights, including their right to adequate housing. The signing by the President on 28 March 2005 of an official</i>                   |   |

*declaration certifying Cerro Marangatú as indigenous land constitutes an important step in the official process of transferring these lands.”*

*Special Representative on human rights defenders: “The Special Representative thanks the Government of Brazil for its reply to the communication of 4 March 2005, but regrets that at the time this report was being finalised no replies had been received to the communications of 16 March 2005, 3 August 2005, 10 October 2005 and 28 November 2005. With regard to the response concerning the murder of Sr Stang, the Special Representative welcomes the swift action on behalf of the authorities to investigate the murder of Sr Stang and bring to justice its perpetrators. She also welcomes the establishment of a Working Group and hopes that the suggestions of action to be taken by federal and state officials in order to fight the violation of human rights will be adequate to ensure the protection of human rights defenders in the state of Para and throughout Brazil. She also notes that in December 2005, at the invitation of the Government, she conducted an official visit to Brazil. She thanks the Government for its commendable transparency and the very good collaboration in preparation and conduct of the mission. She draws attention to her preliminary report made following this visit.”*

*Special Rapporteur on the independence of judges and lawyers: “The Special Rapporteur thanks the Government of Brazil for its cooperation and its responses to his communications. He regrets that the latest communication received could not be included in this report and wishes to assure the Government that it will duly be reflected in next year’s report. He urges the Government also to provide at the earliest possible date, and preferably before the end of the 62nd session of the Commission on Human Rights, detailed substantive answers to the allegations relayed to them successively on 13 April, 6 June and 10 October 2005. Having in mind the Government reply of 17 May 2005, the Special Rapporteur invites the Government to kindly provide at the earliest possible date additional information of the results of the work of the National and Local Coordination Commissions on the killings of human rights defenders. With regard to Erastótenes de Almeida Gonçalves, Nelson José da Silva and João Batista Soares Lages, who were reportedly awaiting trial in liberty, after delays in judicial and bureaucratic process, the Special Rapporteur would similarly appreciate details of the outcome of the judicial proceedings against them and their current situation. The Special Rapporteur would further welcome receiving at the earliest convenience of the Government information on any action taken to follow-up on recommendations presented in his mission report to Brazil (E/CN.4/2004/60/Add.3), and on progress made in the country regarding matters pertaining to his mandate.”*

*Special Rapporteur on indigenous people: “The Special Rapporteur thanks the Government of Brazil for its reply.”*

*Special Rapporteur on torture: four urgent appeals concerning 10 named individuals in addition to 1,500 individuals at a detention centre, and the prisoners of Polinter Prison, and one allegation letter concerning a group. The government has not provided any responses.*

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## CUBA

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Prisoners of conscience continue to be arrested and sentenced for their peacefully held views, although some have been released for health reasons. At least 72 prisoners of conscience remain in prison.

Restrictions on freedom of expression, association and movement continue to be imposed. Human rights activists, journalists, political dissidents and trade unionists have been harassed and intimidated, including by quasi-official groups allegedly acting in collusion with

members of the security forces. The government controls all legal media outlets and independent media are banned.

The economic situation has further deteriorated, in part due to the US embargo which hinders the enjoyment of the full range of human rights in Cuba.

More than 30 prisoners are on death row, although no one has been executed since 2003.

*Recent Amnesty International reports:*

- Cuba: Prisoners of conscience – 71 longing for freedom (AI Index: AMR 25/002/2005)
- Cuba: Fundamental freedoms still under attack (AI Index: AMR 25/001/2006)

### **Cuba's cooperation with the Treaty Bodies and the Special Procedures**

#### **Ratification of International Human Rights Treaties**

| <i>Treaty</i>  | <i>Ratification</i> | <i>Reservations/<br/>declarations</i> |
|--|---------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>  |                     |                                       |
| <i>Optional Protocol to the ICCPR</i>  |                     |                                       |
| <i>Second Optional Protocol to the ICCPR</i>   |                     |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       |                     |                                       |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Optional Protocol to the CEDAW</i>  | <i>Signed</i>       |                                       |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Optional Protocol CAT</i>   |                     |                                       |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i>     |                                       |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Signed</i>       |                                       |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Ratified</i>     |                                       |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                     |                                       |
| <i>Rome Statute of the International Criminal Court</i>  |                     |                                       |
| <i>Convention Relating the Status of Refugees</i>  |                     |                                       |
| <i>Protocol relating to the Status of Refugees</i>   |                     |                                       |



### Compliance with reporting obligations

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|----------------------|------------------------|-------------------------|------------------------|
| 9                    | 3                      |                         | 1                      |

### Cooperation with the Special Procedures

|  |  |
|--|--|
| <p><i>Extension of a standing invitation</i></p> <p>No</p>   | <p><b><i>Outstanding requests by the Special Procedures to carry out a visit</i></b></p> <ol style="list-style-type: none"> <li>1. <i>Special Rapporteur on freedom of opinion and expression</i></li> <li>2. <i>Special Rapporteur on the independence of judges and lawyers</i></li> <li>3. <i>Special Rapporteur on the right to food</i></li> </ol> <p><i>Note: the Personal Representative of the High Commissioner for Human Rights on Cuba has not been given access to the country. Please see her latest report contained in UN Doc. E/CN.4/2006/33</i></p> |
| <p><b><i>Communications with the Special Procedures during the last reporting period</i></b></p> <p><u><i>Working Group on arbitrary detention</i></u>: four urgent appeals concerning 12 individuals. The government has responded to all four.</p> <p><u><i>Special Representative on human rights defenders</i></u>: “The Special Representative thanks the Government for its prompt replies to her communications. While she acknowledges the Government’s position she remains concerned by ongoing arrests, detentions and harsh sentencing of human rights defenders in Cuba, which appear to be deliberate efforts on the part of the authorities to inhibit their legitimate activities in defense of human rights.</p> <p>With regard to the case of Oscar Elias Biscet Gonzalez the Special Representative notes the position of the Government. However she urges the Government of Cuba to take note of the opinion of the Working Group of Arbitrary Detention 17/2003, where it was established that the detention of Oscar Elias Biscet Gonzalez was effected in relation to his organisation of a peaceful protest, the right to do so which is a right guaranteed under the Universal Declaration of Human Rights.”</p> <p><u><i>Special Rapporteur on the independence of judges and lawyers</i></u>: “El Relator Especial nota que, según nueva información recibida de fuentes nongubernamentales, los funcionarios de la prisión en la que se encuentra encarcelado Oscar Elías Biscet habrían aumentado las restricciones penitenciarias como castigo por su protesta pacífica por las condiciones de la prisión y existe preocupación por su estado de salud. Por otra parte, el Relator Especial nota con satisfacción que, según las mismas fuentes, el Sr. Mario Enrique Mayo Hernández, periodista cubano preso, habría recibido licencia extrapenal por motivos de salud pero solicita al Gobierno tenga a bien confirmar si es así y enviar detalles pertinentes al respeto. Por otro lado, el Relator Especial esta muy preocupado por alegaciones recibidas en momento de finalizar este informe en el sentido que, otros 24 periodistas seguirían presos en las cárceles de Cuba. El Relator Especial pide encarecidamente al Gobierno de Cuba tenga a bien señalar a la brevedad posible, y preferentemente antes de terminar la 62ª sesión de la Comisión, si están fundadas dichas alegaciones. En caso de estar confirmada la detención de dichas personas, agradecería al Gobierno señalar los cargos específicos retenidos contra las mismas y los hechos concretos que los fundamentan así como la jurisdicción encargada del proceso, la ley aplicable, las perspectivas en cuanto al proceso, el lugar y las condiciones de detención y el estado de salud de los detenidos.”</p> |  |



*Special Rapporteur on torture: three urgent appeals concerning 11 named individuals and a group of people. The government has provided one response. The Special Rapporteur also sent one allegation letter, to which the government has provided no response.*

## ECUADOR

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Human rights defenders, including those who criticize the government, continue to be threatened and harassed.

There are reports that dozens of people were detained in connection with demonstrations in May and August demanding greater local investment of oil revenues in the provinces of Sucumbíos and Orellana. Some were reportedly ill-treated while in custody; however, Amnesty International is not aware of any investigations into these allegations.

Torture and ill-treatment, including of indigenous peoples, women, and lesbian, gay, bisexual and transgender people have been reported. There is concern that complaints of human rights violations by the security forces are tried in police and military courts which are considered neither independent nor impartial.

Women and children from marginalized communities often do not have access to health care as guaranteed under national legislation which came into force in 1998. In some provinces, health centres and hospitals staff appears to not even be aware of this legislation.

*Recent Amnesty International reports:*

- Ecuador: Respect for human rights must be the top priority of the political agenda (AI Index: AMR 28/010/2005)
- Ecuador: It is essential for the intimidation of government critics to stop if respect for human rights is to be safeguarded (AI Index: AMR 28/004/2005)

### **Ecuador's cooperation with the Treaty Bodies and the Special Procedures**

#### **Ratification of International Human Rights Treaties**

| <i>Treaty</i>  | <i>Ratification</i> | <i>Reservations/<br/>declarations</i> |
|--|---------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>            | <i>Ratified</i>     |                                       |
| <i>Optional Protocol to the ICCPR</i>  | <i>Ratified</i>     |                                       |
| <i>Second Optional Protocol to the ICCPR</i>                                   | <i>Ratified</i>     |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i> | <i>Ratified</i>     |                                       |
| <i>Convention on the Elimination of All Forms of Discrimination</i>            | <i>Ratified</i>     |                                       |

|   |                            |         |
|---|----------------------------|---------|
| against Women (CEDAW)   |                            |         |
| Optional Protocol to the CEDAW  | Ratified                   |         |
| Convention on the Elimination of All Forms of Racial Discrimination (CERD)                                    | Ratified <sup>art.14</sup> |         |
| Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)                | Ratified <sup>art.22</sup> | Entered |
| Optional Protocol CAT   |                            |         |
| Convention on the Rights of the Child (CRC)   | Ratified                   | Entered |
| Optional Protocol to the CRC on children in armed conflict  | Ratified                   | Entered |
| Optional Protocol to the CRC on the sale of children, child prostitution and child pornography                | Ratified                   |         |
| International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families | Ratified                   |         |
| Rome Statute of the International Criminal Court  | Ratified                   |         |
| Convention Relating the Status of Refugees  | Ratified                   | Entered |
| Protocol relating to the Status of Refugees   | Ratified                   |         |

### Compliance with reporting obligations

| Total overdue | 5 years overdue | 10 years overdue | Initial overdue |
|---------------|-----------------|------------------|-----------------|
| 5             |                 |                  | 1               |

### Special Procedures

|   |  |
|---|--|
| <b>Extension of a standing invitation</b><br>Yes  | <b>Outstanding requests by the Special Procedures to carry out a visit</b><br>None |
| <b>Mission carried out during last reporting period:</b> Special Rapporteur on the independence of judges and lawyers (UN Doc. E/CN.4/2006/52/Add.2)  |  |
| <b>Communications with the Special Procedures during the last reporting period</b><br><u>Working Group on Enforced or Involuntary Disappearances:</u> "In the past and during the year under review, the Working Group transmitted 26 cases to the Government; of those, 4 cases have been clarified on the basis of information provided by the source, 11 cases have been clarified on the basis of information provided by the Government and 11 cases remain outstanding."<br><u>Special Representative on human rights defenders:</u> "The Special Representative regrets that the Government of Ecuador has not responded to her communication of 2005."<br><u>Special Rapporteur on independence of judges and lawyers:</u> "Los resultados de las dos visitas que el Relator Especial realizó en el Ecuador, la primera del 13 al 18 de marzo de 2005 y la segunda del 11 |  |

*al 15 de julio de 2005, son relatados en su informe de misión presentado a la Comisión de Derechos Humanos en su 62º período de sesiones (E/CN.4/2006/52/Add.2), así como en su informe preliminar presentado a la Comisión de Derechos Humanos en su 61º período de sesiones (E/CN.4/2005/60/Add.4) y en su informe presentado a la Asamblea General en su 60º período de sesiones (A/60/321). El 30 de noviembre de 2005, después de haber monitoreado de cerca todo el proceso de designación, el Relator Especial viajó por tercera vez al Ecuador para asistir al acto de asunción de los nuevos magistrados de la Corte Suprema de Justicia.”*

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## GUATEMALA

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Violence against women continues to be reported. According to police figures, the number of women murdered rose to 665 in 2005, in attacks often accompanied by sexual violence and extreme brutality. Little progress has been made to improving the quality of the criminal investigations into the murders of women. Despite the cases being transferred to a new investigating agency allegedly with more resources, there has been no significant increase in successful prosecutions.

