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**COMPILATION PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR  
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15(B) OF THE  
ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

**Bahamas**

This report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The periodicity of the review for the first cycle being four years, most documents are dated after 1 January 2004. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

## I. BACKGROUND AND FRAMEWORK

### A. Scope of international obligations<sup>1</sup>

<i>Core universal human rights treaties<sup>2</sup></i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	5 August 1975	Yes (article 4)	Individual complaints (art. 14): No
CEDAW	6 October 1993	Yes (article 2 (a), 9 para 2, 16 (h), 29 para 1)	-
CRC	20 February 1991	Yes (article 2)	-
<i>Core treaties to which the Bahamas is not a party: ICESCR, ICCPR, ICCPR-OP 1, ICCPR-OP 2, OP-CEDAW, CAT, OP-CAT, OP-CRC-AC, OP-CRC-SC, ICRMW, CPD, CPD-OP, CED.</i>			

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	Yes
Rome Statute of the International Criminal Court	No
Palermo Protocol <sup>3</sup>	No
Refugees and stateless persons <sup>4</sup>	Yes, except the 1954 Convention regarding the status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness
Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>5</sup>	Yes, except AP III
ILO fundamental conventions <sup>6</sup>	Yes
UNESCO Convention against Discrimination in Education	No

1. In 2005, the Committee on the Rights of the Child (CRC) recommended that the Bahamas ratify the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.<sup>7</sup> While welcoming information that the reservation to article 2 of the Convention might be withdrawn, CRC called upon the Bahamas to do so.<sup>8</sup> The Committee on the Elimination of Racial Discrimination (CERD) recommended that the Bahamas consider making the optional declaration provided for in article 14 of the Convention.<sup>9</sup> CERD also noted with concern the vague and general statement that it will not accept obligations going beyond constitutional limits or the obligation to introduce a judicial process beyond those prescribed under the Constitution, and encouraged the Bahamas to consider withdrawing all the reservations it entered upon acceding to the Convention.<sup>10</sup>

### B. Constitutional and legislative framework

2. In 2005, CRC recommended expedited action to include children's rights in the Constitution, to take further measures to ensure that existing legislation conform with the Convention, and to ensure its effective implementation.<sup>11</sup> CRC welcomed the adoption of the Status of Children Act in 2002 which, inter alia, abolished the distinction between children born in and those born out of wedlock, particularly in relation to intestacy, as well as the enactment of the Early Childhood Care Act 2004.<sup>12</sup> CRC also noted with appreciation the adoption of the Inheritance Act in 2002, which makes provision for all children to have equal rights or entitlement in circumstances where property is distributed on intestacy.<sup>13</sup>

3. In 2004, CERD encouraged Bahamas to adopt the necessary measures to implement domestically the Convention relating to the Status of Refugees and the related Protocol, in particular as regards the non-refoulement clause contained in the Refugee Convention.<sup>14</sup>

4. A 2005 Security Council document referred, as reported by the Government, to the Anti-Terrorism Bill that was debated and passed by the House of Assembly and the Senate in 2004. The Bill had been forwarded to the Governor General for Assent, and it would then be published as law.<sup>15</sup>

### **C. Institutional and human rights infrastructure**

5. CRC encouraged the Bahamas to develop and establish an independent and effective mechanism in accordance with the Paris Principles. This institution should be provided with adequate resources; be easily accessible to children; deal with complaints from children in a child-sensitive and expeditious manner; and provide remedies for violations of their rights under the Convention.<sup>16</sup> CRC also noted the appointment of the National Child Protection Council.<sup>17</sup>

6. CRC recommended the establishment of an inter-ministerial body with a strong mandate and sufficient resources in order to ensure effective coordination between all actors involved in the implementation of the Convention.<sup>18</sup>

### **D. Policy measures**

7. In 2005, CRC encouraged the Bahamas to increase its efforts to develop and implement, using a participatory approach, a comprehensive National Plan of Action for the full implementation of the Convention.<sup>19</sup>

8. A 2004 UNICEF report reported on the Youth Empowerment and Skills Training program aimed specifically for young males who are more likely to be alienated from school if they come from poor socioeconomic circumstances.<sup>20</sup> While noting the substantial budgetary allocation in social services and infrastructure, particularly in the areas of health and education, CRC recommended that the Bahamas pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, in particular those belonging to economically disadvantaged groups “to the maximum extent of ... available resources and, where needed, within the framework of international cooperation”, using a rights-based approach.<sup>21</sup>

