



United Nations

Report of the Human Rights Committee

Volume I

**103rd session
(17 October–4 November 2011)**

**104th session
(12–30 March 2012)**

**General Assembly
Official Records
Sixty-seventh session
Supplement No. 40 (A/67/40)**

General Assembly
Official Records
Sixty-seventh session
Supplement No. 40 (A/67/40)

Report of the Human Rights Committee

Volume I

103rd session
(17 October–4 November 2011)

104th session
(12–30 March 2012)



United Nations • New York, 2012

Note

Symbols of United Nations documents are composed of letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

Summary

The present annual report covers the period from 1 August 2011 to 30 March 2012 and the 103rd and 104th sessions of the Human Rights Committee. Since the adoption of the last report, Tunisia has become a State party to the Optional Protocol, which entered into force for the State on 29 September 2011. In total, there are 167 States parties to the Covenant, 114 to the Optional Protocol and 73 to the Second Optional Protocol.

During the period under review, the Committee considered eight States parties' reports submitted under article 40 and adopted concluding observations on them (103rd session: Iran (Islamic Republic of), Jamaica, Kuwait and Norway; 104th session: Dominican Republic, Guatemala, Turkmenistan, Yemen – see chapter IV for concluding observations).

The Committee considered the situation of civil and political rights in Malawi (103rd session) and Cape Verde (104th session) in the absence of reports. It adopted provisional concluding observations on Malawi. During the 104th session, following the agreement of the State party, the Committee decided to publish the provisional concluding observations on Malawi, including the comments thereon received from the State party. Given the amendment to the rules of procedure during the 103rd session, the concluding observations on Cape Verde were published immediately after adoption (see chapter II, paragraph 64, of the present report).

Under the Optional Protocol procedure, the Committee adopted 34 Views on communications, and declared 2 communications admissible and 13 inadmissible. Consideration of 15 communications was discontinued (see chapter V for information on Optional Protocol decisions). So far, 2,144 communications have been registered since the entry into force of the Optional Protocol to the Covenant, including 68 since the writing of the previous report.

The Committee's procedure for following up on concluding observations, initiated in 2001, continued to develop during the reporting period. The Special Rapporteur for follow-up on concluding observations, Ms. Christine Chanet, presented progress reports during the Committee's 103rd and 104th sessions. The Committee notes with satisfaction that the majority of States parties have continued to provide it with additional information pursuant to rule 71, paragraph 5, of its rules of procedure, and expresses its appreciation to those States parties that have provided timely follow-up information.

The Committee again deplores the fact that a large number of States parties do not comply with their reporting obligations under article 40 of the Covenant. Forty-six States parties (not including two States parties that have accepted the new optional reporting procedure) are currently at least five years overdue with either an initial or periodic report. In 2001 it adopted a procedure to deal with this situation. During the period under review, the Committee continued applying this procedure and sent reminders to several States parties that will be considered in the absence of a report in future sessions if they do not send their overdue reports by a set deadline.

The Committee's workload under article 40 of the Covenant and the Optional Protocol to the Covenant continues to grow, as demonstrated by the large number of State party reports received and cases registered during the reporting period. Eleven initial or periodic reports were received between 1 August 2011 and 30 March 2012, and by the end of the 104th session, 27 initial or periodic reports submitted by States parties had not yet been considered by the Committee. At the end of the 104th session, 329 communications were pending (see chapter V).

The Committee again notes that many States parties have failed to implement the Views adopted under the Optional Protocol. The Committee has continued to seek to ensure implementation of its Views through its Special Rapporteur for follow-up on Views, Mr. Krister Thelin. Meetings were arranged with representatives of States parties that had not responded to the Committee's requests for information about measures taken to give effect to its Views, or that had given unsatisfactory replies (see chapter VI).

Throughout the reporting period, the Committee continued to discuss the improvement of its working methods. At its 103rd session, the Committee amended rule 70 of its rules of procedure such that examinations of States parties in the absence of a report would be held in public, instead of private, session and that the resulting concluding observations would also be issued as public documents. (See chapter II, paragraph 64, of the present report.)

During the 104th session, the Committee decided to request approval from the General Assembly for additional temporary resources (see chapter I, paragraphs 35–37).

On 29 March 2012, during the 104th session, under working methods, the Committee adopted a position paper on the treaty body strengthening process, in which it endorsed the general thrust of the Dublin II Outcome Document (see chapter II).

During the 104th session, the Committee decided to increase the periodicity granted to State parties for their reports to a period of up to six years. Thus, the Committee may now ask States parties to submit subsequent periodic reports within three, four, five or six years.

On 27 October 2011, during its 103rd session, the Committee held its sixth meeting with States parties, which was attended by 47 States parties (see chapter I, paragraphs 21–28).

Finally, recalling the obligation of the Secretary-General under article 36 of the International Covenant on Civil and Political Rights, the Committee reaffirms its grave concern over the lack of sufficient staff resources and translation services which hampers its activities, and once again stresses the importance of providing the Secretariat with the necessary resources to support its work effectively.

Contents

	<i>Paragraphs</i>	<i>Page</i>
Volume I		
I. Jurisdiction and activities	1–48	1
A. States parties to the International Covenant on Civil and Political Rights and to the Optional Protocols	1–6	1
B. Sessions of the Committee	7	1
C. Election of officers	8–9	2
D. Special rapporteurs	10–11	2
E. Working group and country report task forces	12–15	2
F. Related United Nations human rights activities	16	3
G. Derogations pursuant to article 4 of the Covenant	17–20	3
H. Meetings with States parties	21–28	4
I. General comments under article 40, paragraph 4, of the Covenant	29–30	5
J. Staff resources and translation of official documents	31–37	5
K. Publicity for the work of the Committee	38–43	6
L. Publications relating to the work of the Committee	44–45	7
M. Future meetings of the Committee	46	7
N. Adoption of the report	47–48	7
II. Methods of work of the Committee under article 40 of the Covenant and cooperation with other United Nations bodies	49–76	8
A. Recent developments and decisions on procedures	50–65	8
B. Follow-up to concluding observations.....	66–69	12
C. Follow-up to Views	70	13
D. Links to other human rights treaties and treaty bodies	71–73	13
E. Cooperation with other United Nations bodies.....	74–76	14
III. Submission of reports by States parties under article 40 of the Covenant	77–102	15
A. Reports submitted to the Secretary-General from August 2011 to March 2012	79	15
B. Overdue reports and non-compliance by States parties with their obligations under article 40	80–100	15
C. Periodicity with respect to States parties' reports examined during the period under review	101–102	21
IV. Consideration of reports submitted by States parties under article 40 of the Covenant and examinations of the situation in States parties in the absence of reports under rule 70 of the rules of procedure	103–113	22

	Jamaica	104	22
	Kuwait	105	27
	Norway	106	33
	Iran (Islamic Republic of).....	107	36
	Dominican Republic	108	43
	Guatemala.....	109	49
	Turkmenistan.....	110	55
	Yemen	111	60
	Malawi.....	112	67
	Cape Verde	113	73
V.	Consideration of communications under the Optional Protocol	114–224	79
	A. Progress of work.....	117–125	79
	B. Committee’s caseload under the Optional Protocol.....	126–127	81
	C. Approaches to considering communications under the Optional Protocol.....	128–130	81
	D. Individual opinions	131–132	82
	E. Issues considered by the Committee.....	133–201	82
	F. Remedies called for under the Committee’s Views.....	202–224	101
VI.	Follow-up on individual communications under the Optional Protocol	225–232	105
	A. Follow-up information received since the previous annual report	230	105
	B. Meetings of the Special Rapporteur for follow-up on Views with States parties’ representatives.....	231	144
	C. Other information	232	144
VII.	Follow-up to concluding observations	233–238	145
	A. Follow-up report adopted by the Committee during its 103rd session	237	145
	B. Follow-up report adopted by the Committee during its 104th session	238	160
Annexes			
I.	States parties to the International Covenant on Civil and Political Rights and to the Optional Protocols, and States which have made the declaration under article 41 of the Covenant as at 30 March 2012.....		183
	A. States parties to the International Covenant on Civil and Political Rights		183
	B. States parties to the Optional Protocol.....		188
	C. States parties to the Second Optional Protocol, aiming at the abolition of the death penalty		192
	D. States which have made the declaration under article 41 of the Covenant		195
II.	Membership and officers of the Human Rights Committee, 2011–2012		199
	A. Membership of the Human Rights Committee		199

B.	Officers	200
III.	Submission of reports and additional information by States parties under article 40 of the Covenant (as at 30 March 2012)	201
IV.	Status of reports and situations considered during the period under review, and of reports still pending before the Committee	208
A.	Initial reports	208
B.	Second periodic reports	209
C.	Third periodic reports	210
D.	Fourth periodic reports	211
E.	Fifth periodic reports	211
F.	Sixth periodic reports	212
G.	Seventh periodic reports	212
V.	Table on follow-up to concluding observations	213
VI.	Decision of the Human Rights Committee to request approval from the General Assembly for additional resources in 2013 and 2014	238
VII.	Programme budget implications of the Committee's decision.....	239
VIII.	The relationship of the Human Rights Committee with non-governmental organizations	243

Volume II

IX.	Views of the Human Rights Committee under article 5, paragraph 4, of the Optional Protocol to the International Covenant on Civil and Political Rights	
A.	Communication No. 1316/2004, <i>Gryb v. Belarus</i> (Views adopted on 26 October 2011, 103rd session)	
B.	Communication No. 1547/2007, <i>Torobekov v. Kyrgyzstan</i> (Views adopted on 27 October 2011, 103rd session)	
C.	Communication No. 1563/2007, <i>Jünglingová v. Czech Republic</i> (Views adopted on 24 October 2011, 103rd session)	
D.	Communication No. 1637/2008, <i>Canessa v. Uruguay</i> Communication No. 1757/2008, <i>Barindelli Bassini et al. v. Uruguay</i> Communication No. 1765/2008, <i>Torres Rodríguez v. Uruguay</i> (Views adopted on 24 October 2011, 103rd session)	
E.	Communication No. 1641/2007, <i>Calderón Bruges v. Colombia</i> (Views adopted on 23 March 2012, 104th session)	
F.	Communication No. 1750/2008, <i>Sudalenko v. Belarus</i> (Views adopted on 14 March 2012, 104th session)	
G.	Communication No. 1755/2008, <i>El Hagog Jumaa v. Libya</i> (Views adopted on 19 March 2012, 104th session)	
	Appendix	

- H. Communication No. 1759/2008, *Traoré v. Côte d'Ivoire*
(Views adopted on 31 October 2011, 103rd session)
Appendix
- I. Communication No. 1772/2008, *Belyazeka v. Belarus*
(Views adopted on 23 March 2012, 104th session)
- J. Communication No. 1781/2008, *Berzig v. Algeria*
(Views adopted on 31 October 2011, 103rd session)
Appendix
- K. Communication No. 1782/2008, *Aboufaied v. Libya*
(Views adopted on 21 March 2012, 104th session)
Appendix
- L. Communication No. 1801/2008, *G.K. v. Netherlands*
(Views adopted on 22 March 2012, 104th session)
- M. Communication No. 1811/2008, *Djebbar and Chihoub v. Algeria*
(Views adopted on 31 October 2011, 103rd session)
Appendix
- N. Communication No. 1815/2008, *Adonis v. Philippines*
(Views adopted on 26 October 2011, 103rd session)
Appendix
- O. Communication No. 1820/2008, *Krasovskaya v. Belarus*
(Views adopted on 26 March 2012, 104th session)
Appendix
- P. Communication No. 1828/2008, *Olmedo v. Paraguay*
(Views adopted on 22 March 2012, 104th session)
- Q. Communication No. 1829/2008, *Benítez Gamarra v. Paraguay*
(Views adopted on 22 March 2012, 104th session)
- R. Communication No. 1833/2008, *X. v. Sweden*
(Views adopted on 1 November 2011, 103rd session)
Appendix
- S. Communication No. 1838/2008, *Tulzhenkova v. Belarus*
(Views adopted on 26 October 2011, 103rd session)
Appendix
- T. Communication No. 1847/2008, *Klain v. Czech Republic*
(Views adopted on 1 November 2011, 103rd session)
Appendix
- U. Communication No. 1853/2008, *Atasoy v. Turkey*
Communication No. 1854/2008, *Sarkut v. Turkey*
(Views adopted on 29 March 2012, 104th session)
Appendix
- V. Communication No. 1859/2009, *Kamoyo v. Zambia*
(Views adopted on 23 March 2012, 104th session)

- W. Communication No. 1862/2009, *Pathmini Peiris v. Sri Lanka*
(Views adopted on 26 October 2011, 103rd session)
- X. Communication No. 1866/2009, *Chebotareva v. Russian Federation*
(Views adopted on 26 March 2012, 104th session)
- Y. Communication No. 1880/2009, *Nenova et al. v. Libya*
(Views adopted on 20 March 2012, 104th session)
- Z. Communication No. 1883/2009, *Orazova v. Turkmenistan*
(Views adopted on 20 March 2012, 104th session)
- AA. Communication No. 1905/2009, *Khirani v. Algeria*
(Views adopted on 26 March, 2012 104th session)
- Appendix
- BB. Communication No. 1914/2009, *Musaev v. Uzbekistan*
Communication No. 1915/2009, *Musaev v. Uzbekistan*
Communication No. 1916/2009, *Musaev v. Uzbekistan*
(Views adopted on 21 March 2012, 104th session)
- Appendix
- CC. Communication No. 2024/2011, *Israil v. Kazakhstan*
(Views adopted on 31 October 2011, 103rd session)
- X. Decision of the Human Rights Committee declaring communications inadmissible under the Optional Protocol to the International Covenant on Civil and Political Rights
- A. Communication No. 1606/2007, *A.I. v. Belarus*
(Decision adopted on 26 March 2012, 104th session)
- B. Communication No. 1627/2007, *V.P. v. Russian Federation*
(Decision adopted on 26 March 2012, 104th session)
- C. Communication No. 1634/2007, *Korneenko v. Belarus*
(Decision adopted on 26 March 2012, 104th session)
- D. Communication No. 1749/2008, *V.S. v. Belarus*
(Decision adopted on 31 October 2011, 103rd session)
- E. Communication No. 1752/2008, *J.S. v. New Zealand*
(Decision adopted on 26 March 2012, 104th session)
- F. Communication No. 1789/2008, *G.E. v. Germany*
(Decision adopted on 26 March 2012, 104th session)
- Appendix
- G. Communication No. 1800/2008, *R.A.D.B. v. Colombia*
(Decision adopted on 31 October 2011, 103rd session)
- H. Communication No. 1802/2008, *L.O.P. v. Spain*
(Decision adopted on 31 October 2011, 103rd session)
- I. Communication No. 1816/2008, *K.A.L. and A.A.M.L. v. Canada*
(Decision adopted on 26 March 2012, 104th session)
- J. Communication No. 1819/2008, *A.A. v. Canada*
(Decision adopted on 31 October 2011, 103rd session)
- K. Communication No. 1850/2008, *S.L. v. Czech Republic*
(Decision adopted on 26 October 2011, 103rd session)

- L. Communication No. 1858/2009, *Y.M. v. Russian Federation*
(Decision adopted on 26 March 2012, 104th session)
- M. Communication No. 2058/2011, *O.D. v. Russian Federation*
(Decision adopted on 26 March 2012, 104th session)
- XI. Follow-up activities under the Optional Protocol

I. Jurisdiction and activities

A. States parties to the International Covenant on Civil and Political Rights and to the Optional Protocols

1. At the end of the 104th session of the Human Rights Committee, there were 167 States parties to the International Covenant on Civil and Political Rights and 114 States parties to the Optional Protocol to the Covenant. Both instruments have been in force since 23 March 1976.
2. Since the last report, there have been no new accessions to the Covenant or the first Optional Protocol. Mongolia ratified the Second Optional Protocol.
3. As of 30 March 2012, 48 States had made the declaration provided for under article 41, paragraph 1, of the Covenant. In this connection, the Committee appeals to States parties to make the declaration under article 41 of the Covenant and to consider using this mechanism with a view to making implementation of the provisions of the Covenant more effective.
4. The Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty entered into force on 11 July 1991. As at 30 March 2012, there were 73 States parties to the Optional Protocol.¹
5. A list of States parties to the Covenant and to the two Optional Protocols, indicating those States that have made the declaration under article 41, paragraph 1, of the Covenant, is contained in annex I to the present report.
6. Reservations and other declarations made by a number of States parties in respect of the Covenant or the Optional Protocols are set out in the notifications deposited with the Secretary-General. The Committee once again urges States parties to consider withdrawing their reservations.

B. Sessions of the Committee

7. The Human Rights Committee has held two sessions since the adoption of its previous annual report. The 103rd session was held from 17 October to 4 November 2011, and the 104th session from 12 to 30 March 2012. The 103rd session was held at the United Nations Office at Geneva and the 104th session at United Nations Headquarters in New York.

¹ The number of States parties to the Second Optional Protocol will become 74 on 13 June 2012, following the entry into force of the Second Optional Protocol for Mongolia, which deposited its instrument of ratification on 13 March 2012. (According to article 9, paragraph 2, of the Second Optional Protocol: "For each State ratifying the present Protocol or acceding to it after the deposit of the tenth instrument of ratification or instrument of accession, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession".)

C. Election of officers

8. On 14 March 2011, the Committee elected the following officers for a term of two years, in accordance with article 39, paragraph 1, of the Covenant:

<i>Chairperson:</i>	Ms. Zonke Majodina
<i>Vice-Chairpersons:</i>	Mr. Yuji Iwasawa Mr. Michael O'Flaherty Mr. Fabián Salvioli
<i>Rapporteur:</i>	Ms. Helen Keller/Mr. Lazhari Bouzid ²

9. During its 103rd and 104th sessions, the Bureau of the Committee held six meetings (three per session). Pursuant to the decision taken at the seventy-first session, the Bureau records its decisions in formal minutes, which are kept as a record of all decisions taken.

D. Special Rapporteurs

10. The Special Rapporteur on new communications and interim measures, Sir Nigel Rodley, registered 68 communications during the reporting period and transmitted them to the States parties concerned, and issued 10 decisions calling for interim measures of protection pursuant to rule 92 of the Committee's rules of procedure.

11. The Special Rapporteur for follow-up on Views, Mr. Krister Thelin, and the Special Rapporteur for follow-up on concluding observations, Ms. Christine Chanet, continued to carry out their functions during the reporting period. Interim reports were submitted to the Committee by Ms. Chanet and Mr. Thelin during the 103rd and 104th sessions. Details on follow-up on Views under the Optional Protocol appear in chapter VI and annex XI (Vol. II); details on concluding observations are found in chapter VII and annex V (Vol. I).

E. Working group and country report task forces

12. In accordance with rules 62 and 95 of its rules of procedure, the Committee established a working group which met before each of its two sessions. The working group was entrusted with the task of making recommendations on the communications received under the Optional Protocol. The former working group on article 40, entrusted with the preparation of lists of issues concerning the initial or periodic reports scheduled for consideration by the Committee, has been replaced since the seventy-fifth session (July 2002) by country report task forces.³ Country report task forces met during the 103rd and 104th sessions to consider and adopt lists of issues on the reports of Armenia, Bosnia and Herzegovina, Kenya, Lithuania, Paraguay, Philippines, Portugal and Turkey. Lists of issues prior to reporting were adopted for Cameroon, Denmark, Monaco, the Republic of Moldova and Uruguay. The Committee also adopted a list of issues on the situation in one non-reporting State: Cape Verde (103rd session).

13. The Committee benefits increasingly from information made available to it by the Office of the United Nations High Commissioner for Human Rights (OHCHR). United Nations bodies (such as the Office of the United Nations High Commissioner for Refugees) and specialized agencies (such as the International Labour Organization) provided advance

² Following Ms. Keller's resignation, Mr. Bouzid was elected to replace her at the 103rd session.

³ *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 40*, vol. I (A/57/40 (vol. I)), para. 56, and annex III, sect. B.

information on several of the countries whose reports were to be considered by the Committee. Country report task forces also considered material submitted by representatives of a number of national human rights institutions (NHRIs), as well as international and national human rights non-governmental organizations (NGOs). The Committee welcomed the interest shown by and the participation of those agencies and organizations and thanked them for the information provided.

14. At the 103rd session, the Working Group on Communications was composed of Mr. Bouzid, Mr. Cornelis Flinterman, Ms. Iulia Motoc, Mr. Gerald L. Neuman, Mr. Rafael Rivas Posada, Mr. Salvioli, Mr. Thelin and Ms. Margo Waterval. Mr. Bouzid was designated Chairperson-Rapporteur. The Working Group met from 10 to 14 October 2011.

15. At the 104th session, the Working Group on Communications was composed of Mr. Bouzid, Ms. Chanut, Mr. Flinterman, Mr. Iwasawa, Ms. Motoc, Mr. Neuman, Mr. O'Flaherty, Mr. Salvioli, Mr. Thelin, and Ms. Waterval. Ms. Chanut was designated Chairperson-Rapporteur. The Working Group met from 5 to 9 March 2012.

F. Related United Nations human rights activities

16. At each session, the Committee was informed about the activities of United Nations bodies dealing with human rights issues. Recent developments in the General Assembly and relating to the Human Rights Council were also discussed.

G. Derogations pursuant to article 4 of the Covenant

17. Article 4, paragraph 1, of the Covenant stipulates that, in time of public emergency, States parties may take measures derogating from certain of their obligations under the Covenant. Pursuant to paragraph 2, no derogation is allowed from articles 6, 7, 8 (paras. 1 and 2), 11, 15, 16 and 18. Pursuant to paragraph 3, any derogation must be immediately notified to the other States parties through the intermediary of the Secretary-General. A further notification is required upon the termination of the derogation.⁴ All such notifications are available on the website of the United Nations Office of Legal Affairs.

18. On 7 December 2011, the Government of Peru notified the other States parties, through the intermediary of the Secretary-General, that a state of emergency had been declared for a period of 60 days, starting on 5 December 2011, in certain provinces in the department of Cajamarca. On 22 December 2011, the Government of Peru informed the States parties that this state of emergency had been lifted.

19. On 28 September 2011, the Government of Trinidad and Tobago notified the States parties, through the intermediary of the Secretary-General, that it had declared a state of emergency on 21 August 2011 for a period of 15 days, with a further extension of a period of three months. On 17 January 2012, the Government of Trinidad and Tobago notified the other States parties that this state of emergency had ended on 5 December 2011.

20. On 25 August and 12, 14, and 20 October 2011, the Government of Guatemala notified the other States parties, through the intermediary of the Secretary-General, that it had extended or declared a state of emergency in different provinces or parts of the country. In these notifications, the Government specified that, during the state of emergency, the rights covered by articles 9, 12, and 21 of the Covenant would be suspended. On 6

⁴ *Ibid.*, *Sixtieth Session, Supplement No. 40*, vol. I (A/60/40 (vol. I)), chap. I, para. 28.

September 2011, the Government of Guatemala notified the other States parties that the state of emergency in one of its departments had been lifted.

H. Meetings with States parties

21. On 27 October 2011, during its 103rd session, the Committee held its sixth meeting with States parties to the Covenant. Representatives of 47 States parties took part in the meeting. The agenda set by the Committee included the following items:

- (a) Focused reports based on replies to lists of issues prior to reporting (LOIPR): implementation of the new optional reporting procedure;
- (b) General comment 34 – adopted during the July session 2011;
- (c) Revised reporting guidelines;
- (d) Financial resources;
- (e) Any other matters.