There are reports of excessive use of force and destruction of homes in connection with 22 evictions of rural communities during 2005. Forced evictions have also been reported in 2006. Amnesty International is concerned that a policy of forced evictions in rural areas continued to be used by the government.

During 2005, 224 attacks on human rights activists and organizations were reported. It is alleged that illegal clandestine groups are involved in some these attacks. Little or no progress was reported in investigating these attacks.

There has been no progress in trying past cases of genocide or crimes against humanity in Guatemala. In February 2005, the Constitutional Court halted the trial in the case of over 200 people killed by the Guatemalan Army in the 1982 massacre in Dos Erres. The Court determined that due process had been violated.

No executions took place in 2005. In April 2005, President Berger announced plans to abolish the death penalty, but these have not materialised.

*List of recent AI documents:*

- Guatemala: A summary of Amnesty International's Concerns with regard to the Guatemalan Government's implementation of the United Nations Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (AI Index: AMR 34/013/2006)
- Guatemala: Land of Injustice? (AI Index: AMR 34/003/2006)
- Guatemala: No protection, no justice — killings of women in Guatemala (AI Index: AMR 34/017/2005)
- Guatemala: Memorandum to the Government of Guatemala: Amnesty International's concerns regarding the current human rights situation (AI Index: AMR 34/014/2005)

- Amicus Curiae Brief before the Inter-American Court of Human Rights in the matter of Ronald Ernesto Raxcacó Reyes (AI Index: IOR 62/003/2005)

## Guatemala's cooperation with the Treaty Bodies and the Special Procedures

### Ratification of International Human Rights Treaties

| <i>Treaty</i>  | <i>Ratification</i>               | <i>Reservations/<br/>declarations</i> |
|--|-----------------------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>  | <i>Ratified</i>                   |                                       |
| <i>Optional Protocol to the ICCPR</i>  | <i>Ratified</i>                   |                                       |
| <i>Second Optional Protocol to the ICCPR</i>   |                                   |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       | <i>Ratified</i>                   |                                       |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i>                   |                                       |
| <i>Optional Protocol to the CEDAW</i>  | <i>Ratified</i>                   |                                       |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified</i>                   |                                       |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i> <sup>art 22</sup> |                                       |
| <i>Optional Protocol CAT</i>   | <i>Signed</i>                     |                                       |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i>                   | <i>Entered</i>                        |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Ratified</i>                   | <i>Entered</i>                        |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Ratified</i>                   |                                       |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> | <i>Ratified</i>                   |                                       |
| <i>Rome Statute of the International Criminal Court</i>  |                                   |                                       |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i>                   | <i>Entered</i>                        |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i>                   | <i>Entered</i>                        |

### Compliance with reporting obligations

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial report</i> |
|----------------------|------------------------|-------------------------|-----------------------|
| 4                    |                        |                         | 3                     |

### Cooperation with the Special Procedures

|   |  |
|---|--|
| <p><b>Extension of a standing invitation</b></p> <p>Yes</p>   | <p><b>Outstanding requests by the Special Procedures to carry out a visit</b></p> <p>Special Rapporteur on freedom of opinion and expression (postponed)</p> |
| <p><b>Mission carried out during last reporting period:</b> Special Rapporteur on the right to food (UN Doc. E/CN.4/2006/44/Add.1)</p> <p><b>Follow up report to implementation of recommendations arising from a past mission:</b> Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (UN Doc. E/CN.4/2006/16)</p>  |  |
| <p><b>Communications with the Special Procedures during the last reporting period</b></p> <p><u>Working Group on Enforced or Involuntary Disappearances:</u> “The Working Group remains concerned that the Government has not been able to provide further information that could lead to the clarification of the 2,896 outstanding cases. The Working Group welcomes the initiative of the Government of Guatemala in promulgating a National Plan for the Search for Disappeared Persons during the Internal Armed Conflict. The Working Group is nonetheless concerned that the proposed National Search Commission may not be fully independent. In addition, concrete legislative action is required to prevent potential impunity for perpetrators of disappearances. The Working Group urges the Government to ensure the structure of implementation of the Plan and the independence of the Commission.”</p> <p><u>Special Representative on human rights defenders:</u> “The Special Representative thanks the Government of Guatemala for its prompt replies to most of her communications in 2005 and for its responses to her communications of 2004. She welcomes the numerous steps that the Government reports having taken to address the many concerns raised in her numerous communications. She particularly encouraged by the opening of investigations, the efforts to address the issue of the safety of human rights defenders through measures of protection and the spirit of cooperation which the Government has displayed. Nevertheless, she notes that investigations have not yielded results allowing for impunity to be curbed and perpetrators of violations to be brought to justice. She thus remains concerned with regards to the situation of human rights defenders in Guatemala in view of the numerous cases of threats, harassment and raids of which they continue [to be the victims in a context of impunity]”.</p> <p><u>Special Rapporteur on indigenous peoples:</u> “The Special Rapporteur regrets not having received a reply from the Government of Guatemala at the time of writing.”</p> <p><u>Special Rapporteur on the independence of judges and lawyers:</u> El Relator Especial agradece al Gobierno de Guatemala su grata cooperación y la información sustantiva que tuvo a bien transmitirle. Sin embargo es con seria preocupación que nota la serie de alegaciones sumamente preocupantes que recibió acerca de un número muy elevado de asesinatos de jueces, procuradores, abogados y otros operadores de justicia en el país, y que señala que el Gobierno no ha respondido a su carta de alegación del 26 de octubre pidiendo información al respecto. Asimismo, tampoco recibió aclaraciones acerca de las inquietudes señaladas sobre la situación de los operadores de justicia de Villa Nueva. Finalmente, el Relator especial nota, a la luz de la información recibida, que no se há producido ningún progreso substancial en la investigación de las amenazas sufridas por Armando Sánchez. En este sentido, el Relator Especial pide encarecidamente al Gobierno de Guatemala tenga a bien enviarle a la brevedad posible, y preferentemente antes de la clausura de la 62a sesión de la Comisión de derechos humanos, informaciones precisas y detalladas acerca de todas estas cuestiones.</p> <p><u>Special Rapporteur on torture:</u> one allegation letter concerning eight named individuals and a group of</p> |  |

people, to which the government provided no response, and two follow-up letters on past cases concerning eleven individuals, which the government did respond to.

## HONDURAS

Human rights defenders continue to be targeted. Activists defending the environment and the rights of indigenous people are killed, tortured and imprisoned, often on fabricated charges. These abuses are often instigated by powerful landowners and are rarely investigated.

There are reports of over 30,000 complaints of domestic violence between 2000 and mid-2005, and the special courts are reportedly overwhelmed. According to the Special Prosecutor for Women's Affairs, three out of 10 women who submitted complaints were eventually killed by their attacker.

In 2005, 431 killings of children and young people were reported. Despite earlier pledges by the government to investigate and bring to justice those responsible, the perpetrators continue to enjoy impunity.

*Recent Amnesty International reports:*

- Honduras: Montaña Verde, Prisoners of Conscience (AI Index: AMR 37/006/2005)
- Honduras: Witnesses to killing of human rights defender at risk (AI Index: AMR 37/002/2005)

### Honduras' cooperation with the Treaty Bodies and the Special Procedures

#### Ratification of International Human Rights Treaties

| <i>Treaty</i>   | <i>Ratification</i> | <i>Reservations/<br/>declarations</i> |
|---|---------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>                       | <i>Ratified</i>     |                                       |
| <i>Optional Protocol to the ICCPR</i>   | <i>Ratified</i>     |                                       |
| <i>Second Optional Protocol to the ICCPR</i>  | <i>Signed</i>       |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>            | <i>Ratified</i>     |                                       |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i> | <i>Ratified</i>     |                                       |
| <i>Optional Protocol to the CEDAW</i>   |                     |                                       |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>         | <i>Ratified</i>     |                                       |
| <i>Convention against Torture and Other Cruel, Inhuman or</i>                             | <i>Ratified</i>     |                                       |

|  |                 |                |
|--|-----------------|----------------|
| <i>Degrading Treatment or Punishment (CAT)</i>   |                 |                |
| <i>Optional Protocol CAT</i>   | <i>Signed</i>   |                |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i> |                |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Ratified</i> |                |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Ratified</i> |                |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> | <i>Ratified</i> |                |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Ratified</i> |                |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i> | <i>Entered</i> |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i> | <i>Entered</i> |

### Compliance with reporting obligations

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|----------------------|------------------------|-------------------------|------------------------|
| 7                    | 1                      |                         | 3                      |

### Cooperation with the Special Procedures

|  |   |
|--|---|
| <i>Extension of a standing invitation</i><br><br><i>No</i>   | <i>Outstanding requests by the Special Procedures to carry out a visit</i><br><br>1. <i>Working Group on mercenaries</i><br><br>2. <i>Special Rapporteur on freedom of opinion and expression</i> |
| <i>Follow up report to implementation of recommendations arising from a past mission: Special Rapporteur on extrajudicial, summary or arbitrary executions (UN Doc. E/CN.4/2006/53/Add.2)</i>  |   |
| <i>Communications with the Special Procedures during the last reporting period</i>   |   |
| <i>Working Group on arbitrary detention: one urgent appeal concerning one individual. No response was received from the government.</i>  |   |
| <i>Working Group on Enforced or Involuntary Disappearances: "In the past and during the year under review, the Working Group has transmitted 202 cases to the Government; of those, 43 cases have been clarified on the basis of information provided by the source, 30 cases have been clarified on the basis of information provided by the Government and 129 cases remain outstanding."</i>  |   |
| <i>Special Representative on human rights defenders: "The Special Representative thanks the Government of Honduras for its responses to several of her communications. She looks forward to receiving further response to her remaining communications. With respect to the murder of Edickson Roberto Lemus, she is encouraged by the steps taken by the Government to ensure accountability and hopes that perpetrators will be brought to justice. She looks forward to receiving further information regarding the progress of the investigations and the judicial process. With regard to Juan Almendarez Bonilla, the Special Representative looks forward to receiving further information with regard to the investigations into the alleged incidents."</i> |   |



*Special Rapporteur on indigenous people:* “The Special Rapporteur regrets not having received a reply from the Government of Honduras at the time of writing.”

