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

**San Marino\***

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of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated.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

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\* The present document was not edited before being sent to the United Nations translation services.

## I. BACKGROUND AND FRAMEWORK

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

<i>Core universal human rights treaties<sup>2</sup></i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	12 Mar. 2002	None	Individual complaints (art. 14): Yes
ICESCR	18 Oct. 1985	None	-
ICCPR	18 Oct. 1985	None	Inter-State complaints (art. 41): No
ICCPR-OP 1	18 Oct. 1985	None	-
ICCPR-OP 2	17 Aug. 2004	None	-
CEDAW	10 Dec. 2003	None	-
OP-CEDAW	15 Sep. 2005	None	Inquiry procedure (art. 8 and 9): Yes
CAT	27 Nov. 2006	None	Inter-State complaints (art. 21): No Individual complaints (art. 22): No Inquiry procedure (art. 20): Yes
CRC	25 Nov. 1991	None	-
CRPD	22 Feb. 2008	None	-
CRPD-OP	22 Feb. 2008	None	Inquiry procedure (arts. 6 and 7): Yes

*Core treaties to which San Marino is not a party: OP-ICESCR<sup>3</sup>, OP-CAT, OP-CRC-AC (signature only, 2000), OP-CRC-SC (signature only, 2000), ICRMW and CED.*

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	No
Rome Statute of the International Criminal Court	Yes
Palermo Protocol <sup>4</sup>	No
Refugees and stateless persons <sup>5</sup>	No
Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>6</sup>	Yes
ILO fundamental conventions <sup>7</sup>	Yes
UNESCO Convention against Discrimination in Education	No

1. In 2003, the Committee on the Rights of the Child (CRC) encouraged San Marino to ratify and implement OP-CRC-SC and OP-CRC-AC.<sup>8</sup> In 2007, the Committee on Economic, Social and Cultural Rights (CESCR) encouraged accession to the International Labour Organization (ILO) Labour Inspection Convention, 1947 (No. 81), Social Security (Minimum Standards) Convention, 1952 (No. 102), Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117) and Equality of Treatment (Social Security) Convention, 1962 (No. 118).<sup>9</sup>

### B. Constitutional and legislative framework

2. While by virtue of Law No. 36 of 26 February 2002, international agreements on the protection of human rights and freedoms prevail over domestic legislation in case of conflict, the Human Rights Committee (HR Committee) noted that the exact status in domestic law of ICCPR and the Optional Protocol remained unclear. It recommended that San Marino clarify the exact status of these instruments in domestic law, as well as the relationship between ICCPR and the Declaration of

Citizens' Rights and other parts of the constitutional order, so as to ensure full implementation of all ICCPR rights in all circumstances. In particular, San Marino should clarify whether a party to pending judicial proceedings may turn to the Guarantors' Panel on the constitutionality of rules and claim that a national law is in conflict with ICCPR.<sup>10</sup>

3. In 2007, CESCR noted that although ICESCR forms an integral part of domestic legislation, there was no court decision that mentioned or confirmed the direct applicability of its provisions.<sup>11</sup> CESCR encouraged the State party to ensure that the provisions of ICESCR are given effect by its domestic courts.<sup>12</sup>

4. In 2003, CRC encouraged San Marino to take all necessary measures to ensure that its domestic legislation conforms fully to the Convention on the Rights of the Child. In that regard, it recommended that San Marino carry out a comprehensive review of its *ius commune* to identify the provisions of domestic legislation which contradict the principles and provisions of the Convention.<sup>13</sup>

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

5. As of 14 October 2009, San Marino does not have a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).<sup>14</sup> In 2007, CESCR encouraged San Marino to pursue its efforts to establish an independent national human rights institution, in accordance with the Paris Principles, with a mandate to protect and promote all human rights.<sup>15</sup> CRC and the HR Committee also made recommendations in this regard.<sup>16</sup>

6. While acknowledging that some form of Ombudsperson function has traditionally been conferred upon the Captains Regents (Head of State), the HR Committee noted that such a mechanism was not in accordance with the Paris Principles.<sup>17</sup>

### **D. Policy measures**

7. In 2003, CRC recommended that San Marino systematically work on the development of a strong rights-based child policy covering all rights contained in the Convention on the Rights of the Child.<sup>18</sup> It stressed that the principles of the best interests of the child (article 3) and respect for the views of the child (article 12) should be reflected in all policies and programmes relating to children.<sup>19</sup>

