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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 21.10.2008  
SEC(2008) 2647

COMMISSION STAFF WORKING DOCUMENT

*Accompanying document to the*

**GSP+**

**Report on the status of ratification and recommendations by monitoring bodies concerning conventions of annex III of the Council Regulation (EC) No 980/2005 of 27 June 2005 applying a scheme of generalised tariff preferences (the GSP regulation) in the countries that were granted the Special incentive arrangement for sustainable development and good governance (GSP+) by Commission Decision of 21 December 2005**

{COM(2008) 656}

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## ANNEX I: STATUS OF RATIFICATION OF ANNEX III CONVENTIONS

**Summary table of the number of conventions ratified:**

	July 2005		June 2007		April 2008	
	PART A	PART B	PART A	PART B	PART A	PART B
<b>BO</b>	16	10	16	11	16	11
<b>CO</b>	16	9	16	10	16	10
<b>CR</b>	16	8	16	11	16	11
<b>EC</b>	16	10	16	11	16	11
<b>GE</b>	16	8	16	9	16	09
<b>GT</b>	16	9	16	10	16	10
<b>HN</b>	16	10	16	10	16	10
<b>LK</b>	16	10	16	11	16	11
<b>MD</b>	16	10	16	10	16	11
<b>MN</b>	16	10	16	11	16	11
<b>NI</b>	16	8	16	11	16	11
<b>PA</b>	16	10	16	11	16	11
<b>PE</b>	16	10	16	11	16	11
<b>SV</b>	14	10	16	10	16	11
<b>VE</b>	16	10	16	10	16	10

## STATUS OF RATIFICATIONS AS FOR APRIL 2008

### ILO CORE LABOUR STANDARDS

	<b>87-Freedom of Association and Protection of the Right to Organise</b>	<b>98-Application of the Principles of the Right to Organise and to Bargain Collectively</b>	<b>29- Forced or Compulsory Labour</b>	<b>105- Abolition of Forced Labour</b>	<b>100- Equal Remuneration of Men and Women Workers for Work of Equal Value</b>	<b>111- Discrimination in Respect of Employment and Occupation</b>	<b>138- Minimum Age for Admission to Employment</b>	<b>182- Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour</b>
<b>BO</b>	4/01/1965	15/11/1973	31/05/2005	11/06/1990	15/11/1973	31/01/1977	11/06/1997	6/06/2003
<b>CO</b>	16/11/1976	16/11/1976	4/03/1969	7/06/1963	7/06/1963	4/03/1969	2/02/2001	28/01/2005
<b>CR</b>	2/06/1960	2/06/1960	2/06/1960	4/05/1959	2/06/1960	1/03/1962	11/06/1976	10/09/2001
<b>EC</b>	29/05/1967	28/05/1959	6/07/1954	5/02/1962	11/03/1957	10/07/1962	19/09/2000	19/09/2000
<b>GE</b>	3/08/1999	22/06/1993	22/06/1997	23/09/1996	22/06/1993	22/06/1993	23/09/1996	24/07/2002
<b>GT</b>	13/02/1952	13/02/1952	13/06/1989	9/12/1959	2/08/1961	11/10/1960	27/04/1990	11/10/2001
<b>HN</b>	27/06/1956	27/06/1956	21/02/1957	4/08/1958	9/08/1956	20/06/1960	9/06/1980	25/10/2001
<b>LK</b>	15/09/1995	13/12/1972	5/04/1950	7/01/2003	1/04/1993	27/11/1998	11/02/2000	1/03/2001
<b>MD</b>	12/08/1996	12/08/1996	23/03/2000	10/03/1993	23/03/2000	12/08/1996	21/09/1999	14/06/2002
<b>MN</b>	3/06/1969	3/06/1969	15/03/2005	15/03/2005	3/06/1969	3/06/1969	16/12/2002	26/02/2001

<b>NI</b>	31/10/1967	31/10/1967	12/04/1934	31/10/1967	31/10/1967	31/10/1967	2/11/1981	6/11/2000
<b>PA</b>	3/06/1958	16/05/1966	16/05/1966	16/05/1966	3/06/1958	16/05/1966	31/10/2000	31/10/2000
<b>PE</b>	2/03/1960	13/03/1964	1/02/1960	6/12/1960	1/02/1960	10/08/1970	13/11/2002	10/01/2002
<b>SV</b>	6/09/2006	6/09/2006	15/06/1995	18/11/1958	12/10/2000	15/06/1995	23/01/1996	12/10/2000
<b>VE</b>	20/09/1982	19/12/1968	20/11/1944	16/11/1964	10/08/1982	3/06/1971	15/07/1987	26/10/2005

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Source: ILO, [Database of International Labour standards ILOLEX](http://www.ilo.org/ilolex/english/newratframeE.htm)  
<http://www.ilo.org/ilolex/english/newratframeE.htm>

## UNITED NATIONS CORE CONVENTIONS

	<b>Convention on the Prevention and Punishment of the Crime of Genocide</b>	<b>International Convention on the Elimination of All Forms of Racial Discrimination</b>	<b>International Covenant on Civil and Political Rights</b>	<b>International Covenant on Economic, Social and Cultural Rights</b>	<b>International Convention on the Suppression and Punishment of the Crime of Apartheid</b>	<b>Convention on the Elimination of All Forms of Discrimination against Women</b>	<b>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</b>	<b>Convention on the Rights of the Child</b>
<b>BO</b>	14/06/2005	22/09/1970	12/08/1982	12/08/1982	6/10/1983	8/06/1990	12/04/1999	26/06/1990
<b>CO</b>	27/10/1959	2/09/1971	29/10/1969	29/10/1969	23/05/1988	19/01/1982	8/12/1987	28/01/1991
<b>CR</b>	14/10/1950	16/01/1967	29/11/1968	29/11/1968	15/10/1986	4/04/1986	11/11/1993	21/08/1990
<b>EC</b>	21/12/1949	22/09/1966	6/03/1969	6/03/1969	12/05/1975	3/11/1981	30/03/1988	23/03/1990
<b>GE</b>	11/10/1993	2/06/1999	3/05/1994	3/05/1994	21/03/2005	26/10/1994	26/10/1994	2/06/1994
<b>GT</b>	13/01/1950	18/01/1983	5/05/1992	19/05/1988	15/05/2005	12/08/1982	5/01/1990	6/06/1990
<b>HN</b>	5/03/1952	10/10/2002	25/08/1997	17/02/1981	29/04/2005	3/03/1983	5/12/1996	10/08/1990
<b>LK</b>	12/10/1950	18/02/1982	11/06/1980	11/06/1980	18/02/1982	5/10/1981	3/01/1994	12/07/1991
<b>MD</b>	26/01/1993	26/01/1993	26/01/1993	26/01/1993	28/10/2005	1/07/1994	28/11/1995	26/01/1993
<b>MN</b>	5/01/1967	6/10/1969	18/11/1974	18/11/1974	8/08/1975	20/07/1981	24/01/2002	5/07/1990
<b>NI</b>	29/01/1952	15/02/1978	12/03/1980	12/03/1980	28/03/1980	27/10/1981	5/07/2005	5/10/1990

<b>PA</b>	11/01/1950	16/08/1967	8/03/1977	8/03/1977	16/03/1977	29/10/1981	24/08/1987	12/12/1990
<b>PE</b>	24/02/1960	29/09/1971	28/04/1978	28/04/1978	1/11/1978	13/09/1982	7/07/1988	4/09/1990
<b>SV</b>	28/09/1950	30/11/1979	30/11/1979	30/11/1979	30/11/1979	19/08/1981	17/06/1996	10/07/1990
<b>VE</b>	12/07/1960	10/10/1967	10/05/1978	10/05/1978	28/01/1983	2/05/1983	29/07/1991	13/09/1990

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Source: Office of the United Nations High Commissioner for Human rights - [Ratifications and Reservations](http://www.ilo.org/ilolex/english/newratframeE.htm)  
<http://www.ilo.org/ilolex/english/newratframeE.htm>  
Sources: [Stockholm Convention on POPs](#),



**ENVIRONMENT AND GOVERNANCE PRINCIPLES CONVENTIONS**

	<b>Montreal Protocol on Substances that Deplete the Ozone Layer</b>	<b>Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal</b>	<b>Stockholm Convention on Persistent Organic Pollutants</b>	<b>CITES - Convention on International Trade in Endangered Species of Wild Fauna and Flora</b>	<b>Convention on Biological Diversity</b>	<b>Cartagena Protocol on Biosafety</b>	<b>Kyoto Protocol to the United Nations Framework Convention on Climate Change</b>	<b>United Nations Single Convention on Narcotic Drugs</b>	<b>Convention on Psychotropic Substances</b>	<b>Illicit Traffic in Narcotic Drugs and Psychotropic Substances</b>	<b>United Nations Convention against Corruption</b>
<b>BO</b>	3/10/1994	15/11/1996	3/06/2003	6/07/1979	03/10/1994	22/04/2002	30/11/1999	23/09/1973	20/05/1985	20/08/1990	5/12/2005
<b>CO</b>	6/12/1993	31/12/1996	Not ratified	31/08/1981	28/11/1994	20/05/2003	30/11/2001	3/03/1975	12/05/1981	10/06/1994	27/10/2006
<b>CR</b>	30/07/1991	7/03/1995	06/02/2007	30/06/1975	26/08/1994	07/05/2007	9/08/2002	14/02/1973	16/02/1977	8/02/1991	21/03/2007
<b>EC</b>	30/04/1990	23/02/1993	7/07/2004	11/02/1975	23/02/1993	30/01/2003	13/01/2000	25/07/1973	7/09/1973	23/03/1990	15/09/2005
<b>GE</b>	21/03/1996	20/05/1999	4/10/2006	13/09/1996	02/06/1994	Not ratified	16/06/1999	27/03/2000	8/01/1998	8/01/1998	Not ratified
<b>GT</b>	7/11/1989	15/05/1995	Not ratified	7/11/1979	10/07/1995	28/10/2004	5/10/1999	9/12/1975	13/08/1979	28/02/1991	3/11/2006
<b>HN</b>	14/10/1993	27/12/1995	23/05/2005	15/03/1985	31/07/1995	Not ratified	19/06/2000	8/08/1979	23/05/2005	11/12/1991	23/05/2005
<b>LK</b>	15/12/1989	28/08/1992	22/12/2005	4/05/1979	23/03/1994	28/04/2004	3/09/2002	29/06/1981	15/03/1993	6/06/1991	31/03/2004
<b>MD</b>	24/10/1996	2/07/1998	7/04/2004	29/03/2001	20/10/1995	04/03/2003	22/04/2003	15/02/1995	15/02/1995	15/02/1995	01/10/2007
<b>MN</b>	7/03/1996	15/04/1997	30/04/2004	5/01/1996	30/09/1993	22/07/2003	15/12/1999	6/05/1991	15/12/1999	25/06/2003	11/01/2006
<b>NI</b>	5/03/1993	3/06/1997	1/12/2005	6/08/1977	20/11/1995	28/08/2002	18/11/1999	15/02/2005	24/10/1973	4/05/1990	15/02/2006
<b>PA</b>	3/03/1989	22/02/1991	5/03/2003	17/08/1978	17/01/1995	01/05/2002	5/03/1999	19/10/1972	18/02/1972	13/01/1994	23/09/2005
<b>PE</b>	31/03/1993	23/11/1993	14/09/2005	27/06/1975	07/06/1993	14/04/2004	12/09/2002	12/10/1977	28/01/1980	16/01/1992	16/11/2004
<b>SV</b>	2/10/1992	13/12/1991	27/05/2008	30/04/1987	08/09/1994	26/09/2003	13/01/2000	26/02/1998	11/06/1998	21/05/1993	1/07/2004
<b>VE</b>	6/02/1988	3/03/1998	19/04/2005	24/10/1977	13/09/1994	13/05/2002	18/02/2005	4/12/1985	23/05/1972	16/07/1991	Not ratified

[United Nations Environment Programme,](http://www.unep.org/)

[Convention on Biological Diversity,](#)  
[Basel convention,](#)  
[CITES,](#)  
[United Nations Framework Convention on Climate Change,](#)  
[United Nations Office on Drugs and Crime](#)

### Compliance with major Human Rights Conventions by “GSP+” beneficiaries

Human Rights Conventions - "GSP+" beneficiaries	ICCPR		ICESCR	CEDAW		
	Individual complaints (ratification OP1-ICCPR)	Reporting status (overdue reports)	Reporting status (overdue reports)	Individual complaints (ratification OP-CEDAW)	Reporting status (overdue reports)	
<b>Bolivia</b>	12 August 1982	R3: 31 December 1999	-	27 September 2000		
<b>Colombia</b>	29 October 1969		-	23 January 2007	-	
<b>Costa Rica</b>	<b>29 November 1968</b>	-	-	20 September 2001	R5, 6: 4 May 2007	
<b>Ecuador</b>	<b>6 March 1969</b>	-	-	5 February 2002		
<b>El Salvador</b>	6 June 1995	R4, 5: 1 August 2007	-	4 April 2001 (signature only)		
<b>Georgia</b>	3 May 1994	-	R3: 30 June 2007	1 August 2002	-	

<b>Guatemala</b>	28 November 2000	R3: 1 August 2005	R3: 30 June 2008	9 May 2002		
<b>Honduras</b>	7 June 2005	-	R2: 30 June 2006	-		
<b>Moldova</b>	23 January 2008			28 February 2006		
<b>Mongolia</b>	16 April 1991	R5: 31 March 2003	R4: 30 June 2003	28 March 2002		
<b>Nicaragua</b>	12 March 1980	-	-	-	-	
<b>Panama</b>	8 March 1977	-	R3: 30 June 2004	9 May 2001	R4: 28 November 1994 R5: 28 November 1998 R6: 28 November 2002	
<b>Peru</b>	3 October 1980	R5: 31 October 2003	R2: 30 June 1995	9 April 2001	R7: 13 October 2007	
			R3: 30 June 2000			
			R4: 30 June 2005			

<b>Sri Lanka</b>	3 October 1997	R5: 1 November 2007	R2: 30 June 1995 R3: 30 June 2000 R4: 30 June 2005	15 October 2002	R5: 4 November 1998 R6: 4 November 2002	
<b>Venezuela</b>	10 May 1978	<b>R4: 1 April 2005</b>	<b>R3: 30 June 2006</b>	13 May 2002		

Human Rights Conventions - "GSP+" beneficiaries	CERD		CRC	CAT	
	Individual complaints (declaration recognising art. 14)	Reporting status (overdue reports)	Reporting status (overdue reports)	Individual complaints (declaration recognising art. 22)	Reporting status (overdue reports)
<b>Bolivia</b>	14 February 2006	<b>R17,18: 21 October 2005</b> <b>R19: 21 October 2007</b>		14 February 2006	<b>R2: 10 May 2004</b> <b>R3: 10 May 2008</b>
<b>Colombia</b>		-		-	<b>R5: 6 January 2005</b>
<b>Costa Rica</b>	8 January 1974		<b>R4: 19 September 2007</b>	27 February 2002	
<b>Ecuador</b>	18 March 1977			6 September 1988	-
<b>El Salvador</b>		-		-	<b>R3: 16 July 2005</b>
<b>Georgia</b>	30 June 2005			30 June 2005	-
<b>Guatemala</b>	-	<b>R12,13: 17 February 2008</b>	-	25 September 2003	-
<b>Honduras</b>	-	<b>R1: 9 November 2004</b> <b>R2: 9 November 2006</b>	-	-	<b>R2: 3 January 2002</b> <b>R3: 3 January 2006</b>

<b>Moldova</b>					
<b>Mongolia</b>	-		<b>R3-4: 1 September 2007</b>	-	<b>R1: 23 February 2003</b> <b>R2: 23 February 2007</b>
<b>Nicaragua</b>	-		<b>R4: 3 November 2007</b>	-	-
<b>Panama</b>	-		<b>R3-4: 10 January 2008</b>	-	<b>R4: 27 September 2000</b> <b>R5: 27 September 2004</b>
<b>Peru</b>	27 November 1984	<b>R14: 29 October 1998</b> <b>R15: 29 October 2000</b> <b>R16: 29 October 2002</b> <b>R17: 29 October 2004</b> <b>R18: 29 October 2006</b>	-	7 July 1988	-
<b>Sri Lanka</b>	-	<b>R10,11: 20 March 2003</b> <b>R12: 20 March 2005</b> <b>R13: 20 March 2007</b>	-	-	<b>R3-4: 1 February 2007</b>
<b>Venezuela</b>	22 September 2003	-		26 April 1994	<b>R4: 20 August 2004</b>

## ANNEX II: CONVENTIONS & SURVEILLANCE MECHANISMS

The assessment of whether a country has ratified and effectively implemented conventions in accordance with Article 9 of Regulation 980/2005 is based on the publicly available information and findings of the monitoring mechanisms established under the auspices of the relevant international organisations such as the UN, ILO and other agencies as well as on the findings of and information from monitoring mechanisms established under the conventions themselves.

### 1. UN CORE HUMAN RIGHTS CONVENTIONS

As far as Human Rights Conventions are concerned, State Parties are obliged to report regularly to the Committees responsible for the supervision of the Conventions. Each of the conventions establishes a specialized body composed of independent experts responsible for monitoring the implementation of the conventions. Detailed information can be found on the United Nations High Commissioner for Human Rights (UNHCHR) website ([www.ohchr.org](http://www.ohchr.org)). As States Parties are obliged to report only periodically to the Committees established under each Convention, in many cases no Committee reports are available for the beneficiary countries for the period in question. Moreover, it should be borne in mind that the reports of Committees established under the conventions are by their nature critical and focused on shortcomings with the aim of ensuring full implementation of the conventions.

- The [International Covenant on Civil and Political Rights](#) provides for a broad range of civil and political rights. The Covenant includes the right to life; the right to freedom from torture and cruel, inhuman or degrading treatment and punishment, the right to liberty security of the person, the right of detained persons to humane treatment, the right to and freedom of movement; the right to a fair trial; the right to freedom of thought, conscience, and religion; the right to freedom of opinion and expression and the right to freedom of assembly and association. The Covenant also provides that all peoples have the right to self-determination and that minorities have the right to enjoy their own culture, practise their own religion and use their own language. The Convention is supplemented by two Optional Protocols providing for: (1) the possibility of individual complaints with regard to alleged violations of the Covenant by State parties; (2) the abolition of the death penalty in the territory under the jurisdiction of the State party.

The Human Rights Committee monitors the implementation of the International Covenant on Civil and Political Rights in the territory of States parties. Under article 40 of the Covenant, States parties must submit reports every five years on the measures they have adopted to give effect to the rights recognized in the Covenant and on the progress made in the enjoyment of those rights. The reports are examined by the Committee, which then adopts concluding observations summarizing its main concerns and making suggestions and recommendations to the State party. Article 41 of the Covenant provides for the Committee to consider inter-state complaints. Furthermore, the Committee may also examine individual complaints with regard to alleged violations of the Covenant by States parties to the First Optional Protocol to the Covenant.

- The [International Covenant on Economic, Social and Cultural Rights](#) provides for a range of economic, social, and cultural rights such as the right to just and favourable



conditions of work, the right to form trade unions and the right to strike, the right to social security, the right to an adequate standard of living, the right to education and the right to take part in cultural life. The Covenant also provides that all peoples have the right to self-determination. The Committee on Economic, Social and Cultural Rights (CESCR) monitors the implementation of the Covenant. Under articles 16 and 17 of the Covenant, States party are required to submit reports to the Committee every five years. The reports are examined by the Committee, which then adopts concluding observations summarizing its main concerns and making suggestions and recommendations to the State party.

- The [International Convention on the Elimination of All Forms of Racial Discrimination](#) prohibits racial discrimination in all its forms. The Convention requires States Party not to engage in acts of racial discrimination, to amend any laws which create racial discrimination and to bring an end to racial discrimination by all persons or groups. The Convention requires States Parties to declare the dissemination of ideas based on racial superiority or incitement to racial hatred to be criminal offences and to prohibit organisations which promote racial discrimination. The Convention requires States to eliminate racial discrimination in the enjoyment of a range of civil and political and economic, social and cultural rights.

The Committee on the Elimination of Racial Discrimination (CERD) is the body of independent experts that monitors implementation of the convention. All States parties are obliged to submit regular reports to the Committee on how the rights are being implemented. States must report initially one year after acceding to the Convention and then every two years and whenever the Committee so requests. The reports are examined by the Committee, which then adopts concluding observations summarizing its main concerns and making suggestions and recommendations to the State party.

- The [Convention on the Elimination of All Forms of Discrimination Against Women](#) requires States Party to eliminate discrimination against women. The Convention requires States Parties to take measures to eliminate discrimination against women in political and public life, and in the fields of education, employment, health care, and other areas of economic and social life. The Convention requires States Parties to take measures to eliminate discrimination against women in rural areas, to accord women equality before the law and to eliminate discrimination against women concerning acquisition of nationality, and in matters concerning marriage and family relations. The Convention is supplemented by an Optional Protocol recognizing the competence of the [Committee on the Elimination of Discrimination against Women \(CEDAW\)](#) -- the body that monitors States parties' compliance with the Convention -- to receive and consider complaints from individuals or groups within its jurisdiction, as well as to initiate inquiries into situations of grave or systematic violations of women's rights.

The Convention obliges States parties to submit to the Secretary-General a report on the legislative, judicial, administrative or other measures that they have adopted to implement the Convention within a year after its entry into force and then at least every four years thereafter or whenever the CEDAW so requests. These reports, which may indicate factors and difficulties in implementation, are forwarded to the CEDAW for its consideration. The reports are examined by the Committee, which then adopts concluding observations summarizing its main concerns and making suggestions and recommendations to the State party.

By ratifying the Optional Protocol to the Covenant, a State recognizes the competence of CEDAW to receive and consider complaints from individuals or groups within its

jurisdiction, as well as to initiate inquiries into situations of grave or systematic violations of women's rights.

- The [Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment](#) bans torture under all circumstances. The Convention requires States Parties to take effective measures to prevent torture, requires States to ensure that acts of torture are criminal offences, and forbids States from expelling persons to States where they would be in danger of being tortured. The Convention also requires States Party to prevent acts of cruel, inhuman or degrading treatment or punishment not amounting to torture. The Optional Protocol to the Convention creates the UN Subcommittee on Prevention and allows in-country inspections of places of detention to be undertaken in collaboration with national institutions.

[The Committee Against Torture \(CAT\)](#) monitors the implementation of the Convention. All States Parties are obliged to submit regular reports to the Committee, initially one year after acceding to the Convention and then every four years. The reports are examined by the Committee, which then adopts concluding observations summarizing its main concerns and making suggestions and recommendations to the State party.

- The [Convention on the Rights of the Child](#) requires States Parties to ensure that in all actions concerning children undertaken by state authorities, the best interests of the child shall be a primary consideration. The Convention creates a range of rights for children relating to registration of birth, respect for identity, protection against separation from parents, family reunification, freedom of thought and expression, freedom of association, access to information, protection from physical or mental violence, adoption, health care, mental or physical disability, social security, adequate living standards, education and protection from exploitation. The Convention is supplemented by two Optional Protocols concerning the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

[The Committee on the Rights of the Child \(CRC\)](#) monitors the implementation of the Convention on the Rights of the Child and its Optional Protocols by State Parties. All States parties are obliged to submit regular reports to the Committee on how the rights are being implemented. States must report initially two years after acceding to the Convention and then every five years. The Committee examines each report and addresses its concerns and recommendations to the State party in the form of "concluding observations".

## 2. GENOCIDE CONVENTION AND APARTHEID CONVENTION

- The [Convention on the Prevention and Punishment of the Crime of Genocide](#) bans acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group. It declares genocide a crime under international law whether committed during war or peacetime, and binds all State Party to take measures to prevent and punish any acts of genocide committed within their jurisdiction. The Convention does not establish a Committee to monitor its implementation

- The [International Convention on the Suppression and Punishment of the Crime of Apartheid](#) declares apartheid a crime against humanity and that inhuman acts resulting from the policies and practices of apartheid are crimes violating the principles of international law, and constituting a serious threat to international peace and security. For the purpose of the

Convention, the term "apartheid" shall apply to the inhuman acts committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them.

The body in charge of monitoring the implementation of the Convention is envisaged in article 9 of the convention<sup>1</sup>.

### **3. ILO CORE LABOUR STANDARDS**

The core labour standards are eight conventions the ILO's Governing Body deems "key", covering subjects that are considered as fundamental principles and rights at work: freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation.

**[- 87: Freedom of Association and Protection of the Right to Organise Convention, 1948](#)**

**[- 98: Right to Organise and Collective Bargaining Convention, 1949](#)**

**[- 29: Forced Labour Convention, 1930](#)**

**[- 105: Abolition of Forced Labour Convention, 1957](#)**

**[- 138: Minimum Age Convention, 1973](#)**

**[- 182: Worst Forms of Child Labour Convention, 1999](#)**

**[- 100: Equal Remuneration Convention, 1951](#)**

**[- 111: Discrimination \(Employment and Occupation\) Convention, 1958](#)**

States ratifying ILO Conventions are under obligation to report regularly (for the eight fundamental conventions normally every two years). Reports are subsequently reviewed by The Committee of Experts on the Application of Conventions and Recommendations (CEACR). The annual report by the Committee of Experts on the Application of Conventions and Recommendations is the main source relating to Member parties' compliance with ILO conventions. The annual reports are published on the ILO website and all its observations on the implementation of the conventions can be found, among abundant information of other types, on the [ILO's ILOLEX database](#).

The CEACR reports does not only reflect information on the legislation and the practice based on the reports submitted by governments but also observations made by employers and workers organisations and relevant comments, conclusions and recommendations made by the other ILO supervisory bodies such as the Tripartite Committee on the Application of conventions and recommendations at the ILC (ILCCR), the Committee on the Freedom of Association (CFA) and the findings of the special application procedures such in case of a

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<sup>1</sup> **Article 9 of the International Convention on the Suppression and Punishment of the Crime of Apartheid** states that "The Chairman of the Commission on Human Rights shall appoint a group consisting of three members of the Commission on Human Rights, who are also representatives of States Parties to the present Convention, to consider reports submitted by States Parties in accordance with article VII".

complaint followed by the establishment of a Commission of Enquiry. The CFA is competent to deal with complaints in relation to freedom of association and collective bargaining, even in relation to countries that have not ratified the corresponding conventions n° 87 and 98.

The ILCCR is selecting, on the basis of the annual CEACR report, a number of cases for discussing at the June annual International Labour Conference (ILC). This list of cases does not constitute a so-called black list of very bad cases in relation to core labour standards. The list is covering all kinds of conventions and all regions. However a number of cases concern problematic application problems.

It is important to note that ILO supervision concentrates on application problems. Therefore the findings provide a rather critical overview of the application record. However the CEACR reports also refer to possible ongoing cooperation with ILO, such as technical cooperation, in order to remedy application problems in law or practice or it suggests the government to request such ILO cooperation and assistance. Therefore some comments in relation to some countries are more elaborated than others. The CEACR wording provides signals on the willingness of the authorities to address the problems. Equally important is that the CEACR reflects sometimes concerns related to the consistent lack of effective cooperation with ILO or related to the poor implementation of ILO suggestions and recommendations, following such ILO technical assistance or other ILO or UN initiatives.

The lack of consistent effective cooperation with ILO or the lack of effective implementation of ILO technical cooperation or other ILO initiatives is problematic, in particular when the CEACR or the ILCCR are reflecting concerns on this. Lack of cooperation affects the effectiveness of the ILO supervision.

#### **4. ENVIRONMENT AND GOVERNANCE PRINCIPLES CONVENTIONS**

It should be noted from the outset that some international environmental agreements establish compliance/implementation committees to monitor implementation of obligations and compliance with agreements by the Parties. When using reports issued by the compliance/implementation committee under international environmental conventions as an indicator of Party's compliance with international obligations it is important to note a few features characteristic for compliance mechanisms in such agreements. The purpose of compliance mechanisms is to examine individual cases of non-compliance and facilitate compliance with the agreement. Compliance committees do not normally issue general reports on state of compliance with a particular convention by all Parties. Therefore in cases where compliance proceedings were never initiated against a certain Party – either by a submission from another Party to the convention or on Committee's own initiative or triggered by self-submission, no report of the compliance committee exist with regard to that Party.

- The [Montreal Protocol on Substances that Deplete the Ozone Layer](#) recognizes the need (following the discovery of the Antarctic ozone hole in late 1985) for stronger measures to reduce the production and consumption of a number of Chlorofluorocarbons (CFCs), Hydrochlorofluorocarbons (HCFCs) and several halons. The Protocol was designed so that the phase out schedules could be revised by Decisions of the Parties on the basis of periodic scientific and technological assessments.

As regards the implementation of the control measures in the Montreal protocol, the two key elements are the data reporting and the non-compliance procedure. According to article 7 of the Protocol, *parties report every year* to the Ozone Secretariat in Nairobi, Kenya on production, import and export of ozone-depleting substances referred to in the Protocol annexes. In addition, the monitoring of compliance is done by the Implementation Committee on the basis of the data provided and extensive reports made on countries in non-compliance. This is an effective instrument for bringing countries into line. The committee itself only makes recommendations, all of which are referred to the Meeting of the Parties to the Montreal Protocol (MOP) for adoption as decisions. The 'indicative list' of measures that might be taken by a meeting of the parties in respect of non-compliance with the Protocol includes issuing formal cautions and the suspension for specific rights and privileges under the protocol, such as those dealing with finance and trade. The financing arm of the Montreal Protocol -the Multilateral Fund - can assist helping the countries into compliance.

- The goal of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal is "environmentally sound management" (ESM) of waste, that is, to protect human health and the environment by minimizing the generation and Transboundary movement of hazardous waste, and by ensuring the availability of adequate disposal facilities that should be located, whenever possible, close to the source of generation. This involves strong controls, and to some extent prohibitions, of the transboundary shipment of hazardous and certain other wastes and guidance on their environmentally sound management, including storage, treatment, reuse, recycling, recovery and final disposal.

Compliance with obligations from the Basel Convention is controlled through a Mechanism for Promoting Implementation and Compliance, whose objective is to assist Parties to comply with their obligations under the Convention and to facilitate, promote, monitor and aim to secure the implementation of and compliance with the obligations under the Convention. The Compliance Committee is in charge of this mechanism.

- The Stockholm Convention on Persistent Organic Pollutants is a global treaty to protect human health and the environment from persistent organic pollutants (POPs). POPs are hazardous chemicals (PCBs, dioxins, furans & highly dangerous pesticides) that remain intact in the environment for long periods, become widely distributed geographically, accumulate in the fatty tissue of living organisms and are toxic to humans and wildlife. POPs circulate globally and cause damage wherever they travel.

Regarding implementation, some articles of the Stockholm Convention include reliable and regular monitoring mechanisms<sup>2</sup>. As the Convention has only recently entered into force (17 May 2004), there is no practical experience yet on how these evaluation mechanisms work in practice and some of them are yet to be further developed (e.g. non-compliance mechanism).

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<sup>2</sup> **Article 7 of the Stockholm Convention on Persistent Organic Pollutants** (Implementation plans): "Each Party shall develop and endeavour to implement a plan for the implementation of its obligations under the Convention and to submit it to the Conference of the Parties (COP) and to review and update the plan on a periodic basis; Article 15 (Reporting): Each Party shall on a periodic basis report to the COP on the measures taken to implement the provisions of the Convention and on the effectiveness of those measures in meeting the objectives; Article 16 (Effectiveness evaluation): The COP shall evaluate periodically the effectiveness of the Convention based on available scientific, environmental, technical and economic information, including the national reports and non-compliance information; Article 17 (Non-compliance): The COP shall establish, as soon as practicable, mechanisms for determining non-compliance with the provisions of the Convention and for the treatment of Parties found to be in non-compliance".

- The [Convention on International Trade in Endangered Species](#) (CITES or Washington Convention) is one of the most important conservation agreements in existence and regularly updates the list of species (which includes both animals and plants) subject to import regulations or restrictions.

CITES regularly and equitably monitors legislative implementation, practical implementation and enforcement records of Parties. In practice, it has a powerful compliance tool in that the Standing Committee can recommend trade sanctions<sup>3</sup>. The [Secretariat of CITES](#) is a repository of information on the implementation of the Convention and receives information and reports that it has to communicate to the Parties. This is done through the [Notifications to the Parties](#). Parties are required to submit annual reports on trade and biennial reports about the implementation of the Convention. The State Parties are collectively referred to as the Conference of the Parties. Every three years the Conference meets to review the list of species and the implementation of the Convention.

- The [Convention on Biological Diversity](#) (CBD) seeks a comprehensive approach to sustainable development through three main goals: the conservation of biological diversity, the sustainable use of its components and a fair sharing of the benefits arising from the use of genetic resources.

The CBD has two direct legal requirements for developing countries: to establish National Biodiversity Strategy and Action Plan (NBSAP) which outline national actions for implementing the CBD and to report (reports available on the [CBD website](#)) every four years on implementation progress. The objective of national reporting, as specified in Article 26 of the Convention, is to provide information on measures taken for the implementation of the Convention and the effectiveness of these measures. The process of reporting will also assist the individual country to monitor the status of implementation of the commitments it has taken on as a Contracting Party. It can assist the country to identify those commitments that are being successfully met, those that have not been implemented, and constraints to implementation.

- The Conference of Parties of the CBD adopted the [Cartagena Protocol on Biosafety](#) in January 2000 in Montreal, which entered into force in September 2003. This Protocol governs the transboundary movement of Genetically Modified Organisms (GMOs) and authorises states to prevent the import of GMOs according to the precautionary principle.

The Conference of the Parties to the Convention on Biological Diversity serving as the meeting of the Parties to the Protocol ([COP-MOP](#)) is the governing body of the Cartagena Protocol on Biosafety. Its primary role is to keep under regular review the implementation of the Protocol and to make decisions necessary to promote its effective implementation. The Parties adopted in February 2004 a compliance procedure which potentially provides room for

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<sup>3</sup>

The review mechanisms include in particular:

1. A requirement to submit annual reports setting out the numbers of permits and certificates issued for trading;
2. A requirement to submit bi-annual reports on legislative measures and enforcement;
3. A review of Parties' legislation by the Secretariat followed by recommendations to the Standing Committee as appropriate;
4. The facility of complaints by other Parties to the Secretariat/ Standing Committee;
5. Whereby Parties to the Convention are recommended not to accept imports of CITES species from the country in question;
6. The scope to recommend trade suspensions arising from these provisions.

the adoption of any measure (including trade-related measures if needed to achieve the objectives of the Protocol) vis-à-vis non-compliant Parties.

- The [Kyoto Protocol to the UN Framework Convention on Climate Change](#) is the only international framework to combat global warming.

On the basis of Article 18 of the KP, the Conference of the Parties adopted a decision on the *compliance regime*<sup>4</sup> which makes up the ‘teeth’ of the KP, facilitating promoting and enforcing adherence to the KP’s commitments. The surveillance mechanism of the Kyoto Protocol is described on the [UN Framework Convention on climate change website](#). The Protocol’s monitoring procedures are based on existing reporting and in-depth review procedures under the Convention, building on experience gained in the climate change process over the past decade. They also involve additional accounting procedures that are needed to track transactions in various units representing greenhouse gas emission reductions. The reports are all available on the website.

The 3 major international **drug control conventions** are mutually supportive and complementary. Their goal is to codify internationally applicable control measures to ensure the availability of narcotic drugs and psychotropic substances for medical and scientific purposes, and to prevent their diversion into illicit channels. They also include provisions on illicit trafficking and drug abuse.

- The [UN Single Convention on Narcotic Drugs](#) aims to combat drug abuse by coordinated international action. First, it seeks to limit the possession, use, and trade in, distribution, import, export, manufacture and production of drugs exclusively to medical and scientific purposes. Second, it combats drug trafficking through international cooperation to deter and discourage drug traffickers.