22. The Chairperson, Ms. Majodina, opened the meeting. She gave a brief overview of the Committee's work, including the status of its reports and communications. She referred to the extensive discussions that had been taking place on the harmonization of working methods across treaty bodies and, in that regard, referred to the first-ever meeting between the Committee and the Committee on the Elimination of Discrimination against Women, which also took place during the 103rd session, to explore overlapping mandates.

23. Mr. Salvioli spoke on the issue of financial resources, emphasizing the challenges being faced by the Committee due to the lack of resources for the translation of the responses to the list of issues and the recent decision to impose word limits on documents, also due to resource constraints.

24. Mr. Iwasawa presented the implementation of the new optional reporting procedure, adopted in July 2010, and underlined the importance of this development. He explained how this new procedure would benefit all parties involved: the States parties; the Committee; and the Secretariat.

25. Mr. O'Flaherty dealt with general comment No. 34 (2011) on article 19 of the Covenant (freedom of opinion and expression), adopted during the 102nd session. He highlighted a number of themes therein, including: freedom of expression and political discourse; restrictions on the media (traditional and new media); the phenomenon of new media journalism; freedom of expression and counter-terrorism measures; defamation; the right of freedom of expression in the context of blasphemy; and the penalization of expression of opinions concerning the past. The general comment can be accessed on the Committee's webpage (<http://www2.ohchr.org/english/bodies/hrc/comments.htm>).

26. Ms. Motoc dealt with the revised reporting guidelines adopted in July 2010, emphasizing the Committee's wish that States parties involve a greater number of actors in the reporting process, including NGOs, and that States parties refer more frequently to the challenges that affect the implementation of the Covenant.

27. Mr. Thelin highlighted the serious backlog of individual communications — an amount that, at current capacity, represents four years of work — and recalled the adoption of general comment No. 33, which deals with the obligations of States parties under the Optional Protocol. He also referred to the amendment to the rules of procedure on the issue of admissibility of individual communications.

28. The representatives of States parties and the Committee members held a constructive dialogue regarding the above-mentioned issues and other matters of common concern, and

agreed on the usefulness of such meetings (for a full summary of the discussion, see CCPR/C/SR.2850).

I. General comments under article 40, paragraph 4, of the Covenant

29. At its 103rd session, the Committee requested the Secretariat to draft a paper suggesting criteria for the selection of future general comments.

30. At its 104th session, and with the assistance of a paper prepared by the Secretariat, in which criteria for the choice of general comments is established, the Committee decided to commence drafting a general comment on article 9 (right to liberty and security of the person and freedom from arbitrary arrest or detention) of the Covenant. Mr. Neuman was nominated as the Rapporteur for this general comment.

J. Staff resources and translation of official documents

31. In accordance with article 36 of the Covenant, the Secretary-General is obliged to provide the Committee members with the necessary staff and facilities for the effective performance of their functions. The Committee reaffirms its concern regarding the shortage of staff resources and stresses once again the importance of allocating adequate staff resources to service its sessions in Geneva and New York and to promote greater awareness, understanding and implementation of its recommendations at the national level. Furthermore, the Committee expresses grave concern that general rules within the United Nations concerning staff mobility in the Secretariat may hamper the work of the Committee, in particular for staff working in the Petitions Unit who need to remain in their position for a sufficiently long period so as to acquire experience and knowledge regarding the jurisprudence of the Committee.

32. The Committee also reaffirms its deep concern at the lack of availability of its official documents in the three working languages of the Committee. At its ninety-eighth session, held in March 2010, the Committee met in a public plenary session with Mr. Franz Baumann, Assistant Secretary-General for General Assembly Affairs and Conference Management, and Ms. Linda Wong, Chief, Service II, Programme Planning and Budget Division, in order to discuss ways in which the Committee could assist in overcoming difficulties with regard to the processing and translation in its three working languages of official Committee documents, in particular States parties' written replies to lists of issues, presently not considered to be "mandated".

33. During its 103rd session, the Committee was briefed by Kyle Ward, the Chief of Programme Support and Management Services, on the financing of the Human Rights Committee's sessions; at that time it requested further information on resources allocated to the treaty bodies. Following this meeting, the Committee decided to address the member States of the General Assembly (who are also States parties to the Covenant) in the form of a letter to the permanent missions in New York, in which the Committee expresses its concerns at the current resource deficit to the treaty bodies generally and in particular to the Committee. It requested the States parties to take such concerns up with the Third and Fifth Committees, including those raised in the report of the Secretary-General on measures to improve further the effectiveness, harmonization and reform of the treaty body system (A/66/344).

34. During the period under review, the Committee highlighted its concerns as abovementioned; it once again reaffirms these same concerns and recalls that there remains a particular problem with having States parties' replies to lists of issues translated into its three working languages and requests that this problem be addressed as a matter of urgency.

The Committee also expresses concern that the Spanish version of the web pages relating to the work of the Committee on the website of OHCHR is not regularly updated and that hardcopies of its previous annual report are unavailable for distribution to the members.

35. During the 104th session, the Committee decided to request approval from the General Assembly, provided additional resources could not be obtained through a reallocation by the Secretary-General or OHCHR, for additional temporary resources. Such additional resources would be used to deal with communications under the Optional Protocol to the International Covenant on Civil and Political Rights. Such resources would allow the Secretariat to do preparatory work in 2013 and 2014 regarding 140 individual communications that are currently ready for a decision by the Committee (see annex VI to the present report).

36. Pursuant to rule 27 of the Committee's rules of procedure, the programme budget implications arising from the Committee's proposed decision, as provided by the Programme Planning and Budget Division, were circulated among the members of the Committee, prior to the decision being made (see annex VII to the present report).

37. The request is limited to the preparatory work on the current backlog of communications during the period 2013–2014 and is without prejudice to further requests for additional resources that the Committee might address to the General Assembly in the future to deal with long-term structural problems.

K. Publicity for the work of the Committee

38. At its ninetieth session, the Committee discussed the need to develop a media strategy. It continued the discussion during the ninety-first, ninety-second and ninety-third sessions on the basis of a working paper prepared by Mr. Ivan Shearer, which was adopted by the Committee and made public at its ninety-fourth session (see CCPR/C/94/3).

39. The Committee marked the occasion of its 100th session on 29 October 2010, with a celebration in the Palais des Nations. Guest speakers were invited to engage in a discussion on the achievements of the Committee, as well as the constraints and challenges faced by it. The speakers included Mr. Robert Badinter, former President of the French Constitutional Council and former Minister of Justice of France; Mr. Mohammed Bedjaoui, former President of the International Court of Justice, former President of the Algerian Constitutional Council and former Foreign Minister of Algeria; and Mr. Antonio Cançado Trindade, a judge of the International Court of Justice and former President of the Inter-American Court of Human Rights. Interventions were also made by Committee members, States parties, other United Nations organizations, specialized agencies, national human rights institutions, and NGOs.

40. The Government of Switzerland, at its own initiative, provided funding for the filming of the conference, from which a short film of the event was produced. The 18-minute-long production encapsulates the main points of the conference and, given its structure, may be used as a training tool on the work of the Committee. It can be accessed from the webpage of the Committee' (<http://www2.ohchr.org/english/bodies/hrc/index.htm>) and was widely distributed to OHCHR partners. A web article and a press release on the event were also produced.

41. During the 103rd and 104th sessions, the Centre for Civil and Political Rights continued to webcast the examination of all States parties' reports as well as other public meetings of interest. The webcast may be accessed at the following link: www.treatybodywebcast.org.

42. During the 103rd session, the examination of the second report of Kuwait was also webcast by the NGO Alkarama, as well as broadcast on a national television station in Kuwait. Press conferences were held after the session. Some Committee members gave interviews on the examination of the report of the Islamic Republic of Iran, including one with the BBC.

43. During the 104th session a press conference was held, as is now the practice, on the last Thursday of the session. About 25 journalists attended, and expressed interest in the concluding observations on Yemen, Guatemala, the Dominican Republic and Turkmenistan. After the press conference, members of the Committee gave several radio interviews on the issues raised in the concluding observations of these countries.

L. Publications relating to the work of the Committee

44. The Committee reiterates its appreciation that volumes 5, 6, 7, 8 and 9 of the *Selected Decisions of the Human Rights Committee under the Optional Protocol* have been published, bringing its jurisprudence up to date to the October 2007 session. Such publications will make the Committee's jurisprudence more accessible to the general public and to the legal profession in particular. However, these volumes of the *Selected Decisions* must still be made available in all official languages of the United Nations.

45. The Committee also notes with satisfaction that its decisions adopted under the Optional Protocol continue to be published in the databases of various institutions.⁵ It appreciates the growing interest shown in its work by universities and other institutions of higher learning in this respect. It also reiterates its previous recommendation that the treaty body database of the OHCHR website (<http://tb.ohchr.org/default.aspx>) should be equipped with adequate search functions.

M. Future meetings of the Committee

46. The following is the schedule of meetings remaining for 2012: the 105th session will be held from 9 to 27 July, and the 106th session, from 15 October to 2 November. In 2013, the 107th meeting will be held from 11 to 28 March.

N. Adoption of the report

47. At its 103rd session, to ensure that future annual reports will be translated in time for the General Assembly, the Committee decided to commence adoption of its annual report during its March rather than its July session. Thus, the current annual report contains information relating to the 103rd (October) and 104th (March) sessions. The next report will contain information from the 105th (July), 106th (October) and 107th (March) sessions. Subsequent reports will follow the same cycle.

48. At its 2890th meeting, on 29 March 2012, the Committee considered the draft of its thirty-sixth annual report, covering its activities at its 103rd and 104th sessions, held in 2011 and 2012. The report, as amended in the course of the discussion, was adopted unanimously. By virtue of its decision 1985/105 of 8 February 1985, the Economic and Social Council authorized the Secretary-General to transmit the Committee's annual report directly to the General Assembly.

⁵ Ibid., *Fifty-ninth Session, Supplement No. 40*, vol. I (A/59/40 (vol. I)), annex VII.

II. Methods of work of the Committee under article 40 of the Covenant and cooperation with other United Nations bodies

49. The present chapter summarizes and explains the modifications introduced by the Committee to its working methods under article 40 of the Covenant in recent years, as well as recent decisions adopted by the Committee on follow-up to its concluding observations on State party reports.

A. Recent developments and decisions on procedures

1. Revised reporting guidelines

50. At its ninetieth session, the Committee decided to revise its reporting guidelines and requested Mr. O'Flaherty to review the existing guidelines and to prepare a working paper identifying in particular any difficulties that might arise with the implementation of harmonized guidelines. The Committee began a discussion on the basis of Mr. O'Flaherty's document at its ninety-second and ninety-third sessions and decided to begin work on the preparation of new guidelines. At its ninety-fifth session, the Committee designated Ms. Keller as rapporteur for the preparation of new guidelines.

51. At its ninety-seventh session, held in October 2009, the Committee started discussing its draft revised reporting guidelines and continued this discussion at its ninety-eighth session. The revised reporting guidelines were adopted at the ninety-ninth session.

2. Focused reports based on lists of issues prior to reporting

52. In October 2009, the Committee also decided to adopt a new reporting procedure whereby it would send States parties a list of issues (referred to as a list of issues prior to reporting) and consider their written replies in lieu of a periodic report (referred to as a focused report based on replies to a list of issues). Under the new procedure, the State party's answer would constitute the report for purposes of article 40 of the Covenant. The Committee designated Ms. Keller as rapporteur for the modalities of the new procedure. Following a discussion of two papers submitted by Ms. Keller at the ninety-eighth and ninety-ninth sessions, the modalities of implementation of the new optional procedure were decided upon by the Committee during its ninety-ninth session (see for further details CCPR/C/99/4). During the 101st session, pursuant to the timelines set out in the CCPR/C/99/4 document, the Committee announced the names of the first five countries for which the Committee would adopt lists of issues prior to reporting during its 103rd session in October 2011 (Cameroon, Denmark, Monaco, the Republic of Moldova and Uruguay). These lists of issues were subsequently adopted by the Committee as planned during the 103rd session and transmitted to the State parties.

3. Statement on Pakistan

53. During its 101st session, the Committee made a statement on the reservation made by Pakistan to article 40 (reporting process). The Committee stated, inter alia, that article 40 gives the Human Rights Committee the competence to consider and study reports submitted by the States parties and highlighted this competence as of critical importance for the performance of the Committee's monitoring functions and essential to the *raison d'être* of the Covenant. It indicated that under rule 70 of its rules of procedure, the Committee can examine a State party's actions under the Covenant in the absence of a report. It also stated that the initial report of the Pakistan was due, according to article 40, paragraph 1 (a), of the

Covenant, by 23 September 2011. The Secretariat was instructed to convey this statement to the State party.⁶

54. On 20 September 2011, the State party withdrew its reservations to articles 6, 7, 12, 13, 18, 19 and 40 of the Covenant.

4. Press release on executions in Belarus

55. On 27 July 2011, during its 102nd session, the Committee issued a press release, in which it stated that Belarus had violated its international obligations by executing two death-row inmates whose cases were being reviewed by the Human Rights Committee, despite requests to the Government to await the results of the review. The Committee expressed dismay at the second such breach in two years.⁷

56. On 19 March 2012, during its 104th session, the Committee issued a press release, in which it deplored the execution of a person in Belarus, despite the fact that a request to stay the execution had been made by the Committee, at the moment of registration, pending its consideration of the case.

57. The news release stated the following:

The United Nations Human Rights Committee is gravely concerned that Belarus has executed a person whose case was under consideration by the Committee. Sometime in recent days, Mr. Vladislav Kovalev was executed together with another person, both having been found guilty of bombings in the Minsk subway in 2011. Mr. Kovalev had petitioned the Committee claiming that his trial was unfair and that he had been forced to confess guilt. As is its normal practice, the Human Rights Committee had asked the Belarus authorities to stay the execution pending its consideration of the case. Such requests are binding as a matter of international law.

“The position of the Human Rights Committee is clear – Belarus has committed a grave breach of its legal obligations by executing Mr. Kovalev”, said Committee Chairperson Ms. Zonke Zanele Majodina. “Furthermore, this is not the first time – in 2010 and 2011 it also executed persons whose cases were before the Committee. We deplore these flagrant violations of the human rights treaty obligations of Belarus.”

Notwithstanding the execution of Mr. Kovalev, the Human Rights Committee will continue to consider his case.”

5. Position paper on the treaty body strengthening process

58. On 29 March 2012, during the 104th session, the Committee adopted the following position on the treaty body strengthening process:

(1) The Committee welcomes the process commenced by the High Commissioner in 2009 to strengthen the treaty bodies. It notes that this process will shortly come to a head with the publication of the High Commissioner’s report due in June of this year, which will include her conclusions and recommendations drawn from the last three years of consultations. In particular, the Committee acknowledges the adoption of the Dublin II Outcome Document, following the most recent participation of the Chairs and representatives of treaty bodies at consultations held in November 2011. The Committee believes that it is important to engage in this

⁶ For the full statement, see *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 40*, vol. I (A/66/40 (Vol. I), chap. II, paras. 40–41.

⁷ For the full press release, see *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 40*, vol. I (A/66/40 (Vol. I), chap. II, para. 51.

process and adopt a view on the main issues/proposals that have arisen to date, in particular as set out in the Dublin II Outcome Document.

(2) The Committee acknowledges that there are many stakeholders in this process — the treaty bodies, the Secretary-General/OHCHR, the States parties, NHRIs and NGOs — each having their own responsibilities. The Committee recognizes that it is part of a broader ever-expanding treaty body system. Having created this system, States bear the responsibility for providing the necessary resources to support its effective functioning. In addition, the Secretary-General/OHCHR must consider ways in which they could redistribute resources to reinforce the treaty bodies.

(3) The Committee recalls that it has a mandate to examine State party reports and individual communications, to draft general comments on articles of the Covenant and to engage in follow-up activities on concluding observations and individual communications. The goal of the reporting procedure is to ensure the implementation of the provisions of the treaties by the States parties; the follow-up procedure is important in achieving this aim. General comments, which were initially requested by States parties to better understand the interpretation of the provisions of the International Covenant on Civil and Political Rights, derive from article 40, paragraph 4, of the Covenant, which provides that the Committee “shall transmit its reports, and such general comments as it may consider appropriate, to the States Parties”.

(4) As to the Dublin II Outcome Document, the Committee recognizes that there are many important recommendations therein which will improve the treaty body system, including on the issue of reprisals and the extent to which people are being exposed to risks for engaging with treaty bodies (paras. 50–55 of the Outcome Document).

(5) The Committee is aware that the implementation of some of these recommendations is not yet feasible and that resource allocation is a prerequisite, as mentioned in the Dublin II Outcome Document itself.

(6) The Committee has reviewed the recommendations in the Dublin II Outcome Document and endorses the general thrust of this document.

(7) The Committee notes that it has already implemented a good number of the recommendations therein, including the following:

(a) Ratification, acceptance of procedures and withdrawal of reservations to treaties (paras. 14 and 15);

(b) Promoting knowledge of the treaty body system. This is being done — the Committee has a media strategy, but this strategy could be reinforced (para. 36);

(c) Reprisals against persons engaging with treaty bodies: the Committee could do more, including a recommendation for a focal point on reprisals (paras. 51–53);

(d) State reporting process: procedure for examination non-reporting States established; already focus on key priorities; has a list of issues prior to reporting procedure; has established country task force procedures; has limited dialogue to two meetings except in case of an initial report; concluding observations are country specific and targeted; collaborates with NGOs and NHRIs (paras. 64–76);

(e) Follow-up: the Committee has a follow-up procedure; does appoint follow-up rapporteurs; does request follow-up on particular concerns within 12

months; does request status of follow-up in lists of issues; does publicly report on follow-up (paras. 105–114); has developed clear criteria as to what constitutes satisfactory implementation and clearly classifies States' replies (paras. 113–114);

(f) General comments: the Committee does adopt general comments, and takes suggestions from other stakeholders into account (paras. 132–134).

(8) The Committee notes that it is within its mandate to further analyse and strengthen the implementation of other recommendations, including the following:

(a) Collaboration with other human rights mechanisms (paras. 28–29);

(b) Reporting: cross-referencing to other treaty bodies and United Nations mechanisms (para. 72);

(c) Individual communications: increased awareness of individual communications procedures (para. 89);

(d) General comments: days of general discussion as a precursor for the development of a general comment (paras. 133–134).

(9) The Committee notes that it is also within its mandate to further analyse and consider implementing other recommendations, but that this would necessitate additional resources and/or assistance from third parties (the Secretary-General/OHCHR, other treaty bodies). Such recommendations include the following:

(a) State reporting process: working in chambers (with additional extra resources) (para. 67); comprehensive reporting calendar (with additional resources) (para. 43);

(b) Follow-up: follow-up missions (paras. 110–111).

(10) In conclusion, the Committee is aware that the General Assembly has taken up the issue of treaty body strengthening. It appreciates the efforts made by OHCHR to keep the Committee up to date on all processes involved, and it looks forward to returning to this item at its subsequent sessions.

6. Cooperation with national human rights institutions and non-governmental organizations

59. During its 102nd session, at its 2803rd meeting, the Committee held a meeting with NGOs and national human rights institutions (NHRIs) to consider ways to improve their cooperation with the Committee. Mr. Flinterman and Ms. Motoc were assigned the task of preparing a paper for the following session, upon which the Committee would base its consideration of how best to continue its collaboration with NHRIs and NGOs.

60. During its 103rd session, the Committee decided for the first time to provide NHRIs and NGOs with formal meeting time in closed plenary session of one half hour per State party, prior to the examination of the State party in question. Informal briefings with the members were also organized as a supplementary informal meeting. Given the success of this new engagement with NHRIs and NGOs, the Committee decided that it should continue with this practice.

61. During its 104th session, the Committee adopted a paper on its collaboration with NGOs. The purpose of the paper is to clarify and strengthen the Committee's relationship with NGOs and to enhance the contribution of NGOs in the implementation of the Covenant at the domestic level (see annex VIII to the present report).

62. Also during the 104th session, the Committee nominated Mr. O'Flaherty to develop a paper on its relationship with NHRIs, to be presented to the Committee at its 105th session in July 2012.

63. During the 104th session, several side events were organized, including with the American Civil Liberties Union, to increase awareness of the Committee's work, and with the International Disabilities Alliance, to discuss the Committee's general comment No. 25 on the right to participate in public affairs, voting rights and the right of equal access to public service (article 25). The Permanent Mission of the Netherlands to the United Nations in New York also held a well-attended public briefing, including for States parties, on general comment No. 34 (2011) on the freedoms of opinion and expression.

7. Amendment to the rules of procedure (examination in the absence of a report)

64. During its 103rd session, the Committee amended its rules of procedure (rules 68 and 70) relating to the examination of country situations in the absence of a report (review procedure). From 2012, the examination of such country situations will take place in public rather than closed session and the resulting concluding observations will also be issued as public documents. (See the amended rules of procedure (CCPR/C/3/Rev.10), available from <http://www2.ohchr.org/english/bodies/hrc/index.htm>.)

8. Creation of the position of Case Monitor

65. During the 104th session, the Committee established the position of Case Monitor. The Case Monitor will be responsible for proposing a system of case management and for establishing criteria for the selection/prioritization of individual cases. The Committee nominated Mr. Iwasawa for this newly created position.

B. Follow-up to concluding observations

66. Since its forty-fourth session in March 1992,⁸ the Committee has adopted concluding observations. It takes the concluding observations as a starting point in the preparation of the list of issues for the consideration of the subsequent State party report. In some cases, the Committee has received, in accordance with rule 71, paragraph 5, of its revised rules of procedure, comments on its concluding observations and replies to the concerns identified by it from the States parties concerned, which are issued in document form.

67. At its seventy-fourth session, the Committee adopted decisions spelling out the modalities for following up on concluding observations.⁹ At its seventy-fifth session, the Committee appointed Mr. Maxwell Yalden as its Special Rapporteur for follow-up on concluding observations. At the eighty-third session, Mr. Rivas Posada succeeded Mr. Yalden. At the ninetieth session, Sir Nigel Rodley was appointed Special Rapporteur for follow-up on concluding observations. At the ninety-sixth session, Mr. Abdelfattah Amor succeeded Sir Nigel Rodley. At the 101st session, Ms. Chanet succeeded Mr. Amor.

68. At its ninety-fourth session, the Committee requested the Special Rapporteur for follow-up on concluding observations, Sir Nigel Rodley, to present proposals to the Committee on ways to strengthen its follow-up procedure. On the basis of a paper

⁸ *Official Records of the General Assembly, Forty-seventh Session, Supplement No. 40 (A/47/40)*, chap. I, sect. E, para. 18.

⁹ *Ibid.*, *Fifty-seventh Session, Supplement No. 40 (A/57/40)*, vol. I, annex III, sect. A.

submitted by the Special Rapporteur (CCPR/C/95/5), the Committee discussed and adopted several proposals to strengthen its follow-up procedure at its ninety-fifth session.¹⁰

69. During the period under review, follow-up comments were received from 22 States parties (Australia, Belgium, Botswana, Chad, Chile, Colombia, Croatia, Denmark, Ecuador, Estonia, France, Ireland, Israel, Netherlands, New Zealand, Nicaragua, Spain, Sweden, Switzerland, Tunisia, the United Kingdom of Great Britain and Northern Ireland, Uzbekistan), as well as from the United Interim Administration Mission in Kosovo (UNMIK). Follow-up reports were also received from NGOs. This information on follow-up has been published and can be consulted on the OHCHR website (<http://www2.ohchr.org/english/bodies/hrc/sessions.htm>). Chapter VII of the present report summarizes activities relating to follow-up to concluding observations and States parties' replies.