8. In 2005, San Marino adopted the Plan of Action (2005-2009) for the World Programme for Human Rights Education focusing on the national school system.<sup>20</sup>

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

### A. Cooperation with human rights mechanisms

#### 1. Cooperation with treaty bodies

<i>Treaty body<sup>21</sup></i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	None	None		Initial to third reports overdue from 2003 to 2007 respectively
CESCR	2006	November 2007		Fifth report due in 2010
HR Committee	2006	July 2008	Overdue since July 2009	Third report due in 2013
CEDAW	None	None		Initial report overdue since 2005
CAT	None	None		Initial report overdue since 2007
CRC	2002	October 2003		Second to fourth reports overdue since 2008
CRPD	None	None		Initial report due in 2010

9. In 2008, the HR Committee observed that San Marino had resumed dialogue with a number of treaty bodies and noted its efforts to submit its overdue reports.<sup>22</sup>

#### 2. Cooperation with special procedures

<i>Standing invitation issued</i>	Yes
<i>Latest visits or mission reports</i>	
<i>Visits agreed upon in principle</i>	
<i>Visits requested and not yet agreed upon</i>	
<i>Facilitation/cooperation during missions</i>	
<i>Follow-up to visits</i>	
<i>Responses to letters of allegations and urgent appeals</i>	No communications were sent to San Marino during the period under review.
<i>Responses to questionnaires on thematic issues<sup>23</sup></i>	San Marino responded to none of the 16 questionnaires sent by special procedures mandate holders. <sup>24</sup>

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

10. San Marino contributed financially to OHCHR in 2008<sup>25</sup> and 2009.<sup>26</sup>

### B. Implementation of international human rights obligations

#### 1. Equality and non-discrimination

11. In 2007, CESCR highlighted the absence of a well-structured legal framework that provides protection against discrimination in all its forms.<sup>27</sup> The HR Committee was concerned that such non-

discrimination grounds as sexual orientation, race, colour, language, nationality and national or ethnic origin were subsumed under the notion of ‘personal status’ in article 4 of the Declaration of Citizens’ Rights. It observed that such subsuming of grounds made it difficult to ensure their equal and comprehensive application. The HR Committee recommended the adoption of a comprehensive anti-discrimination legal framework which expressly indicates all those grounds of discrimination that are presently subsumed under the notion of “personal status”.<sup>28</sup>

12. In 2007 CESCR was concerned by the use of concepts such as “legitimate children” and “natural children” in legal language, since distinctions based on such criteria may affect the enjoyment of all the rights established under ICESCR.<sup>29</sup> In 2003, CRC recommended that San Marino make greater efforts to ensure that all children within its jurisdiction enjoy all rights set out in the Convention on the Rights of the Child without discrimination.<sup>30</sup>

13. In 2009, the ILO Committee of Experts on the Application of Conventions and Recommendations noted that Law No. 141 of 1990, aims at inter alia, promoting the integration of persons with disabilities in the labour market by means of quota systems, incentives for their recruitment and targeted professional training.<sup>31</sup> The HR Committee welcomed the legislative and policy developments on various issues concerning disability, which enabled San Marino to ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol in 2008.<sup>32</sup>

14. While noting that the rule whereby a foreigner is required to present a guarantor as a condition enabling him/her to start a civil action before the courts has become obsolete in practice, the HR Committee remained concerned that this discriminatory requirement still existed in domestic law. It recommended that San Marino formally abolish this rule.<sup>33</sup>

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

15. A 2008 report by the United Nations Population Fund (UNFPA) indicated that San Marino approved the law on the prevention and punishment of violence against women, including domestic violence, on 20 June 2008. The law amends the Penal Code to, inter alia, increase the penalties for the crimes of homicide, violation of sexual freedom, and causing personal injuries when the perpetrator is a spouse or cohabitant.<sup>34</sup> According to the HR Committee, the law establishes a framework for State protection and assistance to the victims and their families in all civil, criminal or administrative proceedings, including through free legal assistance. The Committee recommended that San Marino adopt programmes and practical measures to combat all forms of gender-based violence, including training police to receive complaints of domestic violence, to provide material and psychological relief to the victims and to make women aware of their rights.<sup>35</sup>