- The [UN Convention on Psychotropic Substances](#) establishes an international control system for psychotropic substances. It responded to the diversification and expansion of the spectrum of drugs of abuse and introduced controls over a number of synthetic drugs according to their abuse potential on the one hand and their therapeutic value on the other.

- The [UN Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances](#) provides comprehensive measures against drug trafficking, including provisions against money laundering and the diversion of precursor chemicals; and international cooperation through, for example, extradition of drug traffickers, controlled deliveries and transfer of proceedings.

The International Narcotics Control Board ([INCB](#)) monitors compliance with the provisions of the international drug control treaties. The INCB also recommends actions and suggests adjustments to both international and national control regimes. In appropriate cases, the Board may recommend to the competent United Nations organs, to specialized agencies and Governments that technical and/or financial assistance be provided in support of the Governments’ efforts to comply with their treaty obligations. Its [last report](#) is that corresponding to the year 2006.

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<sup>4</sup> The compliance regime consists of a Compliance Committee made up of 2 branches: a *Facilitative Branch* which provides advice and assistance to parties to promote compliance, whereas the *Enforcement Branch* has the power to determine consequences for Parties not meeting their commitments.

- The [UN Convention against Corruption](#) has four main requirements namely prevention, criminalisation of a wide range of acts of corruption (not only the basic forms of corruption such as bribery and the embezzlement of public funds, but also trading in influence and the concealment and 'laundering' of the proceeds of corruption), international cooperation in every aspect of the fight against corruption and asset recovery.

In accordance with its article 68 (1)<sup>5</sup>, the United Nations Convention against Corruption entered into force on 14 December 2005. When it entered into force, a Conference of the State Parties was established to review implementation and facilitate activities required by the Convention. Its reports on implementation can be found on the [United Nations Office on Drugs and Crime website](#).

### ANNEX III: SOURCES

International Labour Organization: [www.ilo.org](http://www.ilo.org)

Office of the United Nations High Commissioner for Human Rights: [www.ohchr.org](http://www.ohchr.org)

United Nations Environment Program: [www.unep.org](http://www.unep.org)

Ozone Secretariat of UNEP: [www.ozone.unep.org](http://www.ozone.unep.org)

United Nations Framework Convention on Climate Change: [www.unfccc.int](http://www.unfccc.int)

United Nations Office on Drugs and Crime: [www.unodc.org](http://www.unodc.org)

International Narcotics Control Board: [www.incb.org](http://www.incb.org)

Secretariat of the Basel Convention: [www.basel.int](http://www.basel.int)

Stockholm Convention on Persistent Organic Pollutants (POPs): [www.pops.int](http://www.pops.int)

Convention on International Trade in Endangered Species of Wild Fauna and Flora: [www.cites.org](http://www.cites.org)

Convention on Biological Diversity: [www.biodiv.org](http://www.biodiv.org)

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<sup>5</sup> **UN Convention against Corruption, Article 68.1.** "This Convention shall enter into force on the ninetieth day after the date of deposit of the thirtieth instrument of ratification, acceptance, approval or accession. For the purpose of this paragraph, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization".



## **ANNEX IV: RECOMMENDATIONS OF THE MONITORING BODIES TO THE GSP+ BENEFICIARIES**

In the case of ILO Conventions, the Report on the Compliance Committee regarding a given party only exists in cases where a compliance procedure was started against the party. Therefore, if there is no information provided in the table it means that there is no report of the Compliance Committee mentioning a given country.

In the case of UN Conventions, when no information of a particular convention appears in the table it means that there are no reports available for that particular country and for the monitoring period under consideration, December 2005 - April 2008

## 1. BOLIVIA (BO)

### CONVENTION REPORTING STATUS

#### ILO CONVENTIONS ON CORE LABOUR RIGHTS:

1. *Monitoring Body*
2. *Date of latest Report*
3. *Web link*

**87-Freedom of Association and Protection of the Right to Organise** CEACR  
2008

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=933&chapter=3&query=Bolivia%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&content=0>

**98-Application of the Principles of the Right to Organise and to Bargain Collectively** CEACR  
2008

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1069&chapter=3&query=Bolivia%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&content=0>

### RECOMMENDATIONS

*Latest recommendations by the monitoring body.*

The Committee observes that the Government's report has not been received. For many years, in its comments on the application of the Convention the Committee has referred to: the exclusion of agricultural workers from the scope of the General Labour Act of 1942 and hence from the guarantees afforded by the Convention, including the denial of the right to organize of public servants, the possibility of dissolving trade unions by administrative decision, and restrictions on the right to strike. The Committee draws attention to the gravity of these breaches of the Convention which have persisted for many years, and notes with regret that, despite assistance from the Office in 2004, there has been no progress on the issues raised. It reminds the Government that it is important to take measures to ensure that the Convention is fully applied and requests it to send information in its next report on any developments in this respect.

The Committee notes the sluggishness of legal proceedings concerning the exercise of trade union rights. In its previous comments, the Committee had requested the Government to take steps to update the amount of the fines (from 1,000 to 5,000 bolivianos) to make them sufficiently dissuasive against acts of anti-union discrimination or interference. The Committee observed previously that the legislation denies public employees the right to organize. The Committee draws attention to the gravity of these breaches of the Convention which have persisted for many years. It reminds the Government that it is important to take

[ation%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0](http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1185&chapter=3&query=Bolivia%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0)

measures to ensure that the Convention is fully applied. The Committee had asked the Government to take measures, in accordance with Article 4 of the Convention, to encourage and promote the full development and utilization of machinery for collective bargaining between employers and their organizations and workers' organizations.

## 29- Forced or Compulsory Labour

## 100- Equal Remuneration of Men and Women Workers for Work of Equal Value

## 105- Abolition of Forced Labour

CEACR  
2008

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1185&chapter=3&query=Bolivia%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0>

The Committee notes with regret that the Government's report has not been received. It must therefore repeat its previous observation on the following matters: *Article 1(d) of the Convention. Punishment for having participated in strikes. With reference to this matter, the Committee noted the conclusions of the Committee on Freedom of Association regarding the complaint made by the World Confederation of Labour (WCL). According to the complaint, arrest warrants had been issued against a number of striking workers on the basis of section 234 of the Penal Code. The WCL alleged that this case set an extremely serious precedent in criminalizing a strike. The Committee referred to the explanations contained in paragraph 187 of its General Survey of 2007 on the eradication of forced labour which indicate that excessive restrictions imposed on the exercise of the right to strike have an impact on application of the Convention. The Committee notes the information provided by the Government in its report to the effect that, with the assistance of the ILO technical advisory mission carried out in April 2004, a draft Act has been drawn up on the amendment of various legal provisions, thereby abolishing the penalties which had previously been imposed on strikes.*

**111- Discrimination in Respect of Employment and Occupation** CEACR  
2008

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1214&chapter=3&query=Bolivia%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0>

The Committee notes that the Government's report has not been received. It therefore repeats its previous observation, concerning among others: its request to the *Government to amend section 3 of the General Labour Act, under which the proportion of female staff may not exceed 45 per cent in enterprises and establishments. The Committee also requested that the amendment to the Labour Act take into account paragraph 5 of the ILO resolution on equal opportunities and equal treatment for men and women in employment. The Government also indicates that the legal provision in question has fallen into disuse and is not applied in practice. The Committee notes with interest the 2004-07 National Public Policies Plan for the full exercise of women's rights. In the economic dimension, the Plan identifies a context of ethnic poverty and discrimination common to indigenous men and women, natives and farmers, as well as gender-related elements of discrimination due to the sexual division of labour, the occupational pattern by gender and the segmentation and concentration of the female labour force, all of which widen the gender inequity gap in the economic field. The Plan puts forward a series of policies to eliminate discrimination, including institutional, training-related, economic and legal measures. One of the development objectives of the Plan is to "amend laws that are sources of inequity for women and increase timely and effective access for women to the justice system, within the framework of the new Political Constitution of the State, until 2007"*.

**138- Minimum Age for Admission to Employment** CEACR  
2008

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1382&chapter=3&query=Bolivia%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0>

The Committee notes with regret that the Government's report has not been received. It must therefore repeat its previous observation concerning among others: *children under 14 years of age may work as apprentices with or without pay. Section 58 of the Act prohibits work by children under 14 years of age other than in apprenticeships. According to the Government, apprenticeship is covered by special legislation on work done by girls, boys and adolescents, namely the Children's and Adolescents' Code, 1999 The Committee observed that sections 137 and 138 on apprenticeship specify no minimum age for admission to apprenticeship. Article 6 of the Convention allows work by persons of at least 14 years of age in undertakings, where such work is part of an apprenticeship course. The Committee requests the Government to provide information on the measures taken or envisaged to ensure that no one under the age of 14 years is engaged in an apprenticeship. It again requests the Government to provide information on the practical implementation of apprenticeship*

*programmes.*

**182- Prohibition  
and Immediate  
Action for the  
Elimination of the  
Worst Forms of  
Child**

**Labour**

**UN  
CONVENTIONS  
ON CORE  
HUMAN  
RIGHTS:**

*1. Monitoring Body*

*Latest recommendations by the monitoring body.*

*2. Date of latest Report*

*3. Web link*

**Convention on the  
Prevention and  
Punishment of the  
Crime of Genocide**

**International  
Convention on the  
Elimination of All  
Forms of Racial  
Discrimination**

**International  
Covenant on Civil  
and Political Rights**

**International  
Covenant on** A.

A. The Committee urges the State party to address the specific areas of concern that it identified in the context of the State party's initial report (E/C.12/1/Add.60) and insists that the State party should

**Economic, Social  
and Cultural Rights**

1. *CESCR*

2. *May 2008*

3.

[http://www.ohchr.org/EN/Countries/  
LACRegion/Pages/BOIndex.aspx](http://www.ohchr.org/EN/Countries/LACRegion/Pages/BOIndex.aspx)

implement the suggestions and recommendations made by the Committee at that time. In particular:

a) The Committee urges the State party to take all necessary steps to reduce extreme poverty and to implement effectively its social development strategies, including evaluation measures to assess the impact of such plans and identify their weaknesses. The Committee encourages the State party to implement fiscal measures with a view to improving the distribution of wealth among the population in both rural and urban areas. In this connection, the Committee invites the State party to take into consideration its statement on Poverty and the International Covenant on Economic, Social and Cultural Rights (E/2002/22-E.12/2001/17, annex VII). The Committee requests that the State party include in its next report disaggregated and comparative data as well as indicators on the number of persons living in extreme poverty, and on the progress made in its efforts to combat poverty.

b) The Committee requests the State party to continue its efforts to ensure parity in the minimum wage while ensuring that the minimum wage allows families to enjoy an adequate standard of living.

c) The Committee recommends that the State party conduct a study to determine the number and situation of children in Bolivia who are subjected to physical and mental ill-treatment, and that, based on the findings of this study, it take the necessary legislative and practical child protection measures.

d) The Committee encourages the State party to redouble its efforts to eliminate child labour, particularly in domestic service, taking all appropriate legislative and practical measures, including collateral measures, with respect to families that stop receiving income from child labour, and that it investigate the accuracy of reports received and take the necessary steps to prevent the exploitation of child workers and punish those responsible.

e) The Committee encourages the State party to redouble its efforts to protect the rights of workers in Bolivia, in particular domestic workers and those working in such areas as the mining industry, chestnut production, flower production and poultry slaughtering. It requests the State party to find solutions that will enable it to carry out labour inspections in places where it is believed that workers are being exploited and contemporary forms of slavery are being practised, and, if this is found to be true, that it take the necessary measures to prevent worker exploitation and abuse, and punish those responsible. The State party should take adequate measures to ensure that the Unpaid Domestic Worker Protection Act enters into force as soon as possible.

f) The Committee encourages the State party to take the necessary measures, including legislative measures, to address the problem of female mortality caused by clandestine abortions. It recommends that school curricula openly address the subjects of sex education and family planning in order to help prevent early pregnancies and the spread of sexually-transmitted diseases. The State party should also continue its efforts to reduce maternal mortality. To this end, the Committee recommends that the State party consider the immediate enactment of Framework Law No. 810 on sexual and reproductive rights and that no derogations from article 266 of the Criminal Code be permissible.

g) The Committee recommends that the State party continue its efforts to eradicate illiteracy, including by expanding the coverage of the “Yo, si puedo” (Yes I can) programme, and that it adopt and implement the draft New Bolivian Education Act as soon as possible.

h) The Committee urges the State party to take the necessary measures, including legislative measures, to: (a) prevent the forced eviction of rural families who are occupying the land peacefully; (b) ensure that the judicial authorities take the provisions of the Covenant into account when handing down their decisions; (c) investigate and punish those responsible for forced evictions and violations related to the rights recognized in the Covenant; and (d) implement and expand the Social Housing and Solidarity Programme, allocating sufficient budgetary resources to ensure the implementation of comprehensive housing policies

**International  
Convention on the  
Suppression and  
Punishment of the  
Crime of Apartheid**

**Convention on the  
Elimination of All  
Forms of** 1. CEDAW

The Committee on Elimination of Discrimination against Women issued the following recommendations at its meeting on 8 April 2008, to be implemented among others before the



**Discrimination  
against Women**

2 April 2008

3.  
[http://daccessdds.un.org/doc/UNDO  
C/GEN/N08/298/14/PDF/N0829814.  
pdf?OpenElement](http://daccessdds.un.org/doc/UNDO<br/>C/GEN/N08/298/14/PDF/N0829814.<br/>pdf?OpenElement)

**Convention against  
Torture and Other  
Cruel, Inhuman or  
Degrading  
Treatment or  
Punishment**

submission by Bolivia of the next periodic report.

1. The Committee urges the State party to take the necessary measures to ensure the full implementation of existing legislation on gender equality. The Committee urges the State party to streamline procedures for review of the compatibility of those laws with the Convention, to repeal without delay all legislation that discriminates against women, including discriminatory provisions in its criminal and civil law and to ensure the enforcement of laws prohibiting discrimination against women.

2. The Committee urges the State party to ensure that all poverty eradication policies and programmes integrate a gender perspective and explicitly address the structural nature and various dimensions of poverty faced by women, in particular women living in rural areas, indigenous women, older women and women with disabilities.

3. The Committee urges the State party to take the necessary steps to enable men and women in the Afro-Bolivian community to have access to all basic social services, through their inclusion in the national statistics, to address the specific vulnerability of Afro-Bolivian women and reports on measures taken in this respect in its next report.

4. The Committee urges the State party to create the necessary conditions for women, particularly for women living in poverty and rural and indigenous women, to have access to justice and enhance where appropriate, in the relevant languages, women's legal literacy, awareness of their rights and capacity to effectively claim them.

5 The Committee calls upon the State party to ensure that existing legislation to combat violence against women and girls, especially domestic and sexual violence, is appropriately formulated and enforced, and give priority attention to the design and implementation of a comprehensive

Bolivia has submitted the Third Periodic Report on 20 May 2008 which has not yet been discussed in the Committee against Torture.

**Convention on the Rights of the Child**

**CONVENTIONS ON ENVIRONMENT AND GOVERNANCE PRINCIPLES :**

1. *Monitoring Body*
2. *Date of latest Report*
3. *Web link*

*Latest recommendations by the monitoring body.*

**Montreal Protocol on Substances that Deplete the Ozone Layer**

1. Implementation Committee
2. 37<sup>th</sup> Report 2006
3. <http://ozone.unep.org/>

The Committee agreed to defer consideration of possible non-compliance in relation to carbon tetrachloride until 2007 while urging the Party to continue its carbon-tetrachloride phase-out efforts – Recommendation 37/4 (UNEP/OzL.Pro/ImpCom/37/7)  
[http://ozone.unep.org/Meeting\\_Documents/impcom/IMPCOM-37-7E.pdf](http://ozone.unep.org/Meeting_Documents/impcom/IMPCOM-37-7E.pdf)

**Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal**

Compliance Committee

No non-compliance proceedings started against Bolivia.

**Stockholm Convention on Persistent Organic Pollutants**

No compliance committee established yet. Compliance assessed through the following:  
national implementation report required by Art.7

National implementation report required by Art.7 submitted  
<http://www.pops.int/documents/implementation/nips/submissions/default.htm>

Financial contributions to the Convention budget missing for 2006 and 2007  
[http://www.pops.int/documents/meetings/cop\\_3/meetingdocs/inf17/K0730049%20INF17-](http://www.pops.int/documents/meetings/cop_3/meetingdocs/inf17/K0730049%20INF17-)

contributions to the convention budget

[financial%20update.pdf](#) (see Annex III)

**CITES Convention on International Trade in Endangered Species of Wild Fauna and Flora**

- 1. Standing Committee
- 2. 13/02/06
- 3.

Ratified. Implementing legislation is under review by the CITES Secretariat and is not yet believed to fully meet all the requirements for the implementation of CITES (category 2. See Annex 2 of the latest report on national law for the implementation of the Convention: <http://www.cites.org/eng/cop/14/doc/E14-24.pdf>). Currently under scrutiny of the CITES Standing Committee but has not been determined by that body as being non-compliant and is considered to be making progress (see p.27-28 of the Summary record of the 54<sup>th</sup> meeting of the Standing Committee: <http://www.cites.org/eng/com/SC/54/E54-SumRec.pdf> )

Bolivia has yet to comply with Article VIII, paragraph 7 of CITES which requires each Party to submit a biennial report on legislative, regulatory and administrative measures taken to enforce the Convention (deadline for the submission being the 31st of October of the year following the year for which the report was due).

**Convention on Biological Diversity**

- NBSAP adopted
- 1<sup>st</sup> Nat report subm
- 2<sup>nd</sup> Nat report subm.
- 3<sup>rd</sup> Nat report subm.
- No sign. unpaid contr.

2<sup>nd</sup> and 3<sup>rd</sup> national reports not submitted. There are significant unpaid mandatory contributions to the CBD core budget. Link to NBSAPs and national reports <http://www.cbd.int/world/map.shtml?ctr=bo>

Link to level of payments: <http://www.cbd.int/convention/parties/contributions.shtml?tab=2>

**Cartagena Protocol on Biosafety**

- 1<sup>st</sup> Nat impl report subm

1<sup>st</sup> national implementation report not submitted.

No non-compliance proceedings during this period

Information about the CPB compliance committee available at

The Cartagena Compliance Committee is tasked to report to MOP4 in May 2008 on general issues

<http://www.cbd.int/biosafety/issues/compliance.shtml>

of compliance by parties with their obligations under the Protocol

**Kyoto Protocol to the United Nations Framework Convention on Climate Change**

Compliance Committee

No non-compliance proceedings were started against Bolivia.

**United Nations Single Convention on Narcotic Drugs**

1. INCB

In accordance with the 2006 Report of the INCB, responsible for the monitoring the implementation of this UN Convention, there are no specific recommendations regarding this country.

2. 1 March 2007

3. <http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf>

**Convention on Psychotropic Substances**

1. INCB

See above.

2. 1 March 2007

3. <http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf>

**Illicit Traffic in Narcotic Drugs and Psychotropic Substances**

1. INCB

See above.

2. 1 March 2007

3. <http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf>

**United Nations  
Convention against  
Corruption**

No Review Mechanism has been set up so far but 3 working groups has been established (review of implementation; asset recovery; technical assistance) to prepare recommendations for the 2<sup>nd</sup> Conference of State Parties that took place in Bali, 28 January-1 February 2008. The 3<sup>rd</sup> such Conference is planned to take place in late 2009 and in the meantime work continues in the working groups.

Details of country specific information on the implementation of UNCAC provisions is available under "Self-assessment of the implementation of the United Nations Convention against Corruption: report of the Secretariat" at

<http://www.unodc.org/unodc/en/treaties/CAC/CAC-COSP-session2.html>

## 2. COLOMBIA (CO)

CONVENTION	REPORTING STATUS	RECOMMENDATIONS
<b>ILO CONVENTIONS ON CORE LABOUR RIGHTS:</b>	<ol style="list-style-type: none"><li>1. <i>Monitoring Body</i></li><li>2. <i>Date of latest Report</i></li><li>3. <i>Web link</i></li></ol>	<i>Latest recommendations by the monitoring body.</i>
<b>87-Freedom of Association and Protection of the Right to Organise</b>	CEACR 2008 <a href="http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&amp;textbase=iloilc&amp;document=943&amp;chapter=3&amp;query=Colombia%40ref%2B%20Observation%40ref%2B%2023YEAR%3D2008&amp;highlight=&amp;querytype=bool&amp;context=0">http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&amp;textbase=iloilc&amp;document=943&amp;chapter=3&amp;query=Colombia%40ref%2B%20Observation%40ref%2B%2023YEAR%3D2008&amp;highlight=&amp;querytype=bool&amp;context=0</a>	<p>The Committee notes the numerous cases concerning Colombia currently before the Committee on Freedom of Association, as well as the comments on the application of the Convention, particularly concerning acts of violence against trade union leaders and trade unionists including killings, abductions, attempts on their lives and disappearances. They likewise refer to the serious impunity surrounding these acts; the use of associated work cooperatives so that workers are unable to form and join unions; the arbitrary refusal to register new trade union organizations or new statutes or executive boards of unions; and the prohibition on strikes and certain services other than essential services. Regarding the acts of violence against trade union members and leaders, the ITUC states that most of such acts are associated with industrial disputes. It again observes that paramilitary groups view the trade union movement as sympathetic to guerrillas and the extreme left and that this makes it very vulnerable. According to the ITUC, the efforts made by the Government to ensure the security of trade union leaders are insufficient. The Committee notes with concern that members of trade unions continue to be the target of serious acts of violence because of their union membership. The Committee notes that the Government made significant efforts to ensure protection for trade union members and leaders and for trade union headquarters. It nonetheless observes that the number of persons being protected has declined. As to the measures against impunity, the Colombian central unions acknowledge the efforts of the Attorney-General to secure progress in the investigation of serious human rights violations against trade unionists, though they emphasize that only a minute percentage of investigations reach the trial or sentencing stage. The Committee further notes the arbitrary refusal to register new trade union organizations, new trade union rules or the executive</p>

committee of a trade union at the discretion of the authorities for reasons that go beyond the provision of the legislation. The Committee expects the Government to take the necessary steps without delay to amend the legislative provisions so as to align them with the Convention, and notes that the high-level mission undertaken in November 2007 will be useful in assisting the Government in its efforts to comply with the Convention.

**98-Application of the Principles of the Right to Organise and to Bargain Collectively**

CEACR

2008

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1079&chapter=3&query=Colombia%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0>

The Committee notes the pending issues concerning, inter alia, the collective bargaining in the public sector. It recalls that for many years it has been referring to the need to give effective recognition to the right to collective bargaining of public employees who are not engaged in the administration of the State. The Committee requests the Government to supply information in its next report on all measures adopted in this respect, in the hope that it will be able to note tangible progress in the near future, and reminds it that it may avail itself of the technical assistance of the Office. Moreover, the Committee recalls its previous observation with respect to the need to ensure that collective accords are not used to undermine the position of trade union organizations and ensure the possibility in practice to conclude collective agreements with them. The Committee emphasizes that direct negotiations with workers should only be possible in the absence of trade union organizations. The Committee therefore requests the Government once again to guarantee that collective accords are not used to undermine the position of trade union organizations and the possibility in practice of concluding collective agreements with them. Finally, the Committee notes the Government's statement that, in the context of the Standing Advisory Committee on Wage Policies, the Special Committee on the Settlement of Disputes relating to the ILO was reactivated, with a view to handling disputes arising from matters regulated by the ILO Conventions, and giving priority to those relating to freedom of association.

**29- Forced or Compulsory Labour**

**100- Equal  
Remuneration of  
Men and Women  
Workers for Work  
of Equal Value** CEACR  
2008

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1137&chapter=3&query=Colombia%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0>

The Committee notes the communication from the Single Confederation of Workers (CUT) which not only refers to the application of the Convention but also indicates that by August 2007 the CUT, which is the most representative organization, had not received a copy of the Government's report. For several years the Committee has been pointing out that the Substantive Labour Code ought to be amended in order to establish expressly the principle of equal remuneration for work of equal value and to bring the national legislation into line with the Convention. The Committee asked the Government to consider amending the abovementioned provisions in order to bring them into line with the principle enshrined in Article 2(1) of the Convention. It notes that, according to the report, the Government considers that there is no need to amend the Labour Code in order to include the principle of equal value, because the Constitution provides that duly ratified international agreements" constitute an integral part of domestic legislation", Convention No. 100 being a case in point. In its general observation, the Committee stressed the importance of giving full legislative expression to the concept of work of equal value, since narrower provisions "hinder progress in eradicating gender-based pay discrimination against women at work". The Committee went on to underline that "such legislation should not only provide for equal remuneration for equal, the same or similar work, but should also prohibit pay discrimination that occurs in situations where men and women perform different work that is nevertheless of equal value" (paragraph 6). Consequently, the Committee urges the Government to bring its legislation into line with the Convention's principle of equal remuneration between men and women for work of equal value.

**105- Abolition of  
Forced Labour**

**111- Discrimination  
in Respect of  
Employment and  
Occupation** CEACR  
2008

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1217&chapter=3&query=Colombia%40>

The Committee notes that the Single Confederation of Workers (CUT) indicates that the Judiciary has difficulties in applying the Convention although it is directly applicable under the Constitution. In its previous comments the Committee referred to situations in which indigenous people and Afro-Colombians were the subject of discrimination in employment and occupation. It also referred to the conditions of extreme poverty suffered by Afro-Colombians. The Committee notes that the Government mentions some activities with indigenous women but sends no information on other matters. The Committee accordingly asks the Government to



[ef%2BObservation%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0](#)

provide information on the situation of indigenous people and Afro-Colombians as regards training and employment, and on the Government's policy on equality in employment and training as regards these two groups. In its previous comments the Committee expressed concern at the situation of the Roma, who are subject to discrimination. It notes that the Government has not sent the information requested on this matter and requests it to do so, on the work situation of the Roma and on the application to the Roma of the principle of equality of opportunity and treatment in employment and occupation.

**138- Minimum Age  
for Admission to  
Employment**

**182- Prohibition  
and Immediate  
Action for the  
Elimination of the  
Worst Forms of  
Child**

**Labour**

**UN  
CONVENTIONS  
ON CORE  
HUMAN  
RIGHTS:**

- 1. Monitoring Body*
- 2. Date of latest Report*
- 3. Web link*

*Latest recommendations by the monitoring body.*

**Convention on the  
Prevention and  
Punishment of the  
Crime of Genocide**

**International  
Convention on the  
Elimination of All  
Forms of Racial  
Discrimination**

**International  
Covenant on Civil  
and Political Rights**

**International  
Covenant on  
Economic, Social  
and Cultural Rights**

**International  
Convention on the  
Suppression and  
Punishment of the  
Crime of Apartheid**

**Convention on the  
Elimination of All  
Forms of  
Discrimination  
against Women**

CEDAW

2 February 2007  
[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CEDAW.C.COL.CO.6.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CEDAW.C.COL.CO.6.En?Opendocument)

The Committee noted with appreciation the adoption and implementation of the Quota Act, the Strategic Plan for the defence of women's rights in the justice system of Colombia, 2006-2010 and the new National Development Plan 2006-2010 – the latter also including a chapter on women's equality.

The Committee recommended Colombia to intensify its efforts to reduce and eliminate the persistent climate of violence and insecurity in the country and to meet the specific needs of internally displaced women and children, to enhance the capacity of the national machinery, to foresee the application of temporary special measures to accelerate the realization of gender equality, to assess the impact of its

mechanisms, to address domestic violence, to combat trafficking in human beings in Colombia, to enhance women's access to health care, in particular to sexual and reproductive health services, to address gender stereotypes, to expand women's participation in particular in elected bodies and in the Judiciary, to enhance women access to formal employment, to integrate a gender perspective in all programmes and policies.

**Convention against  
Torture and Other  
Cruel, Inhuman or  
Degrading  
Treatment or  
Punishment**

**Convention on the  
Rights of the Child**

CRC  
8 June 2006

[http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.COL.CO.3.En?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CRC.C.COL.CO.3.En?Opendocument)

The Committee noted with appreciation – *inter alia* – the initiatives to combat child labour and the implementation of National Action Plans with ILO-IPEC, the decisions of the Constitutional Court on the responsibility to attend to the displaced population and the partial decriminalization of abortion.

The Committee urged Colombia to take all necessary measures to address its previous recommendations that have not yet been implemented or sufficiently implemented, to complete the process of reform of the Minors' Code, to reinstate sexual violence as part of domestic violence legislation, to adopt a National Plan for Children, to provide the necessary resources to the Colombian Institute for Family Welfare, to the national monitoring bodies and in the budget of decentralized authorities to pursue children's policies, to develop a comprehensive system of data collection disaggregated by vulnerable groups, to provide training and raise awareness on the Convention, to increase the minimum age for marriage, to adopt a comprehensive strategy of non-discrimination, to defend the best interest of the child and the respect of the views of the child, to make efforts for the protection of civilian population in the conflict and to address impunity, to promote registration at birth, to protect children from torture, violence and abuse, to improve access to health and education services, to consider special protection measures for vulnerable groups (displaced children, children in armed conflict, street children, trafficked children, children prosecuted by the justice, etc).

**CONVENTIONS  
ON**

*1. Monitoring Body*

*Latest recommendations by the monitoring body.*

**ENVIRONMENT  
AND  
GOVERNANCE  
PRINCIPLES :**

2. *Date of latest Report*

3. *Web link*

**Montreal Protocol  
on Substances that  
Deplete the Ozone  
Layer**

Implementation Committee

No non-compliance proceedings against Colombia

**Basel Convention  
on the Control of  
Transboundary  
Movements of  
Hazardous Wastes  
and Their Disposal**

Compliance Committee

No non-compliance proceedings started against Colombia.

**Stockholm  
Convention on  
Persistent Organic  
Pollutants**

Signed but not a Party

**CITES  
Convention on  
International Trade  
in Endangered  
Species of Wild  
Fauna and Flora**

- 1. Standing Committee

2. 18/10/06

3. <http://www.cites.org/eng/resources/reports.shtml>

Ratified and has enacted legislation that is believed to generally meet the requirements for implementation of CITES (category 1. See Annex 2 of the latest report on national law for the implementation of the Convention:

<http://www.cites.org/eng/cop/14/doc/E14-24.pdf>)

Colombia has yet to comply with Article VIII, paragraph 7 of CITES which requires each Party to submit a biennial report on legislative, regulatory and administrative measures taken to enforce the Convention (deadline for the submission being the 31st of October of the year following the year for which the report was due).

<b>Convention on Biological Diversity</b>	NBSAP adopted	<input checked="" type="checkbox"/>	First NBSAB under development.
	1 <sup>st</sup> Nat report subm	<input checked="" type="checkbox"/>	Link to NBSAPs and national reports <a href="http://www.cbd.int/world/map.shtml?ctr=co">http://www.cbd.int/world/map.shtml?ctr=co</a>
	2 <sup>nd</sup> Nat report subm.	<input checked="" type="checkbox"/>	Link to level of payments:
	3 <sup>rd</sup> Nat report subm.	<input checked="" type="checkbox"/>	<a href="http://www.cbd.int/convention/parties/contributions.shtml?tab=2">http://www.cbd.int/convention/parties/contributions.shtml?tab=2</a>
	No sign. unpaid contr.	<input checked="" type="checkbox"/>	
<b>Cartagena Protocol on Biosafety</b>	1 <sup>st</sup> Nat impl report subm	<input checked="" type="checkbox"/>	No non-compliance proceedings during this period
			Information about the CPB compliance committee available at <a href="http://www.cbd.int/biosafety/issues/compliance.shtml">http://www.cbd.int/biosafety/issues/compliance.shtml</a>
	The Cartagena Compliance Committee is tasked to report to MOP4 in May 2008 on general issues of compliance by parties with their obligations under the Protocol		
<b>Kyoto Protocol to the United Nations Framework Convention on Climate Change</b>	Compliance Committee		No non-compliance proceedings started against Colombia
<b>United Nations Single Convention on Narcotic Drugs</b>	1. INCB		In accordance with the 2006 Report of the INCB, responsible for the monitoring the implementation of this Conventions, there are no specific recommendations regarding this country.
	2. 1 March 2007		
	3. <a href="http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf">http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf</a>		

<b>Convention on Psychotropic Substances</b>	<p>1. INCB</p> <p>2. 1 March 2007</p> <p>3.  <a href="http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf">http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf</a></p>	See above.
<b>Illicit Traffic in Narcotic Drugs and Psychotropic Substances</b>	<p>1. INCB</p> <p>2. 1 March 2007</p> <p>3.  <a href="http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf">http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf</a></p>	With regard to Project Cohesion, the authorities of Colombia and its neighbouring countries should urgently launch investigations to identify the sources and routes from, or along which, potassium permanganate is being smuggled into areas where the illicit manufacture of cocaine takes place.
<b>United Nations Convention against Corruption</b>	<p>No Review Mechanism has been set up so far but 3 working groups has been established (review of implementation; asset recovery; technical assistance) to prepare recommendations for the 2<sup>nd</sup> Conference of State Parties that took place in Bali, 28 January-1 February 2008. The 3<sup>rd</sup> such Conference is planned to take place in late 2009 and in the meantime work continues in the working groups.</p>	<p>Details of country specific information on the implementation of UNCAC provisions is available under "Self-assessment of the implementation of the United Nations Convention against Corruption: report of the Secretariat" at</p> <p><a href="http://www.unodc.org/unodc/en/treaties/CAC/CAC-COSP-session2.html">http://www.unodc.org/unodc/en/treaties/CAC/CAC-COSP-session2.html</a></p>

### 3. COSTA RICA (CR)

#### CONVENTION REPORTING STATUS RECOMMENDATIONS

##### ILO CONVENTIONS ON CORE LABOUR RIGHTS:

1. *Monitoring Body*
2. *Date of latest Report*
3. *Web link*

*Latest recommendations by the monitoring body.*

##### 87-Freedom of Association and Protection of the Right to Organise

CEACR  
2008

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=944&chapter=3&query=Costa+Rica%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0>

The Committee drew the Government's attention to the importance of amending not only section 345 of the Labour Code, but also article 60 of the Constitution in order to abolish the excessive restrictions that are currently placed on the right of foreign nationals to hold trade union office, which are inconsistent with Article 3 of the Convention, including with restrictions on the right to strike. The Committee notes the submission in 2005 to the Legislative Assembly of a Bill on the reform of labour procedures, which benefited from ILO technical assistance. The Committee noted that, according to the Government, the above Bill takes into account the recommendations of the Committee on Freedom of Association, and has been endorsed by the trade union organizations and employers' associations, except with regard to certain provisions. The Committee observed that the Bill provides, among others, that the right to strike is restricted only in essential services in the strict sense of the term, although these include the loading and unloading of perishable goods in ports; transport is considered to be an essential service only as long as the journey has not been completed; strikes may no longer be deemed unlawful before they have occurred; arbitration is introduced.