*Special Rapporteur on torture:* one urgent appeal concerning one individual, to which the government provided no response, and one follow-up letter regarding a past case of 105 juveniles held at San Pedro Sula Prison, which the government did respond to.

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## MEXICO

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The Mexican government’s commitment to ensure the application of international human standards across the country has produced limited results, particularly in many of the 31 federal states where human rights violations and impunity remain common.

Reports of arbitrary detention and torture are common, and the authorities often fail to investigate such reports adequately. The National Human Rights Commission has issued a recommendation highlighting the continuing widespread practice of torture and ill-treatment of criminal suspects.

The right to a fair trial continues to be undermined, including a failure to ensure immediate access to defence counsel and a lack of effective oversight of the prosecution service and judicial police.

Little progress has been made in bringing to justice those responsible for grave human rights violations committed during the “dirty war” in the 1960s, 1970s and 1980s. Only seven arrest warrants against former state officials have been executed, and in hundreds of other cases, either the Special Prosecutor did not file charges, or charges were rejected by the courts.

Women and young girls, especially the poor, suffer discrimination and violence in the home and community. Official statistics indicate that nearly half of all women over the age of 15 suffer some form of violence. However, efforts by the authorities to prevent and punish such crimes are often inadequate. The pattern of killings of women and girls in Ciudad Juárez, Chihuahua state continues with at least 28 murders reported in 2005. Despite the apparent willingness by state authorities to address these crimes, there has been little progress in bringing to justice those responsible for past abductions and murders both in Ciudad Juárez and the city of Chihuahua.

Journalists and human rights defenders continue to be harassed, threatened and assaulted. At least four journalists have been killed, apparently in reprisal for their work exposing corruption and organized crime.

In the Southern state of Chiapas, the police is reported to have used excessive force, e.g. when breaking up a protest in the town of Tila in April 2005. Following Hurricane Stan in October 2005, many poor rural communities suffered extreme hardship, but the response of the authorities was reportedly inadequate.

In the state of Oaxaca, in an apparent attempt to deter opposition, the new state government mounted politically motivated prosecutions and undermined freedom of expression, and in the state of Guerrero, environmental activists have been harassed and attacked.

Poor sectors of society, particularly indigenous communities continue to be denied rights to basic services. In Chiapas and Guerrero, both of which have large indigenous populations, there are not enough health care professionals available to meet the minimum needs of the population. Access to clean water is an increasing concern, which is reported to lead to community conflicts across the country.

*List of recent AI documents:*

- Mexico – Past violations: there will be no end to impunity until the victims and their relatives know the truth and justice is done (AI Index: AMR 41/014/2006)
- Mexico: Killings and abductions of women in Ciudad Juárez and the City of Chihuahua – the struggle for justice goes on (AI Index: AMR 41/012/2006)
- Open letter to Mexican political parties (AI Index: AMR 41/031/2005)
- Mexico: Indigenous women and military justice (AI Index: AMR 41/033/2004)
- Mexico: 10 years of abductions and murder of women in Ciudad Juárez and Chihuahua (AI Index: AMR 41/026/2003)

**Mexico's cooperation with the Treaty Bodies and the Special Procedures**

**Ratification of International Human Rights Treaties**

| <i>Treaty</i>   | <i>Ratification</i>               | <i>Reservations/<br/>Declarations</i> |
|---|-----------------------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>                                   | <i>Ratified</i>                   | <i>Entered</i>                        |
| <i>Optional Protocol to the ICCPR</i>   | <i>Ratified</i>                   |                                       |
| <i>Second Optional Protocol to the ICCPR</i>  |                                   |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                        | <i>Ratified</i>                   | <i>Entered</i>                        |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>             | <i>Ratified</i>                   | <i>Entered</i>                        |
| <i>Optional Protocol to the CEDAW</i>   | <i>Ratified</i>                   |                                       |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                     | <i>Ratified</i> <sup>art 14</sup> |                                       |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i> | <i>Ratified</i> <sup>art 22</sup> |                                       |
| <i>Optional Protocol CAT</i>  | <i>Ratified</i>                   |                                       |
| <i>Convention on the Rights of the Child (CRC)</i>  | <i>Ratified</i>                   |                                       |
| <i>Optional Protocol to the CRC on children in armed conflict</i>                                     | <i>Ratified</i>                   | <i>Entered</i>                        |
| <i>Optional Protocol to the CRC on the sale of children, child</i>                                    | <i>Ratified</i>                   |                                       |

|  |                 |                |
|--|-----------------|----------------|
| <i>prostitution and child pornography</i>  |                 |                |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> | <i>Ratified</i> | <i>Entered</i> |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Ratified</i> |                |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i> | <i>Entered</i> |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i> |                |

### Compliance with reporting obligations

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|----------------------|------------------------|-------------------------|------------------------|
| 4                    |                        |                         | 2                      |

### Cooperation with the Special Procedures

|   |  |
|---|--|
| <i>Extension of a standing invitation</i><br><br>Yes  | <i>Outstanding requests by the Special Procedures to carry out a visit</i><br><i>Special Representative on human rights defenders (SR HRD)</i> |
| <i>Mission carried out during the last reporting period: Special Rapporteur on violence against women, its causes and consequences (UN Doc. E/CN.4/2006/61/Add.4)</i>   |  |
| <i>Follow up report to implementation of recommendations arising from a past mission: Special Rapporteur on torture (UN Doc. E/CN.4/2006/6/Add.2)</i>   |  |
| <b><i>Communications with the Special Procedures during the last reporting period</i></b>   |  |
| <i>Working Group on arbitrary detention: Opinion 9/2005 regarding one individual whose detention was found to be arbitrary. Government provided response. Opinion 24/2005 concerning one individual, whose case has been filed, person released. Government responded. WGAD issued three urgent appeals concerning 12 individuals. The government responded to two.</i>   |  |
| <i>Working Group on Enforced or Involuntary Disappearances: "In the past and during the year under review, the Working Group has transmitted 377 cases to the Government; of those, 22 cases have been clarified on the basis of information provided by the source, 132 cases have been clarified on the basis of information provided by the Government and 207 cases remain outstanding. The Working Group encourages the Government to provide more detailed and relevant information that could lead to the clarification of the 207 outstanding cases."</i>   |  |
| <i>Special Rapporteur on extrajudicial, summary or arbitrary executions: one urgent appeal concerning death threats received by one individual, to which the government rejected the allegations but without adequate substantiation.</i>   |  |
| <i>SR HRD: "The Special Representative thanks the Government of Mexico for its responses to her communications of 2005. She is encouraged by the steps taken by the Government to investigate the reported violations and by the concrete efforts made with a view to protect defenders. She nevertheless remains concerned about the persistence of the attacks perpetrated against defenders despite the measures taken and looks forward to receiving more information with regard to the results of current investigations as well as information with regards to perpetrators being brought to justice."</i> |  |

*Special Rapporteur on the independence of judges and lawyers:* “El Relator especial agradece al Gobierno de México su amable cooperación y las informaciones de fondo que tuvo a bien proporcionarle en respuesta a sus comunicaciones y solicita tenga a bien enviarle información actualizada acerca de ambos casos, preferentemente antes de terminar la 62ª de la Comisión de derechos humanos.”

*Special Rapporteur on indigenous people:* The Special Rapporteur thanks the Government of Mexico for its prompt replies to his letters and welcomes the explanation provided in most cases. He trusts he will receive information on developments in the case of Olga Isabel León Victoria and again recommends that the Government should consider calling on the assistance of an independent body to investigate cases in which there are disputed and conflicting accounts of events.

*Special Rapporteur on torture:* six urgent appeals concerning sixteen individuals to which the government has provided six responses, and two allegation letters, which it has not replied to.

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## NICARAGUA

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Amnesty International is concerned at the high levels of violence against women and the inadequate response by the authorities to address these violations. According to reports in the media, 25 women and girls were killed between January and August 2005 as a result of domestic or sexual violence.

Banana workers who were formerly employed by US multinational companies have intensified their struggle for compensation for health problems caused by the pesticides used on banana plantations during the 1960s, 1970s and early 1980s. Health problems reported include skin and breast cancer; liver, pancreas and kidney problems; nervous disorders; and miscarriages. Over 1,000 former banana workers have reportedly died from pesticide-related diseases, and a further 22,000 former workers and family members are estimated to be affected. The government has failed to comply with a March 2004 agreement regarding medical and legal assistance for those affected, and in August 2005 a new agreement was signed.

In June 2005, the Inter-American Court of Human Rights ruled in favour of the indigenous group *Yabti Tasba Masraka Nanih Asla Takanka* on the grounds that their right to judicial guarantees had been violated, when they were excluded from participating in the 2000 municipal elections. In May 2005, the *Awes Tingni* indigenous community sought the intervention of the Inter-American Court of Human Rights because the government had failed to provide reparations to them and to demarcate and title their lands.

According to press reports, police officers have used excessive force against protesters during at least two demonstrations. In February 2005, three people were reportedly killed by police officers as they were forcibly evicted from the Pañoleta farm in Chinandega.

Nicaragua continues to criminalize gay and lesbian relationships. The lesbian, gay, bisexual and transgender community was reportedly prevented from filing complaints and subjected to arbitrary detention and abuse of authority by police officers.

**Nicaragua's cooperation with the Treaty Bodies and the Special Procedures  
Ratification of International Human Rights Treaties**

| <i>Treaty</i>  | <i>Ratification</i> | <i>Reservations/<br/>declarations</i> |
|--|---------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>  | <i>Ratified</i>     |                                       |
| <i>Optional Protocol to the ICCPR</i>  | <i>Ratified</i>     |                                       |
| <i>Second Optional Protocol to the ICCPR</i>   | <i>Signed</i>       |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       | <i>Ratified</i>     |                                       |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i>     |                                       |
| <i>Optional Protocol to the CEDAW</i>  |                     |                                       |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified</i>     |                                       |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i>     |                                       |
| <i>Optional Protocol CAT</i>   |                     |                                       |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i>     |                                       |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Ratified</i>     |                                       |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Ratified</i>     |                                       |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> | <i>Ratified</i>     | <i>Entered</i>                        |
| <i>Rome Statute of the International Criminal Court</i>  |                     |                                       |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i>     |                                       |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i>     |                                       |

**Compliance with reporting obligations**

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|----------------------|------------------------|-------------------------|------------------------|
| <i>11</i>            | <i>5</i>               | <i>2</i>                |                        |

**Cooperation with the Special Procedures**

|  |   |
|--|---|
| <i>Extension of a standing invitation</i><br><i>No</i> | <i>Outstanding requests by the Special Procedures to carry out a visit</i><br><i>None</i> |
|--|---|

***Communications with the Special Procedures during the last reporting period***

*Working Group on Enforced or Involuntary Disappearances: "The Working Group continues to be concerned that little has been done to clarify the 103 outstanding cases. The Working Group wishes to remind the Governments of its responsibilities under article 13 of the Declaration to conduct investigations thoroughly and impartially for as long as the fate of the victim remains unclarified."*

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## **PERU**

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The government has yet to comply with recommendations of the Inter-American Commission on Human Rights regarding 165 cases of past human rights violations. The recommendations include establishing the truth, bringing those responsible to justice and compensating victims and their relatives. Although investigations were opened into 26 of the 59 cases of human rights violations documented by the Truth and Reconciliation Commission and the Ombudsman's Office, none of these have yet been resolved. Amnesty International is concerned that detention orders against military and police officers accused of past human rights violations have not been enforced.