16. In 2006, the ILO Committee of Experts noted that the Penal Code and the Act for the repression of the sexual exploitation of minors No. 61 of 2002, provide for the prohibition of slave trading and trafficking, child prostitution, child pornography and forced labour.<sup>36</sup> In 2003, CRC was concerned about the lack of any concrete statistical data on cases of child abuse and neglect.<sup>37</sup> It recommended undertaking studies to assess the prevalence and nature of violence against children and develop a comprehensive plan of action, based on these studies, for the prevention of and intervention in cases of child abuse and neglect, including the provision of services for recovery and social reintegration of victims. It also recommended that San Marino undertake awareness-raising campaigns on the negative impact of corporal punishment.<sup>38</sup>

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

17. The HR Committee noted the adoption of Law No. 93 of 17 June 2008 on fair trial guarantees and recommended that San Marino further prioritize its work to draft and adopt a new comprehensive code of criminal procedure that will be in compliance with ICCPR.<sup>39</sup>

18. The HR Committee was concerned that immediate access to a lawyer by an arrested person who is unable to pay for the services of a lawyer might be impeded by the way the free legal assistance scheme is framed. It recommended that San Marino guarantee the right to have free legal assistance in any case where the interests of justice so require.<sup>40</sup>

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

19. In 2007, CESCR expressed concern at the definition of the family provided in San Marino's report. According to the Committee, that type of definition excluded single-parent families and impaired their access to the various forms of support granted by the State, including family allowances.<sup>41</sup>

20. In 2003, concern was expressed by CRC about possible irregularities regarding intercountry adoptions. It highlighted the fact that the Registry Office did not make any reference to the natural parents of adopted children, which implied that such children did not have the right to know their natural parent(s). CRC recommended that San Marino provide the child with the right to know, as far as possible, his/her natural parent(s). It also encouraged the ratification of the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption.<sup>42</sup> In 2008, CESCR welcomed the accession of San Marino to this Convention.<sup>43</sup>

### **5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

21. In 2008, the Special Rapporteur on freedom of religion or belief referred to the case of *Buscarini and others v. San Marino* at the European Court of Human Rights (ECHR). The applicants in this case had been elected to the General Grand Council of the Republic of San Marino whose members have to swear an oath "on the Holy Gospels" before taking office. According to the Special Rapporteur, the ECHR found that requiring the applicants to take the oath on the Gospels was tantamount to requiring two elected representatives of the people to swear allegiance to a particular religion, a requirement which was not compatible with article 9 (right to freedom of thought, conscience and religion) of the European Convention on Human Rights and Fundamental Freedoms.<sup>44</sup>

22. In 2008, the HR Committee was concerned by the potentially far-reaching scope of application of articles 183, 184 and 185 of the Criminal Code (protection of the right to reputation), such as criminalization of 'ascribing a fact which injures honour'. It recommended that San Marino review its Criminal Code with a view to bringing the provisions criminalizing various forms of expression and communication affecting honour, decency and esteem into compliance with ICCPR.<sup>45</sup>

23. While noting the exceptional circumstance of possible general military mobilization under article 4 of Law No. 15 of 26 January 1990, the HR Committee remained concerned about article 3 of the

Law, according to which San Marino citizens may be obliged to serve in the military from 16 to 60 years of age. It recommended the amendment of the law in order to provide that the entitlement to conscientious objection is expressly recognized and that the minimum age for service is raised.<sup>46</sup>

24. A 2009 United Nations Statistics Division source indicated that the proportion of seats held by women in the national parliament decreased from 16.7 per cent in 2005 to 15.0 per cent in 2009.<sup>47</sup>

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

25. In 2007, CESCR expressed concern at the use by the State party of temporary and consultancy contracts, since such contracts may affect the enjoyment of just and favourable working conditions.<sup>48</sup> It requested that San Marino provide detailed information on the working conditions of persons employed as consultants and those on temporary contracts.<sup>49</sup>

26. In 2009, the ILO Committee of Experts noted San Marino's indication that Law No. 40 of 1981 requires the adoption of common criteria for women and men under the job classification systems used to determine remuneration rates. The ILO Committee of Experts, considered, however, that it was not clear whether these common criteria would also be applied when comparing jobs of a different nature. It asked San Marino to indicate any judicial or administrative decisions applying Law No. 40 in line with the principle of the ILO Equal Remuneration Convention. It also asked about the job classification methods used in accordance with the Law and the manner whereby it ensures that the criteria followed are not intrinsically discriminatory and do not undervalue jobs traditionally performed by women.<sup>50</sup>