##### 98-Application of the Principles of the Right to Organise and to Bargain Collectively

CEACR  
2008

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=944&chapter=3&query=Costa+Rica%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0>

The Committee recalls that the problems relating to the application of the Convention which it raised in its previous observation were as follows: the slowness and ineffectiveness of recourse procedures and compensation in the event of anti-union acts; restrictions on the right to collective bargaining in the public sector; the subjection of collective bargaining in the public sector to criteria of proportionality and rationality in accordance with the case law of the Constitutional Chamber, which has declared unconstitutional a considerable number of clauses

[tbase=iloilc&document=1082&chapter=3&query=Costa+Rica%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0](http://base=iloilc&document=1082&chapter=3&query=Costa+Rica%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0)

of collective agreements in the public sector at the instigation of the public authorities (the Ombudsperson, the Office of the Public Prosecutor) or of a political party; the enormous imbalance in the private sector between the number of collective agreements concluded with trade unions (much lower) and the number of direct agreements concluded with non-unionized workers. The Committee notes that the Government understands its concern at the lack of political will by previous governments to push forward draft legislation to resolve pending problems. The current Government has the will to do so. The Committee further notes that the Government formally requested the technical assistance of the ILO Subregional Office in July 2007 in the context of the follow-up to the recommendations of the High-level Mission. An expert's report indicates that standing committees lack resources and the capacity to maintain a dialogue with employers that ensures a certain balance in negotiations. In general, the expert's study shows that standing committees have been used to prevent the establishment of trade union organizations or to impede their activities. The Committee notes these conclusions with concern and draws the Government's attention to the importance of these matters being submitted for tripartite examination. The Committee continues to consider that the situation of trade union rights remains delicate.

**29- Forced or Compulsory Labour**

**100- Equal Remuneration of Men and Women Workers for Work of Equal Value**

**105- Abolition of Forced Labour**

**111- Discrimination in Respect of Employment and** CEACR 2008

The Committee notes with interest the activities undertaken by the National Institute for Women (INAMU) and the Gender Equality Unit of the Ministry of Labour and Social Security (MTSS) for the implementation of systematic plans to improve not only the quantity, but also





most beneficial conditions have to be implemented. The Committee considers it desirable for the provisions of the Labour Code to be harmonized with those of the Code of Children and Young Persons.

**182- Prohibition  
and Immediate  
Action for the  
Elimination of the  
Worst Forms of  
Child Labour**

**UN  
CONVENTIONS  
ON CORE  
HUMAN  
RIGHTS:**

**Convention on the  
Prevention and  
Punishment of the  
Crime of Genocide**

**International  
Convention on the  
Elimination of All  
Forms of Racial  
Discrimination**

1. *Monitoring Body*
2. *Date of latest Report*
3. *Web link*

*Latest recommendations by the monitoring body.*

1. CERD
2. August 2007
3. [http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.CRI.CO.18.pdf?Opendocument\]](http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.CRI.CO.18.pdf?Opendocument)

The Committee welcomed the establishment of the Office of the Attorney for Indigenous Affairs in the Public Prosecutor's Office and noted with satisfaction the "Equality in the exercise of the right to vote" programme, the publication of the leaflet entitled "Protocol for an electoral process accessible to indigenous communities", which refers to Convention rights.

The Committee recommended Costa Rica to improve its census methodology in order to reflect more fully the ethnic complexity of the Costa Rican society; to remove without delay the legislative

obstacles preventing the adoption of the Autonomous Development of Indigenous Peoples Bill; to ensure that the mandate and operation of the National Commission on Indigenous Affairs (CONAI) are consistent with the Convention and that this body acts to defend and protect the rights of the indigenous peoples; to amend its criminal legislation so as to bring it into line with the Convention; to remove the economic, social and geographical barriers that prevent the State from guaranteeing access to basic services in the indigenous territories, so that indigenous people do not find themselves compelled to leave their ancestral lands. The Committee invited Costa Rica to pay particular attention to the canton of Talamanca and the banana plantations; to step up its efforts to improve the indigenous peoples' enjoyment of economic and social rights, and in particular to ensure equal pay for indigenous people and other sectors of the population, and access to education and health; to make efforts to combat child mortality in the indigenous communities; to strengthen efforts to guarantee the indigenous peoples' right to land tenure; to improve the situation of migrants in Costa Rica, and particularly that of women migrants; to combat double discrimination, on the basis of gender and ethnicity and to adopt a national gender plan for indigenous women that will allow the state to effectively coordinate policies to protect their rights; to take the necessary measures, including legislative measures, to put an end to discrimination in employment and all discriminatory practices in the labour market, to adopt further measures to reduce unemployment among Afro-Costa Ricans in particular; to ensure that refugees are protected and that safeguards are in place to shield personal data from the authorities of the country of origin and to take the necessary measures to preserve the indigenous peoples' cultural heritage, including their languages.

**International  
Covenant on Civil  
and Political Rights**

1. CCPR

2. November 2007

3.

<http://daccessdds.un.org/doc/UNDOC/GEN/G07/453/53/PDF/G0745353.pdf?OpenElement>

The Human Rights Committee welcomed the fifth periodic report of Costa Rica, which contains detailed information concerning the State party's legislation and new draft legislation. The Committee regretted, however, that the report provides insufficient practical information regarding the effective implementation of the Covenant and lacks disaggregated statistics.

Whilst the Committee acknowledged the State party's commitment to and leadership in the defence and promotion of human rights internationally, particularly with respect to the abolition of the death penalty and the elimination of torture, and appreciates the stability of its democratic institutions, which is conducive to respect for and promotion of human rights, it issued the following recommendation

Costa Rica should take steps to ensure full respect for the principle of confidentiality of the personal files of asylum-seekers and refugees; it reiterated its recommendation that the State party should take the necessary legislative measures to reduce the duration of pretrial detention and to eliminate prolonged incommunicado detention, taking due care to ensure compliance in practice.

Costa Rica should take steps to end overcrowding in detention centres, including those administered by the migration authorities, and to ensure compliance with the requirements of article 10.

Costa Rica should take vigorous steps to guarantee freedom of expression and of the press in accordance with the terms of article 19 of the Covenant. In particular, it should ensure that bill No. 15974 concerning “Freedom of expression and the press”, which is currently before the Legislative Assembly, is fully compatible with the safeguards and limitations set out in the Covenant, including access to information. Costa Rica should also investigate, bring to trial and punish perpetrators of attacks on or threats against journalists and should compensate the victims.

While acknowledging Costa Rica’s efforts to combat trafficking in women and children and sexual exploitation, such as surveillance systems and alliances with private-sector actors, including hoteliers and taxi networks, the Committee is concerned at the lack of public awareness of the unlawful nature of such phenomena. It also regrets that it has not received clear-cut information regarding the alleged trafficking of children from Ecuador in 2004

**International  
Covenant on  
Economic, Social  
and Cultural Rights**

1. CESCR
2. January 2008
- 3.

<http://daccessdds.un.org/doc/UNDOC/GEN/G08/400/25/PDF/G0840025.pdf?OpenElement>

The Committee notes with satisfaction the State party’s ratification of relevant international treaties and the adoption of a National Policy for Gender Equality and Equity (PIEG) as well as the entry into force of the Act Criminalising Violence Against Women and the efforts to promote further the cultural development for the indigenous population.

The Committee recommended Costa Rica to ensure that the provisions of the Covenant are directly applicable in the domestic legal order; to ensure that racial discrimination be criminalized as a specific offence and punished; to take all appropriate measures to ensure that the levels of poverty, illiteracy and unemployment of indigenous communities and Afro-descendants be reduced; to take positive

measures to promote the increased representation of minorities at high-level positions; to promote effectively greater participation of women in the labour market and to ensure equal working conditions; to intensify its efforts to reduce unemployment among marginalized and disadvantaged groups; to ensure that social security assistance is provided to all workers; to undertake effective measures to implement existing legislation on domestic violence; to address effectively sexual and commercial exploitation, sex tourism and human trafficking; to take preventive measures to address the problem of the high rate of teenage pregnancies and to provide for exceptions in its law relating to the general prohibition of abortion in cases where the mother's life is in danger (medical indication) or where the pregnancy is the result of rape or incest; to allocate sufficient funds to improving the infrastructure and to increase the availability of social housing; to improve the provision of health-care facilities, goods and services in remote and rural areas; to improve the effective implementation of currently existing legislation, policies and programmes to eliminate illiteracy among indigenous communities; to intensify its efforts to combat secondary school drop-out rate; to improve the quality of university teaching and to ensure that public universities perform as a mechanism for social mobility.

**International  
Convention on the  
Suppression and  
Punishment of the  
Crime of Apartheid**

**Convention on the  
Elimination of All  
Forms of  
Discrimination  
against Women**

**Convention against  
Torture and Other  
Cruel, Inhuman or  
Degrading  
Treatment or**

Last concluding observation of the Committee on the Elimination of Discrimination against women –  
18 July 2003

## Punishment

**Convention on the Rights of the Child** CRC (OP on the sale of children, child prostitution and child pornography) The Committee welcomed notably the adoption in September 2006 of the “Programme for the Integral Care of children and adolescents at risk and in vulnerable situation”, a project implemented by the National Child Welfare Agency (PANI) offices at local level.

2 May 2007  
[CRC/C/OPSC/CRI/CO/1;](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.OPSC.CRI.C.O.1.En?OpenDocument)  
[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.OPSC.CRI.C.O.1.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.OPSC.CRI.C.O.1.En?OpenDocument)

The Committee recommended Costa Rica to develop a specific and comprehensive policy aimed at eradicating the sale of children, child prostitution and child pornography, to promote education and awareness on the provision of the Optional Protocol, to ensure systematic collection and analyses of data, disaggregated inter alia by age, sex and minority group, to provide adequate resources for the implementation of the Optional Protocol, to ensure that possession of child pornography is fully covered under Costa Rican criminal law, to adequately define and criminalize trafficking in persons in the criminal legislation, to assume jurisdiction in cases where a Costa Rican commits abroad an offence covered under the Optional Protocol, to ensure that adequate services are available for child victims, that personnel dealing with child victims is properly trained, to take effective measures to combat trafficking and smuggling of children, sex tourism, cybercrime and child pornography over the Internet, to modify legislation to respect international standards in relation to adoption.

## CONVENTIONS ON ENVIRONMENT AND GOVERNANCE PRINCIPLES :

1. *Monitoring Body*
2. *Date of latest Report*
3. *Web link*

*Latest recommendations by the monitoring body.*

### Montreal Protocol on Substances that Deplete the Ozone Layer

Implementation Committee

No non-compliance proceedings against Costa Rica

### Basel Convention on the Control of Transboundary

Compliance Committee

No non-compliance proceedings started against Costa Rica.

**Movements of Hazardous Wastes and Their Disposal**

**Stockholm Convention on Persistent Organic Pollutants**

No compliance committee established yet. Compliance assessed through the following:  
national implementation report required by Art.7  
contributions to the convention budget

National implementation report only due on 8 May 2009.  
<http://www.pops.int/documents/implementation/nips/submissions/default.htm>

Contributions will only start in 2008.

[http://www.pops.int/documents/meetings/cop\\_3/meetingdocs/inf17/K0730049%20INF17-financial%20update.pdf](http://www.pops.int/documents/meetings/cop_3/meetingdocs/inf17/K0730049%20INF17-financial%20update.pdf)

[http://www.pops.int/documents/meetings/cop\\_3/meetingdocs/report/COP3%20advance%20report\\_en.pdf](http://www.pops.int/documents/meetings/cop_3/meetingdocs/report/COP3%20advance%20report_en.pdf)

**CITES Convention on International Trade in Endangered Species of Wild Fauna and Flora**

- 1. Standing Committee
- 2. 14/08/06
- 3. <http://www.cites.org/eng/resources/reports.shtml>

Ratified the Convention and has enacted legislation that is believed to generally meet the requirements for implementation of CITES (category 1. See Annex 2 of the latest report on national law for the implementation of the Convention: <http://www.cites.org/eng/cop/14/doc/E14-24.pdf>).

N.B. However, has not ratified the Gaborone amendment to CITES which would allow the Community to become a Party.

**Convention on Biological Diversity**

- NBSAP adopted
- 1<sup>st</sup> Nat report subm.
- 2<sup>nd</sup> Nat report subm.
- 3<sup>rd</sup> Nat report subm.
- No sign. unpaid contr.

There are significant unpaid mandatory contributions to the CBD core budget.

Link to NBSAPs and national reports <http://www.cbd.int/world/map.shtml?ctr=cr>

Link to level of payments: <http://www.cbd.int/convention/parties/contributions.shtml?tab=2>

**Cartagena Protocol  
on Biosafety**

1<sup>st</sup> Nat impl report subm

No non-compliance proceedings during this period

Information about the CPB compliance committee available at  
<http://www.cbd.int/biosafety/issues/compliance.shtml>

The Cartagena Compliance Committee is tasked to report to MOP4 in May 2008 on general issues of compliance by parties with their obligations under the Protocol

**Kyoto Protocol to  
the United Nations  
Framework  
Convention on  
Climate Change**

Compliance Committee

No non-compliance proceedings were started against Costa Rica.

**United Nations  
Single Convention  
on Narcotic Drugs**

1. INCB
2. 1 March 2007
3.  
<http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf>

In accordance with the 2006 Report of the INCB, responsible for the monitoring the implementation of this UN Convention, there are no specific recommendations regarding this country.

**Convention on  
Psychotropic  
Substances**

1. INCB
2. 1 March 2007
- 3.

See above.



<http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf>

**Illicit Traffic in Narcotic Drugs and Psychotropic Substances**

1. INCB
2. 1 March 2007
- 3.

<http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf>

With regard to Project Cohesion, the authorities of Colombia and its neighbouring countries should urgently launch investigations to identify the sources and routes from, or along which, potassium permanganate is being smuggled into areas where the illicit manufacture of cocaine takes place.

**United Nations Convention against Corruption**

No Review Mechanism has been set up so far but 3 working groups has been established (review of implementation; asset recovery; technical assistance) to prepare recommendations for the 2<sup>nd</sup> Conference of State Parties that took place in Bali, 28 January-1 February 2008. The 3<sup>rd</sup> such Conference is planned to take place in late 2009 and in the meantime work continues in the working groups.

Details of country specific information on the implementation of UNCAC provisions is available under "Self-assessment of the implementation of the United Nations Convention against Corruption: report of the Secretariat" at

<http://www.unodc.org/unodc/en/treaties/CAC/CAC-COSP-session2.html>

#### 4. ECUADOR (EC)

CONVENTION	REPORTING STATUS	RECOMMENDATIONS
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**ILO  
CONVENTIONS  
ON CORE  
LABOUR  
RIGHTS:**

1. *Monitoring Body*
2. *Date of latest Report*
3. *Web link*

*Latest recommendations by the monitoring body.*

**87-Freedom of  
Association and  
Protection of the  
Right to Organise**

CEACR  
2008

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=954&chapter=3&query=Ecuador%40ref%2B%20Observation%40ref%2B%203YEAR%3D2008&highlight=&querytype=bool&context=0>

The Committee recalls that for many years its observations have been referring to the following matters: the need to reduce the minimum number of workers (30) required to establish associations, works committees or assemblies to organize works committees; the need to amend section 60(g) of the Civil Service and Administrative Careers Act prohibiting the establishment of unions so as to ensure that public servants have the right to establish organizations to further and defend their occupational and economic interests. The Committee notes with interest the abolition of this prohibition by virtue of the adoption of the codified version of the Framework Act respecting civil service and administrative careers and the unification and standardization of public sector remuneration. The need to amend article 35(10) of the Political Constitution, which prohibits the stoppage on any grounds of public services which may not be considered essential in the strict sense of the term (education, social security, the refining, transport and distribution of fuel and public transport). The need to amend section 522(2) of the Labour Code respecting the determination of minimum services; and the requirement to be of Ecuadorian nationality to serve as a trade union officer. The Committee was informed previously of the existence of a draft text to reform the Labour Code which had been formulated with ILO assistance.

**98-Application of  
the Principles of the  
Right to Organise  
and to Bargain**

CEACR  
2008

The Committee notes the Government's report and observes that it does not contain specific information relating to the legislative issues that have been under examination. The Committee once again recalls that it has been making comments for several years on the following matters: the need to include provisions in the legislation that guarantee protection against acts





concerning sexual harassment and to labour law, in the course of harmonizing the Labour Code with the Code on Childhood and Youth. The Committee requests the Government to report on the progress of these reforms.

The Committee notes with interest the work done by the Afro-Ecuadorian Peoples' Council (CODAE) and the national policies to enforce the rights of Afro-Ecuadorian peoples laid down in Ecuador's National Human Rights Plan. The Committee requests the Government to inform it in its next report of the measures taken or envisaged to eliminate discrimination and promote equality in employment and occupation for Afro-Ecuadorian peoples.

**138- Minimum Age  
for Admission to  
Employment**

**182- Prohibition  
and Immediate  
Action for the  
Elimination of the  
Worst Forms of  
Child**

**Labour**

CEACR  
2007  
<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=9590&chapter=6&query=Ecuador%40ref&highlight=&querytype=bool>

The Committee notes a number of measures adopted by the Government to combat trafficking of children for economic and sexual exploitation: the reform of the Penal Code, which categorizes crimes involving the sexual exploitation of young persons under 18 years of age and establishes heavy penalties for persons found guilty of having committed a crime established by the Act.; the implementation of programmes of action to prevent and combat the trafficking of children; the training, collaboration and awareness-raising of officials (labour inspection, police forces, immigration services; the arrest and conviction of persons involved in the crime of sexual exploitation.

Noting that according to ILO/IPEC statistics, over 5,200 children are reported to be victims of commercial sexual exploitation and in certain cases of trafficking and the information by the Government that children are reportedly victims of trafficking in the indigenous community of Chimborazo, the Committee requests the Government to provide information on the results achieved in prevention and in providing the necessary and appropriate direct assistance, rehabilitation and social integration to child victims .

The Committee hopes that, the Government will take measures to cooperate with neighboring countries, particularly through the reinforcement of security measures on common borders. As

international cooperation between law enforcement agencies, particularly the judicial authorities and police forces, is indispensable to prevent and combat the trafficking of children, through the collection and exchange of information, and through assistance to detect and prosecute the individuals involved and repatriate victims

**UN  
CONVENTIONS  
ON CORE  
HUMAN  
RIGHTS:**

1. *Monitoring Body*
2. *Date of latest Report*
3. *Web link*

*Latest recommendations by the monitoring body.*

**Convention on the  
Prevention and  
Punishment of the  
Crime of Genocide**

**International  
Convention on the  
Elimination of All  
Forms of Racial  
Discrimination**

**International  
Covenant on Civil  
and Political Rights**

**International  
Covenant on** CЕСSR

CЕСSR was concerned about the high rate of unemployment and the size of the country's informal economy. It urged the State to ensure that its existing legislation in respect of the occupational health

**Economic, Social and Cultural Rights**

March 2007

<http://daccessdds.un.org/doc/UNDOC/GEN/G08/114/39/PDF/G0811439.pdf?OpenElement>

and safety of workers is fully implemented and that the labour inspections system is strengthened.

CESCR encouraged Ecuador to intensify its efforts and activities to combat poverty, including setting up an anti-poverty strategy to improve the living conditions of disadvantaged and marginalized groups.

The Special Rapporteur on the right to health noted, inter alia, the absence of an inclusive health system that is accessible to all. In relation to specific problems in the northern zone, he noted the completely inadequate health system, which failed to respond to the health needs arising from the aerial spraying of glyphosate. CESCR expressed concern about the low coverage and quality of the health system and the insufficient financial resources available to it.

CESCR was particularly concerned about the situation of young girls and of indigenous and Afro-Ecuadorian children. It urged Ecuador to take all possible measures to combat illiteracy, in particular among the most disadvantaged and marginalized groups.

**International Convention on the Suppression and Punishment of the Crime of Apartheid**

**Convention on the Elimination of All Forms of Discrimination against Women**

**Convention against Torture and Other** CAT

**Cruel, Inhuman or Degrading Treatment or Punishment** 8 February 2006

or [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/86774a529a09d5fcc1257122002dd258/\\$FILE/G0640362](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/86774a529a09d5fcc1257122002dd258/$FILE/G0640362).

The Committee welcomed the submission to the legislature of various bills, such as the preliminary draft of a bill on the administration of indigenous justice and bills on the enforcement of sentences, the system of public defenders and crimes against humanity, as well as the adoption of the National Plan on Human Rights and the actions related to it.

The Committee recommended Ecuador to bring the definition of torture in its Criminal Code in line with the Convention, to adopt the draft bill on crimes against humanity; to create mechanisms permitting effective participation of civil-society organizations in the implementation of the National

[pdf](#)

Plan; to eliminate impunity for those suspected of torturing and ill-treating prisoners and of excessive use of force, and to properly compensate the victims, with particular attention to the situation of members of vulnerable groups; to alleviate the slowness of judicial procedures and to shorten pre-trial detention; to guarantee the respect for due process during deportation and of the legal safeguards for all prisoners; to improve the quality of and enhance the human rights training of State security forces and bodies, including prison personnel; to adopt effective measures to improve physical conditions in detention centers; and to ensure that the ordinary courts fully exercise their competence (see paragraphs 14-27).

The Committee also urged Ecuador to consider ratifying the Optional Protocol to the Convention against Torture.

### **Convention on the Rights of the Child**

### **CONVENTIONS ON ENVIRONMENT AND GOVERNANCE PRINCIPLES :**

1. *the Monitoring Body*
2. *Date of latest Report*
3. *Web link*

*Latest recommendations by the monitoring body.*

### **Montreal Protocol on Substances that Deplete the Ozone Layer**

1. Implementation Committee
2. October 2006
3. <http://ozone.unep.org/>

Following the report of the Implementation Committee the Meeting of the Parties adopted Decision XVIII/23, declaring that Ecuador is not in compliance with the methyl bromide control measures under the Protocol. Plan of Action is to be submitted by Ecuador in 2007 in relation to compliance with methyl bromide controls. Insofar as Ecuador is working to meet control measures it should be treated as a Party in good standing. (UNEP/OzL.Pro18/10)

[http://ozone.unep.org/Meeting\\_Documents/mop/18mop/MOP-18-10E.pdf](http://ozone.unep.org/Meeting_Documents/mop/18mop/MOP-18-10E.pdf)

### **Basel Convention on the Control of**

Compliance Committee

No non-compliance proceedings started against Ecuador.



**Transboundary Movements of Hazardous Wastes and Their Disposal**

**Stockholm Convention on Persistent Organic Pollutants**

No compliance committee established yet. Compliance assessed through the following:  
national implementation report required by Art.7  
contributions to the convention budget

National implementation report required by Art.7 submitted <http://www.pops.int/documents/implementation/nips/submissions/default.htm>

Contributions to the budget were paid for 2006, but not for 2007.

[http://www.pops.int/documents/meetings/cop\\_3/meetingdocs/inf17/K0730049%20INF17-financial%20update.pdf](http://www.pops.int/documents/meetings/cop_3/meetingdocs/inf17/K0730049%20INF17-financial%20update.pdf)

**CITES Convention on International Trade in Endangered Species of Wild Fauna and Flora**

- 1. Standing Committee
- 2. 27/10/05
- 3. <http://www.cites.org/eng/resources/reports.shtml>

Ratified. Implementing legislation is under review by the CITES Secretariat and is not yet believed to fully meet all the requirements for the implementation of CITES (category 2. See Annex 2 of the latest report on national law for the implementation of the Convention: <http://www.cites.org/eng/cop/14/doc/E14-24.pdf>). Currently under scrutiny of the CITES Standing Committee but has not been determined by that body as being non-compliant and is considered to be making progress (see p.27-28 of the Summary record of the 54<sup>th</sup> meeting of the Standing Committee: <http://www.cites.org/eng/com/SC/54/E54-SumRec.pdf> )

N.B. Has not ratified the Gaborone amendment to CITES which would allow the Community to become a Party.

**Convention on Biological Diversity**

- NBSAP adopted
- 1<sup>st</sup> Nat report subm
- 2<sup>nd</sup> Nat report subm.
- 3<sup>rd</sup> Nat report subm.

2<sup>nd</sup> and 3<sup>rd</sup> national reports not submitted.

Link to NBSAPs and national reports <http://www.cbd.int/world/map.shtml?ctr=ec>

Link to level of payments: <http://www.cbd.int/convention/parties/contributions.shtml?tab=2>

No sign. unpaid contr.

**Cartagena Protocol  
on Biosafety**

1<sup>st</sup> national implementation report not submitted.

1<sup>st</sup> Nat impl report subm

No non-compliance proceedings during this period

Information about the CPB compliance committee available at  
<http://www.cbd.int/biosafety/issues/compliance.shtml>

The Cartagena Compliance Committee is tasked to report to MOP4 in May 2008 on general issues of compliance by parties with their obligations under the Protocol.

**Kyoto Protocol to  
the United Nations  
Framework  
Convention on  
Climate Change**

Compliance Committee

No non-compliance proceedings were started against Ecuador.

**United Nations  
Single Convention  
on Narcotic Drugs**

1. INCB
2. 1 March 2007

In accordance with the 2006 Report of the INCB, responsible for the monitoring the implementation of this UN Convention, there are no specific recommendations regarding this country.

3.  
<http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf>

**Convention on  
Psychotropic  
Substances**

1. INCB
2. 1 March 2007

See above.

- 3.

<http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf>

**Illicit Traffic in Narcotic Drugs and Psychotropic Substances**

1. INCB
2. 1 March 2007
- 3.

<http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf>

With regard to Project Cohesion, the authorities of Colombia and its neighbouring countries should urgently launch investigations to identify the sources and routes from, or along which, potassium permanganate is being smuggled into areas where the illicit manufacture of cocaine takes place.

**United Nations Convention against Corruption**

No Review Mechanism has been set up so far but 3 working groups has been established (review of implementation; asset recovery; technical assistance) to prepare recommendations for the 2<sup>nd</sup> Conference of State Parties that took place in Bali, 28 January-1 February 2008. The 3<sup>rd</sup> such Conference is planned to take place in late 2009 and in the meantime work continues in the working groups.

The self assessment check list was not completed by the 2<sup>nd</sup> COSP

## 5. GEORGIA (GE)

### CONVENTION REPORTING STATUS RECOMMENDATIONS

#### ILO CONVENTIONS ON CORE LABOUR RIGHTS:

1. *Monitoring Body*
2. *Date of latest Report*
3. *Web link*

*Latest recommendations by the monitoring body.*

#### 87-Freedom of Association and Protection of the Right to Organise

CEACR  
2008

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=962&chapter=3&query=Georgia%40ref%2B%20Observation%40ref%2B%203YEAR%3D2008&highlight=&querytype=bool&context=0>

The Committee had noted that while the new Labour Code repealed the Law on collective contracts and agreements and the Law on collective labour disputes, it did not regulate all aspects of freedom of association. The Committee notes the Government's indication that Chapter X of the Labour Code regulates the matters in connection with collective agreements and Chapter XII - labour disputes; it also takes note of the draft amendments to the Labour Code so as to bring it into closer conformity with international labour standards. The Committee notes the Government's indication that the legislation does not limit the right to strike of trade union confederations (associations). The Committee recalls that it had previously noted the ICFTU's comments with regard to the dispute over trade union property and urged the Government to engage in consultations with trade union organizations in order to settle the question of the assignment of property. The Committee notes the Government's statement that the property dispute, previously referred to by the ICFTU, had been resolved.

#### 98-Application of the Principles of the Right to Organise and to Bargain Collectively

CEACR  
2008

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1095&c>

The Committee notes the Government's statement that representatives of trade unions and employers' organizations were involved in the discussion of the Labour Code. The Committee had noted that section 11(6) of the Law on trade unions and section 2(3) of the new Labour Code prohibited, in very general terms, anti-union discrimination, and did not appear to constitute sufficient protection against anti-union discrimination: (i) at the time of recruitment of workers; and (ii) at the time of termination of their employment. The

<http://www.ilo.org/ilolex/cgi-bin/ilolex/pdconv.pl?host=status01&textbase=iloeng&document=17604&chapter=9&query=Georgia%40ref&highlight=&querytype=bool&context=0>

Committee notes the Government's statement that section 42 of the Code of Administrative Violations, punishes violations of labour legislation and labour protection rules by a penalty equivalent to a minimum of 100 times the labour remuneration. The Committee had previously noted that Georgian legislation prohibited acts of interference from employers in trade union activities. The Committee once again requests the Government to take the necessary measures in order to adopt specific legislative provisions in this respect. The Committee notes that the Government recognizes the need to improve the legislation, as Georgia does not have a collective agreement tradition and there are not too many collective agreements concluded in practice. Considering that the provisions of the new Labour Code do not promote collective bargaining as called for by Article 4 of the Convention, the Committee requests the Government to take the necessary measures, either by amending the Labour Code or by adopting specific legislation on collective bargaining, so as to promote collective bargaining and to ensure the regulation by legislative means of the right of employers' and workers' organizations to bargain collectively in full conformity with Article 4 of the Convention.

**29- Forced or  
Compulsory Labour**

CEACR  
2006

<http://www.ilo.org/ilolex/cgi-bin/ilolex/pdconv.pl?host=status01&textbase=iloeng&document=17604&chapter=9&query=Georgia%40ref&highlight=&querytype=bool&context=0>

The Committee notes that the Government's report contains no reply to previous comments. It expects full information on the following matters:

Article 1(1) and Article 2(1) and (2)(a) of the Convention. As regards the compulsory military service, it requests the Government to indicate provisions prohibiting the exaction of work or service from military personnel for non-military purposes. Article 2(2)(c). As a rule, convicted prisoners are assigned labour tasks within the territory of a penitentiary institution, but in exceptional cases may work outside the institution. The Committee requests the Government to provide information on the organization of prison labour outside a penitentiary institution. Article 25. Government must indicate provisions under which the illegal exaction of forced or compulsory labour is punishable as a penal offence, as required by this Article.

**100- Equal  
Remuneration of  
Men and Women  
Workers for Work**

CEACR  
2006

*Article 2 of the Convention. Wage determination.* The Committee notes that mechanisms do exist in Georgia for setting wages and that the Government has adopted a number of legal measures for establishing the minimum wage and subsistence wage, as well as remuneration rates for employees in the public sector. However, there exists a

## of Equal Value

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=17604&chapter=9&query=Georgia%40ref&highlight=&querytype=bool&context=0>

*remuneration gap*. The Committee understands the difficult economic circumstances facing the Government and, in particular, the widespread poverty that exists in Georgia. Bearing this in mind, the Committee notes with concern that according to data from 2004, the average monthly salary for women represented only 81.8 per cent of the minimum subsistence wage in 2004, signifying that many more women than men are vulnerable to poverty on account of their difference in earnings.

The Committee notes that the current Labour Code does not define the term 'wages'. The Committee recalls that the adoption of techniques to measure and objectively compare the relative value of jobs is critical to eliminating disparities in the remuneration levels of men and women. The Committee asks the Government to provide relevant information on the general application of the Convention, including judicial decisions and information on inspections carried out by the Labour Inspection Service that might assist the Committee in assessing the extent and nature of existing pay inequalities between men and women in the country, and the measures taken to address them.

## 105- Abolition of Forced Labour

### 111- Discrimination in Respect of Employment and Occupation

CEACR  
2006

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=18245&chapter=9&query=Georgia%40ref&highlight=&querytype=bool&context=0>

*Discrimination in employment and occupation on grounds other than sex*. The Committee notes from the concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/GEO/CO/3, 1 November 2005) that the representation of the different ethnic communities of the population in state institutions and in the public administration is disproportionately low. *Sexual harassment*. The Government must include information on this matter.

*Article 3(e). Vocational training*. There is a developed network of vocational training that is equally accessible to nationals and non-nationals alike and which includes 78 primary, 141 intermediate and 180 advanced professional training institutions.

*Legislative protection from discrimination in employment and occupation*. The Government is expected to provide information on how protection against discrimination is

ensured in practice with respect to access to employment and occupation and vocational training, including with respect to non-citizens and stateless persons.

*Discrimination on the basis of sex.* Must provide information on the measures taken to combat discrimination in the public sector on the basis of sex.

*Article 3(a). Cooperation with workers' and employers' organizations.* The Committee requests the Government to provide information on the activities or measures carried out by this body or any other body to promote the application of a national policy of non-discrimination in all fields of public and private employment.

**138- Minimum Age  
for Admission to  
Employment** CEACR  
2007

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=9484&chapter=6&query=Georgia@ref&highlight=&querytype=bool>

The Committee notes the Government's report and the comments of the Georgian Trade Unions Confederation (GTUC) dated 30 August 2006. It requests the Government to provide further information on the following points.

*Article 2, paragraph 1, of the Convention. Scope of application.* The Committee notes that UNICEF estimates 30 per cent of the children between the ages of 5 and 15 years work in Georgia. Moreover, according to information provided to the GTUC by the trade union of agricultural workers, child labour is widely used in the agricultural sector at harvest time in the following regions: Bolnisi area (Sarachlo and Pahrulo villages), Marneula area (Gomargweba and Hesil-Adglo villages), and Tsalka and Ahalkalaki areas. The Committee reminds the Government that the Convention applies to all branches of economic activity and covers all types of work or employment and therefore requests the Government to provide information on the manner in which the protection afforded by the Convention is secured for children who work in the agricultural sector as well as those children working on their own account.

*Article 3, paragraph 1. Age of admission to hazardous work.* The Committee notes the comments by the GTUC, that hard, unhealthy and hazardous work is prohibited for children below the age of 16, while Convention No. 138 obliges the national authorities to stipulate the minimum age of 18 years for admission to hazardous work. The Committee requests the Government to indicate which legal provision defines under-age persons as persons under the age of 18 years and to provide a copy thereof.

*Article 7, paragraphs 1 and 3. Light work and determination of light work.* The Committee notes

the comments by the GTUC that the hours of work of young workers are not limited. The Committee recalls that according to Article 7, paragraph 3, of the Convention, the competent authority shall determine the activities in which employment or work may be permitted and shall prescribe the number of hours during which and the conditions in which such employment or work may be undertaken. The Committee therefore requests the Government to indicate the measures adopted to determine the number of hours during which and the conditions in which light work may be undertaken by young persons above the age of 14 years.

**182- Prohibition and Immediate Action for the Elimination of the Worst Forms of Child**

CEACR  
2007

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=20440&chapter=9&query=Georgia%40ref&highlight=&querytype=bool&context=0>

**Labour**

The Committee notes the Government's information and the comments of the Georgian Trade Unions Confederation (GTUC) dated 30 August 2006. It requests the Government to provide further information on a number of points. The Committee requests the Government to continue providing information on the application of the Convention in practice and, in particular, on the situation of street children and the use of children in sexual exploitation.

**UN CONVENTIONS ON CORE HUMAN RIGHTS:**

1. *Monitoring Body*
2. *Date of latest Report*
3. *Web link*

*Latest recommendations by the monitoring body.*

**Convention on the Prevention and Punishment of the Crime of Genocide**

There are no reports of violations of this Convention

**International**

No report available from the UN Committee on the Elimination of Racial Discrimination during



**Convention on the Elimination of All Forms of Racial Discrimination**

1. CCPR
2. 15 November 2007
3. <http://daccessdds.un.org/doc/UNDOC/GEN/G07/453/20/PDF/G0745320.pdf?OpenElement>

the reporting period.

In 2007, the UN Human Rights Committee expressed its concerns at the obstacles faced by minorities in the enjoyment of their cultural rights, as well as the low level of political representations of minorities. The Committee called upon Georgia to take all appropriate measures to ensure adequate political representation and participation of minorities, in particular Armenian and Azeri communities, as well as to improve their knowledge of the Georgian language; to eliminate language-based discriminatory practices and to promote the integration of minorities in the Georgian society; and to adopt indicators and benchmarks to assess anti-discrimination goals.