Local human rights organizations have registered 46 cases of threats and intimidation of human rights defenders, witnesses, victims and their relatives, judges, prosecutors and forensic experts involved in the investigation and trial of past human rights violations. According to an Ombudsman's report, none of them were provided with adequate protection.

Although four prisoners of conscience have been released in 2005 and two in 2006, there is concern that dozens of prisoners of conscience and possible prisoners of conscience remain in jail unfairly charged with "terrorism-related" offences.

There are reports of torture and ill-treatment of detainees by members of the police and of military officers and conscripts by higher-ranking officers. Legislation introduced in 1998 to criminalize torture is largely ineffective and suspected perpetrators continue to be charged with lesser offences.

The Ombudsman has expressed concern that legislation prohibiting violence against women is not being implemented by some police officers and judges and that only a small number of perpetrators has been convicted.

Despite legal provisions on the right to health and measures taken in recent years to improve access to maternity and child health care for people on low income, there is concern that this does not reach people in the most vulnerable communities. According to a report by the Ombudsman, more than 25 per cent of people lack adequate access to drinking water; in rural areas this is as high as 38 per cent.

*List of recent AI documents:*

- Peru/Chile: Fujimori facing justice – the victims' right (AI Index: AMR 46/015/2005)
- Chile/Peru: Chilean courts must extradite or try Alberto Fujimori (AI Index: AMR 46/012/2005)

- Peru: Close Challapalca Prison! (AI Index: AMR 46/011/2005)
- Peru: Amnesty International calls for guarantees that human rights will be respected during the protests in Piura and Cajamarca (AI Index: AMR 46/008/2005)
- Peru: Free the “innocent prisoners” now! (AI Index: AMR 46/001/2005)

## Peru’s cooperation with the Treaty Bodies and the Special Procedures

### Ratification of International Human Rights Treaties

| <i>Treaty</i>  | <i>Ratification</i>               | <i>Reservations/<br/>declarations</i> |
|--|-----------------------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>  | <i>Ratified</i>                   |                                       |
| <i>Optional Protocol to the ICCPR</i>  | <i>Ratified</i>                   |                                       |
| <i>Second Optional Protocol to the ICCPR</i>   |                                   |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       | <i>Ratified</i>                   |                                       |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i>                   |                                       |
| <i>Optional Protocol to the CEDAW</i>  | <i>Ratified</i>                   |                                       |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified</i> <sup>art 14</sup> |                                       |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i> <sup>art 22</sup> |                                       |
| <i>Optional Protocol CAT</i>   |                                   |                                       |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i>                   |                                       |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Ratified</i>                   |                                       |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Ratified</i>                   |                                       |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> | <i>Ratified</i>                   |                                       |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Ratified</i>                   |                                       |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i>                   |                                       |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i>                   | <i>Entered</i>                        |

### Compliance with reporting obligations

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|----------------------|------------------------|-------------------------|------------------------|
| <i>10</i>            | <i>4</i>               | <i>1</i>                | <i>1</i>               |



### Special Procedures

|  |   |
|--|---|
| <p><i>Extension of a standing invitation</i></p> <p>Yes</p>  | <p><i>Outstanding requests by the Special Procedures to carry out a visit</i></p> <ol style="list-style-type: none"><li>1. <i>Special Rapporteur on the right to food</i></li><li>2. <i>Special Rapporteur on extrajudicial, summary or arbitrary executions (SR EJE)</i></li></ol> |
| <p><b><i>Communications with the Special Procedures during the last reporting period</i></b></p> <p><u>Working Group on Enforced or Involuntary Disappearances:</u> “In the past and during the year under review, the Working Group has transmitted a total of 3,006 cases to the Government; of those, 385 cases have been clarified on the basis of information provided by the source, 253 cases have been clarified on the basis of information provided by the Government and 2,368 cases remain outstanding. The Working Group wishes to remind the Government of Peru once again of its responsibility to conduct thorough and impartial investigations “for as long as the fate of the victim of enforced disappearance remains unclarified”, in accordance with article 13, paragraph 6, of the Declaration. The Working Group invites the Government of Peru to meet with the Working Group in 2006 to discuss means of encouraging the clarification of cases.”</p> <p><u>SR EJE:</u> one urgent appeal concerning one individual, about death threats, to which the government has not responded.</p> <p><u>Special Representative on human rights defenders:</u> “The Special Representative regrets that at the time this report was being finalized, no response had been received from the Government of Peru.”</p> <p><u>Special Rapporteur on the independence of judges and lawyers:</u> “El Relator Especial está preocupado por no haber recibido respuesta alguna del Gobierno del Perú en casi un año y le pide encarecidamente tenga a bien enviarle a la brevedad posible, y preferentemente antes de la clausura de la 62a sesión de la Comisión de Derechos Humanos, informaciones precisas y detalladas acerca de las alegaciones arriba resumidas.”</p> <p><u>Special Rapporteur on torture:</u> one urgent appeal concerning one individual to which the government has provided no response.</p> |   |

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## URUGUAY

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The government has initiated a number of investigations to establish the fate and burial places of victims of “disappearances” from the period of military government (1973-1985). However, in most cases justice is obstructed by the 1986 Expiry Law, the scope of which has been interpreted as limited to human rights violations committed under the military governments after the June 1973 military coup. This interpretation opens up the possibility of legal action against some 600 active and former members of the armed forces in connection with crimes committed *before* the coup. The government has made no attempts to abolish the Expiry Law.

There are reports of ill-treatment of detainees, including minors, in police stations, as well as reports of harsh conditions and other ill-treatment in the Libertad Prison. In June 2005,

hundreds of prisoners staged a hunger strike in protest against overcrowding and the lack of food, medical assistance, hot water or electricity.

*Recent Amnesty International reports:*

- Uruguay: Open letter to the President of the Oriental Republic of Uruguay, Dr Tabaré Vázquez Rosas (AI Index: AMR 52/002/2005)
- Uruguay: Concrete reforms need to be made if there is to be effective human rights protection (AI Index: AMR 52/001/2005)

## Uruguay's cooperation with the Treaty Bodies and the Special Procedures

### Ratification of International Human Rights Treaties

| <i>Treaty</i>  | <i>Ratification</i>               | <i>Reservations/declarations</i> |
|--|-----------------------------------|----------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>  | <i>Ratified</i>                   |                                  |
| <i>Optional Protocol to the ICCPR</i>  | <i>Ratified</i>                   |                                  |
| <i>Second Optional Protocol to the ICCPR</i>   | <i>Ratified</i>                   |                                  |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       | <i>Ratified</i>                   |                                  |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i>                   |                                  |
| <i>Optional Protocol to the CEDAW</i>  | <i>Ratified</i>                   |                                  |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified</i> <sup>art 14</sup> |                                  |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i> <sup>art 22</sup> |                                  |
| <i>Optional Protocol CAT</i>   | <i>Ratified</i>                   |                                  |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i>                   | <i>Entered</i>                   |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Ratified</i>                   |                                  |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Ratified</i>                   |                                  |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> | <i>Ratified</i>                   |                                  |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Ratified</i>                   | <i>Entered</i>                   |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i>                   |                                  |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i>                   |                                  |

### Compliance with reporting obligations

| <i>Total overdue reports</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|------------------------------|------------------------|-------------------------|------------------------|
| 18                           | 7                      | 1                       | 3                      |

### Cooperation with the Special Procedures

|  |   |
|--|---|
| <i>Extension of a standing invitation</i><br><br><i>Yes</i>  | <i>Outstanding requests by the Special Procedures to carry out a visit</i><br><br><i>None</i> |
| <i>Communications with the Special Procedures during the last reporting period</i><br><i>No communications with the government are recorded in the reports which are available at this time.</i> |   |

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## VENEZUELA

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Human rights violations by the police continue to be reported, including unlawful killings of criminal suspects. Most of these cases are not investigated and the alleged perpetrators are not brought to justice. According to statistics published by the Public Prosecutor's Office in July 2005, more than 6,100 people were killed by police in 5,500 incidents, between 2000 and mid-2005. Of the nearly 6,000 police officers implicated, only 517 have been charged and less than 250 are under arrest. Local human rights organizations have warned of a pattern of killings, possible "disappearances" and kidnappings in six states (Anzoategui, Capital District, Falcón, Miranda, Portuguesa and Yaracay). Victims of human rights violations, and their relatives, are reported to have been threatened and intimidated by the police.

Human rights defenders continue to face harassment and intimidation. There were concerns over the safety of members of the human rights organization COFAVIC (*Comité de Familiares de Víctimas de los Sucesos de Febrero-Marzo de 1989*), after their police protection was withdrawn in March 2005. COFAVIC has publicly criticized the authorities for not bringing to justice the perpetrators of human rights violations committed during confrontations in 1989 between the opposition, the police and the military. In November 2002, the Inter-American Court of Human Rights had ordered Venezuela to protect members of COFAVIC after they suffered threats and acts of intimidation.

Persistent social and economic inequalities continue to limit access to the economic and social rights of Afro-descendants and indigenous peoples.

#### *List of recent AI documents:*

- Venezuela: The Venezuelan authorities must ensure respect for due process and fair trial guarantees, 4 March 2006(AI Index: AMR 53/003/2006)

**Venezuela's cooperation with the Treaty Bodies and the Special Procedures**

**Ratification of International Human Rights Treaties**

| <i>Treaty</i>  | <i>Ratification</i>               | <i>Reservations/declarations</i> |
|--|-----------------------------------|----------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>  | <i>Ratified</i>                   | <i>Entered</i>                   |
| <i>Optional Protocol to the ICCPR</i>  | <i>Ratified</i>                   |                                  |
| <i>Second Optional Protocol to the ICCPR</i>   | <i>Ratified</i>                   |                                  |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       | <i>Ratified</i>                   |                                  |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i>                   | <i>Entered</i>                   |
| <i>Optional Protocol to the CEDAW</i>  | <i>Ratified</i>                   |                                  |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified</i> <sup>art 14</sup> |                                  |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i> <sup>art 22</sup> |                                  |
| <i>Optional Protocol CAT</i>   |                                   |                                  |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i>                   | <i>Entered</i>                   |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Ratified</i>                   |                                  |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Ratified</i>                   |                                  |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                                   |                                  |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Ratified</i>                   |                                  |
| <i>Convention Relating the Status of Refugees</i>  |                                   |                                  |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i>                   | <i>Entered</i>                   |

**Compliance with reporting obligations**

| <i>Total overdue reports</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|------------------------------|------------------------|-------------------------|------------------------|
| 6                            | 1                      |                         | 2                      |