C. Follow-up to Views

70. During its 102nd session, the Committee decided to reflect in its follow-up report a more nuanced approach regarding the implementation of the Committee's Views (see chapter VI of the present report, on follow-up to individual communications).

D. Links to other human rights treaties and treaty bodies

71. The Committee views the annual meeting of chairpersons of the human rights treaty bodies as a forum for exchanging ideas and information on procedures and logistical problems, streamlining working methods, improving cooperation among treaty bodies, and stressing the need to obtain adequate secretariat services to enable all treaty bodies to fulfil their mandates effectively. In its opinion on the idea of creating a single human rights treaty body,¹¹ the Committee proposed that the meeting of chairpersons of treaty bodies and the Inter-Committee Meeting should be replaced by a single coordinating body composed of representatives of the various treaty bodies, which would be responsible for the effective oversight of all questions relating to the harmonization of working methods.

72. The twenty-fourth annual meeting of chairpersons of the human rights treaty bodies will be held in Addis Ababa from 25 to 29 June 2012.

73. On 29 October 2011, during the 103rd session, consultations were held in the context of treaty body strengthening with respect to individual communications procedures. Mr. Thelin and Mr. Flinterman attended on behalf of the Committee. The following agenda items were discussed: strengthening the mechanisms to follow up the implementation by States parties of recommendations contained in treaty bodies' findings in individual cases; increasing effectiveness and systematization of recommendations under the individual communications procedure; increasing accessibility and visibility of the communications procedures; and review of best practices regarding application of rules of procedure and methods of work. For the report on these consultations, see http://www2.ohchr.org/english/bodies/HRTD/hrted_process.htm#dublin.

¹⁰ Ibid., *Sixty-fourth Session, Supplement No. 40 (A/64/40)*, vol. I, annex VI.

¹¹ Ibid., *Sixty-second Session, Supplement No. 40 (A/62/40)*, vol. I, annex V.

E. Cooperation with other United Nations bodies

74. At its ninety-seventh session, Mr. Sanchez-Cerro took over from Mr. Mohammed Ayat as the Rapporteur mandated to liaise with the Office of the Special Adviser to the Secretary-General for the Prevention of Genocide and Mass Atrocities. Since Mr. Sanchez-Cerro's departure from the Committee in 31 December 2010 this mandate has been left open.

75. During the 103rd session, the Committee held its first formal meeting with the Committee on the Elimination of Discrimination against Women, whose session overlapped with that of the Human Rights Committee. The joint meeting decided to set up a working group of two members from each Committee, who will liaise intersessionally to develop a paper. Ms. Majodina and Mr. Flinterman were nominated to represent the Committee on this working group. The paper will explore areas of cooperation that would add value to the work of the Committees and further strengthen the gender dimension of their work. It is envisaged that the working group and the two Committees will meet again when their sessions overlap in October 2012.

76. During the 104th session, the Committee received briefings on the States parties under examination from the United Nations Children's Fund (UNICEF), as well as from the Office of the United Nations High Commissioner for Refugees, which has a long-established history of presenting such briefings. A video conference, organized by the secretariat, was held between the Committee and a Representative of the High Commissioner (Alberto Brunori) on the situation in Guatemala prior to the examination of its third periodic report.

III. Submission of reports by States parties under article 40 of the Covenant

77. Under article 2, paragraph 1, of the International Covenant on Civil and Political Rights, each State party undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant. In connection with this provision, article 40, paragraph 1, of the Covenant requires States parties to submit reports on the measures adopted and the progress achieved in the enjoyment of the various rights and on any factors and difficulties that may affect the implementation of the Covenant. States parties undertake to submit reports within one year of the entry into force of the Covenant for the State party concerned and, thereafter, whenever the Committee so requests. Under the Committee's guidelines, adopted at its sixty-sixth session and amended at the seventieth session (CCPR/C/GUI/66/Rev.2), the five-year periodicity in reporting, which the Committee itself had established at its thirteenth session in July 1981 (CCPR/C/19/Rev.1), was replaced by a flexible system whereby the date for the subsequent periodic report by a State party is set on a case-by-case basis at the end of the Committee's concluding observations on any report, in accordance with article 40 of the Covenant and in the light of the guidelines for reporting and the working methods of the Committee. The Committee confirmed this approach in its current guidelines adopted at the ninety-ninth session (CCPR/C/2009/1).

78. During the 104th session, the Committee decided to increase the periodicity granted to State parties for their reports to up to a period of six years.

A. Reports submitted to the Secretary-General from August 2011 to March 2012

79. During the period covered by the present report, 11 reports were submitted to the Secretary-General by the following States parties: Albania (second periodic report), Bolivia (Plurinational State of) (third periodic report), Czech Republic (third periodic report), Djibouti (initial report), Finland (sixth periodic report), Indonesia (initial report), Mauritania (initial report), Mozambique (initial report), Nepal (second periodic report), Tajikistan (second periodic report) and the United States of America (fourth periodic report).

B. Overdue reports and non-compliance by States parties with their obligations under article 40

80. The Committee wishes to reiterate that States parties to the Covenant must submit the reports referred to in article 40 of the Covenant on time so that the Committee can duly perform its functions under that article. Those reports are the basis for the discussion between the Committee and States parties on the human rights situation in States parties. Regrettably, serious delays have been noted since the establishment of the Committee.

81. The Committee notes with concern that the failure of States parties to submit reports hinders the performance of its monitoring functions under article 40 of the Covenant. The list below identifies the States parties that have a report more than five years overdue, and those that have not submitted reports requested by a special decision of the Committee. The Committee reiterates that these States are in default of their obligations under article 40 of the Covenant.

States parties that have reports more than five years overdue (as at 30 March 2012) or that have not submitted a report requested by a special decision of the Committee

<i>State party</i>	<i>Type of report</i>	<i>Date due</i>	<i>Years overdue</i>
Gambia	Second	21 June 1985	26
Equatorial Guinea	Initial	24 December 1988	23
Somalia	Initial	23 April 1991	20
Saint Vincent and the Grenadines	Second	31 October 1991	20
Grenada	Initial	5 December 1992	20
Côte d'Ivoire	Initial	25 June 1993	18
Seychelles	Initial	4 August 1993	18
Niger	Second	31 March 1994	18
Afghanistan ^a	Third	23 April 1994	17
Dominica	Initial	16 September 1994	17
Guinea	Third	30 September 1994	17
Cape Verde	Initial	5 November 1994	17
Malawi	Initial	21 March 1995	17
Burundi	Second	8 August 1996	15
Haiti	Initial	30 December 1996	15
Malta	Second	12 December 1996	15
Belize	Initial	9 September 1997	14
Sierra Leone	Initial	22 November 1997	14
Romania	Fifth	28 April 1999	12
Nigeria	Second	28 October 1999	12
Lebanon	Third	31 December 1999	12
South Africa	Initial	9 March 2000	12
Burkina Faso	Initial	3 April 2000	11
Iraq	Fifth	4 April 2000	11
Senegal	Fifth	4 April 2000	11
Ghana	Initial	8 February 2001	11
Belarus	Fifth	7 November 2001	10
Bangladesh	Initial	6 December 2001	10
India	Fourth	31 December 2001	10
Lesotho	Second	30 April 2002	9

<i>State party</i>	<i>Type of report</i>	<i>Date due</i>	<i>Years overdue</i>
Cyprus	Fourth	1 June 2002	9
Zimbabwe	Second	1 June 2002	9
Cambodia	Second	31 July 2002	9
Uruguay ^b	Fifth	21 March 2003	9
Guyana	Third	31 March 2003	9
Congo	Third	21 March 2003	9
Eritrea	Initial	22 April 2003	8
Gabon	Third	31 October 2003	8
Trinidad and Tobago	Fifth	31 October 2003	8
Democratic People's Republic of Korea	Third	1 January 2004	8
Kyrgyzstan	Second	31 July 2004	7
Viet Nam	Third	1 August 2004	7
Egypt	Fourth	1 November 2004	7
Timor-Leste	Initial	19 December 2004	7
Venezuela (Bolivarian Republic of)	Fourth	1 April 2005	6
Mali	Third	1 April 2005	6
Swaziland ^c	Initial	27 June 2005	6
Liberia	Initial	22 December 2005	6

^a On 12 May 2011, Afghanistan accepted the new optional procedure on focused reports based on replies to the list of issues prior to reporting. It is thus waiting for the Committee to adopt a list of issues prior to reporting.

^b On 26 November 2010, Uruguay accepted the new optional procedure on focused reports based on replies to the list of issues prior to reporting. A list of issues prior to reporting was adopted by the Committee during its 103rd session in October 2011.

^c During the 104th session, the Committee agreed to a request to extend the deadline for the initial report of Swaziland until the end of December 2012.

82. The Committee once again draws particular attention to the fact that 29 initial reports are overdue (including the 19 initial reports overdue by at least five years listed above). The result is frustration of a crucial objective of the Covenant, namely, to enable the Committee to monitor compliance by States parties with their obligations under the Covenant on the basis of periodic reports. The Committee addresses reminders at regular intervals to all those States parties whose reports are significantly overdue.

83. Owing to the concern of the Committee about the number of overdue reports and non-compliance by States parties with their obligations under article 40 of the Covenant,¹² two working groups of the Committee proposed amendments to the rules of procedure in order to help States parties fulfil their reporting obligations and to simplify the procedure. These amendments were formally adopted during the seventy-first session, in March 2001, and the revised rules of procedure were issued (CCPR/C/3/Rev.6 and Corr.1).¹³ All States parties were informed of the amendments to the rules of procedure, and the Committee has applied the revised rules since the end of the seventy-first session (April 2001). The Committee recalls that general comment No. 30, adopted at the seventy-fifth session, spells out the States parties' obligations under article 40 of the Covenant.¹⁴

84. The amendments introduced a procedure to be followed when a State party has failed to honour its reporting obligations for a long time, or requests a postponement of its scheduled appearance before the Committee at short notice. In both situations, the Committee may henceforth serve notice on the State concerned that it intends to consider, from material available to it, the measures adopted by that State party to give effect to the provisions of the Covenant, even in the absence of a report. The amended rules of procedure further introduced a follow-up procedure to the concluding observations of the Committee. The Committee invites the State party to report back to it within a specified period regarding its follow-up to the Committee's recommendations, indicating what steps, if any, it has taken. The responses received are thereafter examined by the Committee's Special Rapporteur for follow-up on concluding observations. Since the seventy-sixth session, the Committee has, as a rule, examined the progress reports submitted by the Special Rapporteur on a sessional basis.¹⁵

85. As referred to above in chapter II, para. 64, during its 103rd session the Committee amended its rules of procedure (rules 68 and 70) relating to the examination of country situations in the absence of a report (review procedure). From 2012, the examination of such country situations will take place in public rather than closed session and the resulting concluding observations will also be issued as public documents. (See the amended rules of procedure, (CCPR/C/3/Rev.10)).

86. The Committee first applied the review procedure to a non-reporting State at its seventy-fifth session. In July 2002, it considered the measures taken by the Gambia to give effect to the rights set out in the Covenant, in the absence of a report and a delegation from the State party. It adopted provisional concluding observations on the situation of civil and political rights in the Gambia, which were transmitted to the State party. At its seventy-eighth session, the Committee discussed the status of the provisional concluding observations on the Gambia and requested the State party to submit by 1 July 2004 a periodic report that should specifically address the concerns identified in the Committee's provisional concluding observations. If the State party failed to meet the deadline, the provisional concluding observations would become final and the Committee would make them public. On 8 August 2003, the Committee amended rule 69A of its rules of procedure¹⁶ to provide for the possibility of making provisional concluding observations final and public. At the end of its eighty-first session, the Committee decided to make the provisional concluding observations on the Gambia final and public, since the State party

¹² Ibid., chap. III, sect. B, and *ibid.*, *Fifty-seventh Session, Supplement No. 40 (A/57/40)*, chap. III, sect. B.

¹³ Ibid., *Fifty-sixth Session, Supplement No. 40 (A/56/40)*, vol. I, annex III, sect. B. The revised rules were confirmed in the amended rules of procedure adopted at the 103rd session (CCPR/C/3/Rev.10).

¹⁴ Ibid., *Fifty-seventh Session, Supplement No. 40 (A/57/40)*, vol. I, annex VI.

¹⁵ Except for the eighty-third session, when a new Special Rapporteur was appointed.

¹⁶ Rule 70 of the rules of procedure.

had failed to submit its second periodic report. At its ninety-fourth session (October 2008), the Committee also decided to declare the State party in non-compliance with its obligations under article 40 of the Covenant.

87. At its seventy-sixth session (October 2002), the Committee considered the situation of civil and political rights in Suriname, in the absence of a report but in the presence of a delegation. On 31 October 2002, it adopted provisional concluding observations, which were transmitted to the State party. In its provisional concluding observations, the Committee invited the State party to submit its second periodic report within six months. The State party submitted its report by the deadline. The Committee considered the report at its eightieth session (March 2004) and adopted concluding observations.

88. At its seventy-ninth and eighty-first sessions (October 2003 and July 2004), the Committee considered the situation of civil and political rights in Equatorial Guinea and the Central African Republic, respectively, in the absence both of a report and a delegation in the first case, and in the absence of a report but in the presence of a delegation in the second case. Provisional concluding observations were transmitted to the States parties concerned. At the end of the eighty-first session, the Committee decided to make the provisional concluding observations on the situation in Equatorial Guinea final and public, the State party having failed to submit its initial report. At its ninety-fourth session (October 2008), the Committee also decided to declare the State party in non-compliance with its obligations under article 40 of the Covenant. On 11 April 2005, in conformity with the assurances it had made to the Committee at the eighty-first session, the Central African Republic submitted its second periodic report. The Committee considered the report at its eighty-seventh session (July 2006) and adopted concluding observations.

89. At its eightieth session (March 2004), the Committee decided to consider the situation of civil and political rights in Kenya at its eighty-second session (October 2004), as Kenya had not submitted its second periodic report, due on 11 April 1986. On 27 September 2004, Kenya submitted its second periodic report. The Committee considered the second periodic report of Kenya at its eighty-third session (March 2005) and adopted concluding observations.

90. At its eighty-third session, the Committee considered the situation of civil and political rights in Barbados, in the absence of a report but in the presence of a delegation, which pledged to submit a full report. Provisional concluding observations were transmitted to the State party. On 18 July 2006, Barbados submitted its third periodic report. The Committee considered the report at its eighty-ninth session (March 2007) and adopted concluding observations. As Nicaragua had not submitted its third periodic report, due on 11 June 1997, the Committee decided, at its eighty-third session, to consider the situation of civil and political rights in Nicaragua at its eighty-fifth session (October 2005). On 9 June 2005, Nicaragua gave assurances that it would submit its report by 31 December 2005 at the latest. Then, on 17 October 2005, Nicaragua informed the Committee that it would submit its report by 30 September 2006. At its eighty-fifth session (October 2005), the Committee requested Nicaragua to submit its report by 30 June 2006. Following a reminder from the Committee, dated 31 January 2007, Nicaragua again undertook, on 7 March 2007, to submit its report by 9 June 2007. Nicaragua submitted its third periodic report on 20 June 2007.

91. At its eighty-sixth session (March 2006), the Committee considered the situation of civil and political rights in Saint Vincent and the Grenadines, in the absence of a report but in the presence of a delegation. Provisional concluding observations were transmitted to the State party. In accordance with the provisional concluding observations, the Committee invited the State party to submit its second periodic report by 1 April 2007 at the latest. On 12 April 2007, the Committee sent a reminder to the authorities of Saint Vincent and the Grenadines. In a letter dated 5 July 2007 Saint Vincent and the Grenadines pledged to

submit its report within a month. The State party having failed to submit its second periodic report, the Committee decided to make the provisional concluding observations on the situation in Saint Vincent and the Grenadines final and public at the end of its ninety-second session (March 2008).

92. As San Marino had not submitted its second periodic report, due on 17 January 1992, the Committee decided, at its eighty-sixth session, to consider the situation of civil and political rights in San Marino at its eighty-eighth session (October 2006). On 25 May 2006, San Marino gave assurances to the Committee that it would submit its report by 30 September 2006. San Marino submitted its second periodic report in conformity with that commitment, and the Committee considered it at its ninety-third session.

93. As Rwanda had not submitted its third periodic report or a special report, due respectively on 10 April 1992 and 31 January 1995, the Committee decided, at its eighty-seventh session, to consider the situation of civil and political rights in Rwanda at its eighty-ninth session (March 2007). On 23 February 2007, Rwanda undertook, in writing, to submit its third periodic report by the end of April 2007, thereby superseding the planned consideration of the situation of civil and political rights in the absence of a report. Rwanda submitted its periodic report on 23 July 2007 and the Committee considered it at its ninety-fifth session.

94. At its eighty-eighth session (October 2006), the Committee decided to consider the situation of civil and political rights in Grenada at its ninetieth session (July 2007), as the State party had not submitted its initial report, due on 5 December 1992. At its ninetieth session (July 2007), the Committee undertook this review in the absence of a report or a delegation but on the basis of written replies from Grenada. Provisional concluding observations were sent to the State party, which was requested to submit its initial report by 31 December 2008. At the end of its ninety-sixth session (July 2009), the Committee decided to convert the provisional concluding observations into final and public observations.

95. At its ninety-eighth session (October 2006), the Committee decided to consider the situation of civil and political rights in Seychelles at its 101st session (March 2011) in the absence of a report, as the State party had not submitted its initial report, due on 4 August 1993. At the 101st session, the Committee undertook this review in the absence of a report and a delegation and absent replies to the list of issues. Provisional concluding observations were sent to the State party, with a request to submit its initial report by 1 April 2012 and to comment on the concluding observations within one month from the date of their transmission. On 26 April 2011, the State party requested an extension until the end of May 2011 to respond to the concluding observations. On 27 April 2011, the Committee granted the State party this request. On 13 May 2011, the State party submitted comments on the provisional concluding observations and indicated that it would submit a report by April 2012. In July 2011, during the 102nd session (July 2011), the Committee decided to await the State party's report before taking matters any further.

96. At its ninety-ninth session (July 2010), the Committee decided to consider the situation of civil and political rights in Dominica at its 102nd session (July 2011) in the absence of a report, as the State party had not submitted its initial report, due on 16 September 1994. The Committee scheduled Dominica for examination during its 102nd session in July 2011. Prior to the session, the State party requested a postponement indicating that it was in the process of drafting its report and would do so by 30 January 2012. The Committee agreed to a postponement and decided to await the report before taking matters any further.

97. At its 102nd session (July 2011), the Committee decided to consider the situation of civil and political rights in Malawi at its 103rd session (October 2011) in the absence of a

report, as the State party had not submitted its initial report, due on 21 March 1995. At its 103rd session, the Committee undertook this review in the absence of a report, but on the basis of written replies and in the presence of a delegation from the State party. Provisional concluding observations were sent to the State party, which was requested to submit its initial report by 31 March 2012.

98. At its 103rd session (October 2011), the Committee decided to consider the situation of civil and political rights in Mozambique and in Cape Verde at its 104th session (March 2012) in the absence of a report, as the State parties had not submitted their initial reports, due on 20 October 1994 and 5 November 1994, respectively. Prior to its 104th session, the Committee accepted a request for postponement from Mozambique on the basis of a commitment by the State party to submit its report by February 2012. This report was subsequently provided on 14 February 2012.

99. During the 104th session, the Committee examined the situation in Cape Verde in the absence of a report and in the presence of the State's Ambassador to the United Nations in New York. This was the first time since the Committee amended its rules of procedure (rule 70) that such an examination was held in public rather than closed session and that the concluding observations were made public immediately upon adoption.

100. The procedure under rule 70 of the rules of procedure, to examine States parties in the absence of a report, has been initiated in 16 cases to date.

C. Periodicity with respect to State parties' reports examined during the period under review

101. As indicated in paragraph 78 above, during the 104th session, the Committee decided to increase the periodicity granted to State parties for their reports to up to a period of six years. Thus, the Committee may now ask States parties to submit subsequent periodic reports within three, four, five or six years.

102. The periodicity of the State parties' reports examined during the period under review is indicated in the table below.

<i>State party</i>	<i>Date of examination</i>	<i>Due date for next report</i>
Norway	October 2011	2 November 2016
Dominican Republic	March 2012	30 March 2016
Guatemala	March 2012	30 March 2016
Iran (Islamic Republic of)	October 2011	2 November 2014
Jamaica	October 2011	2 November 2014
Kuwait	October 2011	2 November 2014
Turkmenistan	March 2012	30 March 2015
Yemen	March 2012	30 March 2015

IV. Consideration of reports submitted by States parties under article 40 of the Covenant and examinations of the situation in States parties in the absence of reports under rule 70 of the rules of procedure

103. The text below, arranged on a country-by-country basis in the sequence followed by the Committee in its consideration of the reports, contains the concluding observations adopted by the Committee with respect to the States parties' reports considered at its 103rd and 104th sessions. The Committee urges those States parties to adopt corrective measures, where indicated, consistent with their obligations under the Covenant and to implement these recommendations.

104. Jamaica

(1) The Committee considered the third periodic report submitted by Jamaica (CCPR/C/JAM/3) at its 2838th and 2839th meetings (CCPR/C/SR.2838 and CCPR/C/SR.2839), held on 19 and 20 October 2011. At its 2856th meeting (CCPR/C/SR.2856), held on 1 November 2011, it adopted the following concluding observations.

A. Introduction

(2) The Committee welcomes the submission of the third periodic report of Jamaica, albeit 10 years late. The Committee expresses appreciation for the information contained therein and for the opportunity to renew its constructive dialogue with the State party. The Committee is grateful to the State party for its written replies (CCPR/C/JAM/Q/3/Add.1) to the list of issues, which were supplemented by the oral responses provided by the delegation and for the supplementary information provided to it in writing.

B. Positive aspects

(3) The Committee welcomes the following legislative and institutional steps taken by the State party:

- (a) Enactment of the Trafficking in Persons Act of 2007;
- (b) Enactment of the Child Care and Protection Act of 2004; and
- (c) Establishment of the Independent Commission of Investigations (INDECOM) in 2010.

(4) The Committee also welcomes the ratification of the following international human rights instruments:

- (a) Convention on the Rights of Persons with Disabilities on 30 March 2007; and
- (b) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on 26 August 2011.

C. Principal matters of concern and recommendations

(5) While welcoming the establishment of the Office of the Public Defender and the Bureau of Women's Affairs, the Committee is concerned that the State party has not yet established a national institution in accordance with the Paris Principles (General Assembly resolution 48/134) (art. 2).

The State party should establish an independent national human rights institution, and provide it with adequate financial and human resources, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

(6) While taking note that most of the provisions of the Covenant are contained in the Constitution of the State party under the Charter of Fundamental Rights and Freedoms, the Committee is concerned that the provisions of the Covenant cannot be directly invoked before domestic courts (art. 2).

The State party should take appropriate measures to raise awareness of the Covenant among judges, lawyers and prosecutors to ensure that its provisions are taken into account before domestic courts. In this regard, the State party should take effective measures to widely disseminate the Covenant in the State party.

(7) The Committee is concerned that the State party does not intend to re-accede to the Optional Protocol, which gives the Committee competence to examine individual complaints with regard to alleged violations of the Covenant by States parties to the Protocol (art. 2).

The State party should reconsider its decision not to re-accede to the Optional Protocol to the Covenant, providing the Committee with the competence to examine individual complaints, with a view to ensuring that the rights of individuals to an effective remedy are strengthened.