**International Covenant on Civil and Political Rights**

1. CCPR
2. 15 November 2007
3. <http://daccessdds.un.org/doc/UNDOC/GEN/G07/453/20/PDF/G0745320.pdf?OpenElement>

The Committee welcomed the significant and wide-ranging legislative and institutional changes that have been lately introduced in Georgia with a view to consolidating the rule of law and welcomed the accession by Georgia in 2006 to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The Committee recommended Georgia to take all possible measures, without discrimination, to enhance protection under the Covenant for the population of Abkhazia and Tskhinvali Region/South Ossetia by the de facto authorities in these areas and to ensure that international agencies are able to operate without obstacles; to ensure that nobody is returned to a country where there are substantial grounds to believe that they are at risk of being arbitrarily deprived of their life or being tortured or subjected to other cruel, inhuman or degrading treatment or punishment; to provide training to border guards on the rights of asylum seekers, and institute a mechanism to speed up referral of asylum seekers from the border guards to the asylum authority; to take prompt measures to implement the 2006 *Law on Combating Domestic Violence, Prevention of and Support to its Victims*; to take firm measures to eradicate all forms of excessive use of force by the law enforcement officials; to ensure prompt and impartial investigation of complaints concerning

allegations of torture or other ill-treatment, and initiate criminal proceedings against alleged perpetrators; to ensure proper reparation for victims; to put in place measures to improve the conditions of all persons deprived of their liberty before trial and after conviction, fulfilling all requirements outlined in the United Nations Standard Minimum Rules for the Treatment of Prisoners; to take steps to ensure the independence of the judiciary, in particular to eradicate all forms of interference with the judiciary, and ensure prompt, thorough, independent and impartial investigations into all allegations of interference, including by way of corruption and prosecute and punish perpetrators, including judges who may be complicit; to educate judges in order to ensure adequate administration of justice; to ensure equal enjoyment of the right of freedom of religion or belief and ensure that Georgian legislation and practices conform fully to article 18 of the Covenant; to guarantee freedom of speech and of the press and other media and to ensure that complaints in this regard are promptly investigated, and that perpetrators are prosecuted and punished; to take all appropriate measures to ensure adequate political representation and participation of minorities, in particular Armenian and Azeri communities, as well as to improve their knowledge of the Georgian language; to eliminate language-based discriminatory practices and to promote the integration of minorities in the Georgian society

**International  
Covenant on  
Economic, Social  
and Cultural Rights**

1. CCPR
2. 15 November 2007

3. <http://daccessdds.un.org/doc/UNDOC/GEN/G07/453/20/PDF/G0745320.pdf?OpenElement>

No report available from the UN Committee on Economic, Social and Cultural Rights during the reporting period.

In 2007, the UN Human Rights Committee expressed its concerns at the obstacles faced by minorities in the enjoyment of their cultural rights, as well as the low level of political representations of minorities. The Committee called upon Georgia to take all appropriate measures to ensure adequate political representation and participation of minorities, in particular Armenian and Azeri communities, as well as to improve their knowledge of the Georgian language; to eliminate language-based discriminatory practices and to promote the integration of minorities in the Georgian society; and to adopt indicators and benchmarks to assess anti-discrimination goals.

**International  
Convention on the  
Suppression and  
Punishment of the  
Crime of Apartheid**

**Convention on the  
Elimination of All  
Forms of**

A.

There are no reports of violations of this Convention

A. The Committee welcomed the adoption of a range of national action plans, and recent legislative initiatives and related activities aimed at addressing violence against women and at promoting gender equality. The Committee welcomed Georgia's continued collaboration with women's

**Discrimination  
against Women**

CEDAW

25 August 2006

[CEDAW/C/GEO/CO/3](#)

[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CEDAW.C.GEO.CO.3.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CEDAW.C.GEO.CO.3.En?Opendocument)

NGOs. The Committee called on Georgia to improve statistical data collection and analysis, to adopt a comprehensive approach to the implementation of CEDAW in relation to gender equality, to disseminate information about CEDAW, to establish a permanent institutional mechanism for promoting and monitoring gender equality, to enhance education and training programmes on gender equality, to implement and disseminate new pieces of legislation on domestic violence, to fully implement legislation on human trafficking, to take measures to address the under-representation of women in public and political life, to monitor and address the occupational segregation between women and men in the labour market, to take measures regarding the feminization of poverty, to introduce a board framework for health services for women, and to provide an assessment of the situation of rural women and ethnic minority women.

B. While acknowledging the Law on Combating Domestic Violence, Prevention of and Support to its Victims, adopted in 2006, the Committee expressed its concern at the still substantial number of women in Georgia who are subject to violence, in particular to domestic violence, as well as at the insufficient measures and services to protect victims. The Committee noted with regret that the State party considers that NGOs are mainly responsible for setting out and managing shelters for victims of domestic violence, without assuring to them appropriate financing. The Committee called on Georgia to take prompt measures to implement the 2006 Law.

B.

1. CCPR

2. 15 November 2007

3. <http://daccessdds.un.org/doc/UNDOC/GEN/G07/453/20/PDF/G0745320.pdf?OpenElement>

**Convention against  
Torture and Other  
Cruel, Inhuman or  
Degrading  
Treatment  
or  
Punishment**

1. CAT
2. 25 July 2006
3. [CAT/C/GEO/CO/3](#)

[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CAT.C.GEO.CO.3.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CAT.C.GEO.CO.3.En?Opendocument)

The Committee welcomed the fact that Georgia had acceded to or ratified a number of relevant international and regional instruments. The Committee noted with satisfaction the ongoing efforts at the State level to reform its legislation, policies and procedures in order to ensure better protection of human rights, including the right not to be subjected to torture and other forms of ill-treatment. The Committee called upon Georgia to develop and implement a policy of zero tolerance as regards acts of torture and ill-treatment, to revise the Constitution in line with the Convention, to comply with the principle of non-refoulement, to enhance its investigative capacity on allegations of torture and ill-treatment, to ensure that all detained persons are duly informed of their rights, to review the terms of bilateral agreements which prohibit the transfer of certain citizens to the International Criminal Court, to assess and enhance training programmes for law-enforcement officials, to ensure that all law-enforcement personnel be identifiable, to provide information on and investigate all cases of sudden deaths in places of detention, to take measures to improve detention conditions, including for women and to adopt legislation to guarantee the right to redress and to compensation for victims.

**Convention on the  
Rights of the Child**

1. CRC
2. June 2008
3. <http://www.ohchr.org/EN/Countries/ENACARegion/Pages/GEIndex.aspx>

The Committee noted with appreciation the legislative and programmatic measures taken by Georgia with a view to implementing the Convention and recommended to secure the necessary human and financial resources to enable the Child's Rights Centre; to establish an independent complaint mechanism that is easily accessible to and user-friendly for all children; to develop a comprehensive system of collection of data on the implementation of the Convention; to monitor and ensure implementation of existing laws guaranteeing the principle of non-discrimination; to fully incorporate the principle of the best interests of the child in all programmes, policies, judicial and administrative proceedings; to establish institutional structures, to ensure full birth registration throughout the country; to investigate thoroughly all allegations of torture and ill-treatment by

public officials and ensure that perpetrators are rapidly brought to justice and tried; to provide adequate reparations, rehabilitation and recovery programs for victims of abuses; to adopt legislation explicitly prohibiting all forms of corporal punishment of children in all settings, including the home; to allocate sufficient resources to provide adequate support and assistance through its social services system for all families, particularly those economically disadvantaged, up to the age of 18 years, and those in rural and remote areas; to expedite the deinstitutionalization programme, including reunification with families and the recruitment of foster parents and that the conditions in existing institutions be improved in the areas of nutrition, sanitation, training of staff, monitoring and visitation, complaint mechanism and periodic review of placement; to provide appropriate professional and financial resources with a view to strengthening programs related to adoption, its promotion and its respective control; to take into account the needs and the rights of children with disabilities; to allocate increased resources to address the high rates of neonatal deaths and premature births, by, *inter alia*, improving ante- and post-natal care; to promote and ensure access to reproductive health services for all adolescents, including sex and reproductive health education in schools as well as youth-sensitive and confidential counselling and health care services; to make efforts to accurately assess and monitor the scale of the HIV/AIDS problem in the country, to prevent the spread of HIV/AIDS and to allocate increased resources with a view to providing assistance to children with HIV/AIDS and to children whose parents and other family members have HIV/AIDS; to take steps to improve the standard of living of children as a matter of priority, giving particular attention to housing, water and sanitation; to allocate sufficient funds in order to counteract the persistent inequality and effectively reduce the disparities and improve the extremely low standard of living of *inter alia*, families with several children, refugee and internally displaced families, and families living in rural and remote areas; to focus on an overall improvement of the quality of education provided, particularly in rural and minority regions and to take further measures to facilitate the accessibility to education of children from all groups in society; to meet the specific protection needs of refugee and asylum-seeking children, including unaccompanied and separated children; to give the highest priority to the protection of the rights of internally displaced children; to take steps to prevent child labour; to provide street children with recovery and social reintegration services; to adopt a comprehensive law to prevent sexual exploitation and prostitution of children; to take appropriate legal and other measures to protect children who are victims of sexual exploitation and prostitution, and prosecute perpetrators of sexual abuse and exploitation; to bring the system of juvenile justice fully in line with the Convention; to reinstate the minimum age of criminal responsibility at 14 years; to recognize the rights of children belonging to minority groups to enjoy his or her own culture, to profess and

practise his or her own religion, or to use his or her own language.

**CONVENTIONS  
ON  
ENVIRONMENT  
AND  
GOVERNANCE  
PRINCIPLES :**

1. *the Monitoring Body*
2. *Date of latest Report*
3. *Web link*

*Latest recommendations by the monitoring body.*

**Montreal Protocol  
on Substances that  
Deplete the Ozone  
Layer**

Implementation Committee

No non-compliance proceedings against Georgia

**Basel Convention  
on the Control of  
Transboundary  
Movements of  
Hazardous Wastes  
and Their Disposal**

Compliance Committee

No non-compliance proceedings were started against Georgia.

**Stockholm  
Convention on  
Persistent Organic  
Pollutants**

No compliance committee established yet. Compliance assessed through:  
national implementation report required by Art.7  
contributions to the convention budget

National implementation report required by Art.7 due only on 2 January 2009  
<http://www.pops.int/documents/implementation/nips/submissions/default.htm>

Contributions to the budget will start in 2008.

[http://www.pops.int/documents/meetings/cop\\_3/meetingdocs/report/COP3%20advance%20report\\_en.pdf](http://www.pops.int/documents/meetings/cop_3/meetingdocs/report/COP3%20advance%20report_en.pdf)

**CITES  
Convention on  
International Trade**

1. Standing Committee

Ratified. Implementing legislation is under review by the CITES Secretariat and is not yet believed to meet the requirements for the implementation of CITES (category 3. See Annex 2 of the latest report on national law for the implementation of the Convention:

<b>in Endangered Species of Wild Fauna and Flora</b>	<p>2. 06/11/06</p> <p>3.  <a href="http://www.cites.org/eng/resources/reports.shtml">http://www.cites.org/eng/resources/reports.shtml</a></p>	<p><a href="http://www.cites.org/eng/cop/14/doc/E14-24.pdf">http://www.cites.org/eng/cop/14/doc/E14-24.pdf</a>). Currently under scrutiny of the CITES Standing Committee but has not been determined by that body as being non-compliant and is considered to be making progress (see p.27-28 of the Summary record of the 54<sup>th</sup> meeting of the Standing Committee: <a href="http://www.cites.org/eng/com/SC/54/E54-SumRec.pdf">http://www.cites.org/eng/com/SC/54/E54-SumRec.pdf</a> )</p> <p>Georgia has yet to comply with Article VIII, paragraph 7 of CITES which requires each Party to submit a biennial report on legislative, regulatory and administrative measures taken to enforce the Convention (deadline for the submission being the 31st of October of the year following the year for which the report was due).</p>
<b>Convention on Biological Diversity</b>	<p>NBSAP adopted</p> <p>1<sup>st</sup> Nat report sub<input checked="" type="checkbox"/></p> <p>2<sup>nd</sup> Nat report sub<input checked="" type="checkbox"/></p> <p>3<sup>rd</sup> Nat report sub<input checked="" type="checkbox"/></p> <p>No sign. unpaid <input checked="" type="checkbox"/></p>	<p><input checked="" type="checkbox"/> 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> national reports not submitted. There are significant unpaid mandatory contributions to the CBD core budget.</p> <p>Link to NBSAPs and national reports <a href="http://www.cbd.int/world/map.shtml?ctr=ge">http://www.cbd.int/world/map.shtml?ctr=ge</a></p> <p>Link to level of payments: <a href="http://www.cbd.int/convention/parties/contributions.shtml?tab=2">http://www.cbd.int/convention/parties/contributions.shtml?tab=2</a></p>
<b>Cartagena Protocol on Biosafety</b>	<p>Not signed, not party</p>	
<b>Kyoto Protocol to the United Nations Framework Convention on Climate Change</b>	<p>Compliance Committee</p>	<p>No non-compliance proceedings were started against Georgia.</p>
<b>United Nations Single Convention on Narcotic Drugs</b>	<p>1. INCB</p> <p>2. 1 March 2007</p> <p>3.  <a href="http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf">http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf</a></p>	<p>In accordance with the 2006 Report of the INCB, responsible for the monitoring the implementation of this UN Convention, there are no specific recommendations regarding this country.</p>



<b>Convention on Psychotropic Substances</b>	<ol style="list-style-type: none"> <li>1. INCB</li> <li>2. 1 March 2007</li> <li>3. <a href="http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf">http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf</a></li> </ol>	See above.
<b>Illicit Traffic in Narcotic Drugs and Psychotropic Substances</b>	<ol style="list-style-type: none"> <li>1. INCB</li> <li>2. 1 March 2007</li> <li>3. <a href="http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf">http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf</a></li> </ol>	See above.
<b>United Nations Convention against Corruption</b>	<p>No Review Mechanism has been set up so far but 3 working groups has been established (review of implementation; asset recovery; technical assistance) to prepare recommendations for the 2<sup>nd</sup> Conference of State Parties that took place in Bali, 28 January-1 February 2008. The 3<sup>rd</sup> such Conference is planned to take place in late 2009 and in the meantime work continues in the working groups.</p>	The self assessment check list was not completed by the 2 <sup>nd</sup> COSP

## 6. GUATEMALA (GU)

### CONVENTION REPORTING STATUS RECOMMENDATIONS

#### ILO CONVENTIONS ON CORE LABOUR RIGHTS:

1. *Monitoring Body*
2. *Date of latest Report*
3. *Web link*

*Latest recommendations by the monitoring body.*

**87-Freedom of  
Association and  
Protection of the  
Right to Organise**

CEACR  
2008

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=966&chapter=3&query=Guatemala%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0>

The Committee recalls that in previous observations it noted acts of violence against trade unionists and that for many years it has been commenting on the following provisions which raise problems of conformity with the Convention: restrictions on the establishment of organizations in full freedom; delays in the registration of trade unions or refusal to register them; restrictions on the right to elect trade union leaders in full freedom; restrictions on the free financial administration of trade union organizations under the Basic Act on supervision by the tax administration, which in particular allows inspections without prior notice; restrictions on the right of workers' organizations to organize their activities freely; the possibility of imposing compulsory arbitration in the event of a dispute in the public transport sector and in services related to fuel, and the need to determine whether strikes for the purpose of inter-union solidarity are still prohibited; labour, civil and penal sanctions applicable to strikes involving public servants or workers in specified enterprises. The Committee notes the emphasis placed by the technical assistance mission on the fact that there have not been any legal strikes since the 1970s. Indeed, according to the mission, "the problem lies in the excessive judicial basis of labour relations law, which in other countries is a matter for the labour administration and not the judiciary. Rulings by judges tend to hold sway when collective solutions are being sought and there is an absence of typical trade union action." In general terms, the Committee notes that the technical assistance mission also found that "the basis of the Guatemalan problem in the field of freedom of association and collective bargaining lies in the existence of a labour law system which, in both substantive and procedural terms, prevents and raises obstacles to the appropriate

development of trade union activity and accordingly to collective bargaining and, as indicated by the ILO supervisory bodies, is in objective violation of Conventions Nos 87 and 98. Without the reform of the system, it is very difficult to propose an appropriate solution, particularly since both the social partners and the Government are imbued with a culture that follows very closely procedures arising out of this legal system”.

**98-Application of the Principles of the Right to Organise and to Bargain Collectively** CEACR  
2008

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1101&chapter=3&query=Guatemala%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0>

The Committee recalls that for various years it has been raising several problems relating to restrictions on the exercise of trade union rights in practice, such as failure to comply with orders to reinstate dismissed trade unionists. Need to promote trade union rights (and particularly collective bargaining), especially in export processing zones. The Committee notes the Government’s indication that two tripartite seminars were undertaken on freedom of association and collective bargaining in the export processing sector, in accordance with the recommendations of the Committee. The Committee emphasizes that the trade union organizations refer to many cases of anti-union dismissals and that there are complaints before the Committee on Freedom of Association on this subject, and raises the inadequacy of guarantees in the procedure for the termination of public officials. Need for the Code of Labour Procedures to be subject to in-depth consultations with the most representative organizations of workers and employers. The Committee notes that the initiative to reform the Civil Service Act was the subject of broad consultations. The Committee further notes that, in general, the mission considered that the legislation that is in force raises obstacles to the appropriate development of trade union activities. It further notes the view of the mission that the Tripartite Committee requires technical assistance to improve its operation. The Committee observes with concern that the serious problems on which it has been commenting for numerous years persist and that, despite the tripartite discussion at the national level and the technical assistance provided on various occasions, there has been no major progress.

**29- Forced or  
Compulsory Labour** CEACR  
2008

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=788&chapter=3&query=Guatemala%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0>

In its previous observation, the Committee indicated that, for the purposes of the Convention, the expression “forced or compulsory labour” means all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered her or himself voluntarily. The Committee observed, in relation to the allegations made by the Trade Union Confederation of Guatemala (UNSI TRAGUA), that in certain cases refusal by workers in the public sector to work hours in excess of the normal working day can result in the termination of their contract and that in the private sector there are cases of enterprises which set production targets for workers who have to work in excess of the ordinary hours of the working day in order to earn a survival wage. The Committee observed that in both cases the common denominator is the imposition of work or a service and the worker has the possibility to “free her or himself” from such imposition only by leaving the job or accepting dismissal as a sanction for refusing to perform such work. The Committee considered that in such cases the work or service is imposed under the menace of a penalty. The Committee requested the Government to provide information on the measures taken or envisaged to ensure compliance with the Convention in this respect.

**100- Equal  
Remuneration of  
Men and Women  
Workers for Work  
of Equal Value** CEACR  
2008

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1143&chapter=3&query=Guatemala%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0>

With regard to the adoption of measures to give legislative expression to the principle of equal remuneration for men and women for work of equal value, the Committee notes that, according to the Government’s report, the work of the Legal Reforms Subcommittee has been unable to progress. The Committee notes that meetings have just begun and that technical and legal analyses of the reforms suggested by the Committee of Experts are being carried out. The Committee draws the Government’s attention to its 2006 general observation on the Convention, which states that “‘Work of equal value’ includes but goes beyond equal remuneration for “equal”, the “same” or “similar” work and also encompasses work that is of an entirely different nature, but which is nevertheless of equal value”. Such legislation should not only provide for equal remuneration for equal, the same or similar work, but also prohibit pay discrimination that occurs in situations where men and women perform different work that is nevertheless of equal value.” The Committee therefore urges

the Government to redouble its efforts to give legislative expression to the principle set forth in the Convention and to keep it informed in this respect.

**105- Abolition of Forced Labour**

CEACR  
2008

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1193&chapter=3&query=Guatemala%40ref%2B%20Observation%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0>

In earlier comments the Committee noted the Government's statement that some provisions of the Penal Code that may affect application of the Convention, are still in force but not applied. The Committee has pointed out time and again in its comments that, in breach of the Convention, these provisions allow the imposition of prison sentences involving compulsory labour as a punishment for the expression of certain political opinions, as a means of labour discipline or for participation in a strike, and has requested the Government to repeal them. With regard to participation in strikes by public servants and employees of public services deemed to be essential, the Committee refers the Government to its comments on the application of Convention No. 87 in which it also asks the Government to repeal the provisions in question. The Committee hopes that the Government will take the necessary steps to align the legislation with the practice, which, according to the Government, already exists, and to ensure observance of the Convention.

**111- Discrimination in Respect of Employment and Occupation**

CEACR2008

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1226&chapter=3&query=Guatemala%40ref%2B%20Observation%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0>

In its previous comments, the Committee referred to communications from the Trade Union Confederation of Guatemala and the International Trade Union Confederation, concerning the administration of pregnancy tests and dismissal on the ground of pregnancy. The Committee notes that, according to the report, the labour inspectorate has not received any complaints relating to the imposition of pregnancy tests as a condition for obtaining or keeping a job. The Government refers to a study entitled "Analysis of gender-based discrimination against women at work, especially in the textile and export processing industries" conducted in the context of the Cumple y gana (Apply and win) programme, with the collaboration of the State Department of the United States. According to this analysis, no pregnancy testing has been reported in clothing and textile enterprises but there is still a high percentage of dismissals among pregnant workers which employers claim to be based on other grounds. The Committee notes the activities of the Department for the Promotion of Working Women, including raising awareness of the prohibition on imposing pregnancy tests on workers, and that this work is being carried out in conjunction with the trade unions and will also be done with the employers. The Committee invites the Government to take

effective steps in consultation with the social partners to eliminate all forms of discrimination on the ground of pregnancy and to keep it informed in this respect. Moreover, the Committee notes that the Vice-Presidency of Guatemala conducted an “Analysis of Discrimination and Racism in Guatemala”, published in 2006, containing a study of the type of public policies needed for eliminating the mechanisms of racism and discrimination prevailing in the country. It notes that, according to the report, such mechanisms play an important role in the severe impact of socio- economic inequalities on indigenous peoples. Noting that the five-volume analysis was not attached to the report, the Committee requests the Government to send a copy and to keep it informed of the follow-up measures taken as a result of the analysis.

**138- Minimum Age  
for Admission to  
Employment** CEACR  
2007

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=9485&chapter=6&query=Guatemala%40ref&highlight=&querytype=book>  
1

*Article 1 of the Convention. National policy. 2. Domestic work.* The Committee notes the information provided by the Government in its report that the Monitoring Committee for the Prevention and Elimination of Child Domestic Work in Private Houses has prepared a plan of action.

*Article 2, paragraphs 1 and 4, and Part V of the report form. Minimum age for admission to employment or work and application in practice.* In its previous comments, the Committee noted the indications by the ICFTU that child labour is very widespread in Guatemala and expressed deep concern at the situation of children under 14 years of age compelled to work in Guatemala and requested the Government to provide information on the manner in which the Convention is applied in practice.

*Article 3, paragraph 2. Determination of hazardous types of work. Production and handling of explosive substances and objects.* The Committee, in its previous comments, noted the indication by the ICFTU that child workers are engaged in extremely dangerous activities, such as the production of fireworks and in stone quarries and requested the Government to take measures to ensure that no person under 18 years of age is employed in the fireworks industry and to provide information on the number of children removed from the industry.

**182- Prohibition  
and Immediate  
Action for the**

The Committee notes the information provided by the Government in reply to the comments made by the Trade Union Confederation of Guatemala (UNSI TRAGUA) in 2004 and also the detailed information provided by the Government in reply to the general observation on the trafficking of

**Elimination of the Worst Forms of Child**

CEACR

2007

**Labour**

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=9592&chapter=6&query=Guatemala%40ref&highlight=&querytype=boo1>

children for economic and sexual exploitation made by the Committee in 2004.

*Article 3 of the Convention. Worst forms of child labour. Clause (a). Sale and trafficking of children for commercial sexual exploitation.* In its previous comments, the Committee noted the observations made by the International Confederation of Free Trade Unions (ICFTU) reporting the problem in the country of the trafficking of persons, including children, for prostitution. The Committee considers that the ongoing reform of the Penal Code will improve the protection in relation to the commercial sexual exploitation of children and trafficking for this purpose that is already established by the current legislation in force in the country.

*Preventing the engagement of children and removing them from the worst forms of child labour.*

*1. Regional project on the prevention and elimination of the commercial sexual exploitation of children.* The Committee notes that, in the context of the ILO/IPEC regional project on the prevention and elimination of the commercial sexual exploitation of children in Central America, Panama and the Dominican Republic, care has been provided to over 195 children and young persons who are victims of commercial sexual exploitation and over 145 have been removed from this worst form of child and the strengthening of national institutional capacities is foreseen.

As to *international cooperation*, the Committee requests the Government to provide information on the measures adopted with other countries participating in the ILO/IPEC project, including Belize, El Salvador and Honduras, to protect young persons under 18 years of age from becoming victims of trafficking and to remove them from this worst form of child labour.

**UN CONVENTIONS ON CORE HUMAN RIGHTS:**

*1. Monitoring Body*

*2. Date of latest Report*

*3. Web link*

*Latest recommendations by the monitoring body.*

**Convention on the  
Prevention and  
Punishment of the  
Crime of Genocide**

**International  
Convention on the  
Elimination of All  
Forms of Racial  
Discrimination**

CERD

15 May 2006

[CERD/C/GTM/CO/11](#)

[http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/df983f78c4a7b2dac1257180004891ec/\\$FILE/G0642036.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/df983f78c4a7b2dac1257180004891ec/$FILE/G0642036.pdf)

The Committee welcomed the establishment of the Presidential Commission on Discrimination and Racism against Indigenous Peoples in Guatemala and the Office for the Defence of Indigenous Women's Rights within the Presidential Human Rights Commission as well as the promulgation of the Framework Law concerning the Peace Agreements, the promulgation of the Mayan Language Act and of legislation with respect to the wearing of regional indigenous dress in schools and finally– in the framework of the reform of the Municipal Code - the recognition given to traditional indigenous authorities as regular municipal authorities.

The Committee recommended Guatemala to adopt the proposed policy entitled “Towards harmonious intercultural coexistence” and legislation classifying as a punishable act any dissemination of ideas based on notions of superiority or racial hatred, to ensure respect for, and recognition of the traditional systems of justice of indigenous peoples, to adopt the bill classifying sexual harassment as an offence, to improve its efforts to ensure the full participation of indigenous peoples and guarantee their access to interpreters and bilingual counsel in courts proceedings, to provide indigenous peoples with the right to be consulted whenever legislative or administrative measures may affect them by inserting a specific clause on the draft legislation on consultative procedures, to recognize and protect the rights of indigenous peoples to own, develop, control and use their communal lands and territories, to implement measures to reduce illiteracy, to promote the adoption of a multicultural approach in the local, community and free communication media.

**International  
Covenant on Civil  
and Political Rights**

**International**



**Covenant on  
Economic, Social  
and Cultural Rights**

**International  
Convention on the  
Suppression and  
Punishment of the  
Crime of Apartheid**

**Convention on the  
Elimination of All  
Forms of  
Discrimination  
against Women**

1. CEDAW
2. 2 May 2006
3.  
[http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/4a8a432aec4770b3c125723d005b71fd/\\$FILE/N0638386.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/4a8a432aec4770b3c125723d005b71fd/$FILE/N0638386.pdf)

The High Commissioner encourages the Government to apply the updated national policy on advancement and equal opportunity for Guatemalan women by devising a plan for its implementation. The Government is urged to continue strengthening the Presidential Secretariat for Women (SEPREM), the Office for the Defence of Indigenous Women (DEMI), and the National Coordinating Office for the Prevention of domestic Violence and Violence against Women (CONAPREVI). Also, the High Commissioner urges Congress to give priority to reforms aimed at eliminating discrimination and combating violence, particularly the amendments to the Civil Code to equalize the marriage age for men and women, to the Labour Code to ensure adequate protection of women working as domestics in private homes, and to the section of the Criminal Code relating to sexual offences, as well as the criminalization of domestic violence and sexual abuse, the need for which has already been reiterated.

The Committee recommended Guatemala to achieve the required amendments to discriminatory provisions in the Civil, Criminal and Labour Codes, to increase efforts to determine the causes and extent of trafficking of women and girls and the incidence of internal trafficking, to take without delay all the measures necessary to put an end to the murders and disappearances of women and the impunity of perpetrators, to accelerate amending of the Act on Elections and Political Parties, to increase the number of women, in particular indigenous women, in political and public life and in decision-making positions, to improve the national legislation concerning sexual harassment, to prevent and punish violations of the rights of women working in the *maquiladora* industries, to

ensure that all poverty eradication policies and programmes integrate a gender perspective and to ensure that indigenous women have full access to bilingual education, health services and credit facilities and can fully participate in decision-making processes.

**Convention against  
Torture and Other  
Cruel, Inhuman or  
Degrading  
Treatment  
Punishment**

CAT

25 July 2006

or [CAT/C/GTM/CO/4](#)

[http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/7bb375a04fc64f59c12571e70039cfa7/\\$FILE/G0643260.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/7bb375a04fc64f59c12571e70039cfa7/$FILE/G0643260.pdf)

The Committee welcomed the efforts made - particularly by the judiciary's Modernization Unit - to reform Guatemala's judicial system as well as the proposal submitted in April 2006 to the Office of the Secretary-General to establish a Commission for the Investigation of Illegal Groups and Clandestine Security Organizations.

The Committee recommended Guatemala to amend its legislation to bring it into line with the provisions of the Convention, to repeal all laws which allow the army to be involved in activities which should be carried out exclusively by the National Civil Police, to protect human rights defenders, to explicitly provide that an order from a superior officer or a public authority may not be invoked as a justification for torture, to restrict the jurisdiction of military courts to the trial of military personnel accused of crimes of an exclusively military nature, to apply strictly the National Reconciliation Act excluding amnesty for the perpetrators of torture, , to investigate and prosecute all acts of torture and other grave human right violations committed during the internal armed conflict and grants adequate compensation to the victims, to adopt legislation on the prison system in conformity with international human rights norms, to reduce the number of persons held in pre-trial detention, and to prevent the use of excessive force during evictions.

In 2006, CAT requested the State to provide information on its response to CAT's recommendations related to: the increase in acts of harassment and persecution experienced by human rights defenders; impunity regarding the human rights violations committed during the internal armed conflict; the numerous allegations concerning: "social cleansing" and killings of children living in the street; violent killings of women,; lynching of individuals; and sexual violence against women in police stations. The follow-up report to CAT, due in May 2007, *has not yet been received*.

**Convention on the Rights of the Child**

- A.
1. CRC (OP on the sale of children, child prostitution and child pornography)
  2. 8 June 2007
  3.  
<http://www2.ohchr.org/english/bodies/crc/docs/co/CRC.C.OPSC.GTM.CO.1.pdf>

- B.
1. CRC (OP on the involvement of children in armed conflict)
  2. 8 June 2007
  3.  
<http://daccessdds.un.org/doc/UNDOC/GEN/G07/423/81/PDF/G0742381.pdf?OpenElement>

A. The Committee noted with appreciation the adoption of legislative measures and ratification of international instruments in the period covered by the report (before 2005).

The Committee recommended Guatemala to strengthen the role of the *Secretaría de Bienestar Social*, to continue and strengthen systematic gender-sensitive education and training on the provisions of the Protocol for all professional groups working with children, - to make the provisions of the Optional Protocol widely known, to collect and analyse statistically disaggregated data, to provide adequate resources for the implementation of the Protocol, to complete the reform of the Penal Code to bring it into line with the Protocol, to ensure that child victims and witnesses are protected at all stages of the judicial process, to suspend all adoptions and to undertake action to comply with the provisions of the Protocol and of the Hague Convention No. 33, and to take measures to combat sex tourism.

B. The Committee welcomed Guatemala's declaration made upon the ratification of the Optional Protocol that the minimum age for compulsory recruitment into the armed forces of Guatemala is 18 years and the stated intention to ratify the Rome Statute of the International Criminal Court.

The Committee recommended Guatemala to explicitly prohibit by law the recruitment of children under the age of 18 years into armed forces and armed groups and their direct participation in hostilities, to explicitly criminalise by reform of the Penal Code violations of the provisions of the Optional Protocol regarding the recruitment and involvement of children in hostilities, to establish extraterritorial jurisdiction for these crimes when they are committed by or against a person who is a citizen of or has other links with Guatemala, to stipulate explicitly that military personnel should not undertake any act that violates the rights enshrined in the Optional Protocol regardless of any military order to that effect, to ensure that adequate safeguards are in place in order to prevent recruitment of children, to formally prohibit corporal punishment, to raise awareness and provide training on the provisions of the Optional Protocol.

**CONVENTIONS ON**

*1. Monitoring Body*

*Latest recommendations by the monitoring body.*

**ENVIRONMENT  
AND  
GOVERNANCE  
PRINCIPLES :**

2. *Date of latest Report*

3. *Web link*

**Montreal Protocol  
on Substances that  
Deplete the Ozone  
Layer**

1. Implementation Committee

2. October 2006

3. <http://ozone.unep.org/>

Report of the Implementation Committee was taken up by the Meeting of the Parties in Decision XVIII/26. The Meeting agreed to monitor revised plan of Action submitted by Guatemala in relation to compliance with methyl bromide controls. Insofar as Guatemala is working to meet control measures it should be treated as a Party in good standing. (UNEP/OzL.Pro.18/10)

[http://ozone.unep.org/Meeting\\_Documents/mop/18mop/MOP-18-10E.pdf](http://ozone.unep.org/Meeting_Documents/mop/18mop/MOP-18-10E.pdf)

**Basel Convention  
on the Control of  
Transboundary  
Movements of  
Hazardous Wastes  
and Their Disposal**

Compliance Committee

No non-compliance proceedings were started against Guatemala.

**Stockholm  
Convention on  
Persistent Organic  
Pollutants**

Signed but not a Party

**CITES  
Convention on  
International Trade  
in Endangered  
Species of Wild  
Fauna and Flora**

- 1. Standing Committee

2. 19/12/06

3. <http://www.cites.org/eng/resources/reports.shtml>

Ratified and has enacted legislation that is believed to generally meet the requirements for implementation of CITES (category 1. See Annex 2 of the latest report on national law for the implementation of the Convention: <http://www.cites.org/eng/cop/14/doc/E14-24.pdf>)

N.B. However, has not ratified the Gaborone amendment to CITES which would allow the

Community to become a Party.

<b>Convention on Biological Diversity</b>	NBSAP adopted <input checked="" type="checkbox"/> 1 <sup>st</sup> Nat report subm <input checked="" type="checkbox"/>  2 <sup>nd</sup> Nat report subm. <input checked="" type="checkbox"/>  3 <sup>rd</sup> Nat report subm. <input checked="" type="checkbox"/>  No sign. unpaid contr. <input checked="" type="checkbox"/>		Link to NBSAPs and national reports <a href="http://www.cbd.int/world/map.shtml?ctr=gt">http://www.cbd.int/world/map.shtml?ctr=gt</a>  Link to level of payments: <a href="http://www.cbd.int/convention/parties/contributions.shtml?tab=2">http://www.cbd.int/convention/parties/contributions.shtml?tab=2</a>
<b>Cartagena Protocol on Biosafety</b>	1 <sup>st</sup> Nat impl report subm <input checked="" type="checkbox"/>  The Cartagena Compliance Committee is tasked to report to MOP4 in May 2008 on general issues of compliance by parties with their obligations under the Protocol	1 <sup>st</sup> National implementation report not submitted.  No non-compliance proceedings during this period  Information about the CPB compliance committee available at <a href="http://www.cbd.int/biosafety/issues/compliance.shtml">http://www.cbd.int/biosafety/issues/compliance.shtml</a>	
<b>Kyoto Protocol to the United Nations Framework Convention on Climate Change</b>	Compliance Committee	No non-compliance proceedings were started against Guatemala.	
<b>United Nations Single Convention on Narcotic Drugs</b>	1. INCB 2. 1 March 2007	In accordance with the 2006 Report of the INCB, responsible for the monitoring the implementation of this UN Convention, there are no specific recommendations regarding this country.	