27. In 2006, the ILO Committee of Experts noted that according to resolution No. 1 of 2002, no authorization shall be given by the Employment Office to a worker under 18 years of age to carry out tasks considered at high risk.<sup>51</sup> The ILO Committee of Experts requested indications on the measures adopted or envisaged to specify where the types of work exist which, by their nature or the circumstances in which they are carried out, are likely to harm the health, safety or morals of young persons.<sup>52</sup>

28. In 2007, CESCR observed that certain provisions of Law No. 42 excluded non-nationals with only resident status from certain social benefits such as unemployment benefit in the event of a suspension or reduction of their employment.<sup>53</sup> It recommended that San Marino study the possibility of reviewing its social security mechanisms in order to ensure that non-nationals are not excluded from certain forms of social security.<sup>54</sup> In 2009, the ILO Committee of Experts noted that the number of foreigners working in San Marino had increased. It requested information, including statistical data disaggregated by sex, on the situation of foreigners in the labour market and on the measures taken or envisaged to foster equality of opportunity and treatment in employment and occupation, irrespective of race, colour and national extraction or social origin, as well as on their impact.<sup>55</sup>

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

29. In 2007, CESCR was concerned that the level of social pension did not provide a decent standard of living for pensioners was a subject of concern for CESCR in 2007.<sup>56</sup> It encouraged San Marino to consider increasing the allowances financed directly through income tax, in particular the amount of the social pension, in order to ensure a decent standard of living for these persons.<sup>57</sup>

30. With respect to the very high prevalence of obesity among children, CRC recommended that San Marino continue and strengthen its special programmes to address this issue and promote a healthy life style.<sup>58</sup>

31. CESCR encouraged San Marino in 2007 to adopt structured measures to combat HIV/AIDS.<sup>59</sup>

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

32. In 2006, the ILO Committee of Experts noted that section 11 of the Declaration of Citizens' Rights provides for free education at all levels of compulsory schooling and a substantial financial contribution for all those who wish to continue their studies in San Marino or abroad. It also noted that education is compulsory in San Marino until the age of 16.<sup>60</sup>

### **9. Minorities and indigenous peoples**

33. The HR Committee noted the assertion by San Marino that there are no ethnic, linguistic and/or religious national minorities in the country, and observed that the identification of the presence in the territory of any country of such minorities was not so much a matter of policy or law as of fact. It stated that the State party should consider whether, in particular in view of immigration trends in recent years, ethnic minorities exist on its territory, even if in very small numbers, and take the necessary steps to protect their rights under article 27 of ICCPR.<sup>61</sup>

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

34. Noting that 16 per cent of the inhabitants of San Marino were of foreign origin, the HR Committee was concerned that acquiring citizenship in the State party was effectively precluded even for long-term inhabitants, first requiring a presence of five years on a staying permit, then followed by 30 years of continuous presence on a residence permit, and finally, a decision of the parliament that is taken only once every 10 years. The HR Committee recommended that San Marino re-examine the extraordinary length and practical difficulties of acquiring citizenship for long-term residents.<sup>62</sup>

35. In 2007, CESCR noted with satisfaction the adoption of Law No. 84 of 17 June 2004, which recognizes the right of both parents to transmit their citizenship to their children.<sup>63</sup> While noting the adoption of Law No. 84, the HR Committee remained concerned that differences still exist between children whose parents are naturalized and who may acquire citizenship immediately, and the children of a couple where one of the parents has been naturalized and the other parent has kept his/her foreign nationality, who can acquire citizenship only when they become 18. It recommended that San Marino amend the law so as to ensure that children are not discriminated against on the ground of the nationality of any one parent and in particular ensure equal right to acquisition of citizenship, irrespective of whether both or only one of the parents are naturalized San Marino citizens.<sup>64</sup>

### **11. Human rights and counter-terrorism**

36. The HR Committee was concerned that the scope of the limitations on the right to privacy in Law No. 28 of 26 February 2004 entitled "Provisions to combat terrorism, laundering of illegal proceeds and insider trading" remained unclear. It recommended that San Marino apply this law in a manner compatible with article 17 of ICCPR and ensure that any future law on wire and phone tapping for investigation purposes is compatible with the Covenant. In addition, San Marino should ensure that



its counter-terrorism measures, whether taken in connection with Security Council resolution 1373 (2001) or otherwise, are in full conformity with ICCPR and in particular that the legislation adopted in this context is limited to crimes that would justify being characterized as terrorist crimes.<sup>65</sup>