(8) While welcoming the adoption of the Charter of Fundamental Rights and Freedoms in April 2011, the Committee regrets that the right to freedom from discrimination is now expressed on the grounds of “being male or female”, failing to prohibit discrimination on grounds of sexual orientation and gender identity. The Committee is also concerned that the State party continues to retain provisions under the Offences against the Person Act which criminalize consensual same-sex relationships, thus promoting discrimination against homosexuals. The Committee further regrets reports of virulent lyrics by musicians and entertainers that incite violence against homosexuals (arts. 2, 16, 26).

The State party should amend its laws with a view to prohibiting discrimination on the basis of sex, sexual orientation and gender identity. The State party should also decriminalize sexual relations between consenting adults of the same sex, in order to bring its legislation into line with the Covenant and put an end to prejudices and the social stigmatization of homosexuality. In this regard, the State party should send a clear message that it does not tolerate any form of harassment, discrimination or violence against persons for their sexual orientation, and should ensure that individuals, who incite violence against homosexuals, are investigated, prosecuted and properly sanctioned.

(9) The Committee regrets reports of prevalent societal stigmatization of people with HIV/AIDS, which conflates HIV/AIDS with homosexuality. The Committee is concerned that this stigmatization, which is partly fuelled by the laws that criminalize consensual same-sex relationships, hampers access to treatment and medical care by persons living with HIV/AIDS, including homosexuals (arts. 2, 6 and 26).

The State party should take concrete measures to raise awareness of HIV/AIDS with a view to combating prejudices and negative stereotypes against people living with HIV/AIDS, including homosexuals. The State party should also ensure that persons living with HIV/AIDS, including homosexuals, have equal access to medical care and treatment.

(10) The Committee is concerned at the lack of clarity on the interplay between INDECOM and the Office of the Director of Public Prosecutions with regard to the conduct of investigations and prosecutions (arts. 2, 6 and 7).

The State party should clarify the mandates of INDECOM and the Office of the Director of Public Prosecutions with regard to powers to prosecute law enforcement

personnel under the investigation of INDECOM, to ensure that there is no conflict of mandates.

(11) The Committee is concerned at reports that the Office of the Director of Public Prosecutions is inefficient, as it fails to expedite the initiation and prosecution of criminal proceedings to the extent that there are reports of inordinate delays in prosecutions (arts. 2 and 14).

The State party should take steps to ensure that the Office of the Director of Public Prosecutions efficiently discharges its prosecutorial functions.

(12) While welcoming the adoption of the National Refugee Policy in 2009, the Committee regrets the lack of legislation on asylum-seeker and refugee protection. The Committee further regrets that refugees are not issued with identification cards except for the Convention Travel Document, which is not well-known in the State party and creates obstacles for them in the equal exercise of a wide range of social and economic rights (arts. 2 and 26).

The State party should enact legislation on the protection of the rights of asylum-seekers and refugees. Furthermore, it should ensure that asylum-seekers and refugees are provided with recognized identification cards to ensure equal access to social and economic opportunities in the State party.

(13) While welcoming the adoption of the National Policy for Gender Equality, the Committee notes with concern that women remain underrepresented in both the public and private sectors, particularly in decision-making positions (arts. 2, 3 and 26).

The State party should strengthen its efforts to increase the number of women in decision-making positions in the public and private sectors through the implementation of new practical initiatives including, if necessary, appropriate temporary special measures to give effect to the provisions of the Covenant.

(14) The Committee is concerned at the prohibition of abortion, which compels pregnant women to seek clandestine and harmful abortion services. The Committee is further concerned at reports of high rates of teenage pregnancies in the State party, where it is reported that 20 per cent of all pregnancies in the State party occur among teenage girls (arts. 6 and 17).

The State party should amend its abortion laws to help women avoid unwanted pregnancies and not to resort to illegal abortions that could put their lives at risk. The State party should take concrete measures in this regard, including a review of its laws in line with the Covenant. Furthermore, the State party should ensure that reproductive health services are available and accessible to all women and girls.

(15) The Committee expresses its concern at threats against and violent assaults and killings of human rights defenders in the State party (arts. 6, 9 and 19).

The State party is urged to take immediate action to ensure effective protection of human rights defenders whose lives and security are under threat due to their professional activities. In this regard, the State should always ensure the prompt, effective, thorough, independent and impartial investigation of threats, violent assaults and murders of human rights defenders and, when appropriate, prosecute and institute proceedings against the perpetrators of such acts and provide compensation to the victims or members of their families.

(16) The Committee regrets the continued reports of cases of extrajudicial executions by law enforcement officers. It further regrets that allegations of extrajudicial killings have, in most cases, not been effectively investigated, which perpetuates impunity. The Committee is also concerned at reports of excessive use of force by law enforcement personnel,

particularly during the state of emergency between May and July 2010 where 73 civilians were killed by law enforcement personnel (art. 6).

The State party should closely monitor allegations of extrajudicial killings and ensure that all such allegations are investigated in a prompt and effective manner with a view to eradicating such crimes, bringing perpetrators to justice and hence fighting impunity and providing effective remedies to victims. In this regard, the State party should ensure the Independent Commission of Investigations (INDECOM) is adequately resourced to be able to carry out independent and effective investigations into alleged cases of extrajudicial killings and assaults by law enforcement personnel.

(17) While noting the progress made by the State party when it lifted the mandatory death sentence for certain crimes in 2005 and that the State party has not carried out judicial executions since 1988, the Committee is concerned that the State party does not intend to abolish the death penalty (art. 6).

The Committee encourages the State party to abolish the death penalty and to accede to the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty.

(18) The Committee notes with regret the continuing reports of gender discrimination and sexual harassment in the State party. The Committee regrets the lack of comprehensive legislation clearly proscribing gender discrimination and sexual harassment in employment (arts. 2, 3 and 7).

The State party should adopt a comprehensive approach to preventing and addressing gender discrimination and sexual harassment in all its forms and manifestations. In this regard, the State party should improve its research and data collection methods to establish the magnitude of the problem, its causes and consequences on women. The State party should also consider adopting comprehensive legislation that clearly prohibits gender discrimination and sexual harassment in employment.

(19) The Committee regrets that incidents of rape and domestic violence against women are prevalent in the State party. The Committee further regrets the lack of shelters for victims of domestic violence (art. 7).

The State party should strengthen its efforts to combat gender-based violence and to ensure that cases are dealt with in an appropriate and systematic manner by, inter alia, investigating, prosecuting and punishing the perpetrators. It is encouraged, in particular, to increase the training of the staff in its Victim Support Unit and the Police on violence against women, including sexual abuse and domestic violence. Furthermore, the State party should provide adequate shelters for victims of gender based violence including domestic violence.

(20) While recognizing that corporal punishment as a penalty for crime has been abolished by judicial decision, the Committee expresses its regret that it remains legal in the State party, which permits its use in the education system and the home, where it traditionally continues to be accepted and practised as a form of discipline by teachers, parents and guardians (arts. 7 and 24).

The State party should take practical steps to put an end to corporal punishment in all settings by passing the bill that seeks to repeal the Flogging Regulations Act and the relevant provisions of the Crime (Prevention of) Act. The State party should promote non-violent forms of discipline as alternatives to corporal punishment, and should conduct public information campaigns to raise awareness about its harmful effects.

(21) While noting that torture is prohibited under the Charter of Fundamental Rights and Freedoms, the Committee is concerned that torture is not defined as a separate offence

under the State party's criminal legislation. The Committee is also concerned about the continued occurrence of torture and ill-treatment by law enforcement authorities, the limited number of convictions of those responsible, and the insufficient sanctions imposed on the perpetrators (art. 7).

The State party should:

(a) **Define torture as a separate offence to comply with article 7 of the Covenant;**

(b) **Guarantee that allegations of torture and of cruel, inhuman or degrading treatment are investigated by an independent authority, that the perpetrators of such acts are prosecuted and punished accordingly and that the victims receive adequate reparations;**

(c) **Improve the training of law enforcement personnel in this regard, to ensure that anyone who is arrested or detained is informed of his or her rights; and**

(d) **Provide, in its next periodic report, detailed information on complaints filed for such violations, the number of individuals prosecuted and convicted, and the reparations awarded to the victims.**

(22) The Committee takes note of the enactment of the Trafficking in Persons Act in 2007 and the establishment of the National Taskforce against Trafficking in Persons in 2005. The Committee is concerned at the prevalence of trafficking in persons for sexual exploitation and forced labour. The Committee is particularly concerned at the low level of investigations, prosecutions and convictions in this area, and at the lack of prevention and protection mechanisms for victims, including rehabilitation schemes (art. 8).

The State party should intensify its efforts to identify victims of trafficking and ensure the systematic collection of data on trafficking flows from, to and in transit through its territory. The State party should train its police officers, border personnel, judges, lawyers and other relevant personnel in order to raise awareness of this phenomenon and the rights of victims. Furthermore, the State party should ensure that all perpetrators of trafficking in persons are investigated, prosecuted, and if convicted, adequately sanctioned, and should guarantee that adequate protection, reparation and compensation are provided to the victims. Prevention and rehabilitation programmes for the victims should also be established.

(23) The Committee is particularly concerned at reports of overcrowding and deplorable sanitary conditions in the State party's prisons and places of detention, below minimum standards, and at the limited application of alternatives to imprisonment. The Committee is also concerned at the failure to ensure that minors detained are held separately from adults, and accused persons from convicted persons (art. 10).

The State party should, as a matter of urgency, adopt effective measures against overcrowding in detention centres and ensure conditions of detention that respect the dignity of prisoners, in accordance with article 10 of the Covenant. The State party should put in place a system to segregate accused persons from convicted persons and minors from other prisoners. The State party should, in particular, take steps to ensure that the Standard Minimum Rules for the Treatment of Prisoners are respected. Furthermore, the State party should consider the wider application of alternative non-custodial sentences in order to alleviate the problem of overcrowding in prisons.

(24) While noting with interest the progress made to reform the justice sector, the Committee remains concerned at the inordinate delays in the dispensation of justice. The Committee is also concerned at the limited availability of legal aid services due to the

shortage of lawyers to serve as duty counsel and the uncompetitive rates paid to legal aid counsel (art. 14).

The State party should urgently pursue efforts to reform the justice sector by implementing the Jamaican Justice Reform recommendations to ensure speedy and fair trials. Furthermore, the State party should ensure that the necessary budgetary allocation and human resources are provided to all legal aid clinics in the State party. In this regard, the State party should enhance the availability of lawyers that provide legal services on a pro bono basis and continuously review the fee structure for legal aid services to keep these rates competitive.

(25) While noting the progress made in implementing the recommendations in the Keating report on the reform of children's homes and places of safety, the Committee is concerned that 40 per cent of these recommendations have not been implemented. The Committee is also concerned that, although the State party accepted liability for the negligence of public officials that caused the fire at the Armadale Juvenile Correctional Centre, the families of the victims have not received compensation (arts. 2, 9 and 10).

The State party should take all necessary measures, including by seeking international support, in order to fully implement all the recommendations made in the Keating report. Furthermore, the State party should, as a matter of urgency, ensure that families of the victims of the fire at the Armadale Juvenile Correctional Centre receive adequate compensation.

(26) The State party should widely disseminate the Covenant, the text of the third periodic report, the written responses it has provided in response to the list of issues drawn up by the Committee, and the present concluding observations, so as to increase awareness among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, as well as the general public. The Committee also requests the State party, when preparing its fourth periodic report, to broadly consult with civil society and non-governmental organizations.

(27) In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, relevant information on its implementation of the Committee's recommendations made in paragraphs 8, 16 and 23 above.

(28) The Committee requests the State party, in its next periodic report, due to be submitted on 2 November 2014, to provide, specific, up-to-date information on all its recommendations and on the Covenant as a whole.

105. **Kuwait**

(1) The Committee considered the second periodic report submitted by Kuwait (CCPR/C/KWT/2) at its 2040th, 2041st and 2042nd meetings (CCPR/C/SR 2040, 2041 and 2042), held on 19 and 20 October 2011, and adopted at its 2856th and 2857th meetings (CCPR/C/SR/2856 and CCPR/C/SR/2857), held on 1 and 2 November 2011, the following concluding observations.

A. Introduction

(2) The Committee welcomes the submission of the second periodic report of Kuwait and the information presented therein. It expresses appreciation for the opportunity to renew constructive dialogue with the high level delegation on the measures taken by the State party during the reporting period to implement the provisions of the Covenant. The Committee also appreciates the written replies (CCPR/C/KWT/Q/2/Add.1) to the list of issues which were supplemented by the oral responses provided by the delegation.

B. Positive aspects

(3) The Committee welcomes the following legislative and institutional steps taken by the State party:

- The adoption of Act 17 of 2005 giving women the right to vote and to stand for elections, and the following election of women as members of the Parliament in 2009

(4) The Committee welcomes the ratification by the State party of the following international instruments:

(a) The Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, in 2004;

(b) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in 2006.

C. Principal matters of concern and recommendations

(5) The Committee welcomes the Ministerial Decision No. 77 of 2011 establishing a special committee to draft a bill on the creation of a national human rights institution, and the measures taken to ensure that the institution complies with the A-status criteria at the international level. Nonetheless, the Committee is concerned about the delays in creating such an institution, and about the resources that it will be provided with to discharge its functions.

The State party should (a) implement its intention to create a national human rights institution as soon as possible; (b) ensure that the institution will be in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), including ensuring that its budgetary provisions permit the national institution to discharge its functions effectively.

(6) The Committee notes the State party's commitment to further improve its legislation and policies to fully implement its obligations under the Covenant. Nonetheless, the Committee is concerned about the lack of clarity on the primacy of the Covenant over conflicting or contradictory national legislation, including both sharia law and matters not based in sharia law. The Committee also regrets the limited information on domestic court decisions which make reference to provisions of the Covenant (art. 2).

The State party should guarantee the full implementation of its obligations under the Covenant within the national legal framework. To this end, the State party should take appropriate measures to ensure that domestic laws, including those based on sharia, are interpreted and applied in ways compatible with its obligations under the Covenant. It should also raise awareness about the Covenant and its applicability in domestic law amongst judges and judicial officers.

(7) The Committee regrets that the State party continues to maintain its interpretative declaration on article 2, paragraph 1 and article 3 of the Covenant, which the Committee has already found in its previous concluding observations to be incompatible with the object and purpose of the Covenant (CCPR/CO/69/KWT, para. 4), as well as its interpretive declaration to article 23, and its reservations to article 25(b) of the Covenant (art. 2).

The State party should formally withdraw its interpretative declaration on article 2, paragraph 1 and article 3, and should consider withdrawing its interpretative declaration on article 23 and its reservation to article 25(b) of the Covenant.

(8) Despite the progress achieved with respect to the participation of women in political life, the Committee remains concerned about their underrepresentation in legislative and executive bodies, especially about the absence of women as judges. The Committee is also concerned about persisting stereotypes of the role of women in the family and in society at large (arts. 3, 25 and 26).

The State party should enhance its efforts to eliminate gender stereotypes on the role and responsibilities of men and women in the family and in society, including through the adoption, if necessary, of temporary special measures to further increase the participation of women in public and political life, as well as the private sector. The State party should take immediate steps to ensure that the position of judge is effectively accessible to women.

(9) The Committee is concerned that the rights of women are affected by discriminatory provisions that are maintained in the current legislation. In particular, the Committee recalls its view that polygamy violates the dignity of women (see the Committee's general comment No. 28 (2000), paragraph 24), and constitutes a violation of article 3 of the Covenant (arts. 2, 3 and 26).

The State party should undertake a comprehensive review of existing laws to repeal all discriminatory provisions that affect gender equality. The State party should engage in official and systematic awareness-raising campaigns in order to eradicate polygamy, which is a form of discrimination against women.

(10) The Committee is concerned that the minimum age for marriage is too low and that it differentiates on the basis of sex. The Committee is also concerned that the State party does not take active measures to prevent early marriages that are practiced by some parts of the population (arts. 3, 23).

The State party should eliminate discrimination on the basis of sex in the minimum age of marriage. It should also ensure that the minimum age complies with international standards and should adopt active measures preventing early marriage of girls.

(11) The Committee is concerned that the testimonies of women before the courts have less value than those of men (arts. 2, 3, 14 and 26).

The State party should amend its legislation and practice to ensure that judicial authorities always give women's testimonies the same legal and practical value as their male counterparts.

(12) The Committee is concerned about discrimination between Kuwaiti men and women with regard to the ability to transmit Kuwaiti nationality to their children, and is also concerned that children who are born in Kuwait to stateless parents may not acquire any nationality. The Committee is concerned about the lack of transparency in the process of acquiring Kuwaiti nationality, in particular with respect to the failure to communicate the reasons behind the denial of such nationality, and about the absence of a review process, which fosters arbitrary decisions (arts. 2, 3, 24 and 26).

The State party should guarantee the right of every child to acquire a nationality, in compliance with article 24, paragraph 3 of the Covenant, and end discrimination between men and women in the transmission of nationality. The State party should guarantee that applicants are officially informed of the reasons why they were denied Kuwaiti nationality, and should also implement a review procedure.

(13) While taking note that a Central Body was established in November 2010 to find a solution for the stateless Bedoun currently viewed by the State party as a category of "illegal residents," the Committee remains concerned about the stereotypes and widespread

discrimination they suffer. The Committee is also concerned about the practice of withholding documents, including some certificates to which all persons born or married in the State party's territory are entitled. It is also concerned about reports of arbitrary application of Kuwaiti nationality law to Bedoun (arts. 2, 23, 24, 26 and 27).

The State party should put an end to discrimination against the Bedoun, including in the application of its nationality law, and should ensure that all persons in its territory enjoy the rights set out in the Covenant.

(14) The Committee notes the implementation of the de facto moratorium on executions in the State party since 2007. However, it is concerned about:

- (a) The high number of persons remaining on death row;
- (b) The large number of offences for which the death penalty can be imposed, including vague offences relating to internal and external security and drug-related crimes (art. 6).

The State party should eliminate the violations of article 6, paragraph 2, involved in maintaining in its legislation the death penalty for offences that cannot be considered the most serious crimes within the meaning of the Covenant. The State party should also formalize the current de facto moratorium on the death penalty, and accede to the Second Optional Protocol to the Covenant.

(15) The Committee is concerned about the lack of statistical information on cases of domestic and sexual violence, and about the lack of provisions in the Penal Code criminalizing domestic and sexual violence against women in the family or workplace. The Committee is also concerned about the non-criminalization of marital rape (arts. 2, 6 and 7).

The State party should criminalize acts of domestic and sexual violence, including marital rape. It should also create a database to gather comprehensive information on reported cases of domestic and sexual violence, their criminal investigation and prosecution, the sentences imposed on perpetrators, and the remedies granted to victims.

(16) The Committee regrets the lack of legislation criminalizing torture and other cruel, inhuman or degrading treatment in accordance with international standards (art. 7).

The State party should adopt in its legislation a definition of torture that fully complies with articles 1 and 4 of the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, and with article 7 of the Covenant. The State party should ensure that any act of torture or cruel, inhuman or degrading treatment is prosecuted and penalized in a manner commensurate with its gravity.

(17) The Committee is concerned that the State party's current penal laws do not reach all forms of trafficking in persons. The Committee is also concerned that statistical information on trafficking in persons is not available (art. 8).

The State party should enact legislation on trafficking in persons, ensuring its full compliance with the principles of the Covenant. The State party should set up an official database on the number of cases of trafficking in persons, their characteristics, their treatment by judicial authorities, and the remedies and reparations made to the victims.

(18) The Committee is concerned about the discriminatory and inhuman treatment suffered by migrant domestic workers. This situation is exacerbated by the sponsorship system which makes them dependent on particular employers for their authorization to work and to remain in the country. The Committee is also concerned that domestic workers were excluded from the 2010 Private Sector Labour Code, and that the modifications of the

sponsorship system have not ensured respect for their basic human rights. The Committee also regrets the absence of effective control mechanisms ensuring the respect for employment regulations by employers (arts. 7 and 8).

The State party should abandon the sponsorship system and should enact a framework that guarantees the respect for the rights of migrant domestic workers. The State party should also create a mechanism that actively controls the respect for legislation and regulations by employers and investigates and sanctions their violations, and that does not depend excessively on the initiative of the workers themselves.

(19) The Committee is concerned that a person detained may be held in police custody for a period of four days before being brought before an investigating official and that this period can be extended up to 21 days. The Committee is also concerned about allegations according to which the detained person does not have immediate access to counsel and contact with his family (art. 9).

The State party should adopt legislation to ensure that anyone arrested or detained on a criminal charge is brought before a judge within 48 hours. The State party should also guarantee that all other aspects of its law and practice on pretrial detention are harmonized with the requirements of article 9 of the Covenant, including by providing detained persons with immediate access to counsel and contact with their families.

(20) The Committee is concerned about the absence of a maximum period of detention for persons awaiting deportation, and the unavailability of judicial remedies enabling such persons to seek review of the lawfulness of their detention (art. 9).

The State party should ensure that persons awaiting deportation are detained only for a reasonable period of time, and that judicial remedies are available to review the lawfulness of their detention.

(21) The Committee is concerned about alleged practices of torture and inhumane or degrading treatment of prisoners in police custody and in detention centres (arts. 7 and 10).

The State party should ensure independent and prompt investigation and prosecution of State officials responsible for alleged acts of torture or inhumane or degrading treatment, and grant compensation to victims of such acts. The State party should also guarantee full respect for the United Nations Standard Minimum Rules for the Treatment of Prisoners.

(22) The Committee is concerned that the State party does not recognize the right of conscientious objection to military service and does not intend to adopt provisions implementing that right (art. 18).

The State party should adopt legislation recognizing the right of conscientious objection to military service, and put in place an alternative to military service which is neither punitive nor discriminatory.

(23) The Committee is concerned about discrimination by the State party on grounds of religion, including the ineligibility of non-Muslims for naturalization, and the restrictions imposed for the construction and access to places of worship, especially for Hindus, Sikhs and Buddhists (arts. 18 and 26).

The State party should guarantee the right of all persons to practice their religion or belief in an appropriate place of worship, and to be considered for naturalization without discrimination on the basis of religion.

(24) The Committee is concerned about the high number of cases that are brought to courts under blasphemy laws, which are incompatible with the Covenant except pursuant to article 19, paragraph 3, and in the specific circumstances envisaged in article 20, paragraph 2, of the Covenant (arts. 2, 18, 19 and 26).

The State party should revise its legislation on blasphemy and related laws, and the application thereof to ensure their strict compliance with the Covenant, bearing in mind that prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the Covenant, except pursuant to article 19, paragraph 3, and in the specific circumstances envisaged in article 20, paragraph 2, of the Covenant (Committee's general comment No. 34, para. 48).

(25) The Committee is concerned about the excessive restrictions on freedom of expression that are contained in the Press and Publication Law and in related legislation, including prohibitions on legitimate criticism of government officials and other public figures. The Committee is also concerned about allegations of arbitrary arrest, detention, trial and deportation of persons who make use of their freedom of opinion and expression through the media and through the Internet (art. 19).

The State party should revise the Press and Publication Law and related laws in accordance with the Committee's general comment No. 34 (2011) in order to guarantee all persons the full exercise of their freedoms of opinion and expression. The State party should also protect media pluralism, and should consider decriminalizing defamation.

(26) The Committee is concerned about the system by which judges are appointed by the Amir, and is also concerned that the independence of the judiciary is affected by the direct dependency of the Supreme Judiciary on the Ministry of Justice, and by the lack of clarity on the status and security of tenure of foreign judges appointed in the State party (art. 14).