		3. <a href="http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf">http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf</a>	
<b>Convention on Psychotropic Substances</b>		1. INCB 2. 1 March 2007 3. <a href="http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf">http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf</a>	See above.
<b>Illicit Traffic in Narcotic Drugs and Psychotropic Substances</b>		1. INCB 2. 1 March 2007 3. <a href="http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf">http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf</a>	See above.
<b>United Nations Convention against Corruption</b>		No Review Mechanism has been set up so far but 3 working groups has been established (review of implementation; asset recovery; technical assistance) to prepare recommendations for the 2 <sup>nd</sup> Conference of State Parties that took place in Bali, 28 January-1 February 2008. The 3 <sup>rd</sup> such Conference is planned to take place in late 2009 and in the meantime work continues in the working groups.	The self assessment check list was not completed by the 2 <sup>nd</sup> COSP



[lex/pdconv.pl?host=status01&textbase=iloilc&document=1103&chapter=3&query=Honduras%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0](http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1103&chapter=3&query=Honduras%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0)

legislation, so as to ensure that it is more effective and thereby guarantees respect for the freedom to organize and to engage in collective bargaining. The Committee expresses the firm hope that in the near future the Government will take the necessary measures to include in the national legislation adequate and full protection against any acts of anti-union discrimination or interference and will establish sufficiently effective and dissuasive sanctions against such acts. The ITUC refers to the dismissal of numerous trade union leaders and members following the establishment of a trade union. The Committee requests the Government to provide its comments on these matters.

## **29- Forced or Compulsory Labour**

### **100- Equal Remuneration of Men and Women Workers for Work of Equal Value**

CEACR  
2008

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1145&chapter=3&query=Honduras%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0>

The Committee reminds the Government that the principle of equal pay for equal work laid down by section 44 does not ensure sufficient protection against all forms of gender-based pay discrimination. The Committee recalls that discrimination can exist in cases where women are concentrated in certain sectors of activity in which the work is poorly paid in relation to its value. Hence the Convention establishes a wider principle than that of section 44, with the aim of ensuring that women who perform work which differs from that of men but is of equal value, according to objective evaluation criteria such as responsibilities, qualifications, skills or conditions of work, receive the same remuneration. Noting that the Government's report does not provide any information on the revision of section 44 and merely states that the reform of the Equal Opportunities Act is still under discussion, the Committee asks the Government once again to bring its legislation fully into conformity with the principle of equal remuneration for work of equal value and asks it to supply detailed information in its next report on progress made on the revision of section 44 of the Equal Opportunities for Women Act. The Committee is raising other matters in a request addressed directly to the Government.

### **105- Abolition of Forced Labour**



**111- Discrimination  
in Respect of  
Employment and  
Occupation**

**138- Minimum Age  
for Admission to  
Employment** CEACR  
2008

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1387&chapter=3&query=Honduras%40ref%2B%20Observation%40ref%2B%2023YEAR%3D2008&highlight=&querytype=bool&context=0>

The Committee notes the Government's indications that, although the draft revision of the Labour Code has still not been adopted, it is one of the Government's priorities and that it will examine the possibility of including the Committee's recommendations. Observing that it has been raising this matter for a number of years, and in view of the worrying statistics referred to above, the Committee expresses the firm hope that the draft revision of the Labour Code will be adopted in the near future and that it will contain provisions guaranteeing the protection afforded by the Convention to children who work in agricultural and stock-raising undertakings that do not permanently employ more than ten workers. The Committee requested the Government to provide information on the measures adopted or envisaged to ensure that no minor under 14 years of age is permitted to work in any sector of economic activity. In its report, the Government indicates that article 128(7) of the Constitution of Honduras provides that young persons under 16 years of age and those who have reached this age but are still subject to compulsory schooling may not be engaged in any work. In this respect, the Committee notes that a new plan for the prevention and gradual and progressive elimination of child labour is currently being developed and will be closely linked to the worst forms of child labour. In this respect, the Committee requests the Government to provide information on the implementation of this National Plan and the programmes of action which will be established in this context, as well as on the results achieved in terms of the progressive abolition of child labour and in the field of school attendance.

**182- Prohibition  
and Immediate  
Action for the  
Elimination of the** CEACR  
2008

The Committee notes the Government's report concerning, among others, Article 3 of the Convention, on worst forms of child labour - sale and trafficking of children for commercial sexual exploitation and the use of children for prostitution, for the production of

**Worst Forms of  
Child**

**Labour**

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1501&chapter=3&query=Honduras%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0>

pornography or for pornographic performances. With reference to its previous comments, the Committee notes with satisfaction the adoption of Decree No. 234-2005 of 28 September 2005 reforming the Penal Code. It notes in particular that sections 148 and 149 prohibit procuring, namely the recruitment and submission of a person to commercial sexual exploitation, and the international and internal trafficking of persons for commercial exploitation. However, the Committee notes, according to the information contained in the evaluation reports of the ILO/IPEC sub-regional project entitled “Contribution to the prevention and elimination of commercial sexual exploitation of children in Central America, Panama and the Dominican Republic”, in which Honduras is participating along with Belize, Costa Rica, El Salvador, Guatemala and Nicaragua, that despite the progress achieved, the problem of the commercial sexual exploitation of young persons under 18 years of age still persists in the country. In this respect, the Committee also notes that, the commercial sexual exploitation of children is common in Honduras and is not only due to poverty and the socio-economic situation prevailing in the country. It requests the Government to provide information on the application of the new provisions in practice, including statistics on the number and nature of infringements reported, investigations carried out, prosecutions, convictions and penal sanctions applied.

**UN  
CONVENTIONS  
ON CORE  
HUMAN  
RIGHTS:**

1. *Monitoring Body*
2. *Date of latest Report*
3. *Web link*

*Latest recommendations by the monitoring body.*

**Convention on the  
Prevention and  
Punishment of the  
Crime of Genocide**

**International  
Convention on the  
Elimination of All  
Forms of Racial  
Discrimination**

1. CCPR
2. 13 December 2006
3. [CCPR/C/HND/CO/1](#)

[http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/603e371c3f36d612c12572590050bac1/\\$FILE/G0645946.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/603e371c3f36d612c12572590050bac1/$FILE/G0645946.pdf)

The Human Rights Committee expressed its concern at various problems affecting indigenous communities, particularly discrimination in the areas of health, employment and education, as well as indigenous communities' land rights. It is concerned at the failure to include in the Agrarian Reform Act a specific article on the recognition of title to ancestral indigenous lands (article 27 of the Covenant).

It recommended that Honduras should guarantee members of indigenous communities the full exercise of the right to enjoy their own culture. It should take the necessary steps to resolve the problems related to ancestral indigenous lands.

**International  
Covenant on Civil  
and Political Rights**

1. CCPR
2. 13 December 2006
3. [CCPR/C/HND/CO/1](#)

[http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/603e371c3f36d612c12572590050bac1/\\$FILE/G0645946.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/603e371c3f36d612c12572590050bac1/$FILE/G0645946.pdf)

The Committee welcomed the ratification of several human rights instruments, notably the Inter-American Convention on Forced Disappearance of Persons, the introduction of several legislative measures, notably resulting in the reduction in the number of pending cases before the justice.

The Committee recommended Honduras to typify the crime of enforced disappearance, to investigate cases of enforced disappearances and extrajudicial killings, to prosecute perpetrators and to ensure compensation for the victims or their families, to ensure adequate financing for the National Women's Institute, to promote participation of women in all areas of public life, to combat domestic violence and ensure that those responsible are prosecuted and appropriately punished, to help women avoid unwanted pregnancies and ensure that women need not resort to clandestine abortions, which could endanger their lives, bringing the legislation on abortion into line with the Covenant, to keep track of all weapons belonging to police forces and provide them with appropriate human rights training, to develop programmes addressing the causes of the growing number of street children and to assist them, to ensure that all children attend school, that detentions and prison condition are brought into line with the provisions of the Covenant, to reduce the number of persons in pretrial detention as well as the duration of such detention, to safeguard the independence of the judiciary, to prevent any harassment of journalists and human rights defenders, to ensure birth registration, including the registration of adults, to guarantee indigenous people the full exercise of the right to enjoy their own culture.

**International  
Covenant on  
Economic, Social  
and Cultural Rights**

**International  
Convention on the  
Suppression and  
Punishment of the  
Crime of Apartheid**

**Convention on the  
Elimination of All  
Forms of  
Discrimination  
against Women**

**Convention against  
Torture and Other  
Cruel, Inhuman or  
Degrading  
Treatment or**

## Punishment

### Convention on the Rights of the Child

CRC  
3 May 2007

[http://www2.ohchr.org/english/bodies/crc/docs/co/CRC.C.HND.CO.3\\_en.pdf](http://www2.ohchr.org/english/bodies/crc/docs/co/CRC.C.HND.CO.3_en.pdf)

The Committee welcomed the adoption in 2005 of the National Plan of Opportunities for Children and Adolescents as well as the ratification of the International Convention on the Protection on All Migrant Workers and of the

Inter-American Convention on the Forced Disappearances of Persons.

The Committee recommended Honduras to address the recommendations from previous reports, to guarantee the harmonization of its domestic legislation with the Convention, to ensure protection for child victims or witnesses of crimes, to implement effectively the National Opportunities Plan for Children and Adolescents, to establish a national Ombudsman for Children, and provide that person with adequate human and financial resources, to ensure a more balanced distribution of income throughout the country and prioritize budgetary allocations to ensure implementation of children's rights, to develop a comprehensive system of data collection on the implementation of the Convention, to provide adequate and systematic training and/or sensitization on children's rights for professionals working with and for children, to combat discrimination by ensuring equal access to education, health-care facilities and poverty alleviation programmes, to guarantee children's right to life, investigating disappearances and extra-judicial killings, to make a priority of the immediate registration of the births of all children, to prevent children from being subjected to torture or any other cruel, inhuman or degrading treatment or punishment in all circumstances, to prevent and combat ill-treatment of children within and outside the family, to introduce and enforce legislation explicitly prohibiting all forms of corporal punishment of children, to finalize the process of ratification of the Hague Convention on Protection of Children and Co-operation in respect of Inter-Country Adoption, to protect the rights of children with disabilities, to ensure basic health care and services to all children, including reproductive health services to all adolescents, to address the problem of malnutrition and expand the supply of clean drinking water in homes, to fight drug, alcohol and tobacco addictions, to prevent HIV/AIDS transmission among children, to improve access on quality education, to pay special attention to the situation of migrant children, particularly those unaccompanied and in irregular and/or undocumented situation, to street children and members of gangs, to address comprehensively labour exploitation of children, to combat child trafficking, including ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, to ensure that children are not deprived of their liberty unlawfully or arbitrarily, in particular as a consequence of the application of anti-*maras* measures, to bring the system of juvenile justice fully in line with the Convention and with other United Nations standards

in the field of juvenile justice, to address effectively the gap in life opportunities of indigenous children, and take adequate measures in order to provide protection for the rights of indigenous children.

**CONVENTIONS  
ON  
ENVIRONMENT  
AND  
GOVERNANCE  
PRINCIPLES :**

1. *Monitoring Body*
2. *Date of latest Report*
3. *Web link*

*Latest recommendations by the monitoring body.*

**Montreal Protocol  
on Substances that  
Deplete the Ozone  
Layer**

1. Implementation Committee
2. 37<sup>th</sup> Report 2006
3. <http://ozone.unep.org/>

Honduras is meeting its plan of action in relation to control measures on methyl bromide. The Committee agreed to congratulate Honduras on its reported data for the consumption of (...) methyl bromide in 2005, which showed that (...) it has progressed towards compliance. Recommendation 37/18 (UNEP/OzL.Pro/ImpCom/37/7)  
[http://ozone.unep.org/Meeting\\_Documents/impcom/IMPCOM-37-7E.pdf](http://ozone.unep.org/Meeting_Documents/impcom/IMPCOM-37-7E.pdf)

**Basel Convention  
on the Control of  
Transboundary  
Movements of  
Hazardous Wastes  
and Their Disposal**

Compliance Committee

No non-compliance proceedings were started against Honduras.

**Stockholm  
Convention on  
Persistent Organic  
Pollutants**

No compliance committee established yet. Compliance assessed through:  
national implementation report required by Art.7  
contributions to the convention budget

National implementation report due only on 21 August 2007 :  
<http://www.pops.int/documents/implementation/nips/submissions/default.htm>  
Contributions to the budget paid for 2006 and 2007.  
[http://www.pops.int/documents/meetings/cop\\_3/meetingdocs/inf17/K0730049%20INF17-financial%20update.pdf](http://www.pops.int/documents/meetings/cop_3/meetingdocs/inf17/K0730049%20INF17-financial%20update.pdf)

**CITES Convention on International Trade in Endangered Species of Wild Fauna and Flora** - 1. Standing Committee  
2. 12/06/06  
3. <http://www.cites.org/eng/resources/reports.shtml>

Ratified and has enacted legislation that is believed to generally meet the requirements for implementation of CITES (category 1. See Annex 2 of the latest report on national law for the implementation of the Convention: <http://www.cites.org/eng/cop/14/doc/E14-24.pdf>)

N.B. However, has not ratified the Gaborone amendment to CITES which would allow the Community to become a Party.

Honduras has yet to comply with Article VIII, paragraph 7 of CITES which requires each Party to submit a biennial report on legislative, regulatory and administrative measures taken to enforce the Convention (deadline for the submission being the 31st of October of the year following the year for which the report was due).

**Convention on Biological Diversity** NBSAP adopted   
1<sup>st</sup> Nat report subm   
2<sup>nd</sup> Nat report subm.   
3<sup>rd</sup> Nat report subm.   
No sign. unpaid contr.

1<sup>st</sup> and 3<sup>rd</sup> national reports not submitted. Significant unpaid mandatory contributions to the core budget of the CBD.

Link to NBSAPs and national reports <http://www.cbd.int/world/map.shtml?ctr=hn>

Link to level of payments: <http://www.cbd.int/convention/parties/contributions.shtml?tab=2>

**Cartagena Protocol on Biosafety** Signed but not a Party.

**Kyoto Protocol to the United Nations Framework Convention on Climate Change** Compliance Committee

No non-compliance proceedings were started against Honduras.

<b>United Nations Single Convention on Narcotic Drugs</b>	<ol style="list-style-type: none"> <li>1. INCB</li> <li>2. 1 March 2007</li> <li>3. <a href="http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf">http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf</a></li> </ol>	In accordance with the 2006 Report of the INCB, responsible for the monitoring the implementation of this UN Convention, there are no specific recommendations regarding this country.
<b>Convention on Psychotropic Substances</b>	<ol style="list-style-type: none"> <li>1. INCB</li> <li>2. 1 March 2007</li> <li>3. <a href="http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf">http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf</a></li> </ol>	See above.
<b>Illicit Traffic in Narcotic Drugs and Psychotropic Substances</b>	<ol style="list-style-type: none"> <li>1. INCB</li> <li>2. 1 March 2007</li> <li>3. <a href="http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf">http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf</a></li> </ol>	With regard to Project Cohesion, the authorities of Colombia and its neighbouring countries should urgently launch investigations to identify the sources and routes from, or along which, potassium permanganate is being smuggled into areas where the illicit manufacture of cocaine takes place.
<b>United Nations Convention against Corruption</b>	No Review Mechanism has been set up so far but 3 working groups has been established (review of implementation; asset recovery; technical assistance) to prepare recommendations for the 2 <sup>nd</sup> Conference of State Parties that took place in Bali, 28 January-1 February 2008. The 3 <sup>rd</sup> such Conference is planned to take place in late 2009 and in the	The self assessment check list was not completed by the 2 <sup>nd</sup> COSP



meantime work continues in the working groups.

## 8. SRI LANKA (LK)

### CONVENTION REPORTING STATUS RECOMMENDATIONS

#### ILO CONVENTIONS ON CORE LABOUR RIGHTS:

1. *the Monitoring Body*
2. *Date of latest Report*
3. *Web link*

**87-Freedom of  
Association and  
Protection of the  
Right to Organise**

CEACR  
2007

<http://www.ilo.org/public/english/standards/reln/ilc/ilc96/pdf/rep-iii-1a.pdf>

*Latest recommendations by the monitoring body.*

The Committee report addresses both a number of issues that have been raised by comments of the International Confederation of Free Trade Unions (ICFTU) as well as issues that the Committee had raised in the past. For the full text of the Committees comments see the CEACR.

On the comment of the International Confederation of Free Trade Unions (ICFTU) dated 10 August 2006, alleging physical violence against unionists and acts of retaliation against strikers, the Committee requests the Government to send its observations to these comments. The Committee trusts that the Government will take all necessary measures to ensure that judicial officers are guaranteed the right to establish and join organizations of their own choosing, both under the law and in practice, and requests to be kept informed of further developments in this regard.

On the ICFTU's comments relating to threats and violence against trade union representatives in the Export Processing Zones, the Committee requests the Government to take the necessary measures to guarantee that trade union rights can be exercised in normal conditions in this sector.

The Committee recalls that, in its previous comments, it had noted the discrepancy between the minimum age for admission to employment and the minimum age for trade union membership and had

pointed out that the minimum age for trade union membership should be the same as the minimum age for admission to employment.

The Committee notes that the Government indicates that a subcommittee has been appointed by the National Labour Advisory Council (NLAC) to review labour legislation and this matter is also being considered in the context of the overall labour law reforms. The Committee trusts that the Government will take the necessary steps to ensure the revision of this disposition and requests the Government to keep it informed of further developments in this regard and to transmit a copy of the amended text, when adopted.

The Committee requests once again the Government to take the necessary measures to amend legislation that can give rise to compulsory arbitration, so as to ensure that any reference of labour disputes to compulsory arbitration is only at the request of both parties to the dispute or, in the case of essential services, in the strict sense of the term or in the case of public servants, exercising authority in the name of the State.

The Committee recalls that, in its previous comments, it had requested the Government to indicate the relevant legislative provisions to ensure that a decision of the registrar to withdraw or cancel registration of a trade union will not take effect until an independent judicial body has handed down a final decision on the matter.

**98-Application of  
the Principles of the  
Right to Organise  
and to Bargain  
Collectively**

CEACR

2007

<http://www.ilo.org/public/english/standards/relm/ilc/ilc96/pdf/rep-iii-1a.pdf>

In its previous comments, after having noted the provisions providing protection against anti-union discrimination, the Committee noted that section 4(2) of the Industrial Disputes (Amendment) Act of December 1999 provides that any contravention of the provisions concerning anti-union discrimination shall be punished by a fine not exceeding 20,000 rupees. According to the ICFTU, maximum penalties for unfair labour practices are too low to provide sufficient deterrence. The Committee requested once again the Government to provide information in its next report on the dissuasive character of this provision, in particular by indicating the relationship of the amount of the fine to the average wage or

<http://www.ilo.org/public/english/standards/relm/ilc/ilc96/pdf/rep-iii-1a.pdf>

other objective indicators.

The Committee noted that the ICFTU refers again to several cases of anti-union discrimination aimed at preventing the establishment or recognition of trade unions. The Committee noted from the Government's report that the Department of Labour has not yet taken any legal action in order to penalize employers in individual cases on the ground of anti-union discrimination or interference and that the matter has been brought before the National Labour Advisory Council (NLAC) by one trade union for discussion; the Commissioner General of Labour advised the union to bring the individual cases before him with a view to taking legal action. According to the Government, so far no cases have been referred to the Commissioner. The Committee noted that trade unions should be able to have direct access to the courts in order to have their complaints examined by the judicial authorities if they so wish.

Taking into account the statistics provided by the Government, the Committee considered that collective bargaining in the country still needs to be promoted in EPZs and other sectors. The Committee requested the Government to indicate in its next report the precise measures taken or contemplated for this purpose so as to ensure that the recognition provisions for collective bargaining purposes are effectively implemented in practice. The Committee requested to be kept informed of: (1) steps taken by the Social Dialogue and Collective Bargaining Unit for the further promotion of collective bargaining; and (2) measures taken to implement the National Policy for Decent Work in relation to collective bargaining.

**29- Forced or  
Compulsory Labour** CEACR, Individual Direct  
Request

2008

<http://www.ilo.org/ilolex/english/newcountryframeE.htm>

<http://www.ilo.org/ilolex/cgi->

The Committee has duly noted the Government's repeated statement in its reports that, in view of the ongoing civil war in the country, it is imperative that the provisions of the Emergency Regulations are to be in force in order to prevent any breakdown in the national security and to ensure the maintenance of essential services in the country. However, the Committee reiterates that recourse to compulsory labour under emergency powers should not only be limited to circumstances which would endanger the existence or well-being of the whole or part of the population, but that it should also be clear from the legislation itself that the power to exact labour is limited in extent and duration to what is strictly required to cope with the said

[lex/pdconv.pl?host=status01&textbase=iloilc&document=796&chapter=3&query=%28Sri+Lanka%29%40ref%2B%23Observation%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0](http://www.ilo.org/public/lex/pdconv.pl?host=status01&textbase=iloilc&document=796&chapter=3&query=%28Sri+Lanka%29%40ref%2B%23Observation%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0)

**100- Equal Remuneration of Men and Women Workers for Work of Equal Value**

1. CEACR  
2007

<http://www.ilo.org/public/english/standards/re/m/ilc/ilc96/pdf/rep-iii-1a.pdf>

2. CEACR, Individual Direct Request  
2007

<http://www.ilo.org/ilolex/english/newcountryframeE.htm>

circumstances. The Committee reiterates its hope that the necessary measures will at last be taken in order to bring the legislation into conformity with the Convention on this point and that the Government will report the progress made in this regard.

The CEACR raises a number of detailed observations and comments.

Over the past ten years, the Committee has commented on the wage differentials between men and women in the tobacco trade and on different time/piece-rates for men and women in the cinnamon trade. The Committee asks the Government: (a) to continue to work towards the compilation and analysis of statistics on current wage rates for men and women in the different sectors of the economy, and in particular the tobacco and the cinnamon trade as a whole, to enable it to gain more detailed knowledge of the nature and scope of the remaining wage inequalities and the progress made with respect to their elimination;

(b) to explain how it promotes and ensures the application of the principle of equal remuneration in the negotiation and implementation of collective agreements setting wages above the minimum wage, and to supply copies of any existing agreements covering the plantation sector along with statistics on the number of workers, disaggregated by sex, covered by these collective agreements;

(c) to indicate the progress made in setting minimum wages for all sectors, including the plantations sector, or establishing a national minimum wage, in cooperation with the social partners; and

(d) to provide information on the progress made towards reducing the number of wage boards along with specific information on the proposed simplification of the procedures for determining wages.

In the individual direct request, the Committee noted the Government's statement that so far no specific legislation has been enacted expressing the principle of equal remuneration for men and women for work of equal value. The Committee encouraged the Government to consider working towards the adoption of such legislation and to keep it informed of any developments in this regard.

With respect to its previous comments on the definition of the term "remuneration" in the national legislation, the Committee recalled that the principle of equal remuneration applies to both the basic wage as well as additional allowances in cash or in kind.

With respect to the application of the principle of equal remuneration in export processing zones (EPZs), the Committee thanked the Government for the statistics on the distribution of men and women and the wages paid in enterprises managed by the Board of Investment (BOI). The Committee noted the high concentration of women in the lower paid unskilled, semi-skilled occupational categories (71.98 per cent), and their low representation (0.9 per cent) in the administration. The Committee asked the Government to provide information on the criteria used to determine the wage and salary variations that may exist for skilled employees and above, and the measures taken to ensure that full respect is given to the principle of equal remuneration for work of equal value.

**105- Abolition of  
Forced Labour**

**111- Discrimination  
in Respect of  
Employment and  
Occupation**

1. CEACR  
2007

<http://www.ilo.org/public/english/standards/reln/ilc/ilc96/pdf/rep-iii-1a.pdf>

Committee had noted the absence of a general provision in the national legislation protecting against discrimination in employment and occupation in the private sector. The Committee requested the Government: (a) to indicate the steps taken or envisaged to incorporate in the national legislation a prohibition against direct and indirect discrimination in employment and occupation in the private sector on the basis of sex as well as the other grounds set out in Article 1(1)(a) of the Convention, and to provide a copy of the Women's Rights Bill once it has been adopted; and (b) to provide information on the results of the legislative research, particularly with respect to the laws identified as being detrimental to women in the area of employment and occupation, and the efforts taken or envisaged to

bring them into conformity with the Convention.

2. CEACR, Individual Direct Request

2007

<http://www.ilo.org/ilolex/english/newcountryframeE.htm>

The Committee reported on a number of initiatives taken by the Government and the social partners to promote gender equality in employment and occupation that may assist in addressing some of the issues raised. It refers that, with the assistance of the ILO, a tripartite gender audit was conducted in 2004 with the participation of the Ministry of Labour Relations and Foreign Employment, the Employers' Federation of Ceylon (EFC), the Ceylon Workers' Congress (CWC) and the Sri Lanka Nidahas Sevaka Sangamaya (SLNSS). Recommendations for follow-up included capacity building of the Government and the social partners with respect to gender equality as well as measures to address sexual harassment at the workplace..

The Committee welcomed the initiatives and encouraged the Government to continue to provide information on the measures taken or envisaged, in cooperation with the social partners, to promote equality of opportunity and treatment between men and women in employment and occupation, and the results achieved. It requested the Government to provide information in its next report on the specific measures taken or envisaged, and the results achieved, including by the Gender Bureau, with respect to the following: the promotion of upward employment mobility of women and their access to a wider range of sectors and occupations; the prohibition and prevention of sexual harassment in the workplace, particularly in the plantations sector; and the improvement of working conditions in the EPZs, where the majority of the workers are women. It also requested a copy of the new National Plan of Action for Women, once adopted.

The Committee noted that a Gender Bureau has been established and is presently conducting awareness-raising programmes with the assistance of the ILO, addressing a number of gender-related subjects

With respect to its previous comments on the discrimination of Indian Tamils, the Committee noted the

Government's statement that, following a policy adopted in 1977, all Indian Tamils staying in Sri Lanka have been granted citizenship. The Committee reiterated its request to the Government to indicate how protection against discrimination of non-citizens and stateless persons is ensured in practice with respect to access to employment and occupation and vocational training.

**138- Minimum Age  
for Admission to  
Employment**

CEACR, Individual Direct  
Request

The CEACR contains detailed information.

2007

<http://www.ilo.org/ilolex/english/newcountryframeE.htm>

The Committee noted with interest that Sri Lanka adopted in collaboration with UNICEF the National Plan of Action for the Children of Sri Lanka 2004-08 (NPA 2004-08), which provides measures targeting: (a) education development; (b) health development; (c) juvenile justice; (d) the elimination of child labour; (e) child protection; (f) water supply and sanitation. It noted that, according to the document "Progress in implementation of the programmes under the National Plan of Action in 2005", a number of programmes had been implemented aimed at: (a) identifying places where there is child labour; (b) changing attitudes of parents on child labour; (c) providing publicity to penalties for child labour offenders and creating awareness amongst the public on child labour.

The Committee noted with interest the Government's information that, with the ratification of Convention No. 138, labour laws had been amended in order to increase the minimum age for employment.

The Committee noted the Government's information that employing a child in any occupation which prevents him/her from attending school is a punishable offence. The Committee is of the view that it is important to emphasize the necessity of linking the age of admission to employment to the age limit for compulsory education.

The Committee noted that, according to the draft Regulations on types of hazardous work referred to by the Government, young persons from 16 years of age are allowed in certain limited cases to perform



types of hazardous work, but only after training and under the supervision of qualified professionals. The Committee noted the Government's indication that when the new Regulations prohibiting hazardous work are adopted, no person under the age of 18 years may undertake hazardous work in the remaining types of hazardous work enumerated in those Regulations.

**182- Prohibition and Immediate Action for the Elimination of the Worst Forms of Child**

**Labour**

A

1. CEACR

2. 2008

3. <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1503&chapter=3&query=%28Sri+Lanka%29%40ref%2B%23Observation%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0>

B.

1. CEACR, Individual Direct Request

2. 2007

3. <http://www.ilo.org/ilolex/english/newcountryframeE.htm>

The Committee notes the Government's report, but it requests it to supply further information, notably on the following points: Worst forms of child labour, compulsory recruitment of children for use in armed conflict. The Committee had noted with concern that the LTTE militant group continued to recruit and use child soldiers. Moreover, the Karuna faction, a breakaway group of the LTTE, continued to abduct and recruit children under 18 years. The Committee observes that, although the forced or compulsory recruitment of children in armed conflict is prohibited by law, it remains a serious issue of concern in practice. The Committee had previously noted the International Trade Union Confederation's (ITUC) indication that child prostitution is prevalent in Sri Lanka and that, according to PEACE (an NGO), at least 5,000 children in the age bracket of 8- 15 years were exploited as sex workers, particularly in certain coastal resort areas. The Committee notes with interest that, according to the report entitled "Final Evaluation - Combating Child Trafficking for Labour Exploitation - TICSА II Project in Sri Lanka" of February 2006 (TICSА II Final Evaluation Report), supplied by the Government, TICSА II achieved the following objectives: (a) a legal framework on trafficking has been reviewed to include trafficking for exploitative labour; (b) the capacity of government, employers' organizations, trade unions, NGOs and other relevant stakeholders has been strengthened, enabling them to plan, implement and monitor programmes against trafficking; (c) the capacities of vocational training institutions have been strengthened; (d) children and families in high-risk areas have been assisted in order to reduce their vulnerability to trafficking; (e) a number of child victims of trafficking have been rehabilitated; (f) the capacity of the relevant institutions to provide services to rehabilitate and reintegrate child victims of trafficking has been improved. Moreover, the Committee notes the Government's information that the NCPA launched a project entitled "Strengthening the capacity of the National Child Protection Authority to mobilize tsunami-affected communities in Sri Lanka and to prevent the trafficking of tsunami-affected orphans into exploitative employment."

**UN  
CONVENTIONS  
ON CORE  
HUMAN  
RIGHTS:**

1. *the Monitoring Body*
2. *Date of latest Report*
3. *Web link*

*Latest recommendations by the monitoring body.*

**Convention on the  
Prevention and  
Punishment of the  
Crime of Genocide**

There are no reports of violations of this Convention.

**International  
Convention on the  
Elimination of All  
Forms of Racial  
Discrimination**

Reports overdue since 20/03/2003-5-7

<http://www.unhchr.ch/tbs/doc.nsf/5038ebdcb712174dc1256a2a002796da/c1d8a628c886ec97c125735c004fba08?OpenDocument>

**International  
Covenant on Civil  
and Political Rights**

Report overdue since 01/11/2007

<http://www.unhchr.ch/tbs/doc.nsf/5038ebdcb712174dc1256a2a002796da/882a81e3c96ab335c1256e76006603e9?OpenDocument>

**International  
Covenant on  
Economic, Social  
and Cultural Rights**

Reports overdue since 30/06/1995-2000-2005

<http://www.unhchr.ch/tbs/doc.nsf/5038ebdcb712174dc1256a2a002796da/17978728f8f8567ac12571fd0046957d?OpenDocument>

**International  
Convention on the  
Suppression and  
Punishment of the  
Crime of Apartheid**

There are no reports of violations of this Convention.

**Convention on the  
Elimination of All  
Forms of  
Discrimination  
against Women**

Reports overdue since 04/11/1998-2002

<http://www.unhchr.ch/tbs/doc.nsf/5038ebdcb712174dc1256a2a002796da/6d0392a330409827c1256ca8005cb05c?OpenDocument>

**Convention against  
Torture and Other  
Cruel, Inhuman or  
Degrading  
Treatment or  
Punishment**

Reports overdue since 01/02/2007

<http://www.unhchr.ch/tbs/doc.nsf/5038ebdcb712174dc1256a2a002796da/34ccf69de0ee027fc125716b003a9ccb?OpenDocument>

**Convention on the  
Rights of the Child**

**CONVENTIONS  
ON  
ENVIRONMENT  
AND  
GOVERNANCE  
PRINCIPLES :**

- 1. the Monitoring Body*
- 2. Date of latest Report*
- 3. Web link*

*Latest recommendations by the monitoring body.*

<b>Montreal Protocol on Substances that Deplete the Ozone Layer</b>	Implementation Committee	No non-compliance proceedings against Sri Lanka
<b>Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal</b>	Compliance Committee	No non-compliance proceedings were started against Sri Lanka.
<b>Stockholm Convention on Persistent Organic Pollutants</b>	No compliance committee established yet. Compliance assessed through: national implementation report required by Art.7 contributions to the convention budget	National implementation report only due on 20 March 2008. : <a href="http://www.pops.int/documents/implementation/nips/submissions/default.htm">http://www.pops.int/documents/implementation/nips/submissions/default.htm</a> Contributions to the convention budget paid for 2007 (not a Party in 2006). <a href="http://www.pops.int/documents/meetings/cop_3/meetingdocs/inf17/K0730049%20INF17-financial%20update.pdf">http://www.pops.int/documents/meetings/cop_3/meetingdocs/inf17/K0730049%20INF17-financial%20update.pdf</a>
<b>CITES Convention on International Trade in Endangered Species of Wild Fauna and Flora</b>	- 1. Standing Committee 2. 02/01/07 3. <a href="http://www.cites.org/eng/resources/reports.shtml">http://www.cites.org/eng/resources/reports.shtml</a>	Ratified. Implementing legislation is under review by the CITES Secretariat and is not yet believed to meet the requirements for the implementation of CITES (category 3. See Annex 2 of the latest report on national law for the implementation of the Convention: <a href="http://www.cites.org/eng/cop/14/doc/E14-24.pdf">http://www.cites.org/eng/cop/14/doc/E14-24.pdf</a> ). Currently under scrutiny of the CITES Standing Committee but has not been determined by that body as being non-compliant and is considered to be making progress (see p.27-28 of the Summary record of the 54 <sup>th</sup> meeting of the Standing Committee: <a href="http://www.cites.org/eng/com/SC/54/E54-SumRec.pdf">http://www.cites.org/eng/com/SC/54/E54-SumRec.pdf</a> ).  Sri Lanka has yet to comply with Article VIII, paragraph 7 of CITES which requires each Party to submit a biennial report on legislative, regulatory and administrative measures taken to enforce the Convention (deadline for the submission being the 31st of October of the year following the year for which the report was due).

<b>Convention on Biological Diversity</b>	NBSAP adopted	<input checked="" type="checkbox"/>	There are significant unpaid mandatory contributions to the CBD core budget.  Link to NBSAPs and national reports <a href="http://www.cbd.int/world/map.shtml?ctr=lk">http://www.cbd.int/world/map.shtml?ctr=lk</a>  Link to level of payments: <a href="http://www.cbd.int/convention/parties/contributions.shtml?tab=2">http://www.cbd.int/convention/parties/contributions.shtml?tab=2</a>
	1 <sup>st</sup> Nat report subm	<input checked="" type="checkbox"/>	
	2 <sup>nd</sup> Nat report subm.	<input checked="" type="checkbox"/>	
	3 <sup>rd</sup> Nat report subm.	<input checked="" type="checkbox"/>	
	No sign. unpaid contr.	<input checked="" type="checkbox"/>	
<b>Cartagena Protocol on Biosafety</b>	1 <sup>st</sup> Nat impl report subm	<input checked="" type="checkbox"/>	1 <sup>st</sup> National implementation report not submitted
			No non-compliance proceedings during this period
	The Cartagena Compliance Committee is tasked to report to MOP4 in May 2008 on general issues of compliance by parties with their obligations under the Protocol		Information about the CPB compliance committee available at <a href="http://www.cbd.int/biosafety/issues/compliance.shtml">http://www.cbd.int/biosafety/issues/compliance.shtml</a>
<b>Kyoto Protocol to the United Nations Framework Convention on Climate Change</b>	Compliance Committee		No non-compliance proceedings were started against Sri Lanka.
<b>United Nations Single Convention on Narcotic Drugs</b>	1. INCB 2. 1 March 2007  3. <a href="http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf">http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf</a>		In accordance with the 2006 Report of the INCB, responsible for the monitoring the implementation of this UN Convention, there are no specific recommendations regarding this country.
<b>Convention on Psychotropic</b>	1. INCB		See above.