9. CRC recommended that the Bahamas strengthen its efforts to ensure that the provisions of the Convention are widely known and understood by adults and children alike, as well as the introduction of adequate and systematic training of all relevant professionals working for and with children.<sup>22</sup>

10. CRC noted programmes and activities to sensitize parents to child abuse, such as parenting workshops and the Child Abuse Prevention Month, and the establishment of a National Child Abuse Hotline at the Department of Social Services in 1997.<sup>23</sup>

11. Noting the significant steps taken to facilitate the establishment of non-governmental organizations, CRC recommended that the Bahamas consider a systematic approach to involving civil society through all stages of the implementation of the Convention, including with respect to civil rights and freedoms.<sup>24</sup>

## II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

### A. Cooperation with human rights mechanisms

#### 1. Cooperation with treaty bodies

<i>Treaty body<sup>25</sup></i>	<i>Latest report submitted</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2003	April 2004	June 2004	Fifteenth and sixteenth report overdue since 2006
CEDAW			-	Initial to fourth report due in 2008
CRC	2004	March 2005	-	Second to fourth report overdue since 2008

12. In June 2004, the Bahamas submitted comments on the decisions and concluding observations adopted by CERD in 2003. The Bahamas addressed, among other issues, concerns about racial discrimination against migrants, including the living conditions of migrants and the situation of undocumented migrants, the policy of Bahamianization in employment and housing, guarantees in place for the return of asylum-seekers to a country where their lives or health would be at risk, and the absence of complaints or court decisions regarding racial discrimination.<sup>26</sup>

13. In 2007, considering that the initial report of the Bahamas was more than 10 years overdue, the Committee on the Elimination of Discrimination against Women (CEDAW) requested the Bahamas to submit its initial and all other outstanding periodic reports as combined reports by the end of 2008.<sup>27</sup>

#### 2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	None
<i>Visits agreed upon in principle</i>	None
<i>Visits requested and not yet agreed upon</i>	None
<i>Facilitation/cooperation during missions</i>	n/a
<i>Follow-up to visits</i>	None
<i>Responses to letters of allegations and urgent appeals</i>	A total of 3 communications were sent between 1 July 2004 and 30 June 2008. In addition to communications sent for particular groups, 5 individuals, including 1 woman, were covered by these communications. Between 1 July 2004 and 30 June 2008, the Government replied to no communications.
<i>Responses to questionnaires on thematic issues<sup>28</sup></i>	The Bahamas responded to none of the 12 questionnaires sent by special procedures mandate-holders <sup>29</sup> between 1 July 2004 and 30 June 2008, within the deadlines.

### **3. Cooperation with the Office of the High Commissioner for Human Rights**

14. In 2004, a Caribbean regional workshop on reporting obligations under the Convention on the Elimination of All Forms of Discrimination against Women was organized by the Division for the Advancement of Women in Nassau. OHCHR participated and provided expertise during the workshop.<sup>30</sup>

#### **B. Implementation of international human rights obligations**

##### **1. Equality and non discrimination**

15. In 2004, CERD reiterated its concerns about the definition of racial discrimination in article 26 of the Constitution, which is not completely consistent with article 1 of the Convention and invited the Bahamas to align its internal law with the Convention.<sup>31</sup> CERD regretted that the Bahamas had not passed a law meeting the requirements of article 4 of the Convention, and also suggested including racial motivation as an aggravating factor in criminal law.<sup>32</sup> The Committee welcomed the adoption in 2001 of the Employment Act containing a clause prohibiting racial discrimination.<sup>33</sup>

16. CERD was also concerned at reports of statements and press articles inciting racial discrimination against migrants, particularly those from certain third countries, and actual discrimination against migrants in fields such as education and employment and recommended that the Bahamas conduct an inquiry into these allegations and notify the Committee of the outcome and, where appropriate, take all necessary punitive, educational and other measures to put an end to such conduct.<sup>34</sup> The Government indicated that it was unaware of any reports of statements and press articles inciting racial discrimination against migrants and requested that CERD provide information regarding the sources of these reports.<sup>35</sup>