### Cooperation with the Special Procedures

|   |  |
|---|--|
| <p><b>Extension of a standing invitation</b></p> <p>No</p>  | <p><b>Outstanding requests by the Special Procedures to carry out a visit</b></p> <ol style="list-style-type: none"> <li>1. Special Rapporteur on freedom of opinion and expression</li> <li>2. Special Representative on human rights defenders (SR HRD)</li> </ol> |
| <p><b>Follow up report to implementation of recommendations arising from a past mission: report of the Special Rapporteur on torture (UN Doc. E/CN.4/2006/6/Add.2)</b></p>  |  |
| <p><b>Communications with the Special Procedures during the last reporting period</b></p> <p><u>Working Group on Enforced or Involuntary Disappearances:</u> In the past and during the year under review, the Working Group has transmitted 14 cases to the Government; of those, 4 cases have been clarified on the basis of information provided by the Government and 10 cases remain outstanding.</p> <p><u>Special Rapporteur on extrajudicial, summary or arbitrary executions:</u> sent 2 urgent appeals and one allegation letter concerning 7 individuals and in relation to death threats, impunity and attacks of killings. The government has provided a largely satisfactory response in relation to two communications and a cooperative but incomplete response to one.</p> <p><u>SR HRD:</u> “The Special Representative thanks the Government of Venezuela for its response to her communications. The Special Representative also thanks the government of Venezuela for its positive response to her request for an invitation to conduct a country visit.”</p> <p><u>Special Rapporteur on the independence of judges and lawyers:</u> El Relator Especial agradece al Gobierno de Venezuela su grata cooperación y la información proporcionada. En relación con la reestructuración del poder judicial en Venezuela, el Relator Especial nota con preocupación la suspensión, desde hace varios años, de los concursos de oposición para el nombramiento de jueces de carrera en Venezuela. Tomando nota de que la Escuela Nacional de la Magistratura fue creada en agosto 2004, el Relator Especial invita el Gobierno a reanudarlos urgentemente y a proporcionarle la información correspondiente al respeto. En relación a las alegaciones señaladas al inicio de este capítulo, el Relator Especial nota con satisfacción la información recibida según la cual el Sr. Carlos Ayala no fue incluido en las acusaciones por conspiración formuladas por el Ministerio Público contra tres personas por su supuesta responsabilidad en la redacción del llamado Decreto Carmona, el 21 de octubre de 2005. Por otro lado, el Relator nota la información recibida de fuentes nogubernamentales en relación con el asesinato del Sr. Danilo Anderson, (E/CN.4/2005/60/Add.1, para. 164) según la cual la Fiscalía General de Venezuela habría intentado censurar los medios de comunicación para que no informen sobre las actuaciones procesales. El Relator especial pide encarecidamente al Gobierno de Venezuela aclarar este tema a la brevedad posible y preferentemente antes de que concluya la 62ª sesión de la Comisión de derechos humanos.</p> <p><u>Special Rapporteur on torture:</u> follow up letter to past cases concerning ten individuals, to which the government has responded.</p> |  |

## **WESTERN EUROPEAN AND OTHER STATES: 7 seats**

**At the time of writing, nine countries belonging to the Western European and Other Group had put themselves forward: Canada, Finland, France, Germany, Greece, Netherlands, Portugal, Switzerland and United Kingdom. All of them had also submitted public pledges.**

### **CANADA**

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Excessive use of force by police involving taser continues to give cause for concern. Fourteen people have died after being subdued by police using a taser since April 2003.

Indigenous women continue to suffer widespread discrimination and violence. Initiatives to address the problem have been announced by federal and provincial governments, but a comprehensive national strategy is not being pursued. Furthermore, there is concern about the often inadequate and inconsistent police response to threats against indigenous women.

The government is refusing to hold a public inquiry into the cases of three dual Canadian nationals detained and tortured abroad. A public inquiry is, however, ongoing into Canada's role in the case of Maher Arar, a Canadian-Syrian national who was deported in 2002 from the USA to Syria where he was detained without charge for a year and tortured.

There are concerns about security certificates proceedings under the 2001 Immigration and Refugee Protection Act. People detained pending deportation pursuant to security certificates – some of whom face serious risk of torture if deported -- have access to summaries of evidence only and no opportunity to challenge key witnesses.

Canadian forces in Afghanistan have reportedly been handing over detainees to US forces without reliable assurances that the detainees would not be subjected to the death penalty, and would be treated consistently with international humanitarian and human rights law.

Provisions of the 2004 Canada/USA "safe-third country" deal give cause for concern, as most refugee claimants arriving in Canada via the USA are restricted to making refugee claims in the USA, where some might face human rights violations. Furthermore, the government is refusing to establish a full appeal of decisions denying refugee status under the Immigration and Refugee Protection Act.

#### *Recent Amnesty International reports*

- 2005 UN Commission on Human Rights: Recommendations to the government of Canada on the occasion of its election on the Bureau of the Commission on Human Rights (AI Index: AMR 20/001/2005)

**Canada's cooperation with the Treaty Bodies and the Special Procedures**

**Ratification of International Human Rights Treaties**

| <i>Treaty</i>  | <i>Ratification</i>               | <i>Reservations/<br/>declarations</i> |
|--|-----------------------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>  | <i>Ratified</i>                   |                                       |
| <i>Optional Protocol to the ICCPR</i>  | <i>Ratified</i>                   |                                       |
| <i>Second Optional Protocol to the ICCPR</i>   | <i>Ratified</i>                   |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       | <i>Ratified</i>                   |                                       |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i>                   |                                       |
| <i>Optional Protocol to the CEDAW</i>  | <i>Ratified</i>                   |                                       |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified</i>                   |                                       |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i> <sup>art 22</sup> |                                       |
| <i>Optional Protocol CAT</i>   |                                   |                                       |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i>                   | <i>Entered</i>                        |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Ratified</i>                   |                                       |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Ratified</i>                   |                                       |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                                   |                                       |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Ratified</i>                   |                                       |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i>                   | <i>Entered</i>                        |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i>                   |                                       |

**Compliance with overdue reports**

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|----------------------|------------------------|-------------------------|------------------------|
| <i>1</i>             |                        |                         |                        |



### Cooperation with the Special Procedures

|  |   |
|--|---|
| <i>Extension of a standing invitation</i><br><br>Yes   | <i>Outstanding requests by the Special Procedures to carry out a visit</i><br><br>1. <i>Special Rapporteur on the right to adequate housing</i><br><br>2. <i>Special Rapporteur on migrants</i> |
| <i>Mission carried out during the last reporting period:</i><br><br><i>Working Group on arbitrary detention (UN Doc. E/CN.4/2006/7/Add.2)</i>  |   |
| <i>Communications with the Special Procedures during the last reporting period</i><br><br><i>Special Rapporteur on torture: one follow-up letter to a past case concerning an individual, to which the government has provided a response.</i> |   |

## FINLAND

Conscientious objectors to military service continue to be imprisoned. Amnesty International considers them to be prisoners of conscience and urges the authorities to reduce the length of civilian service which remains punitive and discriminatory. In addition, the option of alternative service is restricted to peacetime. Amnesty International urges the government to introduce alternative civilian service in line with internationally recognized standards and recommendations.

Violence against women remains widespread. The last extensive study on the issue, conducted in 1998, showed that 40 per cent of women in Finland had been victims of physical or sexual violence or threats of violence by men, and 22 per cent of married women and women cohabiting with men had been victims of physical or sexual violence or threats of violence by their partner.

Amnesty International and 18 other non-governmental organizations are calling for an inter-ministry action plan for the prevention of violence against women and have submitted detailed recommendations. The Prime Minister indicated in 2005 that while there is no overall action plan, the issue of violence against women is being included in other government programmes. An Amnesty International's survey of the work of Finnish municipalities on the eradication of violence against women found that in general there is a lack of political will, coordination, expertise and resources, although a few municipalities are doing pioneering work.

### Finland's cooperation with the Treaty Bodies and the Special Procedures

#### Ratification of International Human Rights Treaties

| <i>Treaty</i>   | <i>Ratification</i> | <i>Reservations/declarations</i> |
|---|---------------------|----------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i> | <i>Ratified</i>     | <i>Entered</i>                   |
| <i>Optional Protocol to the ICCPR</i>                               | <i>Ratified</i>     |                                  |

|  |                                       |                |
|--|---------------------------------------|----------------|
| <i>Second Optional Protocol to the ICCPR</i>   | <i>Ratified</i>                       |                |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       | <i>Ratified</i>                       |                |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i>                       |                |
| <i>Optional Protocol to the CEDAW</i>  | <i>Ratified</i>                       |                |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified</i> <sup>article 14</sup> |                |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i> <sup>article 22</sup> |                |
| <i>Optional Protocol CAT</i>   | <i>Signed</i>                         |                |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i>                       |                |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Ratified</i>                       |                |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Signed</i>                         |                |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                                       |                |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Ratified</i>                       |                |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i>                       | <i>Entered</i> |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i>                       | <i>Entered</i> |

#### Compliance with reporting obligations

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|----------------------|------------------------|-------------------------|------------------------|
| <i>None</i>          |                        |                         |                        |

#### Cooperation with the Special Procedures

|   |   |
|---|---|
| <i>Extension of a standing invitation</i><br><br><i>Yes</i>   | <i>Outstanding requests by the Special Procedures to carry out a visit</i><br><br><i>None</i> |
| <b><i>Communications with the Special Procedures during the last reporting period</i></b>   |   |
| <i>Special Rapporteur on the right to the highest attainable standard of physical and mental health: "The Special Rapporteur thanks the Government for its response. Reportedly, Mr. Linder has appealed the decision of the Appeal Board to the Insurance Court in Finland, as provided by the Administrative Judicial Procedures Act (586/1996). The Special Rapporteur notes that arrangements between States concerning social security and health-care services should ensure that citizens of one State resident in another State are not denied the services provided by their home and host States and that they have</i> |   |

*access to the same level of health care as all citizens residing within the respective States.”*

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## FRANCE

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A state of emergency was declared in November 2005 in the metropolitan territory and a number of public order measures adopted following serious unrest throughout the country, sparked by the disputed deaths of two boys allegedly fleeing a police identity check. The riots took place mainly in districts largely populated by communities of French nationals of North African and sub-Saharan extraction as well as migrants. The unrest brought to light the deep frustration among these communities at discriminatory practices in areas such as employment, at related social inequalities, and at the often racist and aggressive conduct of the police. Immediate expulsions were carried out of people convicted of criminal acts during the riots, whether their status was regular or irregular, and regardless of whether they had residence permits. Other public order measures included curfews, the authorization of searches without warrants, closing public meeting places of any kind and limiting freedom of movement.

Amnesty International has long-standing concerns about a pattern of racist ill-treatment and killings by the police, coupled with failures in the judicial system to hold those responsible to account, and to provide victims of human rights violations with the right to redress and reparations. The continued failure of the government to address these violations has led to a climate of impunity for law enforcement officers.

While a number of measures have been taken to combat racism and intolerance, concerns persist about continuing complaints of violence, humiliation, racist verbal abuse and racial discrimination by police and gendarmerie officers, prison staff and personnel working in reception centres or holding areas for refugees and asylum-seekers.

Amnesty International is concerned that new proposed anti-terrorism legislation, if enacted, would remove safeguards against torture or ill-treatment, including through the extension of the period of time during which people could be detained for interrogation before being brought before a judge.