**Substances**

2. 1 March 2007

3.

<http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf>

**Illicit Traffic in Narcotic Drugs and Psychotropic Substances**

1. INCB

See above.

2. 1 March 2007

3.

<http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf>

**United Nations Convention against Corruption**

No Review Mechanism has been set up so far but 3 working groups has been established (review of implementation; asset recovery; technical assistance) to prepare recommendations for the 2<sup>nd</sup> Conference of State Parties that took place in Bali, 28 January-1 February 2008. The 3<sup>rd</sup> such Conference is planned to take place in late 2009 and in the meantime work continues in the working groups.

The self assessment check list was not completed by the 2<sup>nd</sup> COSP

## 9. REPUBLIC OF MOLDOVA (MD)

### CONVENTION REPORTING STATUS

**ILO  
CONVENTIONS  
ON CORE  
LABOUR  
RIGHTS:**

1. *Monitoring Body*
2. *Date of latest Report*
3. *Web link*

**87-Freedom of  
Association and  
Protection of the  
Right to Organise**

CEACR  
2007

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=9479&chapter=6&query=Bolivia@ref&highlight=&querytype=bool>

**98-Application of  
the Principles of the  
Right to Organise  
and to Bargain  
Collectively**

CEACR  
2008

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1115&chapter=3&query=Moldova%40ref%2B%20Observation%40ref%2B%23YEAR%3D2008&highlight=&querytyp>

### RECOMMENDATIONS

*Latest recommendations by the monitoring body.*

The Committee noted that, in compliance with the conclusions of the Committee on Freedom of Association in case 2350, the Fiscal Code had been amended so as to allow tax deductibility of membership fees paid by employers to their organisations. The Committee recalled that the law which required at least the employers to create an employers' organisation was an obstacle to the free creation of employers' organisations and requested information concerning proposed amendments to the law. The Committee noted allegations of interference by the Moldovan authorities in the internal affairs of trades unions and requested further information.

The Committee notes that the Government refers to the comments of the CRSM according to which section 41 of the CAC does not describe in sufficiently specific terms the illegal actions that constitute obstructions of trade union activities. The Committee hopes that specific legislative provisions providing for effective and sufficiently dissuasive sanctions (civil, administrative or penal) in cases of anti-union discrimination and acts of interference will be adopted in the near future. The Committee notes that the Government refers to an amendment under consideration which would exclude the obligation to examine collective labour conflicts within the conciliation commission before addressing the judicial instance. The Committee recalls that arbitration imposed by the authorities at the request of one party

[e=bool&context=0](#)

is generally contrary to the principle of the voluntary negotiation of collective agreements established in the Convention and thus the autonomy of the bargaining partners. The Committee again requests the Government to take the necessary measures to amend the legislation so as to ensure that referral of the dispute to the judicial tribunals is possible only upon request by both parties to the dispute, in the context of essential services in the strict sense of the term and for public servants engaged in the administration of the State.

**29- Forced or  
Compulsory Labour**

**100- Equal  
Remuneration of  
Men and Women  
Workers for Work  
of Equal Value**

**105- Abolition of  
Forced Labour** CEACR  
2008

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1198&chapter=3&query=Moldova%40ref%2B%20Observation%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0>

In its earlier comments, the Committee noted a communication received in February 2004 from the Confederation of Trade Unions of the Republic of Moldova (CSRM), which contains observations concerning the application of the forced labour Conventions Nos 105 and 29, ratified by the Republic of Moldova. The CSRM referred, in particular, to certain provisions of the Law on mobilization, No. 1192-XV of 4 July 2002, the Law on the requisitioning of goods and services in the public interest, and the government decision to approve regulations on the mobilization at the workplace, under which the central and local authorities, as well as military bodies, can exact compulsory labour from the population under certain conditions as a means of mobilizing and using labour for purposes of the development of the national economy. The Committee recalls that Article 1(b) of the Convention prohibits the use of any form of forced or compulsory labour “as a method of mobilizing and using labour for purposes of economic development” and expresses the hope that the Government will provide, in its next report, information on measures taken or envisaged in order to bring legislation into conformity with the Convention.

**111- Discrimination  
in Respect of** CEACR 2007

The Committee noted with interest the adoption of a law in 2006 on equal opportunities for men and women, which prohibits direct and indirect discrimination and guarantees equal opportunity, and



**Employment and Occupation**

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=9479&chapter=6&query=Bolivia@ref&highlight=&querytype=bool>

establishes a Commission for Gender Equality. The Committee requested further information concerning allegations that amendments to the Labour Code would constitute discrimination on grounds of age and lead to the unjust dismissal of older workers. The Committee asked whether the government would extend existing prohibitions on discrimination to include discrimination based on colour. The Committee noted that the government had not reported on implementation of activities under the national plan for promoting gender equality or the national human rights action plan and asked for information to be provided.

**138- Minimum Age for Admission to Employment**

**182- Prohibition and Immediate Action for the Elimination of the Worst Forms of Child**

**Labour**

**UN CONVENTIONS ON CORE HUMAN RIGHTS:**

- 1. Monitoring Body*
- 2. Date of latest Report*
- 3. Web link*

*Latest recommendations by the monitoring body.*

**Convention on the Prevention and Punishment of the Crime of Genocide**

There are no reports of violations of this Convention

**International  
Convention on the  
Elimination of All  
Forms of Racial  
Discrimination**

1. CERD

2. March 2008

3.

<http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD-C-MDA-CO-7.pdf>

The Committee welcomed the adoption by Moldova of various legislation and national programmes that include chapters on the rights of national minorities.

The Committee noted that the eastern region of Transnistria continues to be outside the effective control of the Republic of Moldova which is therefore unable to monitor the implementation of the Convention in that part of its territory

The Committee recommended adopting comprehensive non-discrimination legislation protecting both citizens and, subject to reasonable differentiations, non-citizens, and that it include a definition of direct and indirect discrimination, as well as provisions on adequate sanctions; to allocate sufficient resources to the Bureau for Inter-Ethnic Relations; to elaborate annual plans for the implementation of the Plan of Action in support of the Roma population; to apply the Law on Combating Extremist Activity and other relevant criminal law provisions in full conformity with article 4 of the Convention; to consider facilitating the registration of Muslim ethnic minorities such as the Tatars as religious communities; to ensure that members of Muslim ethnic minorities can be buried in accordance with their beliefs and preferences; to adopt special measures such as statutory electoral and public service targets, as well as specific training programmes, to ensure an “approximately proportionate representation” of the Roma and of other under-represented minorities in Parliament and in the public service, including at senior levels and in the judiciary; to train unemployed Roma for the labour market; to provide adequate opportunities for minority children to receive instruction in their native language, as well as in Moldovan, and/or study their language and culture throughout the entire cycle of education; to provide financial support to Roma families to cover the cost of school books, transport and other indirect costs of schooling; that all reported cases of racial discrimination and discrimination against ethnic minorities, including cases of police violence against Roma, Muslims and persons of African or Asian origin are effectively investigated and prosecuted and that victims have access to effective remedies including compensation; to increase its efforts to combat prejudices, including among government officials, against Roma and other persons of minority ethnic origin.

**International  
Covenant on Civil  
and Political Rights**

No report available from the UN Human Rights Committee during the reporting period.

In January 2008, the Republic of Moldova ratified the Optional Protocol to the ICCPR.

**International  
Covenant on  
Economic, Social  
and Cultural Rights**

No report available from the UN Committee on Economic, Social and Cultural Rights during the reporting period.

**International  
Convention on the  
Suppression and  
Punishment of the  
Crime of Apartheid**

There are no reports of violations of this Convention

**Convention on the  
Elimination of All  
Forms of  
Discrimination  
against Women**

CEDAW,

25 August 2006

[CEDAW/C/MDA/CO/3](#)

[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CEDAW.C.MDA.CO.3.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CEDAW.C.MDA.CO.3.En?Opendocument)

The Committee commended Moldova for legislative reform on gender equality, for adopting a range of national plans and programmes and monitoring mechanisms which are relevant to women's rights, and for the government's co-operation with women's NGOs. The Committee called on Moldova to ensure a comprehensive approach to implementation of CEDAW, to strengthen the national machinery for the advancement of women, to ensure full implementation of the Law on Equal Opportunities, to introduce education and training programmes on CEDAW, to study the impact of economic restructuring on women and ensure that poverty alleviation strategies are gender-sensitive, to implement comprehensive measures to address violence against women, to intensify efforts to combat the trafficking and sexual exploitation of women, to implement measures to increase the number of women in decision-making positions, to ensure equal opportunities for men and women in the labour market, to make increased efforts to improve women's reproductive health, to raise the minimum age for marriage to 18 years and to enhance data collection.

The Special Rapporteur on Torture and the Special Rapporteur on Violence against Women carried

out a joint visit to the Republic of Moldova on 4-11 July 2008

**Convention against  
Torture and Other  
Cruel, Inhuman or  
Degrading  
Treatment or  
Punishment**

**Convention on the  
Rights of the Child**

No report available from the UN Committee on the Rights of the Child during the reporting period. The Committee on the Rights of the Child will consider the 2nd and 3rd Reports submitted by the Republic of Moldova, during its next session in January/February 2009.

In April 2007, the Republic of Moldova ratified the Optional Protocol to the UN Convention on the Rights of the Child, on the sale of children, child prostitution, and child pornography.

**CONVENTIONS** 1. *Monitoring Body*

**ON**

**ENVIRONMENT** 2. *Date of latest Report*

**AND**

**GOVERNANCE** 3. *Web link*

**PRINCIPLES :**

**Montreal Protocol** Implementation Committee  
**on Substances that**  
**Deplete the Ozone**  
**Layer**

*Latest recommendations by the monitoring body.*

No non-compliance proceedings against Moldova

<b>Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal</b>	Compliance Committee	No non-compliance proceedings were started against Moldova.
<b>Stockholm Convention on Persistent Organic Pollutants</b>	No compliance committee established yet. Compliance assessed through: national implementation report required by Art.7 contributions to the convention budget	National implementation report required by Art.7 submitted <a href="http://www.pops.int/documents/implementation/nips/submissions/default.htm">http://www.pops.int/documents/implementation/nips/submissions/default.htm</a> Contributions to the budget paid for 2007, but missing for 2006. <a href="http://www.pops.int/documents/meetings/cop_3/meetingdocs/inf17/K0730049%20INF17-financial%20update.pdf">http://www.pops.int/documents/meetings/cop_3/meetingdocs/inf17/K0730049%20INF17-financial%20update.pdf</a>
<b>CITES Convention on International Trade in Endangered Species of Wild Fauna and Flora</b>	- 1. Standing Committee 2. 10/04/06 3. <a href="http://www.cites.org/eng/resources/reports.shtml">http://www.cites.org/eng/resources/reports.shtml</a>	Ratified. Implementing legislation is under review by the CITES Secretariat and is not yet believed to fully meet all the requirements for the implementation of CITES (category 2. See Annex 2 of the latest report on national law for the implementation of the Convention: <a href="http://www.cites.org/eng/cop/14/doc/E14-24.pdf">http://www.cites.org/eng/cop/14/doc/E14-24.pdf</a> ). Has not been identified by the CITES Standing Committee as requiring attention.
<b>Convention on Biological Diversity</b>	NBSAP adopted <input checked="" type="checkbox"/> 1 <sup>st</sup> Nat report subm <input checked="" type="checkbox"/> 2 <sup>nd</sup> Nat report subm. <input checked="" type="checkbox"/>	Link to NBSAPs and national reports <a href="http://www.cbd.int/world/map.shtml?ctr=md">http://www.cbd.int/world/map.shtml?ctr=md</a> Link to level of payments: <a href="http://www.cbd.int/convention/parties/contributions.shtml?tab=2">http://www.cbd.int/convention/parties/contributions.shtml?tab=2</a>

3<sup>rd</sup> Nat report subm.

No sign. unpaid contr.

**Cartagena Protocol  
on Biosafety**

No non-compliance proceedings during this period

1<sup>st</sup> Nat impl report subm

Information about the CPB compliance committee available at  
<http://www.cbd.int/biosafety/issues/compliance.shtml>

The Cartagena Compliance Committee is tasked to report to MOP4 in May 2008 on general issues of compliance by parties with their obligations under the Protocol

**Kyoto Protocol to  
the United Nations  
Framework  
Convention on  
Climate Change**

Compliance Committee

No non-compliance proceedings were started against Moldova.

**United Nations  
Single Convention  
on Narcotic Drugs**

1. INCB
2. 1 March 2007

In accordance with the 2006 Report of the INCB, responsible for the monitoring the implementation of this UN Convention, there are no specific recommendations regarding this country.

3.  
[http://www.incb.org/pdf/e/ar/2006/  
annual-report-2006-en.pdf](http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf)

<b>Convention on Psychotropic Substances</b>	<ol style="list-style-type: none"> <li>1. INCB</li> <li>2. 1 March 2007</li> <li>3. <a href="http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf">http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf</a></li> </ol>	See above.
<b>Illicit Traffic in Narcotic Drugs and Psychotropic Substances</b>	<ol style="list-style-type: none"> <li>1. INCB</li> <li>2. 1 March 2007</li> <li>3. <a href="http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf">http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf</a></li> </ol>	See above.
<b>United Nations Convention against Corruption</b>	<p>No Review Mechanism has been set up so far but 3 working groups has been established (review of implementation; asset recovery; technical assistance) to prepare recommendations for the 2<sup>nd</sup> Conference of State Parties that took place in Bali, 28 January-1 February 2008. The 3<sup>rd</sup> such Conference is planned to take place in late 2009 and in the meantime work continues in the working groups.</p>	The self assessment check list was not completed by the 2 <sup>nd</sup> COSP

## 10. MONGOLIA (MN)

### CONVENTION REPORTING STATUS RECOMMENDATIONS

#### ILO CONVENTIONS ON CORE LABOUR RIGHTS:

1. *the Monitoring Body*
2. *Date of latest Report*
3. *Web link*

*Latest recommendations by the monitoring body.*

#### 87-Freedom of Association and Protection of the Right to Organise

CEACR  
2007

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=19476&chapter=9&query=Mongolia%40ref&highlight=&querytype=bool&context=0>

The Committee expressed its concern over the prohibition of third-party intervention in collective bargaining (section 10.1 of the Labour Code) and strike organization (section 120.9), the prohibition of sympathy strikes (section 120.9) and the requirement imposed by section 120.4.2 to indicate the duration of the strike in a strike notice. The above prohibitions and requirements constitute a serious restriction on the free functioning of trade unions.

#### 98-Application of the Principles of the Right to Organise and to Bargain Collectively

CEACR  
2007

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=19602&chapter=9&query=Mongolia%40ref&highlight=&querytype=bo>

The Committee expects information on the following matters: *Article 4 of the Convention*. It recalls that free and voluntary negotiation should be promoted, at all levels, between employers or employers' organizations and workers' organizations, without the intervention of the public authorities. It requests the Government to take the necessary measures to amend its legislation in order to bring it into conformity with the principle of autonomy of the bargaining parties. *Articles 4 and 6*. The Committee noted that, according to the terms of the law on government service it was not clear if public servants enjoyed the right to organize and to negotiate their terms and conditions of employment collectively.



[ol&context=0](#)

**29- Forced or  
Compulsory Labour**

**100- Equal  
Remuneration of  
Men and Women  
Workers for Work  
of Equal Value** CEACR  
2007

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=19702&chapter=9&query=Mongolia%40ref&highlight=&querytype=bool&context=0>

*Articles 1 and 2 of the Convention. Work of equal value.* The Committee notes that section 49(2) of the 1999 Labour Code states that “male and female employees performing the same work shall be entitled to the same amount of remuneration”, and recommends legislative expression to this principle as well as practical measures to apply it fully. *Minimum wages.* Legislative provisions and guidance in providing a framework of minimum wages and equal pay between men and women constitute necessary steps. *National Council on Gender Issues* must provide information on its activities. *Labour inspection.* Information expected on the activities carried out and methods used by the state labour inspection services to promote and ensure compliance with the principle of equal remuneration for men and women.

**105- Abolition of  
Forced Labour**

**111- Discrimination  
in Respect of  
Employment and  
Occupation** CEACR  
2007

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=19863&chapter=9&query=Mongolia%40ref&highlight=&querytype=bool&context=0>

*Article 1 of the Convention. Section 7(2) of the Labour Code.* Application in practice: *discrimination on the basis of age or sex.* The Committee requests information on possible court case involving discrimination, remedies provided and sanctions imposed. *Discrimination on the basis of political opinion.* The National Human Rights Commission reported in 2004 that the dismissal of public servants on the basis of political affiliation was frequent after general and local elections. *Article 2.* Information on measures to promote gender equality is requested: (a) on specific measures taken or envisaged to implement in practice the principle of gender equality in employment and occupation; (b) on the progress made in ensuring equal access of women to high-level and management positions; and (c) statistical information on gender-disaggregated employment and unemployment rates. *Chapter 7* of the Labour Code which extends certain job protections: the Committee notes with interest that section 106 concerning childcare leave has been amended in 2003 and that this provision now provides for men and women to take childcare leave on an equal basis. However, sections 100-103 continue to assume

**138- Minimum Age  
for Admission to  
Employment**

CEACR  
2007

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=18513&chapter=9&query=Mongolia%40ref&highlight=&querytype=bold&context=0>

that the burden of family responsibilities would be shouldered solely by working mothers. *Equality of opportunity and treatment irrespective of race, colour or national extraction*: the absence of complaints does not necessarily mean that discrimination does not occur in practice. Article 5. *Special protective measures*: they should be regularly reviewed in order to avoid limitations to women's equal access to employment and occupation contrary to the principle of equality of opportunity and treatment. Government should take the necessary measures to review, in cooperation with the social partners, whether it is still necessary to exclude women from such a wide range of occupations, in the light of improvements in working conditions, technological changes and taking into account the principle of gender equality.

Information is requested by the Government on: Article 1 - *National policy designed to ensure the effective abolition of child labour*. The Committee notes that since 2003 particular attention has been given to the issue of child labour and that one of its objectives is to amend national legislation to ensure the protection of children. Mongolia requested the ILO to provide technical assistance on the proposed amendments and, as a response, such assistance was recently provided by the ILO Sub-regional Office in Bangkok. The Committee encourages the Government to take into account its comments and the technical advice from the Office.

Article 2, paragraph 1. *Scope of application*. The Committee reminds the Government that the Convention applies to all branches of economic activity and that it covers every kind of employment or work, including work performed by children and young persons in the absence of a contractual employment relationship. In this regard, the Committee requests the Government to provide information on the manner in which protection is given to children carrying out an economic activity that is not covered by a labour contract, such as work on their own account, or in situations where a valid labour contract has not been established.

Article 2, paragraph 3. *Age of completion of compulsory education*. The Committee notes that according to section 109(2) of the Labour Code a person of the age of 15 years may enter into a labour contract with the permission of parents or guardians. The Committee is concerned by the large numbers of children who do not attend or who drop out of school before the age of completion of compulsory schooling. It accordingly requests the Government to indicate the measures taken or envisaged to increase school attendance and to reduce school drop-outs, so

as to prevent the engagement of these children in child labour.

Article 3, paragraph 1. *Minimum age for admission to hazardous work.* The Committee notes that section 7(6) of the Law on the Protection of the Rights of the Child prohibits individuals, economic entities and organizations from employing children under the age of 18 years in work that is likely to be exploitative or harmful to the child's health and morals.

Article 6. *Vocational training and apprenticeship.* The Committee notes that section 109(3) of the Labour Code allows children from the age of 14 years to enter into a labour contract for the purpose of vocational guidance and work experience. The Committee therefore asks the Government to provide information on the practical application of this section.

Article 9, paragraph 1. *Penalties.* The Committee notes that, according to section 141(1)(6) of the Labour Code, if an employer forces minors to do work prohibited to them, or to lift or carry loads exceeding the prescribed limits, or has required employees under 18 years age to work in a workplace that adversely affects their health and mental development, or in abnormal working conditions, or compels them to work overtime or during public holidays or weekends, the state labour inspector shall impose a fine. Information is requested on the practical application of the abovementioned provisions.

Article 9, paragraph 3. *Registers of employment.* The Committee notes the absence of information in the Government's report on the obligation of an employer to keep and make available the registers of persons under the age of 18 whom he/she employs. It also notes that the national legislation does not appear to contain such provisions. The Committee requests the Government to provide further information on the functioning and working of the labour inspectorate and the labour monitoring procedure.

*Application of the Convention in practice.* The Committee notes the Government's information that the study 'Children and development', conducted by the National Statistical Office in 2000, revealed that 1.4 per cent of children between 5 and 14 years of age were engaged in paid work. According to the statistics of the Ministry of Education and Science, 13.1 per cent or about 70,000 children aged 8-15 were not covered by compulsory schooling and the majority of them work or participate in various types of income generating activities. The Committee requests the Government to continue providing

**182- Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour**

CEACR  
2007

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=18894&chapter=9&query=Mongolia%40ref&highlight=&querytype=bool&context=0>

information on the situation of child labour in Mongolia and, in particular to supply copies or extracts from official documents of inspection services. The Committee also asks the Government to provide information on the number and nature of the contraventions reported and penalties imposed.

Article 3 of the Convention. *Worst forms of child labour*. Clause (a). 1. *Sale and trafficking of children*. The Committee had previously noted that section 7(4) of the Law on the Protection of the Rights of the Child of 1996 prohibits the 'displacement' and 'illicit transfer' of a child under 18 years of age. It had also asked the Government to indicate whether section 7(4) of the Law on the Protection of the Rights of the Child and section 3 of the Law on Sending a Labour Force Abroad and Receiving Labour Force and Specialists from Abroad prohibit the trafficking of children for labour exploitation. The Committee notes the absence of information on this point. It reminds the Government that, by virtue of Article 3(a) of the Convention, the sale and trafficking of children for sexual or labour exploitation constitutes one of the worst forms of child labour and is therefore prohibited for children under 18 years of age.

*Forced or compulsory recruitment of children for use in armed conflict*. The Committee notes that the minimum age for admission to compulsory military service is 18 years of age for men. It once again asks the Government to provide a copy of the Law on Military Obligations and the Legal Status of Military Personnel.

Clause (b). *Use, procuring or offering of a child for prostitution*. The Committee had previously noted that section 111(1) of the Criminal Code states that a person who organizes the permanent prostitution of others or involves persons under the legal age in permanent prostitution commits a crime. It had requested the Government to indicate if a person who occasionally uses, procures or offers a child under 18 years of age for prostitution commits an offence under national legislation. Noting the absence of information in this regard, the Committee once again asks the Government to indicate whether the national legislation prohibits the occasional use, procuring or offering of a child under the age of 18 for prostitution.

*Use, procuring or offering a child for the production of pornography or for pornographic*

*performances.* The Committee had requested the Government to provide information on the measures taken or envisaged to ensure that children under 18 years of age are not used for the production of pornography or for pornographic performances. It asks the Government to indicate whether this Law prohibits the use of a child under the age of 18 for the production of pornography or for pornographic performances.

Clause (c). *Use, procuring or offering of a child for illicit activities.* The Committee had previously noted that section 7(4) of the Law on the Protection of the Rights of the Child provides that 'it is prohibited to attract a child under 18 years of age into crimes, violence, gambling, drinking, smoking, narcotics and other psychotropic substances'. Since the use, procuring or offering of a child for the production and trafficking of drugs does not appear to be prohibited, the Committee had asked the Government to indicate the measures taken or envisaged to this end. The Committee therefore requests the Government to identify and provide the text of any legislation, existing or envisaged, to prohibit the use, procuring or offering of a child under the age of 18 for illicit activities, in particular for the production and trafficking of drugs.

Clause (d). *Hazardous work.* Self-employed children and children working in the informal sector. The Committee notes the Government's indication that 90 per cent of working children work in household enterprises and are not paid for their labour.

Article 5. *Monitoring mechanisms.* The Committee had previously requested the Government to provide information on the concrete measures taken by the Government and governors and other legally authorized organizations and officials to monitor the implementation of the provisions giving effect to the Convention and the results observed.

Article 6. *Programmes of action to eliminate the worst forms of child labour.* The Committee had previously noted that an eight-year National Programme of Action for the Development and Protection of Children had been launched in 2002. It had observed that the first phase of the programme did not focus on the elimination of the worst forms of child labour and had expressed the hope that the second phase of the programme would do so. It notes that the programme sets out 18 objectives towards the intensive eradication of the worst forms of child

labour.

Clause (a). *Prevent the engagement of children in the worst forms of child labour.* The Committee had previously noted that over 60,000 children aged 8 to 15 years do not attend school, which represents 13 per cent of the age group. It had also noted that the country is lacking educational facilities and school dropouts remain a source of concern.

Clause (d). *Identifying and reaching out to children at special risk. The trafficking of children.* The Committee had previously noted that reports on alleged cases of women and girls trafficked are common in the media. Girls are mostly trafficked to China, Macao, Singapore, South Korea, Japan and Yugoslavia. The Committee had also noted the Government's indication that it has been collaborating with ECPAT ('End child prostitution, child pornography and trafficking of children for sexual purposes') since 2002 to determine the direction of cooperation to eliminate the trafficking of children for sexual exploitation. The Committee had asked the Government to provide information on the time-bound measures taken or envisaged, in cooperation with ECPAT, to ensure that children under 18 are not trafficked for sexual exploitation. The Committee requests the Government to indicate the concrete measures taken by these authorities in cooperation with ECPAT to prevent and combat the sale and trafficking of children for sexual exploitation.

**UN  
CONVENTIONS  
ON CORE  
HUMAN  
RIGHTS:**

1. *the Monitoring Body*
2. *Date of latest Report*
3. *Web link*

**Convention on the  
Prevention and  
Punishment of the  
Crime of Genocide**

**International  
Convention on the  
Elimination of All**

CERD  
19 October 2006

*Latest recommendations by the monitoring body.*

There are no reports of violations of this Convention.

The Committee reiterated its previous recommendations that Mongolia should give serious consideration to enacting comprehensive legislation to prevent and prohibit racial discrimination, including the provision of effective remedies against racial discrimination in civil and administrative

**Forms of Racial  
Discrimination**

[CERD/C/MNG/CO/18](#)

[http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/952362489f406c62c125722800596826/\\$FILE/G0644750.pdf](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/952362489f406c62c125722800596826/$FILE/G0644750.pdf)

proceedings.

The Committee recommended that Mongolia consider adopting measures to ensure that ethnic minorities are duly represented in State institutions and the public administration, including special measures aimed at achieving adequate representation of all ethnic groups in the police force. The Committee urged Mongolia to provide specific training to law enforcement officers to ensure that they respect and protect the human rights of all persons without distinction as to race, colour, descent, or national or ethnic origin.

In light of general recommendation 30 on non-citizens, the Committee urged Mongolia to take all necessary measures to prohibit and eliminate racial discrimination in the enjoyment of civil, political, economic, social and cultural rights and to guarantee equality between citizens and non-citizens in the enjoyment of these rights to the extent recognized under international law.

The Committee recommended that Mongolia take effective measures to guarantee the rights of asylum-seekers to information, interpretation, legal assistance and judicial remedies, and invited Mongolia to ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

(see paragraphs 14-18)

**International  
Covenant on Civil  
and Political Rights**

**International  
Covenant on  
Economic, Social  
and Cultural Rights**

**International  
Convention on the**

There are no reports of violations of this Convention.

**Suppression and  
Punishment of the  
Crime of Apartheid**

**Convention on the  
Elimination of All  
Forms of  
Discrimination  
against Women**

**Convention against  
Torture and Other  
Cruel, Inhuman or  
Degrading  
Treatment or  
Punishment**

**Convention on the  
Rights of the Child**

**CONVENTIONS  
ON  
ENVIRONMENT  
AND  
GOVERNANCE  
PRINCIPLES :**

- 1. the Monitoring Body*
- 2. Date of latest Report*
- 3. Web link*

*Latest recommendations by the monitoring body.*

**Montreal Protocol  
on Substances that  
Deplete the Ozone  
Layer**

Implementation Committee

No non-compliance proceedings were started against Mongolia.

**Basel Convention**

Compliance Committee

No non-compliance proceedings were started against Mongolia.



**on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal**

**Stockholm Convention on Persistent Organic Pollutants**      No compliance committee established yet.      National implementation report required by Art.7 by NOT submitted <http://www.pops.int/documents/implementation/nips/submissions/default.htm>

National implementation report required by Art.7 contributions to the convention budget      Contributions to the budget paid for 2006 and 2007. [http://www.pops.int/documents/meetings/cop\\_3/meetingdocs/inf17/K0730049%20INF17-financial%20update.pdf](http://www.pops.int/documents/meetings/cop_3/meetingdocs/inf17/K0730049%20INF17-financial%20update.pdf)

**CITES Convention on International Trade in Endangered Species of Wild Fauna and Flora**      - 1. Standing Committee      Ratified. Implementing legislation is under review by the CITES Secretariat and is not yet believed to fully meet all the requirements for the implementation of CITES (category 2. See Annex 2 of the latest report on national law for the implementation of the Convention: <http://www.cites.org/eng/cop/14/doc/E14-24.pdf>). Has not been identified by the CITES Standing Committee as requiring attention.

2. 31/10/06

3. <http://www.cites.org/eng/resources/reports.shtml>

**Convention on Biological Diversity**      NBSAP adopted            Link to NBSAPs and national reports <http://www.cbd.int/world/map.shtml?ctr=mn>

1<sup>st</sup> Nat report subm            Link to level of payments: <http://www.cbd.int/convention/parties/contributions.shtml?tab=2>

2<sup>nd</sup> Nat report subm.     

3<sup>rd</sup> Nat report subm.     

No sign. unpaid contr.     

**Cartagena Protocol on Biosafety**      1<sup>st</sup> National implementation not submitted.

1<sup>st</sup> Nat impl report subm  No non-compliance proceedings during this period  
 Information about the CPB compliance committee available at  
<http://www.cbd.int/biosafety/issues/compliance.shtml>

The Cartagena Compliance Committee is tasked to report to MOP4 in May 2008 on general issues of compliance by parties with their obligations under the Protocol

**Kyoto Protocol to the United Nations Framework Convention on Climate Change**

Compliance Committee

No non-compliance proceedings were started against Mongolia.

**United Nations Single Convention on Narcotic Drugs**

1. INCB
2. 1 March 2007
3.  
<http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf>

In accordance with the 2006 Report of the INCB, responsible for the monitoring the implementation of this UN Convention, there are no specific recommendations regarding this country.

**Convention on Psychotropic Substances**

1. INCB
2. 1 March 2007
3.  
<http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf>

See above.

**Illicit Traffic in  
Narcotic Drugs and  
Psychotropic  
Substances**

1. INCB
2. 1 March 2007
3.  
<http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf>

See above.

**United Nations  
Convention against  
Corruption**

No Review Mechanism has been set up so far but 3 working groups has been established (review of implementation; asset recovery; technical assistance) to prepare recommendations for the 2<sup>nd</sup> Conference of State Parties that took place in Bali, 28 January-1 February 2008. The 3<sup>rd</sup> such Conference is planned to take place in late 2009 and in the meantime work continues in the working groups.

The self assessment check list was not completed by the 2<sup>nd</sup> COSP

## 11. NICARAGUA (NI)

### CONVENTION REPORTING STATUS RECOMMENDATIONS

#### ILO CONVENTIONS ON CORE LABOUR RIGHTS:

1. *the Monitoring Body*
2. *Date of latest Report*
3. *Web link*

*Latest recommendations by the monitoring body.*

#### 87-Freedom of Association and Protection of the Right to Organise

CEACR  
2007

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=9087&chapter=6&query=Nicaragua%40ref&highlight=&querytype=boolean>

In its previous observation, the Committee noted the new Civil Service and Administrative Careers Act, No. 476, workers in state-owned public enterprises, universities and higher technical education institutions are excluded from the scope of the Act, and asked the Government to provide information on provisions governing the exercise of the rights set forth in the Convention for these workers. The Committee notes that, according to the Government, the trade union rights of workers in public enterprises, universities and higher technical education institutions are established in the Labour Code and in collective agreements.

In previous observations, the Committee has asked the Government to amend sections 389 and 390 of the Labour Code which allow compulsory arbitration of the dispute where 30 days have elapsed since the calling of the strike. According to the Government, there has been no amendment of these provisions and that since the Labour Code came into force, no arbitration courts have been convened to rule on any collective disputes. The Committee requests the Government to provide information in its next report on the measures taken or envisaged to amend these provisions as outlined above.

#### 98-Application of the Principles of the Right to Organise and to Bargain Collectively

CEACR  
2007

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=9240&chapter=6&query=Nicaragua%40ref&highlight=&querytype=boolean>

The Committee recalls that in its previous observation, it noted that the fines envisaged in the legislation (from 2,000 to 10,000 cordobas) cannot be considered as dissuasive nor as adequate protection against acts of interference and emphasized the need to provide for sanctions that are sufficiently effective and dissuasive against acts of interference by employers or their organizations in trade union affairs. The Committee notes that the Government is responsible for preventing any act of anti-union discrimination and that, in the absence of special legislation, supplementary sources of labour law are applied. The Committee reiterates once again the need for the legislation to provide for sanctions that are sufficiently effective and dissuasive against acts of interference by employers or their

[Oref&highlight=&querytype=boo](#)  
[l](#)

organizations in trade union affairs

The Committee recalls that it requested the Government to take measures to encourage the negotiation of collective agreements in export processing zones and to provide information on any measures adopted in this respect. The Committee notes the Government's indication that no new collective agreements have been concluded in the export processing zone sector, but that companies in which a collective agreement has been concluded are subject to section 241 of the Labour Code. The Committee asks the Government, once again, to take measures to encourage the negotiation of collective agreements in export processing zones.

## 29- Forced or Compulsory Labour

## 100- Equal Remuneration of Men and Women Workers for Work of Equal Value

## 105- Abolition of Forced Labour

## 111- Discrimination in Respect of Employment and Occupation

CEACR  
2006

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=8655&chapter=6&query=Nicaragua%4>  
[Oref&highlight=&querytype=boo](#)  
[l](#)

## Indigenous peoples and ethnic communities.

The Committee notes with interest Decree No. 3584 issuing regulations respecting the autonomous status of the Atlantic coast regions of Nicaragua, issued under the Act respecting the common property regime of indigenous peoples and ethnic communities in the autonomous regions of the Atlantic coast. The Committee requests the Government to provide information on the implementation of the above regulations and on any relevant measures that are adopted to promote equality of opportunity and treatment for indigenous peoples and ethnic communities in the autonomous regions of the Atlantic coast.

**138- Minimum Age  
for Admission to  
Employment**

**182- Prohibition  
and Immediate  
Action for the  
Elimination of the  
Worst Forms of  
Child**

**Labour**

**UN  
CONVENTIONS  
ON CORE  
HUMAN  
RIGHTS:**

1. the Monitoring Body
2. Date of latest Report
3. Web link

*Latest recommendations by the monitoring body.*

**Convention on the  
Prevention and  
Punishment of the  
Crime of Genocide**

**International  
Convention on the  
Elimination of All  
Forms of Racial  
Discrimination**

1. CERD
2. March 2008
3.  
<http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD-C-NIC-CO-14.pdf>

The Committee welcomed the adoption of general legislation containing special provisions to protect the rights of indigenous peoples and the adoption of the new Criminal Code, approved by the National Assembly in November 2007, which contains a definition of racial discrimination and describes the offence of racial discrimination.