17. CERD, noting that the policy of Bahamianization applied in certain job sectors and in housing, regretted that the Bahamas' periodic report did not contain sufficient information on the practical application of article 5 of the Convention.<sup>36</sup> The Bahamas, in its written comments, held the position that the policy of Bahamianization applies primarily to skilled services and has little, if any, effect on migrants' living conditions.<sup>37</sup>

18. CERD, in 2004, noted Bahamas' assertion that there have been neither complaints nor court decisions on the subject of racial discrimination, which was put forward as evidence of the absence of racial discrimination in the Bahamas. CERD urged the Bahamas to investigate why there are no complaints of racial discrimination and whether, in particular, it may be because the country does not have a sufficient span of legislation to combat discrimination. The Bahamas should also verify that the lack of such complaints is not the result of victims' lack of awareness of their rights, fear of reprisals, lack of confidence in the police and judicial authorities, or the authorities' lack of attention or sensitivity to cases of racial discrimination.<sup>38</sup> CERD advised the Bahamas to provide training in combating racial discrimination, and in particular in the substance of the Convention, for judges and judicial officers.<sup>39</sup> CERD also recommended the Bahamas to give the general public regular information on the substance of the Convention and step up its efforts to make people aware of the opportunities they have to appeal against instances of racial discrimination.<sup>40</sup> In its written comments in 2004, the Bahamas stated that there was a sufficient legal framework in place to facilitate the pursuit of legal matters in the area of racial discrimination.<sup>41</sup>

19. In 2004, CERD noted the existence of information suggesting that a policy of racial reconciliation between the black and white communities might still be necessary and advised an increase in efforts in this connection.<sup>42</sup>

20. CERD was also concerned that the Constitution contains discriminatory provisions on the rights of women to transmit their nationality to their children and foreign spouses and invited the Bahamas to continue its efforts to remedy such discrimination.<sup>43</sup>

21. CRC was concerned that societal discrimination persists against vulnerable groups of children, including those living in poverty and immigrant children from certain third countries and recommended that the Bahamas: strengthen, in the process of reforming the Constitution, the existing provisions on non-discrimination and ensure observance of the principle of non-discrimination in full compliance with article 2 of the Convention; adopt further appropriate legislation (e.g. a separate law on non-discrimination); and adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups.<sup>44</sup> CRC was concerned at the societal discrimination experienced by children with disabilities and that the Constitution does not prohibit discrimination on the grounds of disability, at the inaccessibility of buildings and transportation for them and the absence of an inclusive policy, and particularly that children with disabilities in less populated islands suffer particular disadvantage regarding access to services.<sup>45</sup> CRC made recommendations in this regard.<sup>46</sup>

22. A 2004 UNFPA report noted that the Bahamas was one of a number of countries that had outlawed discrimination against HIV-infected people in the workplace.<sup>47</sup>

## **2. Right to life, liberty and security of the person**

23. Since 2004 Special Rapporteurs have raised serious concerns about conditions of detention in the Carmichael Detention Centre. The Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the question of torture have sent communications<sup>48</sup> concerning the situation of asylum-seekers from a third country who were detained at the Carmichael Detention Centre. Allegedly two of them were severely beaten with batons by soldiers and subjected to a mock execution. Several others, including children, were forced to stand against a fence inside the camp from 3 p.m. to 5.30 p.m., with no water, in temperatures of around 30 degrees Celsius. Many of the detainees have had no access to lawyers or to the Office of the United Nations High Commissioner for Refugees (UNHCR). On 25 October 2004 the Government responded and advised that immediate investigations into these cases had been undertaken and that the results would be transmitted as soon as possible. Up to date no further information has been received by the Government.<sup>49</sup>

24. In 2006, the Special Rapporteur on the question of torture wrote to the Bahamas about a detainee who was sentenced to eight lashes with a “cat-of-nine tails” (a device consisting of nine knotted cords or thongs of raw hide attached to a handle) and to 24 years’ imprisonment for burglary and attempted rape. Corporal punishment had been abolished in 1984 in the Bahamas but was reinstated in 1991 for specific offences.<sup>50</sup>

25. CRC recommended that the Bahamas: expressly prohibit corporal punishment by law in the family, schools and other institutions; and conduct awareness-raising campaigns to ensure that alternative forms of discipline are administered in a manner consistent with the child’s human dignity and in conformity with the Convention.<sup>51</sup>