The State party should guarantee the independence of the judiciary through the reform of the mechanisms of appointment, promotion and evaluation of judges, and through the removal of the dependency between the Supreme Judiciary and the Ministry of Justice. The State party should also revise the modalities of the appointment and tenure of foreign judges, to ensure their total independence, autonomy and impartiality.

(27) The Committee is concerned about the lack of statistics on the number of persons who were condemned by military tribunals in 1991 and are still detained despite having served their sentences. It is also concerned that these cases have not been reviewed by an independent and impartial body (arts. 9 and 14).

The State party should ensure that the cases of persons detained under prison sentences handed down in 1991 by the military tribunals are reviewed, and also that any such persons still detained beyond the completion of their sentences are immediately released.

(28) The Committee is concerned about persistent reports that the State party's authorities unreasonably refuse to deliver authorizations and disperse peaceful demonstrations by excessive use of force, restricting the right of individuals to freedom of peaceful assembly (art. 21).

The State party should revise its regulations, policy and practice, and ensure that all individuals under its jurisdiction fully enjoy their rights under article 21 of the Covenant. It should ensure that the exercise of this right is not subject to restrictions other than the ones permissible under the Covenant.

(29) The Committee is concerned that no legal framework regulates the existence of political parties. Political groups are thereby hindered from organizing events that require official authorization, from seeking funds and from participating effectively in the political life of the State party (arts. 22 and 25).

The State party should adopt a legal framework regulating the existence of political parties, and enabling them to participate effectively and formally in Kuwaiti political life.

(30) The Committee is concerned about the criminalization of sexual relations between consenting adults of the same sex, and also about the new criminal offence of “imitating members of the opposite sex”. It is also concerned about reported acts of violence against lesbian, gay, bisexual and transgender (LGBT) persons, including reports of harassment, arbitrary arrest and detention, abuse, torture, sexual assault and harassment of individuals on the basis of their sexual orientation or gender identity (arts. 2 and 26).

The State party should decriminalize sexual relations between consenting adults of the same sex, and repeal the offence of imitating the opposite sex, in order to bring its legislation in line with the Covenant. The State party should also take the necessary steps to put an end to the social stigmatization of homosexuality and send a clear message that it does not tolerate any form of harassment, discrimination or violence against persons based on their sexual orientation or gender identity.

(31) The Committee is concerned about the lack of protection of foreign nationals who belong to ethnic, religious or linguistic minorities living in the State party (art. 27).

The State party should officially recognize ethnic, religious or linguistic minorities as such and ensure the protection and promotion of their rights in compliance with article 27 of the Covenant.

(32) The State party should widely disseminate the Covenant, the text of the second periodic report, the written responses it has provided to the list of issues drawn up by the Committee, and the present concluding observations among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, as well as the general public.

(33) In accordance with rule 71, paragraph 5, of the Committee’s rules of procedure, the State party should provide, within one year, relevant information on its implementation of the Committee’s recommendations made in paragraphs 18, 19 and 25 above.

(34) The Committee invites the State party, given that it has not yet submitted its core document, to do so in accordance with the harmonized guidelines on reporting under the international human rights treaties, which were adopted at the fifth Inter-Committee meeting of the human rights treaty bodies held in June 2006 (HRI/GEN/2/Rev.4).

(35) The Committee requests the State party, in its third periodic report due to be submitted on 2 November 2014, to provide, specific, up-to-date information on the implementation of all its recommendations and on the Covenant as a whole. The Committee also requests the State party, when preparing its third periodic report, to broadly consult with and involve civil society and non-governmental organizations operating in the country.

106. Norway

(1) The Committee considered the sixth periodic report submitted by Norway (CCPR/C/NOR/6) at its 2844th and 2845th meetings (CCPR/C/SR.2844 and CCPR/C/SR.2845), held on 24 and 25 October 2011. At its 2858th meeting (CCPR/C/SR.2858), held on 2 November 2011, it adopted the following concluding observations.

A. Introduction

(2) The Committee welcomes the timely submission of the sixth periodic report of Norway. The Committee also expresses its appreciation for the information contained therein and for the opportunity to renew its constructive dialogue with the State party. The Committee is also grateful to the State party for its written replies (CCPR/C/NOR/Q/6/Add.1) to the list of issues, which were supplemented by the oral responses provided by the delegation and for the supplementary information provided to it in writing. The Committee also commends the State party for continuously updating its core document (HRI/CORE/NOR/2009).

B. Positive aspects

(3) The Committee welcomes the following legislative and institutional steps taken by the State party:

- (a) The amendments to the Children Act in 2010 to proscribe light forms of corporal punishment;
- (b) The enactment of the Media Ownership Act in 2004;
- (c) The enactment of Act No. 41 of 2008 on Editorial Freedom in the Media;
- (d) The adoption of an action Plan to Promote Equality and Prevent Ethnic Discrimination for 2009–2012;
- (e) The Action Plan for Combating Female Genital Mutilation 2008–2011; and
- (f) The Action Plan against Forced Marriages 2008–2011.

C. Principal matters of concern and recommendations

(4) The Committee welcomes the reflection by the State party on how better to address human rights within its constitutional framework.

The State party should ensure that Covenant rights, including the right to an effective remedy, are adequately taken into account in its constitutional framework (art. 2).

(5) While welcoming the existence of the National Centre for Human Rights which plays the role of a national human rights institution, the Committee is concerned that the ongoing restructuring of the National Centre may negatively affect its capacity to discharge its functions in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) (art. 2).

The State party should ensure that the current restructuring of the national human rights institution effectively transform it, with the view to conferring on it a broad mandate in human rights matters. In this regard, the State party should ensure that the new institution will be fully compliant with the Paris Principles.

(6) The Committee is concerned that means-tested legal aid fails to take account of the actual circumstances of the applicants and is assessed without regard to the actual cost of the legal service being sought. Moreover, legal aid is not available at all for certain categories of case (art. 14).

The State party should review its free legal aid scheme to provide for free legal assistance in any case where the interests of justice so require.

(7) While welcoming the efforts by the State party to eliminate all forms of discrimination in the granting of housing subsidies, the Committee is concerned at reports that persons with immigrant backgrounds experience discrimination and negative stereotypes in the housing sector. The Committee is also concerned at reports of

discrimination in employment experienced by persons with immigrant backgrounds (arts. 2 and 26).

The State party should take measures to eliminate all forms of discrimination in the housing sector and take measure to challenge negative stereotypes and prejudices that landlords and property owners might have against renting accommodation to those with an immigrant background. The State party should also intensify its efforts to combat discrimination against persons with immigrant backgrounds in employment matters.

(8) While the Committee welcomes the progress made with respect to gender parity, the Committee is concerned at the significant wage gap between men and women (arts. 3 and 26).

The State party should pursue and strengthen its measures to ensure that women enjoy equal pay for work of equal value.

(9) The Committee is concerned about reports of widespread gender-based violence, particularly rape, which is not often reported to the Police. The Committee is also concerned about the high incidence of domestic violence against women and children that leads to deaths (arts. 3, 7 and 26).

The State party should take all necessary measures to effectively combat all forms of violence against women, particularly sexual violence. In this regard, the State party should sensitize the society on the prevalence of gender-based violence, including domestic violence, and provide appropriate training to law enforcement personnel to be able to effectively deal with these incidents. The State party should also ensure that the perpetrators of such acts are investigated, prosecuted and, if convicted, punished with appropriate sanctions.

(10) The Committee is concerned at reports of excessive use of coercive force on psychiatric patients and the poor mechanisms of the Control Commissions for monitoring mental health-care institutions (arts. 7, 9 and 10).

The State party should take concrete steps to put an end to the unjustified use of coercive force and restraint of psychiatric patients. In this regard, the State party should ensure that any decision to use coercive force and restraint should be made after a thorough and professional medical assessment that determines the amount of coercive force or restraint to be applied to a patient. Furthermore, the State party should strengthen its monitoring and reporting system of mental health-care institutions so as to prevent abuses.

(11) The Committee is concerned at the increased use of pretrial detention and solitary pretrial detention, as well as post-conviction incommunicado detention, in the State party (arts. 7, 9 and 10).

The State party should ensure that solitary confinement, both pretrial and following conviction, is used only in the most exceptional circumstances and for strictly limited periods.

(12) The Committee is concerned at the excessive length and conditions of pretrial detention of juveniles (arts. 10 and 14).

The State party should strictly limit the pretrial detention of juveniles and, to the extent possible, adopt alternative measures to pretrial detention.

(13) While welcoming the efforts by the State party to establish separate juvenile detention units, the Committee is concerned that the State party maintains a reservation to

article 10, paragraphs 2 (b) and 3, of the Covenant and that juveniles are not segregated from adult prisoners (art. 10).

The State party should consider withdrawing its reservations to article 10, paragraphs 2 (b) and 3, of the Covenant; at the same time, it should ensure that juveniles are segregated from adult prisoners and promote alternative forms of punishment, such as community service and the use of electronic monitoring devices.

(14) The Committee regrets that the State party has not withdrawn its reservation to article 20, paragraph 1, of the Covenant. It further regrets the persistence of hate speech against the Sami people, and xenophobic, anti-Semitic and Islamophobic statements (art. 20).

The State party should consider withdrawing its reservation to article 20. Furthermore, the State party should continue and intensify its efforts to raise awareness and promote tolerance and diversity in society. Law enforcement officials should be trained to detect and prosecute hate speech that constitutes an offence.

(15) While noting that the conditions for the receipt of residence permits and family reunification have the objective of preventing forced marriages, the Committee is concerned that the excessive breadth of the conditions may adversely affect the enjoyment of the right to family life, marriage and the choice of spouse (arts. 2, 23 and 26).

The Committee urges the State party to assess the impact of the new conditions for such permits on the enjoyment of the right to family life, marriage and choice of spouse. Such a study should assess whether conditions should be amended to better respect the right to family life.

(16) The State party should widely disseminate the Covenant, the two Optional Protocols to the Covenant, the text of the sixth periodic report, the written responses it has provided in response to the list of issues drawn up by the Committee and the present concluding observations so as to increase awareness among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, as well as the general public. The Committee also suggests that the report and the concluding observations be translated into the official language of the State party. The Committee also requests the State party, when preparing its seventh periodic report, to broadly consult with civil society and non-governmental organizations.

(17) In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, relevant information on its implementation of the Committee's recommendations made in paragraphs 5, 10 and 12 above.

(18) The Committee requests the State party, in its next periodic report, due to be submitted on 2 November 2016, to provide, specific, up-to-date information on all its recommendations and on the Covenant as a whole.

107. **Islamic Republic of Iran**

(1) The Committee considered the third periodic report of the Islamic Republic of Iran (CCPR/C/IRN/3) at its 2834th, 2835th and 2836th meetings (CCPR/C/SR/2834, CCPR/C/SR/2835 and CCPR/C/SR/2836), held on 17 and 18 October 2011. At its 2857th and 2858th meetings (CCPR/C/SR/2857 and CCPR/C/SR/2858), held on 2 November 2011, it adopted the following concluding observations.

A. Introduction

(2) The Committee welcomes the third periodic report of the Islamic Republic of Iran and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's delegation on the measures that the

State party has taken during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies (CCPR/C/IRN/Q/3/Add.1) to the list of issues (CCPR/C/IRN/Q/3), which were supplemented by the oral responses provided by the delegation.

(3) The Committee notes with regret, however, the 18-year period between the consideration of the second and third periodic reports and hopes that the constructive engagement by the State party with the Committee at its 103rd session will be continued through effective implementation of the current recommendations and timely submission of its fourth periodic report.

B. Positive aspects

(4) The Committee welcomes:

(a) The signing of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in September 2010;

(b) The accession to the Convention on the Rights of Persons with Disabilities in October 2009;

(c) The accession to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in September 2007;

(d) The ratification of the Convention on the Rights of the Child in July 1994.

C. Principal matters of concern and recommendations

(5) The Committee notes with concern that reference is made in the State party's system to certain religious tenets as primary norms.

The State party should ensure that all the obligations of the Covenant are fully respected and that the provisions of its internal norms are not invoked as justification for its failure to fulfil its obligations under the Covenant.

(6) The Committee is concerned that the status of international human rights treaties in domestic law is not specified in the legal system, which hinders the full implementation of the rights contained in the Covenant.

The State party should ensure effective implementation and application of Covenant provisions, irrespective of the place of the Covenant in the domestic legal system.

(7) The Committee is concerned that the State party has not yet established a consolidated national institution with competence in the field of human rights in accordance with the Paris Principles (General Assembly resolution 48/134) (art. 2).

The State party should consider establishing a national human rights institution with a broad human rights mandate, and provide it with adequate financial and human resources, in line with the Paris Principles (General Assembly resolution 48/134, annex).

(8) Despite the development regarding the education of women, the Committee is concerned about the low number of women in decision-making positions in the public sector. It is also concerned that a number of public positions have never been filled by women, such as in the Guardian Council or high positions in the Expediency Council and that women are excluded from certain public positions, such as the post of judge (arts. 2 and 26).

The State party should take steps to increase the number of women in decision-making and judicial bodies at all levels and in all areas. It should also organize special training programmes for women and regular awareness campaigns in this regard.

(9) The Committee is concerned about the continuing inequality of women with regard to marriage, family and inheritance matters (arts. 2 and 26).

The State party should amend the Civil Code and further amend the draft Family Protection Law, to (a) abolish the requirement for a father's or paternal grandfather's approval to legalize a marriage; (b) grant women equal rights to divorce; (c) award equal custody rights to the mother, including after a child reaches the age of seven or if she remarries; (d) award guardianship of a child to the mother in the case of the father's death; (e) grant women the same inheritance rights as men; (f) remove the legal obligation for a woman to be obedient to her husband; (g) remove the requirement for a husband's approval when a woman intends to leave the country; (h) prohibit polygamy; and (i) remove the power of a man to prohibit his wife from entering employment. The State party should also adopt legislation giving Iranian women the right to transmit their nationality to their children.

(10) The Committee is concerned that members of the lesbian, gay, bisexual, and transgender community face harassment, persecution, cruel punishment and even the death penalty. It is also concerned that these persons face discrimination on the basis of their sexual orientation, including with respect to access to employment, housing, education and health care, as well as social exclusion within the community (arts. 2 and 26).

The State party should repeal or amend all legislation which provides for or could result in discrimination against, and prosecution and punishment of, people because of their sexual orientation or gender identity. It should ensure that anyone held solely on account of freely and mutually agreed sexual activities or sexual orientation should be released immediately and unconditionally. The State party should also take all necessary legislative, administrative and other measures to eliminate and prohibit discrimination on the basis of sexual orientation, including with respect to access to employment, housing, education and health care, and to ensure that individuals of different sexual orientation or gender identity are protected from violence and social exclusion within the community. The Committee reaffirms that all of these matters fall entirely within the purview of the rights contained in the Covenant, and therefore within the Committee's mandate. It urges the State party to include detailed information on the enjoyment of Covenant rights by members of the lesbian, gay, bisexual and transgender community in its next periodic report.

(11) The Committee is concerned about the absence of specific provisions on domestic violence within the Penal Code, as well as the lack of investigation, prosecution and punishment of perpetrators of domestic violence. It is also concerned that a husband is exempted from punishment for voluntary manslaughter in the event that he murders his wife on suspicion of adultery (arts. 2 and 26).

The State party should adopt legislation criminalizing domestic violence and take steps to effectively combat domestic violence. It should ensure that victims have immediate access to means of redress and protection, including through the establishment of a sufficient number of safe houses for victims. The State party should ensure that acts of domestic violence are effectively investigated and that perpetrators are prosecuted and sanctioned. The State party should also ensure that a husband is not exempted from punishment for voluntary manslaughter, in the event that he murders his wife on suspicion of adultery.

(12) The Committee continues to be deeply concerned about the extremely high and increasing number of death sentences pronounced and carried out in the State party, the wide range and often vague definition of offences for which the death penalty is applied, and the large number of capital crimes and execution methods. The Committee is also concerned about the continued use of public executions, as well as stoning, as a method of

execution. It also notes with concern the high rate of State executions in ethnic minority areas (arts. 6 and 7).

The State party should consider abolishing the death penalty or at least revise the Penal Code to restrict the imposition of the death penalty to only the “most serious crimes”, within the meaning of article 6, paragraph 2, of the Covenant and the Committee’s general comment No. 6 (1982) on the right to life. It should ensure that, whenever it is imposed, the requirements of articles 6 and 14 of the Covenant are fully met. It should also ensure that everyone sentenced to death, after exhaustion of all legal avenues of appeal, has an effective opportunity to exercise the right to seek pardon or commutation of sentence from the relevant authorities. The State party should furthermore prohibit the use of public executions, as well as stoning as a method of execution.

(13) The Committee is gravely concerned about the continued execution of minors and the imposition of the death penalty for persons who were found to have committed a crime while under 18 years of age, which is prohibited by article 6, paragraph 5, of the Covenant (art. 6).

The State party should immediately end the execution of minors, and further amend the draft juvenile crimes investigation act and the Bill of Islamic Criminal Code with the aim of abolishing the death penalty for crimes committed under the age of 18. The State party should also commute all existing death sentences for offenders on death row who had committed a crime while under the age of 18.

(14) The Committee is deeply concerned at reports of the widespread use of torture and cruel, inhuman or degrading treatment in detention facilities, particularly of those accused of national security-related crimes or tried in Revolutionary Courts, which in some cases have resulted in the death of the detainee. The Committee is also concerned that coerced confessions have been used as the primary evidence to obtain convictions in court (art. 7).

The State party should ensure that an inquiry is opened in each case of alleged torture and cruel, inhuman or degrading treatment in detention facilities, and that the perpetrators of such acts are prosecuted and punished appropriately. It should ensure that effective reparation, including adequate compensation, is granted to every victim. The State party should also ensure that no one is coerced into testifying against themselves or others or to confess guilt and that no such “confession” is accepted as evidence in court, except against a person accused of torture or other ill-treatment as evidence that the “confession” or other statement was made.

(15) The Committee is concerned that there has not been a full, impartial and independent investigation into allegations of killings, torture and other ill-treatment during and following the 12 June 2009 presidential elections, and that the high-level officials responsible have not been held accountable (arts. 6 and 7).

The State party should urgently establish a full, impartial and independent investigation into allegations of killings, torture and other ill-treatment during and following the 12 June 2009 presidential elections, and prosecute those officials found responsible.

(16) The Committee is concerned about the continued imposition of corporal punishment by judicial and administrative authorities, in particular amputations and flogging for a range of crimes, including theft, enmity against God (*mohareb*) and certain sexual acts. It is also concerned that corporal punishment of children is lawful in the home, as a sentence of the courts and in alternative care settings (art. 7).

The State party should amend the Penal Code to abolish the imposition of corporal punishment by judicial and administrative authorities. The State party should also

explicitly prohibit all forms of corporal punishment in child-rearing and education, including by repealing the legal defences for its use in article 1179 of the Civil Code, articles 49 and 59 of the Penal Code and article 7 of the Law on the Protection of Children.

(17) The Committee is concerned about reports of the use of general and blanket arrest warrants, which do not contain the names of the accused and are not based on a judge's review of evidence (art. 9).

The State party should ensure that arrest warrants contain the names of the accused and are based on a judge's review of material evidence. It should also release detainees who have been held on the basis of general and blanket arrest warrants, in the absence of evidence.

(18) The Committee is concerned about the average length of pretrial detention periods, and the absence in article 33 of the Code of Criminal Procedure of a limit to the amount of time a court can order somebody to remain in detention by law enforcement officers. The Committee is also concerned about reports that individuals are held in incommunicado detention in unacknowledged detention centres (arts. 7 and 9).

The State party should take all necessary measures to ensure that pretrial detention is not excessively long in law and in practice, particularly through independent judicial supervision and prompt access to lawyers, in full compliance with article 9 of the Covenant. The State party should also take immediate steps to eliminate incommunicado detention, taking due care to ensure compliance in practice.

(19) The Committee is concerned about poor conditions in detention facilities, in particular in Evin Prison, sections 350, 2A, 209 and 240. It is also concerned about the use of solitary confinement, unreasonable limits on family visits, and the reported denial of medical treatment to many prisoners in Ward 350/Correctional Facility 3 of Evin Prison (arts. 7 and 10).

The State party should take immediate steps to establish a system of regular and genuinely independent monitoring of places of detention, and ensure that conditions of detention conform to articles 7 and 10 of the Covenant, and to the United Nations Standard Minimum Rules for Treatment of Prisoners. It should also systematically include human rights training as a standard component of curricula, covering the topics of the prohibition of torture, effective interrogation techniques, conditions of detention and the treatment of detainees, in the training of law enforcement, prison and judicial officials.

(20) The Committee is concerned about the persistent trafficking in women and children, particularly young girls from rural areas, often facilitated by temporary marriages (*siqeh*) (art. 8).

The State party should take steps to combat and prevent the trafficking and sale of persons under 18 years of age. The State party is also requested to provide the Committee in its next periodic report with statistics, on an annual basis, on the number of arrests and convictions under the 2004 law to combat trafficking.

(21) The Committee is deeply concerned about the frequent violations of fair trial guarantees provided for under the Covenant, especially in the Revolutionary Courts and the Evin Prison Court. It is also concerned about the invocation by judicial officials of the *mahdoor-ol-dam* (deserving of death) definition in their rulings (arts. 14 and 6).

The State party should ensure that all legal proceedings are conducted in full accordance with article 14 of the Covenant, including guaranteeing (a) the right to legal assistance of one's own choosing, including for pretrial detainees; (b) the right to

be informed promptly of the nature and cause of the criminal charges; (c) the intervention and presence of lawyers in all cases, including during the investigation stage; (d) the presumption of innocence; (e) the right to a public hearing; and (f) the right to appeal a ruling. The State party should remove the *mahdoor-ol-dam* (deserving of death) definition, applied to victims, so as to ensure that perpetrators are prosecuted and brought to justice for their crimes. The Committee reminds the State party of its general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial.

(22) The Committee is concerned that the independence of the judiciary is not fully guaranteed and is compromised by undue pressure from the Executive power, including the Office for Supervision and Evaluation of Judges, as well as senior clerics and high-ranking Government officials ahead of trials. The Committee is also concerned that judges have used sharia law and fatwas to reach a verdict that was in contravention of the rights and principles as laid down in the Covenant (art. 14).

The State party should take immediate steps to ensure and protect the full independence and impartiality of the judiciary, and guarantee that it is free to operate without pressure and interference from the executive power and clergy. The State party should also ensure that judges, in interpreting legislation and in relying on religious principles, do not reach verdicts that are in contravention of the rights and principles as laid down in the Covenant.

(23) The Committee is concerned about discrimination against members of the Christian minority, including arrests based on charges of proselytizing and a ban on conducting Christian services in Farsi. The Committee also notes with concern that individuals who have converted from Islam have been arrested, and that article 225 of the draft Penal Code is aimed at making the death penalty mandatory for convicted male apostates (art. 18).

The State party should take steps to ensure full respect for the right to freedom of religion or belief, including ensuring that legislation and practices fully conform to article 18 of the Covenant. This also entails that the right of everyone to change his or her religion, if he or she so chooses, is unconditionally and fully guaranteed. The Committee also urges the State party to revoke article 225 of the draft Penal Code. The Committee recalls its general comment No. 22 (1993) on the right to freedom of thought, conscience and religion.