The Committee recommended that Nicaragua should commit to fighting racial discrimination by developing a comprehensive national policy against racism and racial discrimination and effectively

applying the Autonomy Statute of the Atlantic Coast regions; to improve the methodology used in the census so as to reflect the ethnic complexity of Nicaraguan society; to speed up the process of adoption of the Act on Indigenous Peoples of the Pacific, central and northern regions of Nicaragua and the establishment of a Special Procurator's Office for the indigenous peoples of the Pacific, central and northern regions of Nicaragua; to take steps to ensure that the National Commission for the Elimination of Racial Discrimination is officially recognized as the body responsible for developing and implementing a State policy against racism, and that it is assigned the necessary financial and technical resources to function properly; to provide for sanctions to organizations that promote racial discrimination and to criminalize each of the criminal behaviours set forth in the relevant paragraphs of article 4 of the Convention; to ensure respect for, and recognition of, the traditional systems of justice of indigenous peoples; to guarantee the right of indigenous peoples to use during judicial procedures their language; to ensure full participation of indigenous peoples and afro descendant communities in political affairs of the State at all levels; to proceed with the demarcation and titling of the lands of the Awas Tingni community; to step up its efforts to guarantee the right to public health, medical care, social security and social services of indigenous peoples and afro descendant communities especially in the Atlantic Autonomous Region, as well as to provide financial and institutional support to access to traditional indigenous medicine; to take effective steps to combat maternal mortality in the Atlantic Autonomous Region; to take action in the short and medium term to reduce illiteracy, especially in the Autonomous Region of the North Atlantic; to pay special attention to the protection of women belonging to indigenous peoples and afro descendant communities; to adopt appropriate measures to combat racial prejudice leading to racial discrimination in the media, both on public and private channels and in the press, in particular those targeting indigenous peoples and afro descendant communities.

**International  
Covenant on Civil  
and Political Rights**

**International  
Covenant on  
Economic, Social  
and Cultural Rights**

**International  
Convention on the**

**Suppression and  
Punishment of the  
Crime of Apartheid**

**Convention on the  
Elimination of All  
Forms of  
Discrimination  
against Women**

CEDAW

2 February 2007

[CEDAW/C/NIC/CO/6](#)

[http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/521827330c354251c12572a4003f9be8/\\$FILE/N0724416.doc](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/521827330c354251c12572a4003f9be8/$FILE/N0724416.doc)

The Committee welcomed the ratification (2004) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the establishment of the National Coalition against Trafficking in Persons, as well as the cooperation with civil society on women's issues.

The Committee recommended Nicaragua to ensure that the Convention is yet fully incorporated into domestic legislation, to strengthen the national machinery for the advancement of women, to put in place a comprehensive strategy in order to modify and eliminate negative cultural attitudes and gender stereotypes, to give priority to the systematic collection of comprehensive data disaggregated by sex and of measurable indicators to assess trends in the situation of women, to enhance women's access to health care, in particular to sexual and reproductive health services, to strengthen measures aimed at the prevention of unwanted pregnancies, to take measures to ensure that women do not seek unsafe medical procedures, such as illegal abortion, to consider reviewing the laws relating to abortion with a view to removing punitive provisions imposed on women who have abortions and provide them with access to quality services, to accord priority attention to the adoption of a comprehensive and integrated approach to address violence against women and girls, to intensify its efforts to address comprehensively trafficking in and sexual exploitation of women and girls, to step up the prosecution and adequate punishment of offenders, to increase women's opportunity to transition from informal- to formal-sector employment, to put in place effective measures to prevent and punish violations of the rights of women working in the *maquiladora* industries, to enhance women workers' access to justice and legal assistance, to adopt legislative and policy measures to protect the rights of domestic workers and on sexual harassment, to accelerate women's full and equal participation in public life and decision-making at all levels, to specifically target policies and programmes aimed at promoting gender equality of rural women, indigenous women and women of African descent.

The Committee encouraged Nicaragua to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

**Convention against  
Torture and Other  
Cruel, Inhuman or**



**Degrading Treatment or Punishment**

**Convention on the Rights of the Child**

**CONVENTIONS ON ENVIRONMENT AND GOVERNANCE PRINCIPLES :**

1. the Monitoring Body
2. Date of latest Report
3. Web link

*Latest recommendations by the monitoring body.*

**Montreal Protocol on Substances that Deplete the Ozone Layer**

Implementation Committee

No non-compliance proceedings started against Nicaragua.

**Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal**

Compliance Committee

No non-compliance proceedings started against Nicaragua.

**Stockholm Convention on Persistent Organic Pollutants**

No compliance committee established yet. Compliance assessed through:  
national implementation report required by Art.7  
contributions to the convention budget

National implementation report required by Art.7 submitted  
<http://www.pops.int/documents/implementation/nips/submissions/default.htm>  
Contributions to the budget paid in 2007 (not a Party in 2006).  
[http://www.pops.int/documents/meetings/cop\\_3/meetingdocs/inf17/K0730049%20INF17-financial%20update.pdf](http://www.pops.int/documents/meetings/cop_3/meetingdocs/inf17/K0730049%20INF17-financial%20update.pdf)

<b>CITES Convention on International Trade in Endangered Species of Wild Fauna and Flora</b>	<ul style="list-style-type: none"> <li>1. Standing Committee</li> <li>2. 29/08/06</li> <li>3. <a href="http://www.cites.org/eng/resources/reports.shtml">http://www.cites.org/eng/resources/reports.shtml</a></li> </ul>	<p>Ratified and has enacted legislation that is believed to generally meet the requirements for implementation of CITES (category 1. See Annex 2 of the latest report on national law for the implementation of the Convention: <a href="http://www.cites.org/eng/cop/14/doc/E14-24.pdf">http://www.cites.org/eng/cop/14/doc/E14-24.pdf</a>)</p> <p>N.B. However, has not ratified the Gaborone amendment to CITES which would allow the Community to become a Party.</p>
<b>Convention on Biological Diversity</b>	<ul style="list-style-type: none"> <li>NBSAP adopted <input checked="" type="checkbox"/></li> <li>1<sup>st</sup> Nat report subm <input checked="" type="checkbox"/></li> <li>2<sup>nd</sup> Nat report subm. <input checked="" type="checkbox"/></li> <li>3<sup>rd</sup> Nat report subm. <input checked="" type="checkbox"/></li> <li>No sign. unpaid contr. <input checked="" type="checkbox"/></li> </ul>	<p>There are significant unpaid mandatory contributions to the CBD core budget.</p> <p>Link to NBSAPs and national reports <a href="http://www.cbd.int/world/map.shtml?ctr=ni">http://www.cbd.int/world/map.shtml?ctr=ni</a></p> <p>Link to level of payments: <a href="http://www.cbd.int/convention/parties/contributions.shtml?tab=2">http://www.cbd.int/convention/parties/contributions.shtml?tab=2</a></p>
<b>Cartagena Protocol on Biosafety</b>	<ul style="list-style-type: none"> <li>1<sup>st</sup> Nat impl report subm <input checked="" type="checkbox"/></li> </ul> <p>The Cartagena Compliance Committee is tasked to report to MOP4 in May 2008 on general issues of compliance by parties with their obligations under the Protocol</p>	<p>1<sup>st</sup> National implementation report not submitted.</p> <p>No non-compliance proceedings during this period</p> <p>Information about the CPB compliance committee available at <a href="http://www.cbd.int/biosafety/issues/compliance.shtml">http://www.cbd.int/biosafety/issues/compliance.shtml</a></p>
<b>Kyoto Protocol to the United Nations</b>	<ul style="list-style-type: none"> <li>Compliance Committee</li> </ul>	<p>No non-compliance proceedings were started against Nicaragua.</p>

**Framework  
Convention on  
Climate Change**

**United Nations  
Single Convention  
on Narcotic Drugs**

1. INCB
2. 1 March 2007
3.  
<http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf>

In accordance with the 2006 Report of the INCB, responsible for the monitoring the implementation of this UN Convention, there are no specific recommendations regarding this country.

**Convention on  
Psychotropic  
Substances**

1. INCB
2. 1 March 2007
3.  
<http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf>

See above.

**Illicit Traffic in  
Narcotic Drugs and  
Psychotropic  
Substances**

1. INCB
2. 1 March 2007
3.  
<http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf>

With regard to Project Cohesion, the authorities of Colombia and its neighbouring countries should urgently launch investigations to identify the sources and routes from, or along which, potassium permanganate is being smuggled into areas where the illicit manufacture of cocaine takes place.

**United Nations  
Convention against  
Corruption**

No Review Mechanism has been set up so far but 3 working groups has been established (review of implementation; asset recovery; technical assistance) to prepare recommendations for the 2<sup>nd</sup> Conference of State Parties

The self assessment check list was not completed by the 2<sup>nd</sup> COSP

that took place in Bali, 28 January-1 February 2008. The 3<sup>rd</sup> such Conference is planned to take place in late 2009 and in the meantime work continues in the working groups.

## 12. PANAMA (PA)

CONVENTION	REPORTING STATUS	RECOMMENDATIONS
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**ILO  
CONVENTIONS  
ON CORE  
LABOUR  
RIGHTS:**

1. *the Monitoring Body*
2. *Date of latest Report*
3. *Web link*

*Latest recommendations by the monitoring body.*

**87-Freedom of  
Association and  
Protection of the  
Right to Organise**

CEACR  
2008

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=980&chapter=3&query=Panama%40ref%2B%20Observation%40ref%2B%203YEAR%3D2008&highlight=&querytype=bool&context=0>

The Committee recalls that its previous comments concerned, inter alia, the following issues: the authority of the Regional or General Labour Directorate to refer labour disputes to compulsory arbitration in order to stop a strike in a public service enterprise; denial of the right to strike of workers engaged at sea and on inland waterways, and in export processing zones; prohibition for federations and confederations to call strikes; denial to public servants of the right to establish unions. The Committee notes the Government's statements in its report in which it repeats that it has shown its willingness to bring national law and practice into conformity with Conventions Nos 87 and 98, but that in order to do so it is necessary to amend the Labour Code, which in turn requires tripartite consensus. However, such consensus does not exist. The Committee regrets that the Government has not referred to certain legal provisions identified by the technical assistance mission in 2006 which could be amended as neither the Government nor the social partners were opposed to such amendment. The Committee regrets to note that the discrepancies referred to above between the law and practice and the Convention have existed for many years, and that some of the restrictions referred to are serious. The Committee will examine the new legislation fully at its next session.

**98-Application of  
the Principles of the  
Right to Organise  
and to Bargain**

CEACR  
2007

The Committee recalls a number of issues referred to in its previous observations and the positions of the government and of the social partners. Employers and workers organizations raise a number of concerns towards legislation and practice and these reflect also divergent views on a number of issues.





**182- Prohibition  
and Immediate  
Action for the  
Elimination of the  
Worst Forms of  
Child**

**Labour**

**UN  
CONVENTIONS  
ON CORE  
HUMAN  
RIGHTS:**

*State:*

*Latest recommendations by the monitoring body.*

*1. the Monitoring Body*

*2. Date of latest Report*

*3. Web link*

**Convention on the  
Prevention and  
Punishment of the  
Crime of Genocide**

**International  
Convention on the  
Elimination of All  
Forms of Racial  
Discrimination**

Concluding observation 1997

**International  
Covenant on Civil  
and Political Rights**

1. CCPR

2. April 2008

The Committee noted with satisfaction the legislative reforms carried out by Panama, in particular the adoption of a new penal code, the repeal of the contempt laws and the process of review of the Code of Criminal Procedure and welcomed the adoption of the law on domestic violence and of legislative and



3.  
<http://www.ohchr.org/EN/Countries/LACRegion/Pages/PAIndex.aspx>

administrative measures to prevent stigmatization of and discrimination against people living with HIV/AIDS as well as the various measures adopted for persons with disabilities.

The Committee recommended Panama to ensure that all cases of serious human rights violations, including those documented by the Truth Commission, are duly investigated, that those responsible are brought to justice and, where appropriate, punished and that the victims or their family members receive fair and adequate compensation; to modify the Constitution with a view to eliminating discriminatory provisions on physical and mental disabled people; to amend its legislation so that it effectively helps women avoid unwanted pregnancies and so that they do not have to resort to illegal abortions that could endanger their lives; to take immediate and effective measures to put an end to the abuses from the members of the law enforcement bodies and to monitor, investigate and, where appropriate, bring to justice and punish those who commit abuses; to put an end to overcrowding in detention facilities and to ensure compliance with the requirements established in article 10 of the Convention; to reduce the number of persons in pre-trial detention and the time of their detention in that situation; to adopt legislation that will allow refugees to enjoy their rights under the Covenant and comply with its obligation not to extradite, deport, expel or otherwise remove a person from Panama where there are substantial grounds for believing that there is a real risk of irreparable harm; to guarantee full equality in respect of the right to freedom of thought, conscience and religion; to increase its efforts to combat discrimination against women in the workforce; to implement the law on domestic violence and protect women victims of such violence; to ensure the registration of all births and other vital details related to civil status throughout its national territory as well as the registration of all adults; to ensure the full application of the law aimed at eradicating child labour; to ensure that all school-age children receive a full education; to effectively guarantee the right to education of indigenous people and ensure that the education is appropriate to their specific needs; to ensure the access of all indigenous people to adequate health services; to carry out a process of consultation with the indigenous communities before granting licences for the economic exploitation of the lands in which they live, and to ensure that in no case shall such exploitation violate the rights recognized in the Covenant; to recognize the rights of indigenous communities that live outside the *comarcas*, including the right to collective use of their ancestral lands.

International  
Covenant on

Concluding observation 2001

**Economic, Social and Cultural Rights**

**International Convention on the Suppression and Punishment of the Crime of Apartheid**

**Convention on the Elimination of All Forms of Discrimination against Women**

Concluding observation 1998

**Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

Concluding observation 1998

**Convention on the Rights of the Child**

Concluding observation 2004

**CONVENTIONS ON ENVIRONMENT AND GOVERNANCE PRINCIPLES :**

- State:*
- 1. the Monitoring Body*
  - 2. Date of latest Report*
  - 3. Web link*

*Latest recommendations by the monitoring body.*

**Montreal Protocol on Substances that**

Implementation Committee

No non-compliance proceedings were started against Panama.

## Deplete the Ozone Layer

### Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal

Compliance Committee

No non-compliance proceedings were started against Panama.

### Stockholm Convention on Persistent Organic Pollutants

No compliance committee established yet.  
National implementation report required by Art.7 contributions to the convention budget

National implementation report required by Art.7 due on 17 May 2006 was not submitted <http://www.pops.int/documents/implementation/nips/submissions/default.htm>

Contributions to the budget were not paid for 2006 or 2007.

[http://www.pops.int/documents/meetings/cop\\_3/meetingdocs/inf17/K0730049%20INF17-financial%20update.pdf](http://www.pops.int/documents/meetings/cop_3/meetingdocs/inf17/K0730049%20INF17-financial%20update.pdf)

### CITES Convention on International Trade in Endangered Species of Wild Fauna and Flora

- 1. Standing Committee  
2. 04/04/06  
3. <http://www.cites.org/eng/resources/reports.shtml>

Ratified and has enacted legislation that is believed to generally meet the requirements for implementation of CITES (category 1. See Annex 2 of the latest report on national law for the implementation of the Convention: <http://www.cites.org/eng/cop/14/doc/E14-24.pdf>)

N.B. However, has not ratified the Gaborone amendment to CITES which would allow the Community to become a Party.

Panama has yet to comply with Article VIII, paragraph 7 of CITES which requires each Party to submit a biennial report on legislative, regulatory and administrative measures taken to enforce the Convention (deadline for the submission being the 31st of October of the year following the year for which the

		report was due).
<b>Convention on Biological Diversity</b>	NBSAP adopted <input checked="" type="checkbox"/>	There are significant unpaid mandatory contributions to the CBD core budget.
	1 <sup>st</sup> Nat report subm <input checked="" type="checkbox"/>	3 <sup>rd</sup> national report not submitted.
	2 <sup>nd</sup> Nat report subm. <input checked="" type="checkbox"/>	Link to NBSAPs and national reports <a href="http://www.cbd.int/world/map.shtml?ctr=pa">http://www.cbd.int/world/map.shtml?ctr=pa</a>
	3 <sup>rd</sup> Nat report subm. <input checked="" type="checkbox"/>	Link to level of payments: <a href="http://www.cbd.int/convention/parties/contributions.shtml?tab=2">http://www.cbd.int/convention/parties/contributions.shtml?tab=2</a>
	No sign. unpaid contr. <input checked="" type="checkbox"/>	
<b>Cartagena Protocol on Biosafety</b>		1 <sup>st</sup> national implementation report not submitted.
	1 <sup>st</sup> Nat impl report subm <input checked="" type="checkbox"/>	No non-compliance proceedings during this period
		Information about the CPB compliance committee available at <a href="http://www.cbd.int/biosafety/issues/compliance.shtml">http://www.cbd.int/biosafety/issues/compliance.shtml</a>
	The Cartagena Compliance Committee is tasked to report to MOP4 in May 2008 on general issues of compliance by parties with their obligations under the Protocol	
<b>Kyoto Protocol to the United Nations Framework Convention on Climate Change</b>	Compliance Committee	No non-compliance proceedings were started against Panama
<b>United Nations Single Convention on Narcotic Drugs</b>	1. INCB 2. 1 March 2007	In accordance with the 2006 Report of the INCB, responsible for the monitoring the implementation of this UN Convention, there are no specific recommendations regarding this country.

		3. <a href="http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf">http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf</a>	
<b>Convention on Psychotropic Substances</b>	1. INCB 2. 1 March 2007		See above.
		3. <a href="http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf">http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf</a>	
<b>Illicit Traffic in Narcotic Drugs and Psychotropic Substances</b>	1. INCB 2. 1 March 2007		With regard to Project Cohesion, the authorities of Colombia and its neighbouring countries should urgently launch investigations to identify the sources and routes from, or along which, potassium permanganate is being smuggled into areas where the illicit manufacture of cocaine takes place.
		3. <a href="http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf">http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf</a>	
<b>United Nations Convention against Corruption</b>	No Review Mechanism has been set up so far but 3 working groups has been established (review of implementation; asset recovery; technical assistance) to prepare recommendations for the 2 <sup>nd</sup> Conference of State Parties that took place in Bali, 28 January-1 February 2008. The 3 <sup>rd</sup> such Conference is planned to take place in late 2009 and in the meantime work continues in the working groups.		The self assessment check list was not completed by the 2 <sup>nd</sup> COSP

13. PERU (PE)

**CONVENTION REPORTING STATUS RECOMMENDATIONS**

**ILO  
CONVENTIONS  
ON CORE  
LABOUR  
RIGHTS:**

1. *Monitoring Body*
2. *Date of latest Report*
3. *Web link*

*Latest recommendations by the monitoring body.*

**87-Freedom of  
Association and  
Protection of the  
Right to Organise**

CEACR  
2007

<http://www.ilo.org/ilolex/english/ceacrrepsq.htm>

The Committee notes the comments of the International Confederation of Free Trade Unions (ICFTU) of 10 August 2006, which essentially refer to issues of a legislative nature that are already under examination. The ICFTU also indicates that workers in service enterprises and with short-term contracts do not benefit from the guarantees set out in the Convention, and refers to difficulties in exercising the right to organize in the flower-growing sector and to the arrest of trade union leaders in the banana sector. In this respect, the Committee requests the Government to provide its observations in relation to the ICFTU's comments.

**98-Application of  
the Principles of the  
Right to Organise  
and to Bargain  
Collectively**

CEACR  
2007

<http://www.ilo.org/ilolex/english/ceacrrepsq.htm>

The Committee notes the comments of the International Confederation of Free Trade Unions (ICFTU) of 10 August 2006, which refer, in part, to outstanding legislative issues on the application of the Convention that are now being examined. Moreover, the ICFTU indicates the lack of collective bargaining rights of subcontracted or outsourced workers, the use of "blacklists" in the province of Los Ríos, and anti-union dismissals. In this regard, the Committee asks the Government to send its observations concerning the ICFTU's comments.

29- Forced or CEACR

The Committee notes, inter alia, the document entitled "Forced labour in the extraction of

**Compulsory Labour**

2008

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=802&chapter=3&query=Peru%40ref%2B%23YEObservation%40ref%2B%23YEOAR%3D2008&highlight=&querytype=bool&context=0>

timber in Peruvian Amazonia”, published in 2004 in the context of the ILO special action programme to combat forced labour. In this document, which has been validated by the Government, the various allegations concern the “existence of forced labour, particularly in work related to the unlawful extraction of timber in various regions of the Peruvian Amazon basin.” The document also reports that the financing of timber extraction activities is provided by major international corporations and powerful timber industry groups. The Committee notes the Government’s indication that it undertook to adopt the necessary measures to eradicate forced labour. The Committee observes that the grave problems which persist merit energetic and sustained action by the authorities and it hopes that the action taken will make it possible to combat effectively practices through which many workers are subjected to forced labour.

**100- Equal Remuneration of Men and Women Workers for Work of Equal Value**

CEACR

2008

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1160&chapter=3&query=Peru%40ref%2B%23YEObservation%40ref%2B%23YEOAR%3D2008&highlight=&querytype=bool&context=0>

In its previous comments, the Committee referred repeatedly to the need to give effect in legislation to the principle of equal remuneration for work of equal value set out in the Convention. The Committee reiterated that this principle is far more restrictive than the principle set forth in the Convention as it requires conditions of “equal work”, “performed under identical conditions” and “for the same employer”. The Committee notes with satisfaction that the Act respecting equality of opportunity for men and women, of 12 March 2007, sets forth the principle of equal remuneration for work of equal value. The Committee expresses its confidence that the inclusion of this principle in the legislation will open the way towards a more complete and integrated application of the Convention. The Committee once again asks the Government to promote the objective evaluation of jobs on the basis of the work to be performed and to provide information on this subject. It also requests information on other means of applying the principle laid down in the Convention, including information on the manner in which the Government cooperates with employers’ and workers’ organizations to give effect to the provisions of the Convention.

**105- Abolition of Forced Labour**

**111- Discrimination  
in Respect of  
Employment and  
Occupation**

CEACR

2008

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1248&chapter=3&query=Peru%40ref%2B%23Y%20Observation%40ref%2B%23Y%20EAR%3D2008&highlight=&querytype=bool&context=0>

The Committee notes with interest the adoption of the Act respecting equality of opportunity for men and women, of 12 March 2007, the objective of which is to establish a legal, institutional and public policy framework at the national, regional and local levels to guarantee men and women the exercise of their rights to equality, dignity, freedom of development, welfare and independence, thereby preventing discrimination in all areas of their public and private lives. It notes that, national, regional and local governments in all sectors, when adopting policies, plans and programmes, are under the obligation to “guarantee the right to productive work, exercised under conditions of freedom, equity, security and human dignity, including measures intended to prevent any type of discrimination at work between men and women in access to employment, training, promotion and working conditions, and identical remuneration for work of equal value. Work-related rights include protection against sexual harassment and the harmonization of family and work-related responsibilities”. The Committee requests the Government to provide information on the policies, plans and programmes adopted to give effect to this Act and on its application in practice.

**138- Minimum Age  
for Admission to  
Employment**

CEACR

2008

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1395&chapter=3&query=Peru%40ref%2B%23Y%20Observation%40ref%2B%23Y%20EAR%3D2008&highlight=&querytype=bool&context=0>

A request regarding certain points is being addressed directly to Peru.

**182- Prohibition  
and Immediate  
Action for the  
Elimination of the**

CEACR

A request regarding certain points is being addressed directly to Peru.



**Worst Forms of  
Child** 2008

**Labour**

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1511&chapter=3&query=Peru%40ref%2B%23Y%20EAR%3D2008&highlight=&querytype=bool&context=0>

**UN  
CONVENTIONS  
ON CORE  
HUMAN  
RIGHTS:**

1. *the Monitoring Body*
2. *Date of latest Report*
3. *Web link*

*Latest recommendations by the monitoring body.*

**Convention on the  
Prevention and  
Punishment of the  
Crime of Genocide**

**International  
Convention on the  
Elimination of All  
Forms of Racial  
Discrimination**

**International  
Covenant on Civil**

## and Political Rights

### International Covenant on Economic, Social and Cultural Rights

### International Convention on the Suppression and Punishment of the Crime of Apartheid

**Convention on the  
Elimination of All  
Forms of  
Discrimination  
against Women**

CEDAW

2 February 2007

[CEDAW/C/PER/CO/6](http://www.unhcr.org/refugees/countries/peru/cedaw/c/per/co/6)

[http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/b14b23d67b75a5e9c12572a4003f9a62/\\$FILE/N0724410.pdf](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/b14b23d67b75a5e9c12572a4003f9a62/$FILE/N0724410.pdf)

The Committee welcomed the efforts made to implement the Convention through the adoption of laws, policies, plans and programmes, and the results of efforts to increase the number of women in political positions in Peru, including the number of women ministers and the establishment of a minimum proportion of 30 per cent of women who must be included in the lists of candidates for Congress, as well as the involvement of NGOs in the preparation of the report.

The Committee recommended Peru to strengthen its system of data collection and to improve the monitoring of progress towards gender equality, to strengthen the national machinery for the advancement of women, to take measures to accelerate the practical realization of equality, including in the field of education, to give priority to the design and implementation of a comprehensive strategy to combat and eradicate all forms of violence against women, to extend its definition of violence against women, to eliminate impediments women may face in accessing justice and to enhance women's awareness of their rights, to step up the provision of family planning information, education and services to women and girls, and quality health services, while reviewing the restrictive interpretation of therapeutic abortion, to accelerate its efforts to eradicate poverty among women, to ensure that legislation and national action plan on trafficking are fully enforced, to expedite and facilitate the process of registration of women without documentation and issue birth certificates and identity documents, to raise the minimum legal age of marriage for girls and boys to 18 years, to pay special attention to the needs of rural, indigenous and minority women, ensuring that they participate in decision-making processes and have full access to justice, education, health services and credit facilities.

**Convention against  
Torture and Other  
Cruel, Inhuman or  
Degrading  
Treatment  
or  
Punishment**

CAT

25 July 2006

[CAT/C/PER/CO/4](#)

[http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/5ffe189c6ee40f89c12571e700279022/\\$FILE/G0643246.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/5ffe189c6ee40f89c12571e700279022/$FILE/G0643246.pdf)

**Convention on the  
Rights of the Child**

CRC

14 March 2006

[CRC/C/PER/CO/3](#)

While CEDAW noted various initiatives to reduce violence against women, including the National Plan against Violence towards Women, it remained gravely concerned about the extent, intensity and prevalence of such violence, the lack of enforcement measures, the persistence of permissive attitudes and that incestual sexual abuse is not a crime.

The Committee welcomed the progress since the previous report, in particular the conclusion of the work of the Truth and Reconciliation Commission and the Comprehensive Plan for Reparation. The Committee also congratulated the Office of the Ombudsman on its work in following up complaints of torture, the Constitutional Court and the Supreme Court for the references made to international and regional human rights standards in their opinions on the competence and jurisdiction of the military criminal justice system, and welcomed the creation of a special subsystem of criminal justice dealing with torture cases as well as the ratification of the International Convention on Migrant Workers.

The Committee recommended Peru effectively to prevent torture in any territory under its jurisdiction, to support the work of the Ombudsman, to establish a national registry for all complaints received from alleged victims of torture or cruel, inhuman and degrading treatment, to limit the proclamation of states of emergency and to comply with its human rights obligations during such periods, to carry out investigations on acts of torture allegedly committed by state agents, to extend training programmes dealing with the obligations imposed by the Convention for police, army and prison officials and for prosecutors, to take urgent steps to reduce overcrowding in prisons and improve access to medical staff and court-appointed counsel, to protect from intimidation and reprisals those who denounce acts of torture, to implement the recommendations of the Truth and Reconciliation Commission, to provide compensation to the victims, to provide better access to sexual and reproductive health services and to take measures to reduce the health risks for women linked to involuntary sterilization and abortions, and to consider ratifying the Optional Protocol to the Convention against Torture.

The Committee welcomed - *inter alia* - the adoption of the National Plan of Action on the Prevention and Eradication of Child Labour, and the launching of the Programme *Juntos* aimed at supporting the most disadvantaged families, as well as the ratification of the International Convention for the Protection of Migrant Workers.

[http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/b67fbbfa8f470bdfc125715600319d7e/\\$FILE/G0640887.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/b67fbbfa8f470bdfc125715600319d7e/$FILE/G0640887.pdf)

The Committee recommended Peru to guarantee the full harmonization of its domestic law with the Convention, including the repealing of the “Begging Bill” and the article in the Children’s Code referring to *pandillaje pernicioso*, to implement all the recommendations of the Truth and Reconciliation Commission, to provide the necessary resources for the effective implementation of the National Plan of Action, to give an appropriate mandate

to the General Directorate on children and adolescents for the coordination of the implementation of the Convention, to develop through the same General Directorate the training in children’s rights for the *Defensorias* at the municipal level, to envisage the creation of an Ombudsman for Children at the national level, with coordinating functions and the mandate to deal with complaints from children in a child-sensitive and expeditious manner, to increase and prioritize budget allocations for the implementation of the rights recognized in the Convention, to develop a system of data collection covering all children and disaggregated by groups in need of special protection, to strengthen its efforts to raise awareness on the Convention and to provide adequate and systematic training and/or sensitization on children’s rights of professionals working with and for children, to adopt a proactive strategy to eliminate discrimination, to make sure that the principle of the best interest of the child is integrated in all legal provision and administrative and judicial decisions, to promote the principle of respect for the view of the child, to make a priority of the immediate registration of the births of all children, to strengthen the support for vulnerable families, to ensure that suitable institutions for the care of children are available, when necessary, to combat violence and ill-treatment of children, to prohibit corporal punishment, to improve the integration of children with disabilities, to ensure basic health care for all children and to combat infant and maternal mortality, to carry out studies on the environmental and social impact on children of mining and industrial projects, to ensure access to sexual and reproductive health services for adolescents, to provide access to mental health services and to treatment for children living with HIV/AIDS, to improve the access to quality education, to implement strategies to prevent the exploitation of child labour ,to fight trafficking, to bring legislation on juvenile justice in line with the Convention, and to address the gap in life opportunities for indigenous children.

CRC in 2006 and CEDAW in 2007 welcomed measures taken to combat sexual exploitation and trafficking of children and women. Nevertheless, CRC remained concerned that a reportedly very high number of children are victims of sexual exploitation and violence, and recommended that trafficking be defined in criminal legislation according to the Palermo Protocol definition.

CRC was concerned at widespread domestic violence and child abuse, including sexual abuse, despite recent measures taken in this respect, and recommended the introduction of criminal provisions in this regard. It welcomed existing legal provisions to prohibit corporal punishment, but was concerned that it is lawful in the home and still widely practiced as an accepted measure of discipline within the family and at school

**CONVENTIONS  
ON  
ENVIRONMENT  
AND  
GOVERNANCE  
PRINCIPLES :**

1. *the Monitoring Body*
2. *Date of latest Report*
3. *Web link*

*Latest recommendations by the monitoring body.*

**Montreal Protocol  
on Substances that  
Deplete the Ozone  
Layer**

Implementation Committee

No non-compliance proceedings were started against Peru.

**Basel Convention  
on the Control of  
Transboundary  
Movements of  
Hazardous Wastes  
and Their Disposal**

Compliance Committee

No non-compliance proceedings were started against Peru.

**Stockholm  
Convention on  
Persistent Organic  
Pollutants**

No compliance committee established yet. Compliance assessed through the following:  
national implementation report required by Art.7  
contributions to the convention budget

National implementation report is only due on 13 December 2007.

<http://www.pops.int/documents/implementation/nips/submissions/default.htm>

Contributions to the budget missing for 2006 and 2007.

[http://www.pops.int/documents/meetings/cop\\_3/meetingdocs/inf17/K0730049%20INF17-financial%20update.pdf](http://www.pops.int/documents/meetings/cop_3/meetingdocs/inf17/K0730049%20INF17-financial%20update.pdf)

**CITES Convention on International Trade in Endangered Species of Wild Fauna and Flora** - 1. Standing Committee  
2. 15/11/06  
3. <http://www.cites.org/eng/resources/reports.shtml>

Ratified. Implementing legislation is under review by the CITES Secretariat and is not yet believed to fully meet all the requirements for the implementation of CITES (category 2. See Annex 2 of the latest report on national law for the implementation of the Convention: <http://www.cites.org/eng/cop/14/doc/E14-24.pdf>). Currently under close scrutiny of the CITES Standing Committee but has not been determined by that body as being non-compliant (see p.27-28 of the Summary record of the 54<sup>th</sup> meeting of the Standing Committee: <http://www.cites.org/eng/com/SC/54/E54-SumRec.pdf> ). However, the Standing Committee has decided, at its 55<sup>th</sup> meeting, on 2<sup>nd</sup> June 2007, on a set of measures targeting Peru, as a result of insufficient implementation of CITES requirements in relation to exports of Bigleaf mahogany (the summary record of that meeting is not yet available: <http://www.cites.org/eng/com/SC/index.shtml> ).

**Convention on Biological Diversity**

NBSAP adopted   
1<sup>st</sup> Nat report subm   
  
2<sup>nd</sup> Nat report subm.   
  
3<sup>rd</sup> Nat report subm.   
  
No sign. unpaid contr.

3<sup>rd</sup> national report not submitted. Significant unpaid mandatory contributions to the core budget of the CBD.

Link to NBSAPs and national reports <http://www.cbd.int/world/map.shtml?ctr=pe>

Link to level of payments: <http://www.cbd.int/convention/parties/contributions.shtml?tab=2>

**Cartagena Protocol on Biosafety**

No non-compliance proceedings during this period

1<sup>st</sup> Nat impl report subm

Information about the CPB compliance committee available at

<http://www.cbd.int/biosafety/issues/compliance.shtml>

The Cartagena Compliance Committee is tasked to report to MOP4 in May 2008 on general issues of compliance by parties with their obligations under the

	Protocol	
<b>Kyoto Protocol to the United Nations Framework Convention on Climate Change</b>	Compliance Committee	No non-compliance proceedings were started against Peru.
<b>United Nations Single Convention on Narcotic Drugs</b>	<ol style="list-style-type: none"> <li>1. INCB</li> <li>2. 1 March 2007</li> <li>3. <a href="http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf">http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf</a></li> </ol>	In accordance with the 2006 Report of the INCB, responsible for the monitoring the implementation of this UN Convention, there are no specific recommendations regarding this country.
<b>Convention on Psychotropic Substances</b>	<ol style="list-style-type: none"> <li>1. INCB</li> <li>2. 1 March 2007</li> <li>3. <a href="http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf">http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf</a></li> </ol>	See above.
<b>Illicit Traffic in Narcotic Drugs and Psychotropic Substances</b>	<ol style="list-style-type: none"> <li>1. INCB</li> <li>2. 1 March 2007</li> <li>3. <a href="http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf">http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf</a></li> </ol>	With regard to Project Cohesion, the authorities of Colombia and its neighbouring countries should urgently launch investigations to identify the sources and routes from, or along which, potassium permanganate is being smuggled into areas where the illicit manufacture of cocaine takes place.
<b>United Nations Convention against Corruption</b>	No Review Mechanism has been set up so far but 3 working groups has been established (review of implementation; asset recovery; technical assistance) to prepare recommendations for the	<p>Details of country specific information on the implementation of UNCAC provisions is available under "Self-assessment of the implementation of the United Nations Convention against Corruption: report of the Secretariat" at</p> <p><a href="http://www.unodc.org/unodc/en/treaties/CAC/CAC-COSP-session2.html">http://www.unodc.org/unodc/en/treaties/CAC/CAC-COSP-session2.html</a></p>

2<sup>nd</sup> Conference of State Parties that took place in Bali, 28 January-1 February 2008. The 3<sup>rd</sup> such Conference is planned to take place in late 2009 and in the meantime work continues in the working groups.