26. CRC recommended that the Bahamas take the necessary measures to prevent child abuse, neglect and violence in and outside the family, inter alia, by: undertaking a comprehensive study on the scope and nature of child abuse and neglect; developing an effective reporting system with timely and adequate investigations and child-sensitive protection in order to bring perpetrators to justice; ensuring that victims of violence have access to counselling, and assistance with recovery and reintegration; strengthening further the capacity and role of the National Child Protection Council; and conducting awareness-raising campaigns to publicize the National Child Abuse Hotline.<sup>52</sup>

27. CRC expressed concern at the number of children involved in prostitution and child pornography, at the lack of specific data on this issue and of the lack of targeted measures to address it. CRC recommended that the Bahamas: undertake a comprehensive study on children involved in the commercial sex industry and use the data to design policies and programmes to prevent commercial sexual exploitation of children, including through the development of a National Plan of Action on Commercial Sexual Exploitation of Children, as agreed at the First and Second World Congresses against Commercial Sexual Exploitation of Children, held in 1996 and 2001; adopt adequate measures to combat child pornography; strengthen recovery and reintegration programmes for the victims; and train law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute cases of sexual exploitation in a child-sensitive manner that respects the privacy of the victim.<sup>53</sup>

### **3. Administration of justice and the rule of law**

28. While recognizing efforts made by the Bahamas, CRC remained concerned at the incompatibility of the juvenile justice system with the provisions and principles of the Convention. CRC recommended that the Bahamas: raise the age of criminal responsibility from 10 years to an internationally acceptable level; ensure that the Children and Young Persons (Administration of Justice) Act reflects international juvenile justice standards; provide children with legal and other appropriate assistance at all stages of the proceedings; ensure that children who are detained or imprisoned are separated from adults; and improve training programmes on relevant international standards for all professionals involved with the system of juvenile justice.<sup>54</sup>

### **4. Right to privacy, marriage and family life**

29. CRC urged the Bahamas to increase efforts to ensure the registration of all children at birth by conducting awareness-raising campaigns and establishing mobile registration units in remote and less populated islands. The Committee also recommended that children without birth registration certificates be given access to social services.<sup>55</sup>

30. CRC was concerned that so-called “children with uncontrollable behaviour” can be placed in an institution at the parent’s or parents’ request and urged the Bahamas to provide parents and children with adequate knowledge, skills and support services and to review its legislation, practices and services with a view to eliminating the concept and expression of “uncontrollable behaviour” of children and to gradually prepare for “deinstitutionalization”.<sup>56</sup>

31. CRC welcomed efforts made to ensure payment of child maintenance, but was concerned at the rather large percentage of fathers who are defaulting on child maintenance payments. CRC recommended that the Bahamas carry out its plans to further strengthen the legal instruments for the enforcement of child maintenance orders, and continue and strengthen its international/bilateral cooperation with regard to the recovery of maintenance abroad.<sup>57</sup>

## **5. Right to work and to just and favourable conditions of work**

32. In 2008, an ILO Committee of Experts noted that when a strike is organized or continued in violation of some provisions in the Labour Relations Act, excessive sanctions, including imprisonment for up to two years are provided. It recalled that all penalties in respect of illegitimate actions linked to strikes should be proportionate to the offence or fault committed and the authorities should not have recourse to measures of imprisonment for the mere fact of organizing or participating in a peaceful strike. The ILO Committee therefore requested the Government to amend the Labour Relations Act so as to bring it into conformity with freedom of association principles on this point.<sup>58</sup>

33. In 2005, CRC recommended that the Bahamas raise the minimum age for access to employment from 14 to 16 years in order to harmonize it with the age at which compulsory education ends.<sup>59</sup> CRC appreciated the progress made by the Bahamas in addressing the issue of child labour, including the adoption of the Employment Act in 2001, but was concerned at the relatively high prevalence of child labour and the insufficient protection from hazardous forms of work involving children between 14 and 18 years of age.<sup>60</sup> CRC recommended that the Bahamas establish a definition of hazardous work, in conformity with the rules set out in ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, and explicitly prohibit the employment of children between 14 and 18 years in work that is likely to harm their health, safety and morals. CRC further recommended that necessary measures be taken to improve the effectiveness of the labour inspectorate and other forms of monitoring child labour in order to ensure full compliance with the rules of the Employment Act 2001 regarding working conditions for children from 14 to 18 years of age.<sup>61</sup>