(24) The Committee is concerned that members of the Baha'i community continue to be denied their right to freedom to have or adopt a religion or belief. It is also concerned that members of the Baha'i community continue to be subjected to a range of violations of their rights, including arbitrary detention, false imprisonment, confiscation and destruction of property, denial of employment and Government benefits and denial of access to higher education (arts. 18, 19, 20 and 27).

The State party should ensure full respect for the freedom of everyone, including members of the Baha'i community, to have or to adopt a religion or belief of his or her choice, and the freedom, either individually or in community with others and in public or private, to manifest this religion or belief in worship, observance, practice and teaching. The State party should take immediate steps to ensure that members of the Baha'i community are protected against discrimination in every field, that violations of their rights are immediately investigated, that those found responsible are prosecuted and that they are provided with effective remedies.

(25) The Committee is concerned that Sunni Muslims continue to face discrimination in law and in practice, and are prevented from fully exercising their right to freedom to manifest their religion (arts. 18 and 19).

The State party should guarantee the freedom to manifest a religion or belief and that it can be exercised either individually or in community with others and in public or private. The Committee reminds the State party that this right also entails the building of places of worship.

(26) The Committee is concerned that the right to freedom of assembly and association is severely limited, and notes that the holding of public gatherings and marches as well as the establishment of associations are conditional upon compliance with “principles of Islam”, which are not defined under national legislation. The Committee is also concerned about continuing reports of harassment or intimidation, prohibition and forceful breaking up of demonstrations, and arrests and arbitrary detentions of human rights defenders. It notes with concern that human rights defenders and defence lawyers often serve prison sentences based on vaguely formulated crimes such as *mohareb* or the spreading of propaganda against the establishment. The Committee also notes in particular the large number of women’s rights activists who have been arrested and detained, including volunteers and members of the One Million Signatures Campaign (arts. 19, 21 and 22).

The State party should ensure that the right to freedom of assembly and association is guaranteed to all individuals without discrimination, and release immediately and unconditionally anyone held solely for the peaceful exercise of this right, including students, teachers, human rights defenders (including women’s rights activists), lawyers and trade unionists. The State party should also ensure the prompt, effective and impartial investigation of threats, harassment, and assault on members of these groups, and, when appropriate, prosecute the perpetrators of such acts. The State party should also withdraw its draft Bill on the Establishment and Supervision of Non-Governmental Organisations, which would establish a Supreme Committee Supervising Non-Governmental Organisations’ Activities, chaired by the Interior Ministry, including representatives from the Intelligence Ministry, the police, the Basij and the Revolutionary Guards Corps.

(27) The Committee is concerned that many newspapers and magazines, as well as the Journalists Association, have been closed by the authorities since 2008, and that many journalists, newspaper editors, film-makers and media workers have been arrested and detained since the 2009 presidential elections. The Committee is also concerned about the monitoring of Internet use and contents, blocking of websites that carry political news and analysis, slowing down of internet speeds and jamming of foreign satellite broadcasts, in particular since the 2009 presidential elections (art. 19).

The State party should fully guarantee the right to freedom of expression and opinion of independent media, and ensure that journalists can exercise their profession without fear of being brought before courts. The State party should release, rehabilitate and provide effective judicial redress and compensation for journalists imprisoned in contravention of articles 9 and 19 of the Covenant. The State party should also ensure that the monitoring of Internet use does not violate the rights to freedom of expression and privacy as defined in the Covenant. The Committee reminds the State party of its general comment No. 34 (2011) on article 19.

(28) The Committee is concerned that the minimum age for marriage is too low and that it differentiates on the basis of sex. It is also concerned about the practice of forced, early and temporary marriages of young girls (arts. 23 and 24).

The State party should eliminate discrimination on the basis of sex with regard to the minimum age for marriage. It should also ensure that the minimum age complies with international standards and should adopt active measures preventing forced, early and temporary marriage of girls.

(29) The Committee is concerned about the requirements for registration in election campaigns (in particular article 28, sections 1 and 3, of the Majlis Elections Act), and the right of the Guardian Council to reject parliamentary candidates (in accordance with article 3 of the Amendment to the Majlis Elections Act). The Committee notes with concern that with regard to the 10th presidential election in 2009: (1) only four candidates were approved out of more than 450 prospective candidates; (2) international observers were not allowed entry to monitor the election results; (3) cell phone signals and access to social networking and opposition websites were blocked; (4) political activists, members of the country's religious and ethnic minority communities, students, trade unionists and women's rights activists were harassed and arbitrarily detained; (5) election results were approved by Ayatollah Khamenei before certification by the Guardian Council; and (6) two provinces showed a turnout of more than 100 per cent. The Committee also notes with concern the arrest of dozens of political opposition members in February 2011 as well as the dissolution by court order of two pro-reform political parties (art. 25).

The State party should introduce legislative amendments to ensure that articles 3 and 28, sections 1 and 3, of the Majlis Elections Act are in conformity with the rights guaranteed in article 25 of the Covenant. It should also take adequate steps to guarantee that elections are conducted in a free and transparent manner, in full conformity with the Covenant, including through the establishment of an independent electoral monitoring commission.

(30) The Committee is concerned about the restrictions and conditions placed on the enjoyment of cultural, linguistic and religious freedoms of minorities in the State party, such as the Kurds, Arabs, Azeris and Baluch, including the use of minority languages in schools, and publication of journals and newspapers in minority languages (art. 27).

The State party should ensure that all members of ethnic, religious and linguistic minorities enjoy effective protection against discrimination and are able to enjoy their own culture and use their own language in media and schools, participate in public affairs and are provided with effective remedies against discrimination.

(31) The State party should widely disseminate the Covenant, the text of the third periodic report, the written responses it has provided in response to the list of issues drawn up by the Committee, and the present concluding observations so as to increase awareness among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, as well as the general public. The Committee also suggests that the report and the concluding observations be translated into the official language of the State party. The Committee further requests the State party, when preparing its fourth periodic report, to broadly consult with civil society and non-governmental organizations.

(32) In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, relevant information on its implementation of the Committee's recommendations made in paragraphs 9, 12, 13 and 22 above.

(33) The Committee requests the State party, in its next periodic report, due to be submitted on 2 November 2014, to provide specific, up-to-date information on all its recommendations and on the Covenant as a whole.

108. **Dominican Republic**

(1) The Human Rights Committee considered the fifth periodic report of the Dominican Republic (CCPR/C/DOM/5) at its 2864th and 2865th meetings, held on 12 and 13 March 2012 (CCPR/C/SR.2864 and 2865). At its 2885th meeting, held on 27 March 2012, it adopted the following concluding observations.

A. Introduction

(2) The Committee welcomes the submission of the Dominican Republic's fifth periodic report and the information contained therein. The Committee expresses appreciation for the opportunity to resume the dialogue with the delegation on measures to implement the provisions of the Covenant that were adopted by the State party during the reporting period. The Committee thanks the State party for its written replies (CCPR/C/DOM/Q/5/Add.1) to the list of issues (CCPR/C/DOM/Q/5), which were supplemented by the oral replies provided by the delegation and the additional information provided in writing. Nevertheless, the Committee notes the very late submission of the written replies to the list of issues, just hours before the beginning of the dialogue, which meant that the document could not be translated into the other working languages of the Committee in a timely fashion.

B. Positive aspects

(3) The Committee notes with satisfaction:

- (a) The adoption of the new Constitution in January 2010;
- (b) The introduction of the right to vote for persons deprived of liberty.

(4) The Committee welcomes:

- (a) The accession in August 2009 to the Convention on the Rights of Persons with Disabilities;
- (b) The ratification on 24 January 2012 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

C. Principal subjects of concern and recommendations

(5) The Committee notes that the State party has not to date listed any examples of application of the provisions of the Covenant by the national courts and that the status of the Covenant in the domestic legal system is not entirely clear (art. 2).

The State party should clearly state that the Covenant takes precedence over domestic law. In its next periodic report, the State party should include examples of application of the Covenant by national courts and of access to the remedies provided by law for persons whose rights under the Covenant have been violated.

(6) The Committee regrets that, more than 10 years after the establishment of the Office of the Ombudsman (*Defensoría del Pueblo*), no Ombudsman has been appointed and that the institution has not yet begun its work. The Committee also regrets that there is no national human rights institution functioning in conformity with the Paris Principles (art. 2).

The State party should appoint an Ombudsman as soon as possible through a transparent procedure, guaranteeing that the person selected has the highest levels of professionalism, independence and expertise. The State party should ensure the proper functioning of the Office of the Ombudsman, provide it with its own budget, strengthen its mandate, expand its powers of supervision and take all the necessary measures to ensure its full independence in accordance with the Paris Principles (General Assembly resolution 48/134).

(7) The Committee remains concerned at the extremely vulnerable situation of Haitian migrants and their descendants, as well as at the discriminatory treatment, violence and aggression of which they are victims. The Committee regrets the lack of information on the investigation, prosecution and punishment of such cases (arts. 2 and 26).

The State party should make efforts to eradicate stereotypes and discrimination against Haitian migrants and their descendants, inter alia by conducting public

information campaigns to promote tolerance and respect for diversity. The State party should ensure that cases of discrimination are systematically investigated, that the perpetrators are prosecuted and punished, and that appropriate compensation is awarded to the victims.

(8) The Committee is concerned at the lack of clarity concerning the status of refugees within the territory of the State party, including in terms of their access to temporary identity documents that would legalize their stay in the country (arts. 2 and 16).

The State party should systematically provide recognized means of identification to asylum seekers and to refugees in order to protect them from unwarranted deportation and ensure their access to social and economic opportunities.

(9) The Committee regrets the continuing serious constraints on the access of persons with disabilities to education, cultural, health and labour services and on their integration and participation in society (arts. 2 and 26).

The State party should increase its efforts to ensure the full integration and participation in society of persons with disabilities. In that connection, the State party should implement the provisions of the Convention on the Rights of Persons with Disabilities.

(10) The Committee welcomes the inclusion of the principle of equality between men and women in the 2010 Constitution, as well as the obligation for the State to make equitable nominations for elective office. However, the Committee notes with concern that women remain underrepresented in both the public and private sectors, especially in decision-making posts, and regrets that there are not sufficient legal mechanisms to facilitate implementation of the constitutional principles relating to gender equality (arts. 3 and 26).

The State party should adopt whatever legislation is necessary to give full effect to the principle of equality between men and women. The State party should also increase the number of women in decision-making posts in the private and public sectors by implementing practical new initiatives, including, where necessary, the adoption of temporary special measures to give effect to the provisions of the Covenant.

(11) The Committee welcomes the initiatives taken with regard to the prevention and punishment of acts of violence against women, as well as the inclusion of the offence of sexual harassment in the Criminal Code. The Committee nevertheless deplores the frequency of such acts of violence and the constraints on access to justice and adequate protection for victims, especially in rural areas where there are no competent judicial authorities or shelters or residences. Furthermore, the Committee regrets the persistent practice of sexual harassment and the lack of data on effective implementation in relation to this new criminal offence (arts. 6, 7 and 14).

The State party should intensify its efforts to eliminate violence against women, ensure that such cases are investigated, prosecuted and penalized in an appropriate and systematic way, and establish a rehabilitation system for the victims. In particular, the State party should provide access to justice for all women and increase the number of shelters or residences with adequate human and material resources throughout the country. The State party should improve training with regard to violence against women, including sexual harassment and domestic violence, for the staff of legal institutions and the police force. It should also establish a reporting system and a database for such acts in order to analyse and take appropriate measures in this area.

(12) The Committee is concerned at the liability exemption proposed in the new draft Criminal Code, which suspends prosecution, liability and punishment in cases of rape when

the perpetrator marries the victim. This proposal promotes sexual violence against women and leads to impunity in such cases, in violation of the Covenant (arts. 3, 7, 14 and 26).

The State party should ensure that the provisions of the new Criminal Code, currently under discussion in Congress, fully respect the rights of women. In this connection, the State party should exclude any exemption from liability in cases of rape or any other form of violence against women when the perpetrator marries the victim.

(13) The Committee reiterates its concern at police brutality and the excessive use of force by law enforcement officials and at the high number of extrajudicial executions. The Committee also regrets the lack of criminalization of extrajudicial execution in domestic legislation, which has resulted in limited public awareness of the phenomenon and a lack of appropriate action by the judicial authorities (arts. 6 and 7).

The State party should continue its efforts to eliminate police brutality and the excessive use of force by law enforcement officials. In particular, it should make sure that the current reforms of the police force ensure: (a) quality professional training that includes full respect for human rights and conflict resolution as the main goals of police intervention; (b) adequate labour conditions and salaries that reflect the level of responsibility of law enforcement officials; (c) opportunities for professional development and ongoing monitoring mechanisms that support absolute respect for human rights. The reform process that is currently under way should also ensure the harmonization of State policies, legislation and practices with the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

(14) The Committee welcomes the decision to recognize the competence of ordinary courts in cases of brutality or excessive use of force by law enforcement officials. Nevertheless, the Committee is concerned at the difficulties encountered by the victims of such acts, especially detained persons, in having their cases investigated in an immediate, independent and impartial fashion. The Committee also regrets that the majority of victims of brutality or excessive use of force by law enforcement officials do not receive the payments required by compensation awards (arts. 6, 7 and 14).

The State party should establish an independent and impartial mechanism for the immediate investigation of all cases of brutality or excessive use of force by law enforcement officials, particularly in prisons. In all cases of brutality or of excessive use of force by a law enforcement official in which the victim does not file a complaint, the State party should systematically ensure an investigation ex officio. The State party should also establish judicial and administrative mechanisms to ensure compliance with compensation awards made to victims of acts perpetrated by law enforcement officials. In this connection, the State party should modify article 61 of the National Police Institutional Act to include a reference to the civil liability of the State in all cases of police liability.

(15) The Committee expresses its concern at the general criminalization of abortion, which obliges pregnant women to seek clandestine abortion services that endanger their lives and health. The Committee is also concerned at the persistently high indices of adolescent pregnancy and maternal mortality, despite the State party's prevention efforts (arts. 6 and 17).

The Committee recommends that the State party should review its legislation on abortion and make provision for exceptions to the general prohibition of abortion for therapeutic reasons and in cases of pregnancy resulting from rape or incest. The State party should ensure that reproductive health services are accessible for all women and adolescents. Furthermore, the State party should increase education and awareness-raising programmes, both formal (at schools and colleges) and informal (in the mass

media), on the importance of using contraceptives and the right to reproductive health.

(16) The Committee is concerned at reports of discrimination, bullying, homicide, ill-treatment, torture, sexual aggression and sexual harassment against persons because of their sexual orientation or gender identity. The Committee also regrets the lack of information on the effective investigation and punishment of such acts (arts. 3, 6, 7 and 26).

The State party should indicate clearly and officially that it shall not tolerate any form of social stigmatization of homosexuality, bisexuality or transsexuality, and harassment, discrimination or violence against persons because of their sexual orientation or gender identity. The State party should ensure that any discriminatory or violent acts motivated by the sexual orientation or gender identity of the victim are investigated, prosecuted and punished.

(17) The Committee is concerned at the increasing number of cases of trafficking in persons, which mainly affect women and children, and the fact that only a few cases have resulted in investigations, prosecution and sentences. The Committee also regrets the limited number of shelters available for victims of trafficking in persons, especially in areas far from the main cities (arts. 3, 7 and 8 of the Covenant).

The State party should investigate effectively the issue of trafficking in persons, identify those responsible, prosecute them and impose penalties that are commensurate with the seriousness of the acts. It should ensure that the victims' rights are protected, including through the provision of shelters in all regions of the country. In addition, the State party should compile reliable statistics in order to combat this scourge effectively.

(18) The Committee commends the State party for the information provided on initiatives undertaken to prevent child labour. Nevertheless, the Committee is concerned at the serious situation of boys and girls who are victims of child labour, especially in the domestic and agricultural sectors (arts. 8 and 24).

The State party should continue its efforts to implement existing policies and laws that are designed to eradicate child labour, including through public information and education campaigns on the protection of children's rights. The State party should ensure that children have special protection, in accordance with article 24 of the Covenant. Lastly, the State party should ensure that this practice is prosecuted and punished and should keep reliable statistics in order to combat it effectively.

(19) The Committee is concerned at the conditions to which migrant workers who work under unspecified employment contracts, without access to the basic rights and benefits to which they are entitled are subjected (art. 8).

The State party should adopt measures to ensure that all workers enjoy their basic rights, independently of their migrant status. It should also establish affordable and effective mechanisms to ensure that abusive employers are held accountable.

(20) The Committee remains concerned at the practice of deporting foreigners in conditions that are incompatible with the provisions of the Covenant. The Committee also regrets the detention for unspecified periods of persons who are going to be deported (arts. 9 and 10).

The State party should provide all persons subject to a deportation process with the guarantees established by the Covenant, abolish the detention for an unspecified time period of persons who are going to be deported and provide detained persons with effective remedies.

(21) The Committee is concerned at the lack of information on the situation in prisons which are not included in the new prison model programme and which house the majority of detained persons. It also regrets the limited use of alternatives to imprisonment, such as electronic surveillance and release (arts. 9 and 10).

The State party should ensure that the new prison model is not implemented at the expense of persons detained in prisons continuing to operate under the previous system. The State party should ensure full compliance with the Standard Minimum Rules for the Treatment of Prisoners at all of the country's prisons. It should also increase its efforts to introduce alternatives to imprisonment in the criminal justice system.

(22) The Committee is concerned at reports that the 2004 General Migration Act has been applied retroactively in a number of cases in which recognition of the Dominican nationality of Dominican adults of Haitian origin has been withdrawn because their parents were "in transit" at the time of their birth, regardless of the duration of their stay in the country. The Committee regrets the serious consequences of this situation in terms of the affected persons' access to education, justice, employment, housing, health services and to all the civil and political rights related to migration status and nationality (arts. 2, 16 and 26).

The State party should abstain from applying the 2004 General Migration Act retroactively and maintain Dominican nationality for persons who acquired it at birth. Furthermore the State party should consider the possibility of acceding to the Convention Relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness, and adopt the necessary legislative and administrative measures to bring its laws and procedures in line with those norms.

(23) The Committee is concerned at reports concerning children of Haitian origin born in the Dominican Republic who are deprived of access of official documentation on account of their origins (art. 24).

The State party should ensure that all children born within its territory are registered and receive an official birth certificate.

(24) The Committee is concerned at reports of various cases of aggression, threats and intimidation against journalists due to their professional activities (art. 19).

The State party should adopt policies to protect and promote the freedom of expression that are consistent with the guidelines set out in the Committee's general comment No. 34. Furthermore, the State party should ensure that acts of aggression, threats and intimidation against journalists are investigated, prosecuted and punished.

(25) The Committee regrets the lack of information concerning measures adopted to promote the effective exercise of the right to peaceful assembly and freedom of association on the part of undocumented migrant workers and to protect their freedom of association by applying the current legal provisions of domestic legislation (arts. 21 and 22).

The State party should ensure the real and effective implementation of the right to peaceful assembly and freedom of association for all migrant workers, without the exercise of these rights becoming grounds for loss of employment or for the deportation of the persons involved.

(26) The State party should widely disseminate the Covenant, the text of the fifth periodic report, the written replies which it has provided in response to the list of issues prepared by the Committee and the present concluding observations in order to increase the awareness of the judicial, legislative and administrative authorities, civil society and non-

governmental organizations operating in the country, as well as the general public. In addition, the State party is advised to engage in broad consultation with civil society and non-governmental organizations in the preparation of its sixth periodic report.

(27) In accordance with article 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within a period of one year, relevant information on the measures adopted to implement the recommendations made by the Committee in paragraphs 8, 11 and 22 of these concluding observations.

(28) The Committee requests the State party to provide, in its subsequent periodic report, to be presented no later than 30 March 2016, concrete and updated information on all the recommendations and on the Covenant as a whole.

109. **Guatemala**

(1) The Human Rights Committee considered the third periodic report of Guatemala (CCPR/C/GTM/3) at its 2874th and 2875th meetings (CCPR/C/SR.2874 and 2875), held on 19 and 20 March 2012. The Committee adopted the following concluding observations at its 2887th and 2888th meetings (CCPR/C/SR.2887 and 2888), held on 28 March 2012.

A. Introduction

(2) The Committee welcomes the third periodic report of Guatemala and the information contained therein. It expresses its appreciation for the opportunity to renew its constructive dialogue with the delegation on the measures adopted by the State party during the reporting period to apply the provisions of the Covenant. The Committee thanks the State party for its written replies (CCPR/C/GTM/Q/3/Add.1) to the list of issues (CCPR/C/GTM/Q/3), which were supplemented by the oral replies provided by the delegation and additional information provided in writing.

B. Positive aspects

(3) The Committee welcomes the ratification of the Rome Statute of the International Criminal Court in January 2012.

(4) The Committee also welcomes:

(a) The adoption of the Prison System Regime Act and its regulations;

(b) The adoption of the Act against Femicide and Other Forms of Violence against Women (Decree No. 22-2008); and the approval of the Act against Sexual Violence, Exploitation and Trafficking in Persons (Decree No. 9-2009 of the Congress of the Republic of Guatemala);

(c) The signing of the bilateral cooperation agreement between the State of Guatemala and the International Commission against Impunity in Guatemala (CICIG) in order to assist and improve the investigation of human rights violations and organized crime.

C. Principal subjects of concern and recommendations

(5) The Committee is concerned at the apparently limited level of awareness of the provisions of the Covenant among the population, legal officials and lawyers, as a result of which there are few cases in which the provisions of the Covenant have been invoked or applied by justice officials (art. 2).

The State party should guarantee full compliance, in the domestic legal system, with the obligations assumed under the Covenant. To that end, the State should raise awareness among judges, legal officials and the general public of the rights set out in the Covenant and their applicability under domestic law. In its next periodic report,

the State party should include detailed information on implementation of the Covenant by the national courts.

(6) The Committee welcomes the progress in the investigation, prosecution and punishment of genocide and other serious human rights violations committed during the internal armed conflict. Nevertheless, the Committee is concerned at the personal messages issued by high-level representatives of the Executive Power, who are questioning and undermining those efforts, and at the lack of an overall State policy to support the investigation and punishment initiatives that are under way. The Committee also regrets the persistent gaps in the legal authorities' institutional capacity to perform their duties adequately in all cases (arts. 2 and 14).

The State party should take a clear position in support of the processes initiated by the Public Prosecution Service and the courts in cases of genocide and other serious human rights violations committed during the internal armed conflict. The State party should also provide the legal and investigative institutions with all necessary human and material resources so that they can comply with their international human rights obligations.

(7) The Committee is concerned that the main reparative measures adopted under the National Reparations Programme have been economic in nature, whereas insufficient attention has been given to psychosocial support, restoration of dignity and recovery of historical memory (art. 2).

The State party should ensure that the reparations measures adopted under the National Reparations Programme systematically include comprehensive care with cultural and linguistic relevance, with a focus on psychosocial support, restoration of dignity and recovery of historical memory. For that purpose, the State party should establish mechanisms for coordination and partnerships with the sectors specializing in that field, and provide the institutions that help to implement the reparations measures with specialized staff and the necessary resources to carry out their functions throughout the country.

(8) The Committee remains concerned at the low level of representation of women in Congress and in decision-making posts in the public and private sectors. The Committee reiterates its concern at the very vulnerable situation and the high levels of racial, social and gender discrimination suffered by indigenous and Afro-descendent women, despite the formal recognition of their rights and the multiplicity of institutions and programmes designed to promote those rights (arts. 3, 25 and 26).