In 2005 four Algerian nationals were deported to Algeria where they were at risk of torture or ill-treatment. The men were reportedly suspected of a range of offences, including promoting violence and religious hatred. Three of them had served prison sentences in France convicted of having links with terrorist networks; providing paramilitary training; and an attempted attack on a train.

There are concerns about the curtailment of asylum rights, including the provision of less time for submitting asylum applications. Furthermore, claims of people from “safe” countries are examined under a fast-track procedure that lacks basic elements of protection, and Amnesty International is concerned that legal criteria to categorize a country as “safe” have not been applied.

*Recent Amnesty International reports*

- France: The search for justice – The effective impunity of law enforcement officers in cases of shootings, deaths in custody or torture and ill-treatment (AI Index: EUR 21/001/2005)

**France's cooperation with the Treaty Bodies and the Special Procedures**

**Ratification of International Human Rights Treaties**

| <i>Treaty</i>  | <i>Ratification</i>              | <i>Reservations/declarations</i> |
|--|----------------------------------|----------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>  | <i>Ratified</i>                  | <i>Entered</i>                   |
| <i>Optional Protocol to the ICCPR</i>  | <i>Ratified</i>                  | <i>Entered</i>                   |
| <i>Second Optional Protocol to the ICCPR</i>   |                                  |                                  |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       | <i>Ratified</i>                  | <i>Entered</i>                   |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i>                  | <i>Entered</i>                   |
| <i>Optional Protocol to the CEDAW</i>  | <i>Ratified</i>                  |                                  |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified<sup>art.14</sup></i> | <i>Entered</i>                   |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified<sup>art.22</sup></i> | <i>Entered</i>                   |
| <i>Optional Protocol CAT</i>   | <i>Signed</i>                    |                                  |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i>                  | <i>Entered</i>                   |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Ratified</i>                  |                                  |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Ratified</i>                  |                                  |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                                  |                                  |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Ratified</i>                  | <i>Entered</i>                   |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i>                  | <i>Entered</i>                   |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i>                  |                                  |

**Compliance with reporting obligations**

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|----------------------|------------------------|-------------------------|------------------------|
| 5                    | 1                      |                         | 2                      |

### Cooperation with the Special Procedures

|   |  |
|---|--|
| <i>Extension of a standing invitation</i><br><br>Yes  | <i>Outstanding requests by the Special Procedures to carry out a visit</i><br><br>None |
| <i>Missions carried out during last reporting period: Special Rapporteur on freedom of religion or belief (UN Doc. E/CN.4/2006/5/Add.4)</i>   |  |
| <i>Communications with the Special Procedures during the last reporting period</i><br><br><i>Working Group on arbitrary detention: Opinion 40/2005 concerning one individual whose detention was found not to be arbitrary. Government provided response. WGAD sent one urgent appeal concerning one individual. The government provided a response.</i><br><br><i>Working Group on Enforced or Involuntary Disappearances: "In the past and during the year under review, the Working Group has transmitted one case to the Government of France; this case remains outstanding before the Working Group."</i><br><br><i>Special Rapporteur on independence of judges and lawyers: "Le Rapporteur spécial remercie le Gouvernement français pour sa coopération et sa réponse détaillée du 3 août 2005. A la lumière de celle-ci, il souhaiterait recevoir du Gouvernement des informations précises et détaillées sur les dispositions prises à la suite des propositions d'amélioration concrètes qui devaient être présentées au plus tard dans le courant de l'automne 2005 par le groupe de travail établi aux fins d'étudier les difficultés d'application de l'article 434-7-2- du code pénal. Il invite le Gouvernement à lui faire parvenir ces informations au plus tôt et de préférence avant la clôture de la 62ème session de la Commission des droits de l'homme."</i> |  |

## GERMANY

Amnesty International is concerned about the breach of the absolute ban on torture under international human rights law by a court ruling which declared admissible in legal proceedings evidence which could have been obtained under torture or cruel, inhuman or degrading treatment. The absolute ban on torture under international law is also being called into question in a public debate, which started some years ago, on whether there are circumstances, such as the threat of terrorism, that justify the use of torture by law enforcement officials.

A 2004 policy on the withdrawal of refugee status continues to be applied to several thousand individuals each year, including from Afghanistan, Iraq and Kosovo. The withdrawal, based only on the consideration that the situation in the country of origin of the refugee has changed, does not comply with the requirement of the UN Refugee Convention that other issues be taken into account, such as whether the authorities in the country of origin can offer effective protection to the returning refugee.

Deportations to countries where the human rights situation is extremely fragile, including Afghanistan, Chechnya and Togo, also continue, while a provision in the German Aliens Act allowing authorities to stop deportations to places where the human rights situation is generally insecure remains largely unimplemented.

Amnesty International continues to be concerned at the high number of xenophobic and racist violent attacks recorded by official statistics.

*Recent Amnesty International reports*

- Germany: Hamburg court violates international law by admitting evidence potentially obtained through torture (AI Index: EUR 23/001/2005)

**Germany's cooperation with the Treaty Bodies and the Special Procedures**

**Ratification of International Human Rights Treaties**

| <i>Treaty</i>  | <i>Ratification</i>               | <i>Reservations/declarations</i> |
|--|-----------------------------------|----------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>  | <i>Ratified</i>                   | <i>Entered</i>                   |
| <i>Optional Protocol to the ICCPR</i>  | <i>Ratified</i>                   | <i>Entered</i>                   |
| <i>Second Optional Protocol to the ICCPR</i>   | <i>Ratified</i>                   |                                  |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       | <i>Ratified</i>                   |                                  |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i>                   | <i>Entered</i>                   |
| <i>Optional Protocol to the CEDAW</i>  | <i>Ratified</i>                   |                                  |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified</i> <sup>art 14</sup> |                                  |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i> <sup>art 22</sup> | <i>Entered</i>                   |
| <i>Optional Protocol CAT</i>   |                                   |                                  |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i>                   | <i>Entered</i>                   |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Ratified</i>                   |                                  |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Signed</i>                     |                                  |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                                   |                                  |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Ratified</i>                   |                                  |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i>                   |                                  |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i>                   |                                  |

### Compliance with reporting obligations

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|----------------------|------------------------|-------------------------|------------------------|
| 3                    |                        |                         |                        |

### Cooperation with the Special Procedures

|  |  |
|--|--|
| <i>Extension of a standing invitation</i><br><br>Yes   | <i>Outstanding requests by the Special Procedures to carry out a visit</i><br><br>None |
| <i>Communications with the Special Procedures during the last reporting period</i><br><br><i>Special Rapporteur on torture: one allegation letter concerning a decision of the Hamburg Supreme Court, to which the government provided a response.</i> |  |

## GREECE

The government is failing to comply with its obligations under international law to provide access to asylum procedures and prohibit *refoulement*. Groups of people arriving in Greece seeking asylum are forcibly expelled without being given access to asylum procedures.

Asylum-seekers and people without legal permission to be in the country (irregular migrants), including unaccompanied minors, are often arbitrarily detained in poor conditions which could amount to cruel, inhuman and degrading treatment.

Discrimination against minorities remains a serious problem. Romani families are targeted for eviction and demolition of their homes in ways that contravene international human rights standards. In 2005 some Romani families were reportedly pressured by local and education authorities to sign declarations asking for their children to be moved to segregated, all-Romani education facilities far from their Romani settlement, following racist protests by parents of non-Romani pupils.

The authorities continue to refuse to re-issue citizenship documents to members of the Muslim population of western Thrace, which means that they cannot access state benefits such as security benefits and pension allowances. Some people from the Muslim minority of western Thrace lost their citizenship because they had left the country at some point in their lives. In most cases, the authorities did not take adequate steps to ensure that the people concerned were informed of the decision to withdraw their citizenship in time to appeal against it.

There continue to be concern about conscientious objection to military service, even though new legislation passed in 2005 allows people who have lost their claim to conscientious objection status to reapply. The length of alternative civilian service remains punitive and the law continues to fall short of international standards.

In 2005 the European Court of Human Rights found that Greece had violated provisions of the European Convention on Human Rights (ECHR) which prohibit torture and other ill-



treatment, and discrimination in the enjoyment of ECHR rights. The Court found that the applicants, two Greek Roma, had suffered inhuman and degrading treatment at the hands of the police, and that the authorities had failed to conduct an effective investigation into the incident, including possible racist motives behind the incident.

*Recent Amnesty International reports*

- Greece: Out of the spotlight — the rights of foreigners and minorities are still a grey area (AI Index: EUR 25/016/2005)
- Greece: Punished for their beliefs — how conscientious objectors continue to be deprived of their rights (AI Index: EUR 25/007/2005)

**Greece's cooperation with the Treaty Bodies and the Special Procedures**

**Ratification of International Human Rights Treaties**

| <i>Treaty</i>  | <i>Ratification</i>               | <i>Reservations/<br/>declarations</i> |
|--|-----------------------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>  | <i>Ratified</i>                   |                                       |
| <i>Optional Protocol to the ICCPR</i>  | <i>Ratified</i>                   |                                       |
| <i>Second Optional Protocol to the ICCPR</i>   | <i>Ratified</i>                   | <i>Entered</i>                        |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       | <i>Ratified</i>                   |                                       |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i>                   |                                       |
| <i>Optional Protocol to the CEDAW</i>  | <i>Ratified</i>                   |                                       |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified</i>                   |                                       |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i> <sup>Art 22</sup> |                                       |
| <i>Optional Protocol CAT</i>   |                                   |                                       |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i>                   |                                       |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Ratified</i>                   |                                       |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Signed</i>                     |                                       |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                                   |                                       |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Ratified</i>                   |                                       |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i>                   | <i>Entered</i>                        |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i>                   |                                       |

### Compliance with reporting obligations

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|----------------------|------------------------|-------------------------|------------------------|
| 5                    | 1                      |                         | 1                      |

### Cooperation with the Special Procedures

|   |  |
|---|--|
| <i>Extension of a standing invitation</i><br><br>Yes  | <i>Outstanding requests by the Special Procedures to carry out a visit</i><br><br>None |
| <i>Missions carried out during last reporting period: Special Rapporteur on the sale of children, child prostitution and child pornography (UN Doc. E/CN.4/2006/67/Add.3).</i>  |  |
| <i>Communications with the Special Procedures during the last reporting period</i><br><br><i>Working Group on Enforced or Involuntary Disappearances</i> “In the past and during the year under review, the Working Group has transmitted three cases to the Government, and all three of these cases remain outstanding before the Working Group.”<br><br><i>Special Rapporteur on freedom of religion or belief:</i> “The Special Rapporteur is grateful for the Government’s detailed response to her communication. However, she notes with concern the strict time limits for applying for conscientious objector status. In this regard, she draws the Government’s attention to Council of Europe Recommendation 1518(2001), which invites member states to introduce into their legislation “[t]he right to be registered as a conscientious objector at any time before, during or after conscription, or performance of military service”. This acknowledges that conscientious objection may develop over time, and even after a person has already participated in military training or activities. In Resolution 1998/77, the Commission on Human Rights also recognizes that persons performing military service may develop conscientious objections. The Special Rapporteur would also like to emphasize the concluding observations adopted by the Human Rights Committee on 25 April 2005 (CCPR/CO/83/GRC) further to the initial periodic report submitted by Greece (CCPR/C/GRC/2004/1), which states that, “The Committee is concerned that the length of alternative service for conscientious objectors is much longer than military service, and that the assessment of applications for such service is solely under the control of the Ministry of Defence (Article 18). The State party should ensure that the length of service alternative to military service does not have a punitive character, and should consider placing the assessment of applications for conscientious objector status under the control of civilian authorities.” (Paragraph 15).” |  |

## NETHERLANDS

New counter-terrorism measures proposed by the government are expected to criminalize the “incitement to terrorism”, as well as the glorifying, condoning, trivializing and denying of other serious crimes, including war crimes, crimes against humanity and genocide. Under the proposed legislation, to be found guilty a person must have known or reasonably expected that their utterance(s) could seriously disturb public order.