34. A 2008 ILO press release noted that the ratification of the ILO Maritime Labour Convention (2006) was a clear indication of the continued commitment of the Bahamas to international labour standards and its determination to ensure, inter alia, decent conditions of work for seafarers.<sup>62</sup>

## **6. Right to social security and to an adequate standard of living**

35. CRC welcomed information regarding the steady reduction in infant mortality rates, the improvement in health-care delivery and legislation enacted in 2000 to regulate health professionals and health-care facilities. CRC recommended that the Bahamas take all necessary measures to reduce the gap in quality of health care between public and private hospitals by strengthening the role of the Public Hospital Authority.<sup>63</sup> A WHO statistical database noted that in 2006, 99 per cent of births were attended by skilled health personnel.<sup>64</sup>

36. CRC was concerned at the high rate of teenage pregnancies and of drug abuse among adolescents and recommended an increase in efforts to establish and promote adequate adolescent health services, including mental health and reproductive health services, as well as to take all necessary measures to prevent drug abuse and to provide therapeutic, recovery and reintegration services for drug abusers.<sup>65</sup>

37. CRC welcomed the various plans and policies to address HIV/AIDS and the fact that universal and free testing and treatment with antiretroviral drugs have resulted in a decrease in mother-to-child transmission, but remained concerned at the increasing incidence of HIV/AIDS among adolescents.<sup>66</sup> A 2004 UNAIDS report mentioned that the Bahamas is among the Caribbean countries which have national HIV prevalence rates of at least 3 per cent.<sup>67</sup> A 2004 WHO report noted that the introduction of antiretroviral therapy has been accompanied by



heightened prevention successes, in addition to significant reductions in deaths (56 per cent reduction in deaths from AIDS, including an 89 per cent reduction in deaths among children). It also noted that the success of prevention efforts is also evident from the fact that mother-to-child transmission of HIV was reduced from 28 per cent to 3 per cent; there was also a 44.4 per cent reduction in new HIV cases, a 41 per cent decline in HIV prevalence rate among patients being treated for sexually transmitted infections, and a 38 per cent decline in HIV prevalence rate among pregnant women.<sup>68</sup>

## **7. Right to education and to participate in the cultural life of the community**

38. CRC noted with appreciation that the largest share of the national budget is allocated to education and that primary and secondary education is free in public schools for all children in the Bahamas. CRC also noted that the PACE (Providing Access to Continued Education) programme ensures that pregnant teenagers are given an opportunity to complete their education. CRC recommended that the Bahamas ensure that standards of education are maintained uniformly in all islands and include human rights education in the official curriculum at all levels of education.<sup>69</sup>

39. CRC also recommended that the Bahamas further strengthen efforts to bring dropouts back to school and to other training programmes.<sup>70</sup> According to 2007 MDG Info, the net primary school enrolment ratio increased from 89.3 per cent in 2004 to 91.4 per cent in 2005. The female net primary school enrolment ratio increased from 90.6 per cent in 2004 to 92.8 per cent in 2005, whereas the male primary school enrolment ratio increased from 88.1 per cent in 2004 to 90.0 per cent in 2005.<sup>71</sup> According to the 2008 UNESCO Institute for Statistics, the rate of primary school age children out of school increased from 9 per cent in 2005 to 12 per cent in 2006. The female rate of primary school age children out of school increased from 8 per cent in 2005 to 10 per cent in 2006, whereas the male rate of primary school age children out of school increased from 11 per cent in 2005 to 13 per cent in 2006.<sup>72</sup>

40. A 2006 UNESCO report noted that Bahamas is one of the countries which have achieved gender parity in primary and secondary education in 2002.<sup>73</sup> A 2007 UNESCO report mentioned that the percentage of trained primary teachers has increased by more than 60 per cent from 1999 to 2004.<sup>74</sup> It further noted that growth in the proportion of trained teachers from 2002 to 2004 was paralleled by a decrease in absolute numbers of teachers, the latter trend leading to deterioration in the percentage of teachers required.<sup>75</sup>