The State party should adopt and implement legislation on the equality of men and women, thus recognizing officially the special nature of discrimination against women and addressing it appropriately. The State party should develop additional policies to promote genuine gender equality that includes a specific perspective in favour of indigenous and Afro-descendent women, and strengthen Government programmes and institutions with mandates that include promotion of the rights of indigenous and Afro-descendent women and prevention of discrimination against them.

(9) The Committee remains concerned at the conditions of workers in domestic labour, agriculture and the *maquila* industry and at violations of workers' human rights. In particular, the Committee is concerned by companies' discriminatory practices affecting women, for example, mandatory pregnancy tests at the time of recruitment and laying off pregnant women without respecting their labour rights (arts. 3 and 26).

The State party should establish effective control mechanisms for compliance with labour legislation and regulations for domestic, agricultural and *maquila* industry workers.

(10) The Committee is concerned at the continuing de facto exclusion of indigenous and Afro-descendent workers in all areas, including land ownership, access to basic services, labour conditions, access to the formal economy and justice, participation in decision-making forums and State institutions and representation in the media and in the public debate. The Committee regrets the lack of appropriate criminalization of acts of discrimination and xenophobia suffered by indigenous and Afro-descendent persons, as a result of which the crime of discrimination applies only to acts that impede or hinder the exercise of a legally constituted right (arts. 3, 26 and 27).

The State party should continue its efforts to eradicate stereotypes and discrimination against indigenous and Afro-descendent persons by, inter alia, carrying out more education campaigns to promote tolerance and respect for diversity. The State party should adopt measures to promote equal opportunity and access to services through appropriate efforts to resolve existing inequalities. Lastly, the State party should amend article 202 bis of the Criminal Code to ensure the investigation of acts of racial discrimination, the prosecution and punishment of the perpetrators, and adequate compensation for the victims so that it is not necessary to establish that those acts impede or hinder the exercise of one or more rights in order to constitute an offence.

(11) The Committee is concerned at the discrimination and violence suffered by lesbian, gay, bisexual, transgender and intersex persons and rejects all violations of their human rights on the basis of their sexual orientation or gender identity (arts. 3, 6, 7 and 26).

The State party should state clearly and officially that it does not tolerate any form of social stigmatization of homosexuality, bisexuality or transsexuality, or harassment of or discrimination or violence against persons because of their sexual orientation or gender identity. The State party should ensure the investigation, prosecution and punishment of any act of discrimination or violence motivated by the victim's sexual orientation or gender identity.

(12) The Committee is concerned at the increase in levels of violence in the State party, mainly as a result of drug trafficking, the proliferation of firearms and growing social inequality. The Committee regrets the increase in repressive measures, which leads to further stigmatization and limitation of the exercise of civil rights. In that connection, the Committee is concerned at the frequency with which the State party has declared states of emergency under the Public Order Act, when they should be considered as an exceptional measure (arts. 4 and 6).

The State party should adopt a comprehensive strategy that includes the prevention, control and appropriate punishment of violence, ensuring the full exercise of the rights of all persons as established in the Covenant. From that standpoint, the State party should promote preventive measures, focusing its security policies on the perspective of the human rights of the victims and the victimizers involved in criminal acts. It should also amend the 1965 Public Order Act so as to strictly limit the use of states of emergency, ensure systematic compliance with all the conditions set out in article 4 of the Covenant, and give priority to actions that have a greater impact on preventing violence.

(13) The Committee notes with satisfaction the implementation of a de facto moratorium on the death penalty since the year 2000, as well as the commutations ordered by the Supreme Court in all cases of capital punishment. Nevertheless, the Committee expresses concern at the bills introduced in the past two years with a view to resuming executions and at the growing support for those bills (art. 6).

The State party should consider officially abolishing the death penalty and acceding to the Second Optional Protocol to the Covenant.

(14) The Committee is concerned at the proliferation of weapons and regrets the current legal framework governing arms and ammunition and its interpretation by the Constitutional Court, which has implemented it in such a way that the number of weapons per person has increased and proper controls on the bearing of arms and ammunition have been impeded. A very high percentage of homicides committed in the country are a result of the use of firearms (art. 6).

The State party should amend its legal framework and urgently implement a public policy that would establish stricter limits on the acquisition and bearing of arms and ammunition by individuals.

(15) The Committee is concerned at the limitations on the functioning of the National Civil Police, in terms of both human and material resources. It is also concerned at the slow progress in implementation of the reform of the National Civil Police and the inadequacy of the budget allocated to that reform. The Committee is also concerned at the increase in the military presence and the growing number of joint patrols by the National Civil Police and the Army (arts. 6, 7, 9 and 14).

The State party should prioritize the adoption, financing and implementation of the reform of the National Civil Police and ensure that it has the human and material resources required for the effective exercise of its mandate. In that context, the State party should implement effective selection, training, internal monitoring and accountability mechanisms and provide opportunities for professional development and ongoing monitoring mechanisms as an incentive for full respect for human rights. The State party should ensure that any Army intervention in actions of the National Civil Police takes place without diversion of police budget resources, in accordance with clear and previously established protocols and for strictly defined durations and goals. The State should also take measures to prevent persons involved in human rights violations from performing functions in the public security forces.

(16) The Committee regrets the growing delegation of citizens' security functions to private companies without adequate registration or control. The Committee notes the adoption of the Private Security Services Act and the establishment of the Private Security Services Department. Nevertheless, the Committee regrets that the Act contains inaccuracies and that the Department has not yet been provided with the necessary resources and institutional support for fulfilment of its mandate (arts. 6, 7 and 9).

The State party should ensure the registration and control of private security services by implementing Legislative Decree 52-2010, which regulates such services. In this context, the State party should provide the Private Security Services Department with the necessary resources for its functioning. It should also ensure the subordination of private to public security, and provide access to justice and effective reparation mechanisms for the victims of acts committed by private security companies. The State party should take measures to prevent persons involved in human rights violations from performing functions in private security forces.

(17) The Committee is concerned that the local security boards originally established to prevent crime are carrying out State tasks relating to territorial control and the use of force and that, according to information received by the Committee, they commit abuses and violations (arts. 6, 7 and 9).

The State party should amend National Civil Police General Order 11-99, which created the local security boards, and clearly define the role of communities in crime prevention, so that all State security functions are excluded from their competency.

(18) The Committee is concerned at the persistence of lynchings, in both rural and urban areas, and at the lack of impact of the State party's initiatives to prevent such offences (arts. 6, 7 and 14).

The State party should conduct information and education campaigns in schools and the media on the need to eliminate lynchings, regardless of the circumstances and causes. It should also continue the efforts to prevent, investigate, prosecute and punish lynchings.

(19) The Committee welcomes the State party's efforts to increase awareness of acts of sexual and gender-based violence, in particular femicide, domestic violence and trafficking in persons, and to prevent and punish them. However, the Committee is concerned at the persistence of very high levels of violence against women. The Committee is also concerned at the frequent inadequacy of the investigation mechanisms used by law enforcement officials and forensic doctors and the small number of treatment centres, which are the only support available to women survivors of violence (arts. 6, 7, 8, 14 and 26).

The State party should continue its efforts to prevent sexual and gender-based violence and to encourage the victims to report such acts. The State party should ensure the inclusion of the issue of protection of women against violence in school curricula. It should also strengthen and institutionalize a training course with a gender perspective, which should be mandatory for all legal and law enforcement officials and health service personnel, in order to ensure that they are able to respond effectively to all forms of violence against women. Specific attention should be given to the collection of forensic evidence, treatment of victims, coordination between the authorities responsible for investigation, punishment and victim protection. In addition, the State party should ensure that all victims of sexual or gender-based violence have access to treatment centres or shelters.

(20) The Committee expresses concern at the criminalization of abortion, resulting from rape or incest, which forces pregnant women to seek clandestine abortion services that endanger their health and their lives. The Committee is also concerned at the continuing high levels of adolescent pregnancy and maternal mortality, despite the State party's efforts to combat them (arts. 3 and 6).

The State party should, pursuant to article 3 of its Constitution, include additional exceptions to the prohibition of abortion so as to save women from having to resort to clandestine abortion services that endanger their lives or health in cases such as pregnancy resulting from rape or incest. The State party should ensure that reproductive health services are accessible for all women and adolescents in all regions of the country. In addition, the State party should increase its education and awareness-raising programmes at the formal (schools and colleges) and informal (mass media) levels on the importance of contraceptive use and on reproductive health rights.

(21) The Committee is concerned that, despite the years that have passed since the end of the armed conflict, thousands of families of disappeared persons still do not know the whereabouts of their loved ones. The Committee regrets that no national commission of inquiry has yet been established, as set out in draft act No. 3590, and that there is no single centralized registry of disappeared persons. However, the Committee takes note of the State party's commitment, during the public meeting on consideration of the report, to include the adoption of the aforementioned Act in the legislative agenda of Congress (arts. 6 and 14).

In order to promote and facilitate the mechanisms for justice, truth and reparation for victims of forced disappearances committed during the armed conflict, the State

party should adopt draft act No. 3590 on the establishment of a national commission to investigate the whereabouts of disappeared persons, provide it with the necessary human and material resources and establish a single centralized registry of disappeared persons.

(22) The Committee is concerned at the very high levels of violence against and attacks on human rights defenders. Although it welcomes the restoration of the Unit for the Analysis of Attacks against Human Rights Defenders in January 2012, the Committee regrets that the Unit has still not been able to begin its activities. The Committee also regrets the lack of sufficient protection mechanisms for human rights defenders, as well as recent campaigns to undermine the initiatives of civil society organizations (arts. 6 and 7).

The State party should publicly acknowledge the contribution of human rights defenders to justice and democracy. It should also take immediate measures to provide effective protection for defenders whose lives and security are endangered by their professional activities and also to support the immediate, effective and impartial investigation of threats, attacks and assassinations of human rights defenders, and to prosecute and punish the perpetrators. The State party should provide the Unit for the Analysis of Attacks against Human Rights Defenders with the human and material resources that it needs to carry out its functions and to ensure the participation at the highest level of State institutions with decision-making power.

(23) The Committee reiterates its concern at the fact that the State party has not yet brought the definition of the crime of torture in the Criminal Code into line with international standards. The Committee is also concerned that the police and the judiciary do not have reliable records of cases of torture (art. 7).

The State party should review its legislation, in particular articles 201 bis and 425 of the Criminal Code, in order to define the crime of torture in accordance with international standards. The State party should ensure that any alleged act of torture or any instance of cruel, inhuman or degrading treatment is duly recorded, prosecuted and punished in a manner proportionate to its severity.

(24) The Committee is concerned at the high levels of overcrowding and the poor conditions prevailing in detention centres, as recognized by the State party, and at the high incarceration rate. In addition, the Committee is concerned at reports that minors are detained together with adults and that detained women are frequently the victims of sexual and gender-based violence at the time of arrest, during transfer or during the period of imprisonment (arts. 3 and 10).

The State party should increase its efforts to improve the conditions of detained persons, in accordance with the Standard Minimum Rules for the Treatment of Prisoners. It should address the issues of overcrowding and the segregation of minors and of female and male prisoners as a matter of priority. The State party should also adopt specific measures to protect the rights of detained women, especially during transfers.

(25) The Committee is concerned that the reforms of the justice system needed to ensure that the significant progress achieved in criminal investigation and prosecution of high-profile cases becomes an institutional, permanent and sustained mechanism have not yet been made. The intimidation, threats and attacks suffered by some victims, witnesses and justice officials during proceedings related to past cases or to organized crime are a continuing obstacle to compliance with the right to truth and justice (art. 14).

The State party should give priority to the discussion and approval of legal reforms to the professional career system of the judiciary and in the Public Prosecution Service, in order to eliminate any structural obstacle that may exist to the independence and

impartiality of the courts. The State party should also continue to support the CICIG in its efforts to improve criminal investigations, prosecutions and the implementation of legislation relating to public safety.

(26) The Committee is concerned at the existing limitations on access to justice owing to the inadequate geographical coverage of the judicial system and to the prevalence of a monocultural vision within that system. The Committee also regrets the lack of interpreters to meet the needs of indigenous persons (arts. 14 and 27).

The State party should take the necessary measures to facilitate the access of all persons to justice in their own language by adopting effective policies to recruit bilingual officials, creating the necessary number of interpreter posts, providing adequate training to professionals so that they can discharge their functions and constantly evaluating the quality of service in all regions of the country. In addition, the State party should implement specific training programmes for legal officials responsible for representing the judiciary in indigenous areas.

(27) While recognizing the measures taken by the State party, such as the 2009–2012 Programme for the Development of Indigenous Peoples and the constitutional reforms of 2001 designed to ensure respect for indigenous rights, the Committee regrets that indigenous peoples are not effectively consulted by the State party during decision-making processes that affect their rights (arts. 2, 25 and 27).

The State party should comply with its international commitment to carry out prior and informed consultations with indigenous peoples for all decisions relating to projects that affect their rights, in accordance with article 27 of the Covenant. The State party should also recognize and take due account of all decisions taken by indigenous peoples during such consultations.

(28) The State party should widely disseminate the Covenant, the text of the third periodic report, the written replies it has provided in response to the list of issues drawn up by the Committee, and the present concluding observations in order to raise the awareness of the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, as well as of the general public. The Committee also suggests that the report and the concluding observations be translated into the official languages of the State party. The Committee also requests the State party, when preparing its fourth periodic report, to consult extensively with civil society and non-governmental organizations.

(29) In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, relevant information on its implementation of the Committee's recommendations in paragraphs 7, 21 and 22 of the present concluding observations.

(30) The Committee requests the State party to provide in its next periodic report, due by 30 March 2016, specific, up-to-date information on all the recommendations and on its compliance with the Covenant as a whole.

110. Turkmenistan

(1) The Committee considered the initial report submitted by Turkmenistan (CCPR/C/TKM/1) at its 2870th, 2871st and 2872nd meetings (CCPR/C/SR.2870, 2871 and 2872), held on 15 and 16 March 2012, and adopted at its 2887th (CCPR/C/SR.2887), held on 28 March 2012, the following concluding observations.

A. Introduction

(2) The Committee welcomes the submission of the initial report of Turkmenistan and the information presented therein, although the report has been due since 1998. It expresses

appreciation for the opportunity to engage in a constructive dialogue with the State party's delegation on the measures that the State party has taken to implement the provisions of the Covenant since its accession to the Covenant in 1997. The Committee appreciates the written replies (CCPR/C/TKM/Q/1/Add.1) to the list of issues, which were supplemented by the oral responses provided by the delegation.

B. Positive aspects

(3) The Committee welcomes the following legislative measures taken by the State party:

- (a) The enactment of the International Treaties Act of 10 May 2010;
- (b) The enactment of the State Guarantees of Women's Equality Act of 14 December 2007;
- (c) The adoption of the Law on Combating Trafficking in Persons on 17 December 2007.

(4) The Committee welcomes the ratification by the State party of the following international instruments:

- (a) The Convention on the Rights of Persons with Disabilities, on 4 September 2008;
- (b) The Optional Protocol to the International Covenant on Civil and Political Rights, on 1 May 1997, and the Second Optional Protocol aiming at the abolition of the death penalty, on 11 January 2000;
- (c) The Convention on the Rights of the Child, on 29 April 2005.

C. Principal matters of concern and recommendations

(5) While welcoming the accession by the State party to the Optional Protocol to the International Covenant on Civil and Political Rights and the State party's commitment to implement the Committee's Views adopted under its individual complaints procedure, the Committee is concerned at the lack of a mechanism in the State party to implement the Committee's Views as well as at the present non-satisfactory degree of implementation of the Views of the Committee concerning complaints related to the State party (art. 2).

The Committee urges the State party to implement the Views of the Committee and to establish a mechanism with a mandate to implement the Views adopted by the Committee concerning the State party. In this regard, the State party should include in its second periodic report information on the measures that the State party has taken to implement the Committee's Views in all communications in which the Committee has found a violation of the rights under the Covenant.

(6) While noting that international human rights treaties ratified and promulgated by the State party take precedence over national laws, the Committee is concerned that none of the provisions of the Covenant have been invoked before national courts since the accession of the State party to the Covenant (art. 2).

The State party should take appropriate measures to raise awareness of the Covenant among judges, lawyers and prosecutors to ensure that its provisions are taken into account before and by national courts.

(7) While noting the establishment of the National Institute for Democracy and Human Rights (NIDHR), which has the mandate to act as a national human rights institution, the Committee is concerned that the NIDHR, as a part of the President's office, is not independent (art. 2).

The State party should establish a national human rights institution that can implement its mandate independently and in full accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

(8) The Committee expresses concern that women remain underrepresented in both the public and private sectors, particularly in decision-making positions. The Committee is also concerned at the prevalent negative stereotypes regarding the roles of women in society, which is partly perpetuated by the Labour Code that is overly protective of the traditional roles of women in society (arts. 2, 3 and 26).

The State party should strengthen its efforts to increase the participation of women in the public and private sectors and, if necessary, through appropriate temporary special measures to give effect to the provisions of the Covenant. The State party should revise its Labour Code to eliminate the prevailing negative stereotypes against women that restrict their participation in public life, particularly in the employment sector.

(9) The Committee is concerned at increased reports of torture and ill-treatment in places of detention where it is often used to extract confessions from accused persons, and the lack of an independent body to investigate abuse by law enforcement officers and to conduct regular visits to prisons and other places of detention. The Committee also expresses concern at the lack of a definition of torture in the State party's legislation. The Committee is further concerned that access to places of detention is denied to international human rights monitors (art. 7).

The Committee recommends that the State party:

(a) **Revise its Criminal Code in order to incorporate a definition of torture that is in line with the definition under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;**

(b) **Take appropriate measures to put an end to torture by, inter alia, establishing an independent oversight body to carry out independent inspections and investigations in all places of detention of alleged misconduct by law enforcement officials;**

(c) **Ensure that law enforcement personnel continue to receive training on the prevention of torture and ill-treatment by integrating the 1999 Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol) in all training programmes for law enforcement officials. The State party should also ensure that allegations of torture and ill-treatment are effectively investigated, and that perpetrators are prosecuted and punished with appropriate sanctions, and that the victims receive adequate reparation; and**

(d) **Allow visits by recognized international humanitarian organizations to all places of detention.**

(10) The Committee is concerned at reports that a number of individuals who were convicted in December 2002 and January 2003 for their alleged involvement in the assassination attempt on the former President in November 2002 continue to be held incommunicado (arts. 7, 9 and 10).

The State party should take concrete measures to put an end to the practice of incommunicado detention and imprisonment. The Committee urges the State party to immediately make known the whereabouts of those convicted for allegedly attempting

to assassinate the former President and allow visits from members of their families and access to their lawyers.

(11) While noting the adoption in December 2007 of a law to combat trafficking in persons, the Committee regrets reports of cases of human trafficking in the State party (art. 8).

The State party should strengthen its efforts to combat trafficking in human beings by ensuring that efforts are directed towards establishing and dealing with the root causes of trafficking. In this regard, the State party should ensure that all cases of human trafficking are effectively investigated, that perpetrators are prosecuted and punished with appropriate sanctions, and that the victims' human rights are fully respected and vindicated.

(12) The Committee is concerned at reports that the State party restricts the exit and entry into the State party by certain individuals who are on the list of individuals under State surveillance. The Committee also regrets that the State party maintains the system of mandatory registration at the place of residence which is a prerequisite for residence, employment, acquisition of real estate and access to health services. The Committee is concerned that this system may interfere with the enjoyment of rights under article 12 of the Covenant (art. 12).

The State party should ensure that restrictions on the movement of individuals within the territory of the State party, as well as the right to exit, and any surveillance programmes for purposes of State security are compatible with the strict requirements of article 12. In this regard, the State party should ensure that the requirement that individuals register their place of residence is in full compliance with the provisions of article 12 of the Covenant.

(13) The Committee expresses concern at reports that corruption is widespread in the judiciary. The Committee also expresses concern at the lack of an independent judiciary in the State party particularly with regard to tenure of office since judges are appointed by the President for renewable terms of five years. The Committee is concerned that this lack of security of tenure has the effect of exerting undue influence by the executive on the administration of justice in the State party (arts. 2 and 14).

The State party should take measures to eradicate corruption by investigating, prosecuting and punishing alleged perpetrators, including judges who may be complicit. The State party should take all necessary measures to safeguard the independence of the judiciary by guaranteeing their tenure of office, and sever the administrative and other ties with the Executive Office.

(14) While appreciating that under article 125 of the Code of Criminal Procedure evidence obtained through coercion has no legal force, the Committee is concerned at increased reports that judges continue to admit as evidence testimony obtained under torture (arts. 2 and 14).

The State party should ensure that measures are put in place to guarantee, in practice, the exclusion by the judiciary of any evidence obtained under any form of coercion and torture.

(15) The Committee is concerned that under the HIV/AIDS Prevention Act of 2001, foreign citizens infected with HIV/AIDS may freely enter the territory of the State party but only for a maximum period of three months. The Committee is also concerned that upon detection of an infection, foreign nationals are deported (arts. 17 and 26).

The State party should revise its legislation to ensure that foreign nationals who enter the territory of the State party enjoy all their rights under the Covenant, particularly to freedom of movement and privacy.

(16) The Committee is concerned that the Conscription and Military Service Act, as amended on 25 September 2010, does not recognize a person's right to exercise conscientious objection to military service and does not provide for any alternative military service. The Committee regrets that due to this law, a number of persons belonging to the Jehovah's Witness have been repeatedly prosecuted and imprisoned for refusing to perform compulsory military service (art. 18).

The State party should take all necessary measures to review its legislation with a view to providing for alternative military service. The State party should also ensure that the law clearly stipulates that individuals have the right to conscientious objection to military service. Furthermore, the State party should halt all prosecutions of individuals who refuse to perform military service on grounds of conscience and release those individuals who are currently serving prison sentences.

(17) While noting the plans and efforts by the State party to review its legislation on religious organizations, the Committee is concerned that the Freedom of Religion and Religious Organizations Act provides for the compulsory registration of religious associations and similar entities. The Committee is also concerned that the practice of a religion and the conduct of any religious activities without registration is subject to administrative penalties. Furthermore, the Committee is concerned at reports that the Freedom of Religion and Religious Organizations Act prohibits private religious education at all levels, and that the State party strictly regulates the number of copies of religious texts that religious organizations may import (art. 18).

The State party should ensure that its laws and practices relating to the registration of religious organizations respect the rights of persons to freely practice and manifest their religious beliefs as provided for under the Covenant. The State party should amend its law to ensure that individuals can freely provide religious education in private at all levels and can import religious texts in quantities they consider appropriate.

(18) The Committee expresses concern at reports that the State party systematically does not respect the right to freedom of expression. The Committee, in particular, expresses concern at reports of the harassment and intimidation of journalists and human rights defenders in the State party, and its refusal to grant entry visas to international human rights organizations. The Committee is also concerned at allegations that the State party monitors the use of the Internet and blocks access to some websites (art. 19).

The State party should ensure that journalists, human rights defenders and individuals are able to freely exercise their right to freedom of expression in accordance with the Covenant, and also allow international human rights organizations into the country. The State party should ensure that individuals have access to websites and use the Internet without undue restrictions. The Committee, therefore, urges the State party to take all necessary steps to ensure that any restrictions on the exercise of freedom of expression fully comply with the strict requirements of article 19, paragraph 3, of the Covenant as further set out in its general comment No. 34 (2011) on freedoms of opinion and expression.