Measures extending the maximum period of pre-trial detention for terrorist offences are also under consideration by Parliament.

Concerns have been raised about the authorities' conduct in connection with a fire in a temporary detention centre in which 11 irregular migrants (people with no legal permission to remain in the country) died. There were approximately 350 prisoners and irregular migrants in the centre when the fire broke out. The authorities had failed to act on recommendations by fire prevention officials on two previous occasions when the centre had caught fire. An administrative and a criminal investigation into the incident are ongoing.

## Netherlands' cooperation with the Treaty Bodies and the Special Procedures

### Ratification of International Human Rights Treaties

| <i>Treaty</i>  | <i>Ratification</i>               | <i>Reservations/<br/>declarations</i> |
|--|-----------------------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>  | <i>Ratified</i>                   | <i>Entered</i>                        |
| <i>Optional Protocol to the ICCPR</i>  | <i>Ratified</i>                   |                                       |
| <i>Second Optional Protocol to the ICCPR</i>   | <i>Ratified</i>                   |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       | <i>Ratified</i>                   | <i>Entered</i>                        |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i>                   | <i>Entered</i>                        |
| <i>Optional Protocol to the CEDAW</i>  | <i>Ratified</i>                   |                                       |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified</i> <sup>art 14</sup> |                                       |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified</i> <sup>art 22</sup> | <i>Entered</i>                        |
| <i>Optional Protocol CAT</i>   | <i>Signed</i>                     |                                       |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i>                   | <i>Entered</i>                        |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Signed</i>                     |                                       |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Ratified</i>                   |                                       |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                                   |                                       |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Ratified</i>                   |                                       |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i>                   | <i>Entered</i>                        |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i>                   | <i>Entered</i>                        |

### Compliance with reporting obligations

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|----------------------|------------------------|-------------------------|------------------------|
| <i>1</i>             |                        |                         |                        |

### Cooperation with the Special Procedures

|  |   |
|--|---|
| <i>Extension of a standing invitation</i><br><br><i>Yes</i>  | <i>Outstanding requests by the Special Procedures to carry out a visit</i><br><br><i>None</i> |
| <b><i>Communications with the Special Procedures during the last reporting period</i></b><br><br><i>Special Rapporteur on freedom of religion or belief: "The Special Rapporteur hopes to receive a reply to her communication in the near future. However, in the meantime, she has been informed by various reliable sources that the national Equality Commission ruled in favour of Ms. Haddad on 15 November 2005. Although the Netherlands' system of parallel public and private denominational education gave the Islamic college a high level of discretion in deciding what requirements it could set for its staff, the Equality Commission found that the fact that non-Muslim employees were exempt from the requirement to wear a headscarf while Muslim employees were obliged to wear a headscarf constituted an inadmissible differentiation on the basis of religion. While the Special Rapporteur does not discourage the existence of denominational schools, she expresses her concern about pressure within the schools to adhere to certain religious obligations. In this regard she would like to draw the Government's attention to article 5(1) of the International Covenant on Civil and Political Rights which provides that, "Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant."</i> |   |

## PORTUGAL

Amnesty International has long-standing concerns about the disproportionate and arbitrary use of force, including lethal force, by police, which may have resulted in the unlawful killings of several individuals in recent years. Law enforcement training, including in the use of force and firearms, and operational guidelines remain inadequate. While administrative and criminal investigations are generally opened where there are allegations of disproportionate and unlawful use of force, the overall slowness of the justice system significantly hinders attempts to bring perpetrators to justice.

There are reports of ill-treatment and other forms of abuse by prison officers. Risks to the safety of detainees persist and the rate of deaths in prisons remains high. Prison conditions are poor in many establishments, in some cases amounting to cruel, inhuman and degrading treatment. Health-care provisions are also inadequate, despite high rates of HIV and other serious medical conditions among the prison population. Reports indicate that in some facilities juveniles continue to be detained with adults and pre-trial detainees with convicted prisoners, in breach of international standards. While a number of initiatives have been undertaken to

improve the situation in prisons, recommendations by international human rights bodies and the national ombudsman remain largely unimplemented and proposals to reform the prison system put forward by the authorities in recent years have not been acted upon.

Violence against women in the family remains a major problem, with over thirty women reported to have been killed as a result of violence in the family in the course of 2005, in the great majority of cases by their husband, former boyfriend or partner. Trafficking in human beings, including women and minors is also a concern.

*Recent Amnesty International reports*

- Portugal: Attack on a prisoner in Lisbon Prison (AI Index: EUR 38/001/2004)

### **Portugal's cooperation with the Treaty Bodies and the Special Procedures**

#### **Ratification of International Human Rights Treaties**

| <i>Treaty</i>  | <i>Ratification</i>              | <i>Reservations/<br/>declarations</i> |
|--|----------------------------------|---------------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>  | <i>Ratified</i>                  |                                       |
| <i>Optional Protocol to the ICCPR</i>  | <i>Ratified</i>                  |                                       |
| <i>Second Optional Protocol to the ICCPR</i>   | <i>Ratified</i>                  |                                       |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       | <i>Ratified</i>                  |                                       |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i>                  |                                       |
| <i>Optional Protocol to the CEDAW</i>  | <i>Ratified</i>                  |                                       |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified<sup>art 14</sup></i> |                                       |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified<sup>art 22</sup></i> |                                       |
| <i>Optional Protocol CAT</i>   | <i>Signed</i>                    |                                       |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i>                  |                                       |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Ratified</i>                  |                                       |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Ratified</i>                  |                                       |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                                  |                                       |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Ratified</i>                  | <i>Entered</i>                        |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i>                  | <i>Entered</i>                        |

|  |                 |                |
|--|-----------------|----------------|
| <i>Protocol relating to the Status of Refugees</i> | <i>Ratified</i> | <i>Entered</i> |
|--|-----------------|----------------|

### Compliance with overdue reports

| <i>Total overdue</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|----------------------|------------------------|-------------------------|------------------------|
| 5                    |                        |                         | 2                      |

### Cooperation with the Special Procedures

|   |   |
|---|---|
| <i>Extension of a standing invitation</i><br><br><i>Yes</i>   | <i>Outstanding requests by the Special Procedures to carry out a visit</i><br><br><i>None</i> |
| <i>Communications with the Special Procedures during the last reporting period</i><br><i>No communications sent to the government are recorded in the reports which are available at this time.</i> |   |

## SWITZERLAND

Ill-treatment, the use of excessive force and racist abuse by police officers are issues of concern to Amnesty International. Independent mechanisms to examine police complaints at cantonal level are still lacking and procedures to seek compensation in cases of abuse by the police are not sufficiently transparent. There continue to be concerns about the procedures surrounding deportations of foreign nationals, including the role of private security agencies in these.

A proposed amendment to the federal asylum law would, if enacted, violate the UN Refugee Convention by limiting access to effective asylum and appeal procedures for people who do not have identity documents. There are also proposals to limit access to social welfare for rejected asylum-seekers, even if they cannot leave Switzerland immediately. These measures risk exacerbating the criminalization and inhuman treatment of asylum-seekers whose applications have been rejected. Asylum-seekers continue to complain of abuse and inhuman treatment by cantonal migration offices and police corps.

Domestic violence remains prevalent throughout Switzerland. A new federal law concerning foreign nationals may fail to protect victims of domestic violence classified as non-nationals. Such persons have the right to stay in Switzerland independently of continued marriage or cohabitation only if certain conditions are fulfilled, such as residency in Switzerland for at least three years and having important personal reasons to remain in the country. There are also concerns about the impact of the law on non-nationals who are victims or witnesses in cases of human trafficking, as the law does not give these individuals the right to stay in the country, although cantons could give such permission on humanitarian grounds.

## Switzerland's cooperation with the Treaty Bodies and the Special Procedures

### Ratification of International Human Rights Treaties

| <i>Treaty</i>  | <i>Ratification</i>              | <i>Reservations/declarations</i> |
|--|----------------------------------|----------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>  | <i>Ratified</i>                  | <i>Entered</i>                   |
| <i>Optional Protocol to the ICCPR</i>  |                                  |                                  |
| <i>Second Optional Protocol to the ICCPR</i>   | <i>Ratified</i>                  |                                  |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                                       | <i>Ratified</i>                  |                                  |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>                            | <i>Ratified</i>                  | <i>Entered</i>                   |
| <i>Optional Protocol to the CEDAW</i>  |                                  |                                  |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                                    | <i>Ratified<sup>art 14</sup></i> | <i>Entered</i>                   |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i>                | <i>Ratified<sup>art 22</sup></i> |                                  |
| <i>Optional Protocol CAT</i>   | <i>Signed</i>                    |                                  |
| <i>Convention on the Rights of the Child (CRC)</i>   | <i>Ratified</i>                  | <i>Entered</i>                   |
| <i>Optional Protocol to the CRC on children in armed conflict</i>  | <i>Ratified</i>                  |                                  |
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Signed</i>                    |                                  |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                                  |                                  |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Ratified</i>                  | <i>Entered</i>                   |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i>                  |                                  |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i>                  |                                  |

### Compliance with reporting obligations

| <i>Total overdue reports</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|------------------------------|------------------------|-------------------------|------------------------|
| <i>5</i>                     | <i>1</i>               |                         |                        |

### Cooperation with the Special Procedures

|   |   |
|---|---|
| <i>Extension of a standing invitation</i><br><i>Yes</i> | <i>Outstanding requests by the Special Procedures to carry out a visit</i><br><i>None</i> |
|---|---|



*Missions carried out during last reporting period: Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (UN Doc. E/CN.4/2006/16/Add.4)*

***Communications with the Special Procedures during the last reporting period***

*Special Rapporteur on the right to the highest attainable standard of physical and mental health: "The Special Rapporteur regrets that at the time of the finalization of this report, the Government had not transmitted any reply to his communication."*

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## UNITED KINGDOM

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Serious human rights violations in connection with 'anti-terrorism' measures continue to take place and persons considered by the government to be "suspected international terrorists" are being persecuted on the basis of secret intelligence. Legislation passed in 2005 -- the Prevention of Terrorism Act 2005 -- allows for violations of a wide range of human rights, including by giving government ministers unprecedented powers to issue "control orders" to restrict the liberty, movement and activities of people purportedly suspected of involvement in terrorism on the basis of secret intelligence. Further 'anti-terrorism' legislation proposed in 2005 contains sweeping and vague provisions that, if enacted, would undermine the rights to freedom of expression, association, liberty and fair trial. The government has concluded Memorandums of Understanding with Jordan, Libya and Lebanon in which it is asserted that "diplomatic assurances" can be relied on to relieve the UK of its domestic and international obligation not to send anyone to a country where they would be at risk of torture or other ill-treatment.