## **8. Migrants, refugees and asylum-seekers**

41. CERD noted with concern that people entering the country without proper papers are automatically detained without such detention being subjected to judicial review and was disturbed at reports emphasizing that such detention sometimes extends to a year and more, depending on migrants' nationalities. CERD emphasized that detention should be a last resort; invited the Bahamas to adopt alternatives to detention for undocumented migrants and asylum-seekers; recommended the institution of a right of appeal against orders to detain people entering the country without proper papers and that such individuals should be duly informed of their rights and that maximum duration of detention be strictly defined.<sup>76</sup>

42. CERD was also disturbed by reports that the current system is incapable of guaranteeing that no one will be sent back to a country where his life or liberty might be in danger and advised the Bahamas to guarantee the rights of asylum-seekers to information, the services of an interpreter, legal assistance and judicial remedies.<sup>77</sup>

### III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

43. CRC noted the challenges facing the Bahamas, namely the vulnerability to natural disasters which have impeded progress towards the full realization of children's rights enshrined in the Convention.<sup>78</sup> A 2007/2008 UNDP report mentioned that an increase in sea levels represents a risk to land area becoming submerged, and the intrusion of saltwater would compromise freshwater supplies.<sup>79</sup>

44. CERD took note of the difficulties confronting the Bahamas as a result of the large influx of migrants and refugees from neighbouring countries.<sup>80</sup>

### IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

N/A.

### V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

45. With respect to the juvenile justice system, CRC recommended that the Bahamas seek international technical assistance from the United Nations Children's Fund, the Office of the United Nations High Commissioner for Human Rights and other relevant regional bodies.<sup>81</sup>

#### Notes

<sup>1</sup> Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://untreaty.un.org/>.

<sup>2</sup> The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CPD	Convention on the Protection of Persons with Disabilities
OP-CPD	Optional Protocol to Convention on the Protection of Persons with Disabilities
CED	Convention on the Protection of Persons from Enforced Disappearance

<sup>3</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>4</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

<sup>5</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War

(Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).

<sup>6</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

<sup>7</sup> CRC/C/15/Add.253, para. 62.

<sup>8</sup> Ibid., paras. 8-9.

<sup>9</sup> CERD/C/64/CO/1, 2004, para. 26.

<sup>10</sup> Ibid., para. 10.

<sup>11</sup> CRC/C/15/Add.253, para. 11.

<sup>12</sup> Ibid., paras. 3 and 5.

<sup>13</sup> Ibid., para 4.

<sup>14</sup> CERD/C/64/CO/1, 2004, para 19.

<sup>15</sup> See letter dated 12 January 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council(S/2005/34).

<sup>16</sup> CRC/C/15/Add.253, paras. 16-17.

<sup>17</sup> Ibid., para. 43.

<sup>18</sup> Ibid., paras. 12-13.

<sup>19</sup> CRC/C/15/Add.253, 2005, para 15.

<sup>20</sup> UNICEF, The State of the World's Children 2004, p. 74.

<sup>21</sup> CRC/C/15/Add.253, paras. 18-19.

<sup>22</sup> Ibid., paras. 22-23.

<sup>23</sup> Ibid., para. 43.

<sup>24</sup> Ibid., paras. 24-25.

<sup>25</sup> The following abbreviations have been used for this document:

CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
HR Committee	Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women
CAT	Committee against Torture
CRC	Committee on the Rights of the Child
CMW	Committee on the Protection of the Rights of All Migrant Workers and Their Families

<sup>26</sup> A/59/18 , annex VI.

<sup>27</sup> A/62/38, parts I and II.

<sup>28</sup> The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate-holder.

<sup>29</sup> See (a) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006; (b) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in 2006; (c) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons sent in 2006; (d) report of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2006/95 and Add.5), questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sent in June 2005; (e) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people sent in August 2007; (f) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the sent in July 2005; (g) report of the Special Rapporteur on the right to education (E/CN.4/2006/45), questionnaire on the right to education for girls sent in 2005; (h) report of the Working

Group on mercenaries (A/61/341), questionnaire concerning its mandate and activities sent in November 2005; (i) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent on July 2006; (j) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2005/78), questionnaire on child pornography on the Internet sent in July 2004; (k) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/7/8), questionnaire on assistance and rehabilitation programmes for child victims of sexual exploitation sent in July 2007; (l) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices.

<sup>30</sup> 2004 OHCHR Annual Report, pp. 121-122.

<sup>31</sup> CERD/C/64/CO/1, para. 12.