## 14. EL SALVADOR (SV)

### CONVENTION REPORTING STATUS RECOMMENDATIONS

#### ILO CONVENTIONS ON CORE LABOUR RIGHTS:

1. *Monitoring Body*
2. *Date of latest Report*
3. *Web link*

*Latest recommendations by the monitoring body.*

#### 87-Freedom of Association and Protection of the Right to Organise

Recent ratification and no application report due at this stage

#### 98-Application of the Principles of the Right to Organise and to Bargain Collectively

Recent ratification and no application report due at this stage

#### 29- Forced or Compulsory Labour

CEACR  
2008

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=808&chapter=3&query=El+Salvador%40ref%2B%20Observation%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0>

In its previous observation, the Committee requested the Government to provide information on the measures taken to prevent and combat trafficking in persons. The Committee noted the Government's indication that, in connection with the Penal Code, a number of court cases were under way on which no rulings had yet been handed down and that it would bring them to the attention of the Committee when they were issued. The Committee noted with concern that no penalty had been imposed under the provisions of the Penal Code to punish trafficking in persons and recalled the requirements set out in the Convention that the exaction of forced labour shall be punished as a penal offence by penalties that are really adequate and are strictly enforced (Article 25). The Committee notes the Government's indication in its last report received in August 2006 that awareness-raising campaigns are being carried out for the population at large with the participation, inter alia, of the Office of the Public Prosecutor of

the Republic and its crime prevention unit. It adds that a National Committee on Trafficking in Persons has been established in which various institutions participate, such as the General Directorate of Migration and Foreign Nationals, the national police, the Office of the Public Prosecutor, the Ministry of Labour and non-governmental organizations. Training programmes have also been carried out for persons working in this area. The Committee once again observes that the Government's report does not contain any information on the application of sections 367 and 370 of the Penal Code. The Committee hopes that compliance with procedural guarantees of the presumption of innocence will not affect or impede compliance with the requirement of the Convention, namely the imposition of penal sanctions following due process on those found guilty of the crime of trafficking in persons.

**100- Equal  
Remuneration of  
Men and Women  
Workers for Work  
of Equal Value**

**105- Abolition of  
Forced Labour**

**111- Discrimination  
in Respect of  
Employment and  
Occupation**

CEACR 2007

<http://www.ilo.org/public/english/standards/reln/ilc/ilc96/pdf/rep-iii-1a.pdf>

The Committee notes the information supplied by the Government to the Conference Committee on the Application of Standards in June 2004 in answer to issues raised in its previous comments, and the discussion which ensued. The Committee also notes the conclusions of the Conference Committee asking the Government to provide detailed information on the practical application of the Convention, particularly on the situation of women in the maquila sector and the working conditions of indigenous workers.

In relation to the Maquila sector (export processing zones) the Committee notes that section 627 of the Labour Code, which applies to women working in this sector, provides for specific penalties for employers who dismiss pregnant women or women with disabilities, and that monitoring of the prohibition on pregnancy testing as a condition for being hired or maintained in a job has been stepped up. The Committee requests the Government to provide detailed information on cases detected by the labour inspectorate, the action taken and the results

obtained.

The Committee notes the Government's indication that there are no instructions in the government sector that favour men in terms of access to jobs in the public administration, and that hiring depends on requirements pertaining to skills and abilities which apply to everyone, without distinction as to sex. The Committee notes that the absence of discriminatory instructions or rules is not sufficient to meet the requirements of the Convention, which requires declaring and pursuing a national policy designed to promote equality of opportunity and treatment in respect of employment and occupation.

The Committee notes that indigenous workers are covered by the constitutional guarantee of equality before the law. In its General Survey of 1988, the Committee concluded that in some cases, when past policies have done little to protect indigenous land and cultures, the indigenous populations may have migrated to urban areas where they are severely disadvantaged in terms of competing in the labour market. The Committee is of the view that the general principle of equality before the law cannot on its own ensure equality of opportunity in employment and occupation for men and women indigenous workers. It hopes that the Government will take steps to address discriminatory treatment that arises in practice, and promote equal opportunities for indigenous peoples, paying particular attention to equal access to vocational training, which is key to gaining access to the labour market on the same terms as other groups of the population. The Committee reminds the Government that in the case of self-employed workers, equality of opportunity and treatment in employment and occupation includes equal access to the material resources that enable such workers to carry on the activities from which they earn their living. The Committee requests the Government to provide information on the measures taken or envisaged to remedy these inequalities.

**138- Minimum Age  
for Admission to  
Employment**

CEACR 2007

<http://www.ilo.org/public/english/standards/re/m/ilc/ilc96/pdf/rep-iii-1a.pdf>

The Committee notes the detailed information provided by the Government in its report including the adoption of several measures, with the technical assistance of ILO/IPEC, intended to prohibit and regulate child labour in several sectors, including the harvesting of shellfish and coffee beans, and work in public markets. The Committee requested the Government to provide information on the implementation of these projects intended to ensure the effective abolition of child labour.

The Committee notes with interest the information provided by the Government that over

41,650 children who worked in several have benefited from numerous projects implemented in the context of the Time-bound Programme (TBP) on the worst forms of child labour. The Committee takes due note of the efforts made by the Government with a view to eliminating child labour and requests it to continue providing information on the implementation of these projects and the results achieved.

The Committee noted the statistics contained in the report entitled “Understanding child labour in El Salvador”, published by ILO/IPEC in 2003. According to this report, over 222,475 children between the ages of 5 and 17 years worked in El Salvador in 2001, of whom 109,000 were between the ages of 5 and 14 years. The Committee greatly appreciates the efforts made by the Government to combat child labour. It therefore strongly encourages the Government to continue its efforts to improve the situation progressively and requests the Government to continue providing detailed information on the manner in which the Convention is applied in practice including, for example, statistical data disaggregated by sex on the nature, extent and trends of work by children and young persons under the minimum age specified by the Government when ratifying the Convention and extracts of the reports of the inspection services. The Committee encouraged the Government to pursue its efforts in the field of access of children to education and requested it to provide additional information on the measures that it intends to take to facilitate the access of children to school including in rural areas.

**182- Prohibition  
and Immediate  
Action for the  
Elimination of the  
Worst Forms of  
Child Labour** CEACR  
2007

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=9592&chapter=6&query=Guatemala%40ref&highlight=&querytype=book>

The Committee notes with interest the detailed information sent by the Government in its report in reply to the general observation on the trafficking of children for purposes of economic or sexual exploitation that the Committee made at its 2004 session. The Committee notes that, as well as legislative measures, the Government has undertaken administrative measures and engaged in advocacy and regional cooperation with other Central American countries, including Guatemala and Honduras, with a view to eliminating these problems.

**UN  
CONVENTIONS  
ON CORE  
HUMAN  
RIGHTS:**

1. *Monitoring Body*
2. *Date of latest Report*
3. *Web link*

*Latest recommendations by the monitoring body.*

**Convention on the  
Prevention and  
Punishment of the  
Crime of Genocide**

**International  
Convention on the  
Elimination of All  
Forms of Racial  
Discrimination**

CERD

4 April 2006

[CERD/C/SLV/CO/13](#)

[http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/71a30bba311f580cc125716f00492fc9/\\$FILE/G0641265.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/71a30bba311f580cc125716f00492fc9/$FILE/G0641265.pdf)

The Committee noted signs of change of perspective of El Salvador towards indigenous peoples, in the last few years, manifested by the creation of specific institutions and by legal provisions and projects.

The Committee recommended El Salvador to supply ethnically disaggregated statistical information, to adopt a definition of racial discrimination and positive legislative, judicial, administrative measures to give effect to the provisions of the Convention, to ratify ILO Convention 169, to step up its efforts to improve the enjoyment of economic, social and cultural rights by the indigenous peoples, to regularize the situation of Nicaraguan migrant workers in El Salvador, to ensure that indigenous people participate in government and the management of public affairs at all levels, and to facilitate their unrestricted access to traditional religious sites, to put into effect the recommendations made by the Human Rights Committee in its concluding observations on El Salvador on the General Amnesty Act and of the Inter-American Commission on Human Rights adopting a programme of reparation and where possible material compensation for the victims, thus creating a climate of trust that will enable the indigenous people to assume their identity without fear.

Finally the Committee recommended El Salvador to consult civil society organizations when preparing the next periodic report.

**International  
Covenant on Civil**

## and Political Rights

### **International Covenant on Economic, Social and Cultural Rights**

CESCR

November 2006

[http://www2.ohchr.org/english/bodies/cescr/docs/E.C.12.SLV.CO.2\\_en.pdf](http://www2.ohchr.org/english/bodies/cescr/docs/E.C.12.SLV.CO.2_en.pdf)

The Committee welcomed the different plans and strategies implemented by El Salvador such as the *Programa Presidencial de Oportunidades*, the labour inspections and the actions in support of migrants in third countries. It also welcomed the new policy on housing recognising the right to housing as a human right.

The Committee recommended EL Salvador to take effective measures to reduce unemployment rate and informal employment and to guarantee that the minimum salary allows workers and their family an adequate standard of living, to guarantee freedom of association, to reduce the scope of restriction to the right to strike, to conduct regular labour inspections, especially in the *maquiladoras*, to give access to information and remedy to the victims of labour rights violations, to make sure that social protection mechanisms include rural workers, domestic workers and provide equal protection for women and men, to reduce poverty and improve social development strategies, to encourage the population to stay in the country, through job creation and adequate salaries, while supporting the families of migrants, to combat violence adopting integration and development measures targeted to children from difficult family environments, to take measures against child labor, in particular as domestic service, to consolidate the national health system, based on equity and accessibility, strengthening the budgetary resources assigned to it to cover vulnerable groups, to reform its legislation on abortion and to consider exception to the general prohibition of abortion in case of therapeutic abortion or in case of pregnancies resulting from rape or incest, to combat the HIV/AIDS pandemic and to provide adequate medical treatment to the victims.

### **International Convention on the Suppression and Punishment of the Crime of Apartheid**

### **Convention on the Elimination of All Forms of Discrimination against Women**

**Convention against  
Torture and Other  
Cruel, Inhuman or  
Degrading  
Treatment or  
Punishment**

**Convention on the  
Rights of the Child**

CRC (OP on the involvement of children in armed conflict)

2 June 2006

[CRC/C/OPAC/SLV/CO/1](#)

[http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/a6a1b49318d44424c1257198006d8877/\\$FILE/G0642529.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/a6a1b49318d44424c1257198006d8877/$FILE/G0642529.pdf)

The Committee welcomed the establishment by law of the minimum age for compulsory recruitment at 18 years and of voluntary recruitment at 16 years,

the human rights and humanitarian law courses included in the curriculum of the armed forces; and the reform under way to raise also the minimum age of voluntary recruitment from 16 to 18 years.

The Committee recommended EL Salvador explicitly to prohibit by law the recruitment of children under the age of 15 years into armed forces/groups and their direct participation in hostilities, to establish extraterritorial jurisdiction for these crimes when they are committed by or against a person who is a citizen of or has other links with EL Salvador, to stipulate explicitly that military personnel should not undertake any act that violates the rights enshrined in the Optional Protocol, regardless of any military order to that effect; to consider ratifying the 1998 Rome Statute of the International Criminal Court and the 1994 Inter-American Convention on Forced Disappearance of Persons, in order to strengthen the international protection of children against recruitment, to include in the mandate of the Human Rights Procurator's Office the monitoring of the implementation of the Optional Protocols to the Convention on the Rights of the Child, to involve NGOs and civil society in the preparation of future periodic reports, in the implementation of the Optional Protocol and in the drafting of legislation and to adopt, in collaboration with them a National Plan of Action for the implementation of the Optional Protocol and of the provisions of the 1992 Peace Agreement related to the reintegration and assistance to children victims of the conflict, to trace children who disappeared during the conflict and to reunify them with their families, to raise awareness on the content of the Protocol and to allocate resources for its implementation, to guarantee that during recruitment procedures, the documentation proving the age of the person is adequate and that the voluntary recruitment of 16- and 17-year-old children is abolished by law.

**CONVENTIONS  
ON**

*1. Monitoring Body*

*Latest recommendations by the monitoring body.*

**ENVIRONMENT  
AND  
GOVERNANCE  
PRINCIPLES :**

2. *Date of latest Report*

3. *Web link*

**Montreal Protocol  
on Substances that  
Deplete the Ozone  
Layer**

Implementation Committee

No non-compliance proceedings were started against El Salvador.

**Basel Convention  
on the Control of  
Transboundary  
Movements of  
Hazardous Wastes  
and Their Disposal**

Compliance Committee

No non-compliance proceedings were started against El Salvador.

**Stockholm  
Convention on  
Persistent Organic  
Pollutants**

Signed but not a Party

**CITES  
Convention on  
International Trade  
in Endangered  
Species of Wild  
Fauna and Flora**

- 1. Standing Committee  
2. 03/04/06  
3. <http://www.cites.org/eng/resources/reports.shtml>

Ratified. Implementing legislation is under review by the CITES Secretariat and is not yet believed to fully meet all the requirements for the implementation of CITES (category 2. See Annex 2 of the latest report on national law for the implementation of the Convention: <http://www.cites.org/eng/cop/14/doc/E14-24.pdf>). Currently under scrutiny of the CITES Standing Committee but has not been determined by that body as being non-compliant and is considered to be making progress (see p.27-28 of the Summary record of the 54<sup>th</sup> meeting of the Standing Committee: <http://www.cites.org/eng/com/SC/54/E54-SumRec.pdf> )



<b>Convention on Biological Diversity</b>	NBSAP adopted	<input checked="" type="checkbox"/>	Link to NBSAPs and national reports <a href="http://www.cbd.int/world/map.shtml?ctr=sv">http://www.cbd.int/world/map.shtml?ctr=sv</a>
	1 <sup>st</sup> Nat report subm	<input checked="" type="checkbox"/>	Link to level of payments:
	2 <sup>nd</sup> Nat report subm.	<input checked="" type="checkbox"/>	<a href="http://www.cbd.int/convention/parties/contributions.shtml?tab=2">http://www.cbd.int/convention/parties/contributions.shtml?tab=2</a>
	3 <sup>rd</sup> Nat report subm.	<input checked="" type="checkbox"/>	
	No sign. unpaid contr.	<input checked="" type="checkbox"/>	
<b>Cartagena Protocol on Biosafety</b>			1 <sup>st</sup> National implementation report not submitted.
	1 <sup>st</sup> Nat impl report subm	<input checked="" type="checkbox"/>	No non-compliance proceedings during this period
			Information about the CPB compliance committee available at <a href="http://www.cbd.int/biosafety/issues/compliance.shtml">http://www.cbd.int/biosafety/issues/compliance.shtml</a>
	The Cartagena Compliance Committee is tasked to report to MOP4 in May 2008 on general issues of compliance by parties with their obligations under the Protocol		
<b>Kyoto Protocol to the United Nations Framework Convention on Climate Change</b>	Compliance Committee		No non-compliance proceedings were started against El Salvador.
<b>United Nations Single Convention on Narcotic Drugs</b>	1. INCB 2. 1 March 2007		In accordance with the 2006 Report of the INCB, responsible for the monitoring the implementation of this UN Convention, there are no specific recommendations regarding this country.

		3. <a href="http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf">http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf</a>	
<b>Convention on Psychotropic Substances</b>	1. INCB 2. 1 March 2007		See above.
		3. <a href="http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf">http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf</a>	
<b>Illicit Traffic in Narcotic Drugs and Psychotropic Substances</b>	1. INCB 2. 1 March 2007		See above.
		3. <a href="http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf">http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf</a>	
<b>United Nations Convention against Corruption</b>	No Review Mechanism has been set up so far but 3 working groups has been established (review of implementation; asset recovery; technical assistance) to prepare recommendations for the 2 <sup>nd</sup> Conference of State Parties that took place in Bali, 28 January-1 February 2008. The 3 <sup>rd</sup> such Conference is planned to take place in late 2009 and in the meantime work continues in the working groups.		Details of country specific information on the implementation of UNCAC provisions is available under "Self-assessment of the implementation of the United Nations Convention against Corruption: report of the Secretariat" at  <a href="http://www.unodc.org/unodc/en/treaties/CAC/CAC-COSP-session2.html">http://www.unodc.org/unodc/en/treaties/CAC/CAC-COSP-session2.html</a>

## 15. VENEZUELA (VE)

### CONVENTION REPORTING STATUS RECOMMENDATIONS

#### ILO CONVENTIONS ON CORE LABOUR RIGHTS:

1. *the Monitoring Body*
2. *Date of latest Report*
3. *Web link*

*Latest recommendations by the monitoring body.*

#### 87-Freedom of Association and Protection of the Right to Organise

CEACR  
2008

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=991&chapter=3&query=Venezuela%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0>

The Committee recalls that it previously raised the following issues: the need to adopt the Bill to amend the Basic Labour Act so as to eliminate the restrictions placed on the exercise of the rights granted by the Convention to workers' and employers' organizations; the need for the National Electoral Council (CNE), which is not a judicial body, to cease interfering in trade union elections and to no longer be empowered to annul them; a draft reform of the Penal Code which establishes sentences of imprisonment of up to 18 years for the interruption of operations in basic or strategic state enterprises (the Government indicates in its report that no reform of the Penal Code is envisaged). Taking into account the gravity of the restrictions which persist in the legislation with regard to freedom of association and the freedom to organize, the Committee once again requests the Government to take measures to accelerate the examination by the Legislative Assembly of the Bill to reform the Basic Labour Act. In successive observations in recent years the Committee has identified important deficiencies in social dialogue. Moreover, there are no structures for such dialogue and the Government does not convene the tripartite commission envisaged in the Basic Labour Act. The Committee hopes that the Government will take measures to ensure full compliance with the Convention in relation to the various matters raised in this observation and it requests the Government to provide information in this regard. The Committee expresses deep concern, recalls the gravity of the allegations and emphasizes that a movement of trade unions or employers can only develop where fundamental human rights are respected and in a climate free of violence of any kind

**98-Application of the Principles of the Right to Organise and to Bargain Collectively**

CEACR

2007

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=9265&chapter=6&query=Venezuela%40ref&highlight=&querytype=boolean>

The Committee notes the Government's report and, in particular, the information concerning the procedure followed to determine the representativeness of trade union organizations in the collective bargaining process. The Committee asks the Government, once again, to provide information on the cases that have arisen in recent years in which two trade union organizations claimed to be the most representative and on the criteria used in practice by the authorities to determine the most representative trade union. The Committee asks the Government to indicate the number of cases in which the decision of the administrative authority has been challenged in a court of law, indicating the grounds put forward by the complainant trade union organization. Lastly, the Committee notes the comments of the International Confederation of Free Trade Unions (ICFTU) on the application of the Convention and refers, in this respect, to its observation on the application of Convention No. 87.

**29- Forced or Compulsory Labour**

CEACR

2007

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=8950&chapter=6&query=Venezuela%40ref&highlight=&querytype=boolean>

On the issue of trafficking of women and children for prostitution, reported in the past by the International Confederation of Free Trade Unions (ICFTU), the Committee noted convergent information from United Nations institutions, (namely the conclusions of the United Nations Committee on Economic, Social and Cultural Rights and the concluding observations of the United Nations Committee on Human Rights) expressing concern at the spread of this phenomenon and about the lack of information on actions to combat it. Despite the fact that the Government did not provide any information on this subject, the Committee noted the enactment of various provisions under the terms of which the trafficking in persons could be penalized requested the Government to provide information on the effect given in practice to these provisions, on the number of prosecutions for trafficking and the penalties imposed.

However Committee regrets that in its latest report the Government ignores the request for information and that it repeats that the ICFTU's comments are vague.

The Committee notes section 16 of the Act against organized crime, under the terms of which the trafficking in persons and migrants is considered to be an offence in relation to organized crime. The Committee requests the Government to provide information on the provisions applicable to cases in which the trafficking in persons is not committed by organized crime.

The Committee recalls that, under the terms of Article 25 of the Convention, the illegal exaction of forced or compulsory labour shall be punishable as a penal offence, and it shall be an obligation on any

Member ratifying the Convention to ensure that the penalties imposed by law are really adequate and are strictly enforced.

The Committee hopes that the Government will provide information on current legal proceedings, the provisions of the national legislation under which legal proceedings have been initiated against those responsible and that it will indicate the penalties that are applied, as well as on the National Plan of Action and its Protocol to protect and assist victims.

**100- Equal  
Remuneration of  
Men and Women  
Workers for Work  
of Equal Value**

**105- Abolition of  
Forced Labour**

**111- Discrimination  
in Respect of  
Employment and  
Occupation**

CEACR  
2008

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1261&chapter=3&query=Venezuela%40ref%2BObservation%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0>

The Committee notes that the Government has not replied specifically to the communications from the National Single Federation of Public Employees (FEDE-UNEP), affiliated to the CTV, which were forwarded to the Government in 2004 and 2006. The communications refer to threats, harassment, transfers, the worsening of working conditions and the dismissal of employees of the Central and Decentralized National Public Administration in response to their participation in the collection of signatures to initiate a referendum to revoke the public offices assigned by popular election, in accordance with the Constitution. The Committee strongly urges the Government to take the necessary measures to investigate the allegations of management practices in the public sector, including the PDVSA, that discriminate against employees on the basis of their political opinion, and to end such practices where they are found to exist. The Committee stresses that threats, harassment, transfers, worsening of working conditions and dismissal of employees on the basis of their activities expressing opposition to the established political principles, as well as the requirement to conform to a specific ideology constitute discrimination on political grounds within the meaning of the Convention. The Committee expresses deep concern at the facts referred to above and urges the Government to adopt all the necessary measures in law and practice to provide redress for

**138- Minimum Age for Admission to Employment** CEACR  
2008

<http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1401&chapter=3&query=Venezuela%40ref%2B%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0>

**182- Prohibition and Immediate Action for the Elimination of the** CEACR  
2008

the effects of the acts of discrimination referred to above, to prevent such situations recurring and to protect workers in both the public and private sectors from discrimination on the ground of political opinion, in accordance with the Convention. The Government is asked to reply in detail to the present comments in 2008.

The Committee requested the Government to provide information on measures taken or envisaged to ensure the effective abolition of child labour and the results of the inspection visits carried out by INPSASEL and the inspection service of the Ministry of Labour. The Committee notes that Venezuela is cooperating with ILO/IPEC and has launched several projects for the elimination of child labour and the protection of young workers, in particular by strengthening the trade unions. It notes that a Pilot Action Plan for Street Children has been adopted and that social programmes to eliminate child labour have been implemented. The Government nevertheless states that although the lack of official statistics makes it impossible to determine the exact number of children and young people who work, it doubts the accuracy of the ITUC's estimate of the number of working children. The Committee appreciates the measures taken by the Government to combat child labour, but is concerned at the number of children and young people who work. It strongly encourages the Government to redouble its efforts gradually to remedy the situation. The Committee considers that compulsory education is one of the most effective means of combating child labour, and strongly urges the Government to step up efforts to improve the working of the education system, in particular by increasing the school enrolment rate and reducing the drop-out rate. It further asks the Government to step up efforts to combat child labour by reinforcing measures enabling children who work to be integrated into the school system, whether formal or informal, or into apprenticeship or vocational training as long as minimum age requirements are met. Moreover, the Committee expresses the firm hope that the list of types of hazardous work will be established at the earliest possible date and requests the Government to provide information on all progress made in this respect.

The Committee notes that the national legislation contains various provisions penalizing the sale and trafficking of children under 18 years of age or their use, procuring or offering for prostitution. The Committee notes that, in its concluding observations on the Government's combined fourth, fifth and sixth periodic reports of January 2006, the Committee on the

**Worst Forms of Child Labour** of <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloilc&document=1520&chapter=3&query=Venezuela%40ref%2B%23YEAR%3D2008&highlight=&querytype=bool&context=0>

Elimination of Discrimination against Women expressed concern about the lack of information on the causes and extent of prostitution, as well as the trafficking of women and girls, in particular the incidence of these phenomena in border areas. The Committee of Experts further notes that child prostitution is one of the most serious problems confronting the country. The Committee notes that the convergence of information demonstrates the existence of the trafficking of children under 18 years of age and their use, procuring or offering for commercial sexual exploitation and expresses concern at the situation of these children. It requests the Government to take the necessary measures to ensure in practice the protection of children under 18 years of age against sale and trafficking for sexual exploitation, and specifically for prostitution. The Committee also requests the Government to provide information on the effect given in practice to the provisions of the national legislation, including statistics on the number and nature of the infringements reported, the investigations conducted, prosecutions, convictions and penal sanctions applied.

**UN CONVENTIONS ON CORE HUMAN RIGHTS:**

1. *the Monitoring Body*
2. *Date of latest Report*
3. *Web link*

*Latest recommendations by the monitoring body.*

**Convention on the Prevention and Punishment of the Crime of Genocide**

**International Convention on the Elimination of All Forms of Racial Discrimination**

CERD  
27 March 2005  
[CERD/C/VEN/CO/18](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a4500)

The Committee welcomed the fact that the federal and State legislation recently adopted by Venezuela followed the basic principles of the Constitution and built on its guarantees of racial and ethnic non-discrimination, as well as the establishment of institutions dealing with racial discrimination, the representation of indigenous peoples in the National Assembly, and the existence of special courts to settle conflicts in accordance with the customs of indigenous peoples.

<http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a4500>

The Committee recommended Venezuela to ensure that identity documents for indigenous persons are based upon self-identification, to adopt the draft criminal code as soon as possible and collect

[44f331/365660f21178a780c12570b20038e73c/\\$FILE/G0741021.pdf](#)

disaggregated statistical information on cases involving racial discrimination and on penalties imposed,

to improve the economic and social rights situation of Afro-descendants and indigenous people, to end violence linked to land conflicts, mainly affecting indigenous peoples and Afro-descendants, and to end violations linked mainly to illegal gold prospecting, and to recognize and protect the rights of indigenous peoples to own, develop, control and use their lands, territories and resources.

**International  
Covenant on Civil  
and Political Rights**

**International  
Covenant on  
Economic, Social  
and Cultural Rights**

**International  
Convention on the  
Suppression and  
Punishment of the  
Crime of Apartheid**

**Convention on the  
Elimination of All  
Forms of  
Discrimination  
against Women**

CEDAW

31 January 2006

[CEDAW/C/VEN/CO/6](#)

[http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/a15709f0a44ba68bc12572450041f673/\\$FILE/N0623844.p](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/a15709f0a44ba68bc12572450041f673/$FILE/N0623844.p)

The Committee welcomed the efforts of Venezuela to strengthen the national machinery for the advancement of women, as reflected in the increase in human and financial resources provided for the establishment of institutes, councils, meeting points and shelters, as well as the various measures in the areas of law, policy and institutions aimed at the advancement of women to a position of equality with men (notably the adoption of the Violence against Women and the Family Law and the establishment of the National Office for the Defence of Women's Rights and the Women's Development Bank) the nationwide implementation of education, literacy, health and economic programmes and the efforts to collect statistics disaggregated by sex.

The Committee recommended Venezuela to consider establishing a co-ordinating body composed of all relevant government entities and involving civil society to strengthen collaboration in the



[df](#)

implementation of the Convention, to complete the revision of its Penal and Civil Codes to bring them into full compliance with the principles of the Constitution and the provisions of the Convention and to adopt legislation on social security for housewives, to strengthen the application of temporary special measures to accelerate de facto equality between women and men, to develop and implement a comprehensive and coordinated plan of action to ensure gender mainstreaming and to establish effective monitoring mechanisms, to expand the public-private dialogue to clarify the definition of equality, to address stereotypical attitudes about the roles and responsibilities of women and men, to make precautionary measures easily accessible for women victims of violence, to ensure that perpetrators of violence against women are prosecuted and adequately punished, to take measures to suppress the exploitation of prostitution of women, to place high priority on the comprehensive implementation, evaluation and dissemination of the Violence against Women and the Family Law, to effectively implement and monitor the national plan of action on sexual and reproductive health, and to raise the minimum legal age of marriage for girls to 18 in order to bring it into line with the Convention on the Rights of the Child.

**Convention against  
Torture and Other  
Cruel, Inhuman or  
Degrading  
Treatment or  
Punishment**

**Convention on the  
Rights of the Child**

1. *CRC*

2. *5 October 2007*

3.

<http://www2.ohchr.org/english/bodies/crc/docs/co/CRC.C.VEN.CO.2.pdf>

The Committee urged Venezuela to adopt a revised LOPNA (Child and Adolescent Protection Act) and ensure it complies with the Convention. The Committee encouraged the *Defensoría del Pueblo* to ensure its presence in every municipality in coordination with the *Defensorías Municipales*' services in order to ensure that all children have effective and accessible remedies in case of violations of their rights. The Committee recommended Venezuela to ensure, through adequate legal provisions and regulations, that all children victims and or witnesses of crimes are provided with the protection required by the Convention; to develop a comprehensive system of collection of data on the implementation of the Convention; to strengthen its efforts to provide adequate and systematic training and/or sensitisation on children's rights to professional groups working with and for child; to establish a minimum age of marriage which is the same for girls and boys and consider raising the age to 18 years; to establish a minimum age of consumption of alcohol; to fully incorporate the principle of the best interests of the child in all Venezuelan programmes, policies, legislative, judicial and administrative procedures and promote its application; to ensure that Venezuelan law enforcement

officers are fully held responsible for any violation of the right to life and that all such cases are immediately investigated by an independent body and those responsible are held accountable; to ensure that all children are registered at birth, including children of undocumented foreigners and those belonging to indigenous groups and immigrant families; to improve prison conditions and take measures to ensure that children are not subjected to torture and inhuman, degrading treatment or punishment; to provide programmes and adequate care services, give priority to family solutions for children and adolescents deprived of a family environment and continue to promote foster care as a form of alternative care; to take measures to avoid unjustifiable delays in adoption procedures; to adopt and implement new laws explicitly prohibiting corporal punishment in all settings, including in the home and to conduct awareness raising and public education campaigns against corporal punishment; to take into account the rights of children with disabilities; to reduce neonatal and maternal mortality; to address the problem of malnutrition and low vaccination rates, with special emphasis on rural and remote areas and among refugees and the indigenous populations; to strengthen Venezuelan awareness raising programmes involving adolescents and families regarding sexual relations; to ensure that discrimination and other forms of irregularities against children living with HIV/AIDS are corrected and ensure adequate medical services for pregnant women in order to prevent mother to child transmission; to combat poverty, and in particular evaluate the measures applied to protect children against poverty and its impact on children's development and well-being; to strengthen efforts to increase enrolment in preschool care and education facilities and in the higher grades of primary schools as well as in secondary schools, in particular in the rural and remote border areas and with respect to indigenous children; to promote the quality of education; to ensure rapid access to age-sensitive refugee status determination procedures and subsequent assistance for unaccompanied and separated children; to undertake an evaluation of the PRONAT (National Programme of Protection of Child Workers) and to determine the numbers and categories of children working informally or formally in the economy and take all necessary measures to protect children from economic exploitation; to ensure that street children are provided with adequate nutrition and shelter as well as with health care and educational opportunities; to ensure that all juvenile justice standards are fully implemented and to enhance the situation of indigenous children.

**CONVENTIONS  
ON  
ENVIRONMENT  
AND  
GOVERNANCE**    *1. the Monitoring Body  
2. Date of latest Report  
3. Web link*

*Latest recommendations by the monitoring body.*

## PRINCIPLES :

<b>Montreal Protocol on Substances that Deplete the Ozone Layer</b>	Implementation Committee	No non-compliance proceedings started against Venezuela.
<b>Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal</b>	Compliance Committee	No non-compliance proceedings were started against Venezuela.
<b>Stockholm Convention on Persistent Organic Pollutants</b>	No compliance committee established yet. Compliance assessed through the following: national implementation report required by Art.7 contributions to the convention budget	National implementation report only due on 18 July 2007. <a href="http://www.pops.int/documents/implementation/nips/submissions/default.htm">http://www.pops.int/documents/implementation/nips/submissions/default.htm</a> Contributions to the budget are missing for 2006 and 2007. <a href="http://www.pops.int/documents/meetings/cop_3/meetingdocs/inf17/K0730049%20INF17-financial%20update.pdf">http://www.pops.int/documents/meetings/cop_3/meetingdocs/inf17/K0730049%20INF17-financial%20update.pdf</a>
<b>CITES Convention on International Trade in Endangered Species of Wild Fauna and Flora</b>	- 1. Standing Committee 2. 18/07/06 3. <a href="http://www.cites.org/eng/resources/reports.shtml">http://www.cites.org/eng/resources/reports.shtml</a>	Ratified. Implementing legislation is under review by the CITES Secretariat and is not yet believed to fully meet all the requirements for the implementation of CITES (category 2. See Annex 2 of the latest report on national law for the implementation of the Convention: <a href="http://www.cites.org/eng/cop/14/doc/E14-24.pdf">http://www.cites.org/eng/cop/14/doc/E14-24.pdf</a> ). Currently under scrutiny of the CITES Standing Committee but has not been determined by that body as being non-compliant and is considered to be making progress (see p.27-28 of the Summary record of the 54 <sup>th</sup> meeting of the Standing Committee: <a href="http://www.cites.org/eng/com/SC/54/E54-SumRec.pdf">http://www.cites.org/eng/com/SC/54/E54-SumRec.pdf</a> )

Venezuela has yet to comply with Article VIII, paragraph 7 of CITES which requires each Party to submit a biennial report on legislative, regulatory and administrative measures taken to enforce the

Convention (deadline for the submission being the 31st of October of the year following the year for which the report was due).

**Convention on Biological Diversity** NBSAP adopted   
1<sup>st</sup> Nat report subm   
2<sup>nd</sup> Nat report subm.   
3<sup>rd</sup> Nat report subm.   
No sign. unpaid contr.

Link to NBSAPs and national reports <http://www.cbd.int/world/map.shtml?ctr=ve>

Link to level of payments: <http://www.cbd.int/convention/parties/contributions.shtml?tab=2>

**Cartagena Protocol on Biosafety**

1<sup>st</sup> Nat impl report subm

No non-compliance proceedings during this period Information about the CPB compliance committee available at <http://www.cbd.int/biosafety/issues/compliance.shtml>

The Cartagena Compliance Committee is tasked to report to MOP4 in May 2008 on general issues of compliance by parties with their obligations under the Protocol

**Kyoto Protocol to the United Nations Framework Convention on Climate Change**

Compliance Committee

No non-compliance proceedings were started against Venezuela.

**United Nations Single Convention**

1. INCB

In accordance with the 2006 Report of the INCB, responsible for the monitoring the implementation of

<b>on Narcotic Drugs</b>	2. 1 March 2007	this UN Convention, there are no specific recommendations regarding this country.
	3. <a href="http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf">http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf</a>	
<b>Convention on Psychotropic Substances</b>	1. INCB 2. 1 March 2007	See above.
	3. <a href="http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf">http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf</a>	
<b>Illicit Traffic in Narcotic Drugs and Psychotropic Substances</b>	1. INCB 2. 1 March 2007	With regard to Project Cohesion, the authorities of Colombia and its neighbouring countries should urgently launch investigations to identify the sources and routes from, or along which, potassium permanganate is being smuggled into areas where the illicit manufacture of cocaine takes place.
	3. <a href="http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf">http://www.incb.org/pdf/e/ar/2006/annual-report-2006-en.pdf</a>	
<b>United Nations Convention against Corruption</b>	No Review Mechanism has been set up so far but 3 working groups has been established (review of implementation; asset recovery; technical assistance) to prepare recommendations for the 2 <sup>nd</sup> Conference of State Parties that took place in Bali, 28 January-1 February 2008. The 3 <sup>rd</sup> such Conference is planned to take place in late 2009 and in the meantime work continues in the	The self assessment check list was not completed by the 2 <sup>nd</sup> COSP

working groups.