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

37. CESCR highlighted in 2007 that the right to adequate housing is respected in San Marino and that 80 per cent of the population own the housing units in which they live.<sup>66</sup> In 2003, CRC noted with appreciation that all children with disabilities were in regular schools with the exception of severely disabled children.<sup>67</sup>

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

#### Specific recommendations for follow-up

38. In July 2008, the HR Committee requested that San Marino provide, within one year, relevant information on the implementation of the recommendations of the Committee regarding the establishment of an independent monitoring mechanism for the implementation of ICCPR rights and the adoption of a comprehensive anti-discrimination legal framework.<sup>68</sup> As of 17 November 2009, the Committee had not received the follow-up report.

### V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

39. CESCR urged San Marino to make an effort to allocate 0.7 per cent of its GNP to development assistance by the year 2015, in accordance with the Millennium Development Goals.<sup>69</sup>

#### Notes

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

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

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

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CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to Convention on the Rights of Persons with Disabilities
CED	International Convention for the Protection of All Persons from Enforced Disappearance

<sup>3</sup> Adopted by the General Assembly in its resolution 63/117 of 10 December 2008, in which the General Assembly recommended that a signing ceremony be organized in 2009. Article 17, para. 1, of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant”

<sup>4</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>5</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

<sup>6</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at

<http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html>.

<sup>7</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

<sup>8</sup> Concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add. 214), para. 26.

<sup>9</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights (E/C.12/SMR/CO/4), para. 20.

<sup>10</sup> Concluding observations of the Human Rights Committee (CCPR/C/SMR/CO/2), para. 5.

<sup>11</sup> E/C.12/SMR/CO/4, para. 9.

<sup>12</sup> Ibid., para. 17.

<sup>13</sup> CRC/C/15/Add. 214, para. 5.

<sup>14</sup> For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/10/55, annex I.

<sup>15</sup> E/C.12/SMR/CO/4, para. 19.

<sup>16</sup> CRC/C/15/Add. 214, para. 8; CCPR/C/SMR/CO/2, para. 6.

<sup>17</sup> CCPR/C/SMR/CO/2, para. 6.

<sup>18</sup> CRC/C/15/Add. 214, para. 7.

<sup>19</sup> Ibid., para. 16.

<sup>20</sup> See GA resolution A/RES/59/113B, 14 July 2005 and HRC resolution A/HRC/RES/6/24, 28 September 2007. See also letters from the High Commissioner for Human Rights dated 9 January 2006 and 10 December 2007, see <http://www2.ohchr.org/english/issues/education/training/Summary-national-initiatives2005-2009.htm> (accessed on 21 August 2009).

<sup>21</sup> The following abbreviations have been used for this document:

CESCR	Committee on Economic, Social and Cultural Rights
HR Committee	Human Rights Committee
CRC	Committee on the Rights of the Child

<sup>22</sup> CCPR/C/SMR/CO/2, para. 4.

<sup>23</sup> The questionnaires included in this section are those which have been reflected in an official report by a special procedures mandate holder.

<sup>24</sup> See (a) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation sent in July 2005; (b) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children’s organs sent in July 2006; (c) report of the Special Rapporteur on trafficking in

persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons sent in 2006; (d) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in 2006; (e) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006; (f) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices; (g) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people sent in August 2007; (h) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/7/8), questionnaire on assistance and rehabilitation programmes for child victims of sexual exploitation sent in July 2007; (i) report of the Special Rapporteur on the right to education (A/HRC/8/10), questionnaire on the right to education in emergency situations sent in 2007; (j) report on the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/10/16 AND Corr.1), questionnaire on trafficking in persons, especially women and children; (k) report of the independent expert on the question of human rights and extreme poverty to the eleventh session of the HRC (June 2009) (A/HRC/11/9), questionnaire on Cash Transfer Programmes, sent in October 2008; (l) report of the Special Rapporteur on the right to education (June 2009) (A/HRC/11/8), questionnaire on the right to education for persons in detention; (m) report of the Special Rapporteur on violence against women, (June 2009) (A/HRC/11/6), questionnaire on violence against women and political economy; (n) report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences (A/HRC/12/21), questionnaire on national legislation and initiatives addressing the issue of bonded labour.; (o) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/12/23), questionnaire on measures to prevent and combat online child pornography; (p) report of the Special Rapporteur on the right to food to the twelfth session of the Council (A/HRC/12/31), questionnaire on world food and nutrition security.