<sup>32</sup> Ibid., para. 13.

<sup>33</sup> Ibid., para. 5.

<sup>34</sup> Ibid., para. 14.

<sup>35</sup> A/59/18, annex VI.

<sup>36</sup> CERD/C/64/CO/1, para. 15.

<sup>37</sup> A/59/18, annex VI.

<sup>38</sup> CERD/C/64/CO/1, para. 22.

<sup>39</sup> Ibid., para. 23.

<sup>40</sup> Ibid., para. 24.

<sup>41</sup> A/59/18, annex VI.

<sup>42</sup> CERD/C/64/CO/1, para. 21.

<sup>43</sup> Ibid., para. 16.

<sup>44</sup> CRC/C/15/Add.253, paras. 28-29.

<sup>45</sup> Ibid., paras. 28 and 45.

<sup>46</sup> Ibid., para. 46.

<sup>47</sup> UNFPA, State of World Population 2004, New York, 2004, p. 70.

<sup>48</sup> E/CN.4/2005/62/Add.1, para. 112.

<sup>49</sup> Ibid., para. 113.

<sup>50</sup> A/HRC/4/33/Add.1, page 16

<sup>51</sup> CRC/C/15/Add.253, paras. 35-36.

<sup>52</sup> Ibid., paras. 43-44.

<sup>53</sup> Ibid., paras. 57-58.

<sup>54</sup> Ibid., paras. 59-60.

<sup>55</sup> Ibid., paras. 33-34.

<sup>56</sup> Ibid., paras. 37-38.

<sup>57</sup> Ibid., paras. 41-42.

<sup>58</sup> See ILO Committee of Experts on the Application of Conventions and Recommendations, 2008, Geneva.

<sup>59</sup> CRC/C/15/Add.253, para. 27.

<sup>60</sup> Ibid., para. 55.

<sup>61</sup> Ibid., paras. 55-56.

<sup>62</sup> ILO press release, 12 February 2008, available at

[www.ilo.org/global/About\\_the\\_ILO/Media\\_and\\_public\\_information/Press\\_releases/lang-en/WCMS\\_090344/index.htm](http://www.ilo.org/global/About_the_ILO/Media_and_public_information/Press_releases/lang-en/WCMS_090344/index.htm).

<sup>63</sup> CRC/C/15/Add.253, paras. 47-48.

<sup>64</sup> WHO, Statistical Information System, available at

[www.who.int/whosis/data/Search.jsp?countries=\[Location\].Members](http://www.who.int/whosis/data/Search.jsp?countries=[Location].Members).

<sup>65</sup> CRC/C/15/Add.253, paras. 49-50.

<sup>66</sup> Ibid., paras. 51-52.

<sup>67</sup> UNAIDS, Annual Report 2004, Geneva, 2005, p. 7.

<sup>68</sup> WHO, The World Health Report 2004, Geneva, 2004, p. 16.

<sup>69</sup> CRC/C/15/Add.253, paras. 53-54.

<sup>70</sup> Ibid.

<sup>71</sup> MDG Info 2007, available at [www.devinfo.info/mdginfo2007/devinfoapp.aspx?cl=IND](http://www.devinfo.info/mdginfo2007/devinfoapp.aspx?cl=IND).

<sup>72</sup> UNESCO Institute for Statistics, available at

[http://stats.uis.unesco.org/unesco/TableViewer/document.aspx?ReportId=136&IF\\_Language=eng&BR\\_Topic=0](http://stats.uis.unesco.org/unesco/TableViewer/document.aspx?ReportId=136&IF_Language=eng&BR_Topic=0).

<sup>73</sup> UNESCO, Education For All Global Monitoring Report 2006, Paris, 2005, p. 72.

<sup>74</sup> UNESCO, Education For All Global Monitoring Report 2007, Paris, 2006, p. 53.

<sup>75</sup> Ibid.

<sup>76</sup> CERD/C/64/CO/1, para. 17.

<sup>77</sup> Ibid., para. 18.

<sup>78</sup> CRC/C/15/Add.253, para. 7.

<sup>79</sup> See UNDP, Human Development Report 2007/2008, New York, 2007.

<sup>80</sup> CERD/C/64/CO/1, para. 4.

<sup>81</sup> CRC/C/15/Add.253, para. 60.

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