Following attempts by the government to rely on information that may have been extracted under torture, 10 foreign nationals, certified as "suspected international terrorists" by the UK authorities, brought a case against the admissibility of such information in judicial proceedings. The highest court confirmed in 2005 that information extracted under torture is inadmissible as evidence in judicial proceedings and stated that there is a duty to investigate whether torture has taken place.

UK authorities are implicated in the unlawful transfer to US custody of at least two UK residents who continue to be held in Guantánamo Bay, and the government continues to refuse to make representations to the US authorities on behalf of most of the eight UK residents currently detained in Guantánamo. The UK has sought to circumvent its obligations under domestic and international law in relation to allegations of abuses committed by UK officials and armed forces abroad, including in Iraq.

Provisions in the Immigration, Asylum and Nationality Bill would, if enacted, undermine one of the core purposes of the UN Refugee Convention -- to provide protection for people seeking asylum on grounds of political persecution. An increasing number of people seeking asylum in the UK are being detained under Immigration Act powers at the beginning and end of the asylum process. There is no maximum time limit to such detention, nor is there an automatic and regular review by a court or a similar competent body as to the lawfulness of the decision to detain. Those detained include families with children, torture survivors and

other vulnerable people. They are being held in grim prison-like establishments and some have complained of racist and other verbal abuse in detention.

The prison population has increased to record-breaking numbers leading to severe overcrowding. The number of self-inflicted deaths in prison continues to be high.

Amnesty International has called for the repeal of the Inquiries Act 2005 because of concerns that it undermines the rule of law, the independence of the judiciary and human rights protection, by failing to provide for effective, independent, impartial or thorough public judicial inquiries into serious human rights violations.

Violence against women continues to be a concern. Two women each week on average are killed by a partner or former partner. The UK has very low conviction rates for the crime of rape with only 5.6 per cent of rapes reported to the police resulting in conviction.

*Recent Amnesty International reports*

- United Kingdom: Seeking asylum is not a crime – detention of people who have sought asylum (AI Index: EUR 45/015/2005)
- United Kingdom: Human Rights: a broken promise (AI Index: EUR 45/004/2006)

**United Kingdom's cooperation with the Treaty Bodies and the Special Procedures**

**Ratification of International Human Rights Treaties**

| <i>Treaty</i>   | <i>Ratification</i> | <i>Reservations/declarations</i> |
|---|---------------------|----------------------------------|
| <i>International Covenant on Civil and Political Rights (ICCPR)</i>                                   | <i>Ratified</i>     | <i>Entered</i>                   |
| <i>Optional Protocol to the ICCPR</i>   |                     |                                  |
| <i>Second Optional Protocol to the ICCPR</i>  | <i>Ratified</i>     |                                  |
| <i>International Covenant on Economic, Social and Cultural Rights (ICESCR)</i>                        | <i>Ratified</i>     | <i>Entered</i>                   |
| <i>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</i>             | <i>Ratified</i>     | <i>Entered</i>                   |
| <i>Optional Protocol to the CEDAW</i>   | <i>Ratified</i>     | <i>Entered</i>                   |
| <i>Convention on the Elimination of All Forms of Racial Discrimination (CERD)</i>                     | <i>Ratified</i>     | <i>Entered</i>                   |
| <i>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</i> | <i>Ratified</i>     | <i>Entered</i>                   |
| <i>Optional Protocol CAT</i>  | <i>Ratified</i>     |                                  |
| <i>Convention on the Rights of the Child (CRC)</i>  | <i>Ratified</i>     | <i>Entered</i>                   |
| <i>Optional Protocol to the CRC on children in armed conflict</i>                                     | <i>Ratified</i>     | <i>Entered</i>                   |

|  |                 |                |
|--|-----------------|----------------|
| <i>Optional Protocol to the CRC on the sale of children, child prostitution and child pornography</i>                | <i>Signed</i>   |                |
| <i>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</i> |                 |                |
| <i>Rome Statute of the International Criminal Court</i>  | <i>Ratified</i> | <i>Entered</i> |
| <i>Convention Relating the Status of Refugees</i>  | <i>Ratified</i> | <i>Entered</i> |
| <i>Protocol relating to the Status of Refugees</i>   | <i>Ratified</i> | <i>Entered</i> |

### Compliance with reporting obligations

| <i>Total overdue reports</i> | <i>5 years overdue</i> | <i>10 years overdue</i> | <i>Initial overdue</i> |
|------------------------------|------------------------|-------------------------|------------------------|
| <i>1</i>                     |                        |                         | <i>1</i>               |

### Cooperation with the Special Procedures

|   |   |
|---|---|
| <i>Extension of a standing invitation</i><br><br><i>Yes</i>   | <i>Outstanding requests by the Special Procedures to carry out a visit</i><br><br><i>None</i> |
| <b><i>Communications with the Special Procedures during the last reporting period</i></b>   |   |
| <i><u>Working Group on arbitrary detention:</u> Opinion 29/2005 concerning one individual whose case has been filed, person released. Government provided response. WGAD also issued 2 urgent appeals regarding 2 individuals. The government responded to one.</i>   |   |
| <i><u>Special Rapporteur on countering terrorism while promoting and protecting human rights:</u> Government provided response to two communications from the Special Rapporteur.</i>   |   |
| <i><u>Special Rapporteur on extrajudicial, summary or arbitrary executions:</u> three allegation letters regarding 3 individuals and concerning impunity and excessive force, to which the government has provided largely satisfactory responses to two communications and no response to one.</i>   |   |
| <i><u>Special Rapporteur on the right of everyone to the highest attainable standard of physical and mental health:</u> “The Special Rapporteur thanks the Government for its reply and he continues to monitor the situation with interest.”</i>   |   |
| <i><u>Special Rapporteur on independence of judges and lawyers:</u> “The Special Rapporteur thanks the Government of the United Kingdom for its cooperation and the substantive information conveyed. He would appreciate being informed at the earliest possible date and preferably before the end of the 62nd session of the Commission on Human Rights whether the Inquiries Bill was adopted and is already being implemented, and, if so, to learn about its concrete and precise incidence on the case in question.”</i> |   |
| <i><u>Special Rapporteur on freedom of religion or belief:</u> The Special Rapporteur is grateful for the Government’s detailed responses and welcomes the Government’s commitment to take necessary measures to prevent the reoccurrence of such acts.</i>   |   |
| <i><u>Special Rapporteur on torture:</u> one urgent appeal concerning two individuals, one allegation letter concerning a statement by Prime Minister Blair, and one follow-up letter to past cases concerning two individuals, all of which the government responded to.</i>   |   |

## **ANNEX I - INFORMATION ABOUT INTERNATIONAL HUMAN RIGHTS TREATIES AND THE SPECIAL PROCEDURES**

### **Human Rights Treaties** (information correct as at 12 April 2006)

Information on ratifications and reservations/declarations is sourced from UN Treaty section: <http://untreaty.un.org>. All reservations and declarations entered by states which have not been withdrawn are noted in this document, with the exception of declarations made under the Optional Protocol on children in armed conflict to the Convention on the Rights of the Child. Under Article 3(3) of the Optional Protocol states parties are required to make a declaration regarding the age at which national forces will permit voluntary recruitment as well as the steps that states will take to ensure that such recruitment is never forced or coerced. Thus any declarations noted in this document under that Optional Protocol relate to other declarations entered by the state concerned.

Declarations made under article 22 of the Convention against Torture and under article 14 of the Convention on Elimination of Racial Discrimination providing for individual communications are highlighted separately.

Under the terms of seven of the treaties referred to in this document, states are required to provide periodic reports to the bodies which monitor their compliance with those treaties. Information on the extent to which states are meeting their reporting obligations is taken from a UN publication entitled "Concept paper on the High Commissioner's proposal for a unified standing treaty body", UN doc HRI/MC/2006/2, 14 March 2006.

### **Special Procedures** (information correct as at 12 April 2006)

Information about **standing invitations and outstanding requests by the Special Procedures to carry out a visit** is taken from the Special Procedures webpage at the OHCHR website – <http://www.ohchr.org>. A state which has extended a standing invitation has made a commitment to facilitating visits by the thematic Special Procedures. An outstanding request to visit indicates that a Special Procedure has sought an invitation to visit, but the state has either failed to provide a positive response or else the visit has been agreed in principle, but no date has been agreed. It is advisable to consult the OHCHR webpage (given above) for further details. Dates of outstanding requests by the Special Procedures to carry out a visit are given where those requests have not met with a positive response from the state concerned for at least five years.

Where possible, the information contained in this document is based on tabulations of communications and replies provided in the Special Procedures' reports. Where these are not available, the relevant "observation" of the mandate-holder has been included. It is advisable to consult the full text of the reports for the detail of the cases, responses and observations of the mandate-holders.

Several of the urgent appeals and allegation letters issued by the Special Procedures were sent jointly.

The reports of the Special Procedures cited in this document are available at <http://www.ohchr.org>. It should be noted that some reports containing summaries of communications to and from governments were not available at the time that this information was compiled. Those cited in the document are:

- Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, communications to and from governments, UN Doc. E/CN.4/2006/98/Add.1
- Report of the Special Rapporteur on extrajudicial, summary of arbitrary executions, communications to and from governments, UN Doc. E/CN.4/2006/53/Add.1
- Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, follow-up to country missions, UN Doc. E/CN.4/2006/53/Add.2
- Report of the Special Representative of the Secretary-General on human rights defenders, communications sent and received from Governments, UN Doc. E/CN.4/2006/95/Add.1
- Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, summary of communications sent to and replies received from governments and other actors, December 2004 – December 2005, UN Doc. E/CN.4/2006/48/Add.1
- Report of the Special Rapporteur on the right to adequate housing as a component of the right to an adequate standard of living, communications to and from governments, UN. Doc E/CN.4/2006/41/Add.1
- Report of the Special Rapporteur on the independence of judges and lawyers, communications to and from governments, UN Doc. E/CN.4/2006/52/Add.1
- Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Analysis of country situation and other activities of the Special Rapporteur, UN Doc. E/CN.4/2006/78/Add.1
- Report of the Special Rapporteur on the independence of judges and lawyers, situation in specific countries or territories, UN Doc. E/CN.4/2006/52/Add.1
- Report of the Special Rapporteur on freedom of religion or belief, summary of cases transmitted and replies received, UN Doc. E/CN.4/2006/5/Add.1
- Report of the Special Rapporteur on contemporary forms of racism, racial discrimination xenophobia and related intolerance, UN Doc. E/CN.4/2006/16
- Report of the Special Rapporteur on torture, summary of cases transmitted to governments and replies received, UN Doc. E/CN.4/2006/6/Add.1
- Report of the Special Rapporteur on torture, follow-up to the recommendations made by the Special Rapporteur, UN Doc. E/CN.4/2006/6/Add.2
- Report of the Working Group on arbitrary detention, UN Doc. E/CN.4/2006/7
- Opinions adopted by the Working Group on arbitrary detention, UN Doc. E/CN.4/2006/7/Add.1

- Report of the Working Group on Enforced or Involuntary Disappearances, UN Doc. E/CN.4/2006/56