<sup>25</sup> OHCHR 2008 Report, Activities and results, p. 174 and 202.

<sup>26</sup> OHCHR 2009 Report, Activities and results (forthcoming)

<sup>27</sup> E/C.12/SMR/CO/4, para. 11.

<sup>28</sup> CCPR/C/SMR/CO/2, para. 7.

<sup>29</sup> E/C.12/SMR/CO/4, para. 15.

<sup>30</sup> CRC/C/15/Add. 214, para. 13 (a).

<sup>31</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2009, doc. No. (ILOLEX) 092009SMR111, para. 3.

<sup>32</sup> CCPR/C/SMR/CO/2, para. 3.

<sup>33</sup> *Ibid.*, para. 10.

<sup>34</sup> UNFPA Global Population Policy Update, 23 October 2008, available at: <http://www.unfpa.org/public/cache/bypass/parliamentarians/pid/3615;jsessionid=67C15DC4315F98EBC5169B5AC28FA843?newsLid=6866> (accessed on 11 November 2009)

<sup>35</sup> CCPR/C/SMR/CO/2, para. 8.

<sup>36</sup> ILO Committee of Experts, Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182), Geneva, 2006, doc. No. (ILOLEX) 092006SMR182, para. 2.

<sup>37</sup> CRC/C/15/Add. 214, para. 21.

<sup>38</sup> *Ibid.*, para. 22.

<sup>39</sup> CCPR/C/SMR/CO/2, para. 11.

<sup>40</sup> *Ibid.*, para. 12.

<sup>41</sup> E/C.12/SMR/CO/4, para. 16.

<sup>42</sup> CRC/C/15/Add. 214, paras. 19-20.

<sup>43</sup> E/C.12/SMR/CO/4, para. 5.

<sup>44</sup> A/63/161, para. 63.

<sup>45</sup> CCPR/C/SMR/CO/2, para. 14.

<sup>46</sup> *Ibid.*, para. 15.

<sup>47</sup> United Nations Statistics Division coordinated data and analyses, available at <http://mdgs.un.org/unsd/mdg/Data.aspx> (accessed on 9 October 2009).

<sup>48</sup> E/C.12/SMR/CO/4, para. 12.

<sup>49</sup> *Ibid.*, para. 23.

<sup>50</sup> ILO Committee of Experts, Individual Direct Request concerning Equal Remuneration Convention, 1951 (No. 100). Geneva, 2009, doc. No. (ILOLEX) 092009SMR100, para. 1.

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<sup>51</sup> ILO Committee of Experts, Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182), Geneva, 2006, doc. No. (ILOLEX) 092006SMR182, para. 10.

<sup>52</sup> *Ibid.*, para. 11.

<sup>53</sup> E/C.12/SMR/CO/4, para. 13.

<sup>54</sup> *Ibid.*, para. 25.

<sup>55</sup> ILO Committee of Experts, Individual Direct Request concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2009, doc. No. (ILOLEX) 092009SMR111, para. 1.

<sup>56</sup> E/C.12/SMR/CO/4, para. 14.

<sup>57</sup> *Ibid.*, para. 26.

<sup>58</sup> CRC/C/15/Add. 214, para. 24.

<sup>59</sup> E/C.12/SMR/CO/4, para. 32.

<sup>60</sup> ILO Committee of Experts, Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182), Geneva, 2006, doc. No. (ILOLEX) 092006SMR182, para. 17.

<sup>61</sup> CCPR/C/SMR/CO/2, para. 16.

<sup>62</sup> *Ibid.*, para. 17.

<sup>63</sup> E/C.12/SMR/CO/4, para. 4.

<sup>64</sup> CCPR/C/SMR/CO/2, para. 9.

<sup>65</sup> *Ibid.*, para. 13.

<sup>66</sup> E/C.12/SMR/CO/4, para. 6.

<sup>67</sup> CRC/C/15/Add. 214, para. 3 (b).

<sup>68</sup> CCPR/C/SMR/CO/2, para. 19.

<sup>69</sup> E/C.12/SMR/CO/4, para. 18.

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