(19) The Committee is concerned that the Law on Public Associations severely restricts freedom of association in that it, inter alia, provides for the compulsory registration of public associations and contains onerous obligations on associations to report to authorities. The Committee is also concerned that associations undergo cumbersome administrative

processes for registration so that in some instances associations are forced to wait for a number of years before they obtain a registration certificate (art. 22).

The State party should ensure that the process of registration of associations complies with article 22, paragraph 2, of the Covenant. In this regard, the State party should reform its system of registration to ensure that registration applications are processed professionally and expeditiously.

(20) The Committee is concerned at reports of the use of children for cotton harvesting in the State party (art. 24).

The State party should eliminate the use of children for cotton harvesting and ensure that children are protected from the harmful effects of all forms of child labour.

(21) The Committee regrets the criminalization of sexual relations between consenting adults of the same sex, which entails a penalty of up to two years in prison. The Committee is concerned at the deep-rooted stereotypes against individuals on the basis of their sexual orientation or gender identity (art. 26).

The State party should decriminalize sexual relations between consenting adults of the same sex in order to bring its legislation in line with the Covenant. The State party should also take the necessary steps to put an end to the social stigmatization of homosexuality and send a clear message that it does not tolerate any form of discrimination against persons based on their sexual orientation or gender identity.

(22) The Committee is concerned at the limited access of ethnic minorities to employment in the public sector and in decision-making bodies. The Committee is concerned at reports of the alleged use of a forced assimilation policy of “Turkmenisation”, which seriously reduces opportunities for ethnic minorities in the fields of employment, education and political life (arts. 25, 26 and 27).

The State party should strengthen its efforts to promote the participation of minority groups in public life and decision-making bodies by, inter alia, adopting temporary special measures. The State party is requested to provide in its second periodic report data disaggregated by ethnic groups on the representation of minority groups in public office and decision-making positions.

(23) The State party should widely disseminate the Covenant, the Optional Protocols to the Covenant, the text of the initial report, the written responses it has provided in response to the list of issues drawn up by the Committee, and the present concluding observations among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, as well as the general public. The report and the concluding observations should be translated into the official language of the State party.

(24) In accordance with rule 71, paragraph 5, of the Committee’s rules of procedure, the State party should provide, within one year, relevant information on its implementation of the Committee’s recommendations made in paragraphs 9, 13 and 18 above.

(25) The Committee requests the State party to provide, in its next periodic report due to be submitted on 30 March 2015, specific, up-to-date information on the implementation of all its recommendations and on the Covenant as a whole. The Committee also requests the State party, when preparing its next periodic report, to broadly consult civil society and non-governmental organizations operating in the country.

111. Yemen

(1) The Committee considered the fifth periodic report submitted by Yemen (CCPR/C/YEM/5) at its 2868th and 2869th meetings (CCPR/C/SR.2868 and 2869), held on

14 and 15 March 2012. At its 2886th and 2887th meetings (CCPR/C/SR.2886 and 2887), held on 27 and 28 March 2012, it adopted the following concluding observations.

A. Introduction

(2) The Committee welcomes the timely submission of the fifth periodic report of Yemen and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's delegation on the measures that the State party has taken during the reporting period to implement the provisions of the Covenant. The Committee regrets the absence of written replies to the Committee's list of issues but appreciates the availability of the delegation to respond to concerns and questions expressed by Committee members.

(3) The Committee notes that Yemen is currently going through a period of political instability and insecurity which intensified in February 2011. The Committee therefore welcomes the conclusion of the Gulf Cooperation Council initiative aiming at restoring the rule of law and engaging in legal and political reforms.

B. Positive aspects

(4) The Committee welcomes the announcement of the opening of a country office of the Office of the High Commissioner for Human Rights (OHCHR) in Yemen and hopes that the State party will allow OHCHR to fulfil the full range of its mandate, including human rights monitoring and investigations.

(5) The Committee welcomes the continuing efforts of the State party to respond to the influx of migrants arriving mainly from the Horn of Africa and the protection and assistance it pledges to afford to IDPs who have been displaced as a result of the sixth war in the Northern Governorates.

C. Principal matters of concern and recommendations

(6) While noting the State party's commitment to ending the cycle of violence and repression that has affected the country in the last few years, the Committee is concerned that some of the mechanisms, although part of a larger internationally brokered settlement, put in place to achieve this goal are inconsistent with the State party's obligations under the Covenant. The Committee is particularly concerned about the adoption on 21 January 2012 of the Amnesty Law granting a blanket amnesty to former President Saleh and "immunity from prosecution for all political crimes apart from acts of terrorism" to all those who served with him during the former President's 33 year-rule (arts. 2, 6 and 7).

The State party should repeal Amnesty Law No. 1 of 2012 and comply with international human rights law prohibiting immunity for those responsible for serious human rights violations in respect of which States are required to bring in perpetrators to justice.

(7) While noting the State party's pledge, as expressed by the delegation during the dialogue, to establish a national human rights institution within the first year of the transition period, the Committee observes that such a pledge had already been made in the State party's last periodic report, to no effect (art. 2).

The State party should establish a national human rights institution, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). The Committee encourages the State party to benefit from the assistance of the Office of the High Commissioner for Human Rights in establishing such a mechanism.

(8) While the Committee appreciates the State party's need to adopt measures to combat acts of terrorism, including the formulation of appropriate legislation to punish such acts, it

regrets the impact, the full scope of which remains to assess, that the multiplication of those measures has had on the enjoyment of rights enshrined in the Covenant (art. 2).

The State party should compile data on the implementation of anti-terrorism legislation, and how it affects the enjoyment of rights under the Covenant. The State party should ensure that national legislation not only defines terrorist crimes in terms of their purpose but also defines the nature of those acts with sufficient precision to enable individuals to regulate their conduct accordingly and does not impose undue restrictions on the exercise of rights under the Covenant.

(9) The Committee regrets the State party's inertia in matters related to discriminatory practices affecting women and the persistence of domestic violence. It is particularly worried at the responses provided by the delegation which maintains that female genital mutilation is a traditional practice, is difficult to eradicate and is not yet prohibited. The Committee also regrets the delegation's statement that marital rape does not occur and that the response given to the phenomenon of domestic violence merely consists in providing victims with temporary shelters. No attention has been given to the criminalization of these phenomena, the prosecution of alleged perpetrators and their sentencing if found guilty (arts. 2, 3, 6, 7 and 26).

In line with the Committee's previous concluding observations (CCPR/CO/84/YEM, paras. 11 and 12), the State party should expand its efforts to end traditions and customs that are discriminatory and contrary to article 7 such as female genital mutilation. The State party should step up its efforts to increase awareness about female genital mutilation, particularly in communities where it is still widespread. It should penalize the practice and ensure that those who perform female genital mutilation are brought to justice. The State party should criminalize marital rape and other forms of domestic violence, prosecute alleged perpetrators of such crimes and sentence them in a manner which is proportionate to the nature of the crime committed. The State party should promote a human rights culture within society along with greater awareness of the rights of women, especially the right to physical integrity. It must also take more effective action to prevent and punish domestic violence and provide assistance to the victims.

(10) The Committee regrets the lack of progress in repealing all discriminatory provisions such as those contained in the Personal Status Law and the Criminal Code. The Committee is particularly concerned that a minimum age for marriage has still not been set and encounters great resistance in the Parliament. The Committee is also concerned about the discriminatory nature of article 23 of the Personal Status Law, which states that in matters of marriage, a "virgin's silence" signifies consent. While acknowledging the State party's announced efforts in eradicating the practice of temporary marriage, the Committee remains concerned about the persistence of this practice aimed at sexually exploiting young girls. The Committee notes that the State party has still not abolished the legislation providing for lower sentences for men accused of honour crimes. Finally, the Committee regrets that none of the recommendations, including the need to eradicate polygamy, previously formulated in 2002 and 2005 in relation to discrimination against women have been implemented by the State party (arts. 3, 7, 8, 17 and 26).

In line with its previous concluding observations (CCPR/CO/84/YEM, para. 9; CCPR/CO/75/YEM, paras. 7–11), the Committee urges the State party to ensure equality between men and women in the enjoyment of all the rights enshrined in the Covenant, which necessitates abolishing all discriminatory provisions in matters of marriage, divorce, testimony and inheritance. In this regard, the State party should inter alia (a) set a minimum age for marriage that complies with international standards; (b) abolish article 23 of the Personal Status law; (c) eradicate the use of temporary marriage for the sexual exploitation of children, and (d) ensure that

honour crimes are punished in accordance with their gravity. The State party should engage in official and systematic awareness-raising campaigns in order to eradicate polygamy, which is a form of discrimination against women.

(11) While welcoming the delegation's pledge to adopt a Constitutional amendment introducing quotas for women in the conduct of public affairs, the Committee notes with concern that women remain underrepresented in both the public and private sectors, particularly in decision-making positions and that the current Parliament shows reluctance towards such a change. The Committee is also concerned about the worrying figures on women and girls' illiteracy, which is an obstacle to their full enjoyment of human rights (arts. 2, 3 and 26).

In line with its previous concluding observations (CCPR/CO/84/YEM, paras. 8 and 10), the Committee urges the State party to take measures to preserve the achievements made by women in the context of peaceful demonstrations in 2011, in terms of public participation, and translate them into lasting achievements by means such as adopting a Constitutional amendment introducing quotas for women in the conduct of public affairs. The State party should take urgent and concrete steps to ensure the literacy and education of girls and women.

(12) The Committee is concerned about reports of long-standing discrimination and marginalization of some minority groups such as the Al Akhdam community, 80 per cent of which is illiterate and which suffers from extreme poverty, and has inadequate access to health care, water and other basic services. The Committee is particularly concerned that in the context of the 2011 unrest, the Al Akhdam community has suffered from acts of aggression and intimidation, which have allegedly not led to any investigation and prosecution so far (arts. 2, 7 and 26).

The State party should ensure that all members of ethnic, religious and linguistic minorities enjoy effective protection from discrimination and are able to enjoy their own culture and equally to access education, health and public services. Victims of discrimination should be provided with effective remedies, including compensation.

(13) The Committee is concerned that the Yemeni legislation continues to criminalize homosexuality, which incurs the death penalty (arts. 2, 6 and 26).

The State party should repeal or amend all legislation which provides for or could result in prosecution and punishment of people because of their sexual orientation.

(14) The Committee remains concerned that the offences carrying the death penalty in national legislation are not consistent with the requirements of the Covenant. It is also concerned that the law de facto permits the imposition of the death penalty on persons below 18 years of age at the time of the alleged commission of the offence. The Committee is also gravely concerned about reports that a proposed amendment to the Penal Code could also allow the death penalty to be used against children. The Committee is concerned about some torturous methods of execution which remain legal in Yemen such as stoning (arts. 6 and 7).

In line with the Committee's previous concluding observations (CCPR/CO/84/YEM, para. 15), the State party must revise its death penalty legislation to ensure that the death penalty is applied only within the strict requirements of article 6 of the Covenant, which limits the circumstances that may justify the death penalty, and guarantees the right of every person sentenced to death to seek a pardon. The State party should comply with the provisions of article 6, paragraph 5, which prohibits the sentence of death for crimes committed by persons below 18 years of age. The Committee also recalls that death sentences imposed as a result of an unfair trial in breach of article 14 of the Covenant violate article 6 of the Covenant. The State party

should also officially abolish the sentence and execution of death by stoning. Finally, the State party should consider ratifying the Second Optional protocol to the Covenant aiming at the abolition of the death penalty.

(15) The Committee is concerned at reports of excessive and disproportionate use of lethal force and at reports of torture, arbitrary detention and threats against civilians involved in peaceful demonstrations for political and democratic change in 2011. The Committee notes that similar reports have also reached it in relation to unrest in the South and the North, as well as in the context of the fight against terrorism (arts. 2, 6 and 7).

The State party should launch a transparent and independent investigation, in accordance with international standards, into all allegations of involvement of members of its law enforcement and security forces in the killings of civilians, excessive use of force, arbitrary detention, including enforced disappearance, torture and ill-treatment, whether this is related to the 2011 unrest, or to the unrest in the south, the conflict in the north and the fight against Al-Qaida's presence in the territory of the State party. Furthermore, the State party should initiate criminal proceedings against the alleged perpetrators of such acts, sentence those responsible and afford victims reparation, including adequate compensation.

(16) The Committee is aware of the current difficulties faced by the State party in restoring and ensuring law and order on its territory. The Committee notes the information that the Army is split into factions and that cohesion among security forces, and full control over them, is yet to be re-established. In this regard, the Committee is concerned about the increasing number of security forces whose powers and hierarchy remain unclear. The Committee is also concerned about the existence of a large number of weapons in the possession of public and private actors throughout the country, and the lack of proper control over the stockpiling and distribution of such weapons (arts. 2 and 9).

Acknowledging that the restoration of law and order is a prerequisite for the enjoyment of all rights enshrined in the Covenant, the Committee strongly encourages the State party to engage in taking full civilian control of and carrying out a complete reform of the security apparatus, including the armed forces. The Committee further urges that the mandate and functions of each security institution be clearly defined so as to outlaw illegal arrest and detention. The State party should invest in the training of security forces in human rights, in accordance with international standards. The State party should also work with the international community to develop and implement an effective disarmament, demobilization and reintegration programme for non-State actors, including the collection, control, storage and destruction of unnecessary weapons.

(17) The Committee is concerned about the state of the judiciary, which suffers from endemic corruption. The Committee is also concerned about the existence of ad hoc judicial bodies, such as the Specialized Criminal Court, which are inconsistent with the guarantees provided in article 14 of the Covenant (arts. 2 and 14 and 26).

The State party should engage in a full and complete reform of its judiciary to ensure its independence and functioning. The State party should increase efforts to combat corruption by investigating promptly and thoroughly all incidents of suspected corruption. If corruption is established, the officials concerned should face criminal and not only disciplinary sanctions. The State party should also focus on the training of judges and prosecutors. Moreover, all ad hoc judicial bodies, such as the Specialized Criminal Court, should be abolished, so as to ensure that all accused, irrespective of their status, are afforded the guarantees enshrined in article 14 of the Covenant.

(18) The Committee is concerned that the absence of an independent and effective judiciary has an impact on the dysfunctions in the prison system. The Committee is particularly concerned about overcrowding of detention centres, the absence of oversight mechanisms to monitor places of detention and the absence of an overview on the number of persons deprived of their liberty. The Committee is also concerned about reports of women being detained after serving their sentence (arts. 2, 3, 9, 10 and 26).

The State party should ensure that all persons deprived of their liberty have their detention reviewed by a judge in compliance with article 9 of the Covenant. Judges and prosecutors should monitor all places of deprivation of liberty and ensure that no one is illegally detained therein. The State party should release women who have served their sentence and provide them with adequate shelters when warranted.

(19) The Committee is concerned about the lack of a comprehensive definition of torture in the domestic law including all the acts prohibited in article 1 of the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Committee is particularly concerned that the current definition in the Constitution prohibits torture only as a means of coercing a confession during arrest, investigation, detention and imprisonment; and that punishment does not apply to accomplices of such crimes. The Committee is also concerned about the existence, in domestic legislation, of statutes of limitation concerning crimes involving torture. The Committee is further concerned about reports of continuing use of forced confession as elements of evidence in court proceedings despite the illegality of such practice (arts. 2, 7 and 14).

The State party should adopt a definition of torture that covers all of the elements contained in article 1 of the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The State party should also ensure that the law adequately provides for the prosecution and conviction of perpetrators and accomplices of such acts in accordance with their gravity. The State party should take the steps necessary to ensure that confessions obtained under torture or duress are inadmissible in court in all cases, in line with its domestic legislation and article 14 of the Covenant.

(20) The Committee is concerned about the legality of corporal punishment as a form of criminal sanction, which includes flogging, amputation and stoning. The Committee is also concerned about reports of corporal punishments against children outside judicial spheres such as within the family and in schools (arts. 6, 7 and 24).

The State party should take practical steps to put an end to corporal punishment in all settings. It should encourage non-violent forms of discipline as alternatives to corporal punishment, and should conduct public information campaigns to raise awareness about its harmful effects.

(21) While appreciating the efforts made by the State party to respond to the situation of mass influx of migrants, arriving especially from the Horn of Africa, the Committee is concerned that similar care is not extended to the treatment of non-Somalis seeking protection. While the former are granted prima facie refugee status, the latter are systematically considered illegal immigrants and placed in detention centres (arts. 2, 7 and 26).

The State party should take concrete measures to ensure the adequacy of the refugee determination process and asylum procedures for migrants of all nationalities. Asylum seekers and refugees should not be held in penal conditions.

(22) The Committee is concerned about the fate of the estimated 400,000 internally displaced persons in the State party, more than half due to the pre-existing conflicts with the Huthis in the North. The Committee is particularly concerned about allegations of

attacks against internally displaced persons, especially in the Southern part of the country, in the area of Abyan (arts. 2, 7 and 26).

The State party should ensure the protection of all those affected by the pre-existing conflict as well as those who fled as a result of the 2011 unrest. In particular, the State party should enhance its capacities to respond to the multiple protection needs of the displaced for instance by adopting the 2010 Draft Strategy on internal displacement in Yemen, and work towards finding a durable solution to end displacement.

(23) The Committee is seriously concerned about reports revealing the use of children, i.e. those who are under 18 years of age, in the manning of military checkpoints and the protection of protesters during the 2011 unrest (arts. 6 and 24).

The State party should take all necessary measures to prohibit the use of child soldiers in accordance with article 24 of the Covenant and the State party's obligations under the Optional Protocol to the Convention on the Rights of the Child. In this regard, the State party should establish a reliable mechanism, including systematic provision of birth certificate enabling an accurate determination of the age of all persons wishing to enrol in military forces. The use of children in manning checkpoints and protecting protesters should be strictly prohibited.

(24) The Committee has received disturbing reports about violent acts perpetrated by non-State actors during the long-standing conflict as well as during the recent 2011 unrest. The Committee is also concerned about concordant reports confirming the existence of private detention centres, managed by tribal leaders or opposition groups, and the use of child soldiers by non-State actors (arts. 2, 6, 7, 9, 10 and 24).

In its effort to restore law and order, the State party should identify all places where individuals might be deprived of their liberty or subject to treatment contrary to the provisions of the Covenant. The State party should conduct full and thorough investigations into cases of killings, arrest, detention, torture and ill-treatment perpetrated by non-State actors, initiate criminal proceedings and sentence those responsible. The State party should take all measures within its power to ensure that no child, i.e. anyone under the age of 18, is recruited, trained or armed as a combatant.

(25) The Committee is concerned about the serious infringements imposed on the freedom of expression of peaceful demonstrators in the context of the 2011 unrest. The Committee is particularly concerned about threats to journalists' freedom of press and expression, including massive arrests, illegal detention, threats to their physical integrity and extrajudicial killings. The Committee is concerned about the use of the Specialized Criminal Court to try journalists along with political detainees and those accused of terrorism. The Committee is also concerned about the creation of the Specialized Press and Publications Court to review all pending cases related to the implementation of the Press and Publication Law of 1990 which seriously infringes the freedom of press (arts. 2, 9, 6, 7, 14 and 19).

The State party should release all journalists detained as a consequence of the 2011 unrest. Moreover, in the framework of the Gulf Cooperation Council initiative aiming, inter alia, at launching important legal and political reforms, the State party should guarantee the freedom of expression and freedom of press as set out in article 19 of the Covenant and further elaborated in the Committee's general comment No. 34 (2011) on freedom of opinion and expression. The State party should also conduct full and thorough investigations into the allegations of torture, ill-treatment, threats and extrajudicial killings affecting journalists and those who exercised their freedom of expression, initiate criminal proceedings against those responsible and provide the

victims or their families with appropriate reparation, including compensation. The State party should also abolish the Specialized Press and Publications Court.

(26) The Committee is concerned about the continuous infringements on the right to freedom of assembly, especially during the 2011 unrest. The Committee is particularly concerned about the limitations provided in Law No. 29 (2003) which has been widely used by the State party's authorities in 2011 to use excessive force to disperse unauthorized protest rallies (arts. 9 and 21).

In the framework of the Gulf Cooperation Council initiative, the State party should immediately repeal all laws which unreasonably restrict the freedom of assembly. All persons deprived of liberty as a consequence of the implementation of such laws should be immediately released.

(27) The Committee notes that the State party has not yet acknowledged the competence of the Committee to receive and consider communications from individuals under its jurisdiction relating to provisions of the Covenant.

The Committee encourages the State party to accede to the Optional Protocol to the Covenant.

(28) The State party should widely disseminate the Covenant, the text of the fifth periodic report and the present concluding observations so as to increase awareness among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, as well as the general public. The Committee also requests the State party, when preparing its next periodic report, to broadly consult with civil society and non-governmental organizations.

(29) In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, relevant information on its implementation of the Committee's recommendations made in paragraphs 7, 10, 15 and 21 above.

(30) The Committee requests the State party, in its next periodic report, due to be submitted by March 2015, to provide, specific, up-to-date information on all its recommendations and on the Covenant as a whole.

112. Malawi

(1) The Human Rights Committee considered the situation of civil and political rights under the International Covenant on Civil and Political Rights in Malawi in the absence of a report at its 2846th meeting (CCPR/C/SR.2846), held on 25 October 2011. At its 2858th meeting, held on 2 November 2011, it adopted the following provisional concluding observations pursuant to rule 70, paragraph 1, of its rules of procedure.

A. Introduction

(2) The Covenant came into force for Malawi on 22 March 1994. Malawi was under an obligation to submit its initial report by 21 March 1995 under article 40, paragraph 1 (a), of the Covenant. The Committee regrets that the State party has failed to honour its reporting obligations, despite numerous reminders. This amounts to a serious breach by the State party of its obligations under article 40 of the Covenant. The Committee, however, welcomes the fact that the State party did send a delegation to engage with the Committee on the basis of replies to the list of issues (CCPR/C/MWI/Q/1) compiled by the Committee. It expresses its appreciation for the dialogue the Committee had with the delegation of the State party. The Committee has noted the replies orally provided by the delegation of the State party to questions and comments raised by Committee members.

B. Positive aspects

- (3) The Committee welcomes the ratification of the following treaties:
- (a) The International Convention on the Elimination of All Forms of Racial Discrimination, on 11 June 1996;
 - (b) The International Covenant on Economic, Social and Cultural Rights, on 22 December 1993;
 - (c) The Convention on the Elimination of All Forms of Discrimination against Women, on 12 March 1987;
 - (d) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 11 June 1996;
 - (e) The Convention on the Rights of the Child, on 2 January 1991;
 - (f) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, on 21 September 2010;
 - (g) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, on 7 October 2009;
 - (h) The Convention of the Rights of Persons with Disabilities, on 27 August 2009.
- (4) The Committee takes note of:
- (a) The commitment by the State party to submit its initial report under the Covenant by 31 March 2012;
 - (b) The appointment of the Independent Commission to enquire into the arrests, killings and ill-treatment of persons during the July 2011 demonstrations.

C. Principal subjects of concern and provisional observations

(5) While welcoming the establishment of the Malawi Human Rights Commission (MHRC) through the Constitution, the Committee is concerned about the guarantee securing the independence of the members of the Commission and about the sufficiency of the financial and human resources required to enable the Commission to fulfil its mandate. The Committee is also concerned about information according to which recommendations made by the Commission are not always implemented by the State party (art. 2).

The State party should strengthen its efforts to ensure that the MHRC enjoys independence and is afforded the necessary resources to be able to effectively implement its mandate in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). The State party should also take necessary measures to effectively implement the recommendations made by the Commission.

Response: The Government of Malawi is committed to ensure that the Human Rights Commission effectively carries out its constitutional and statutory mandate. In that regard all resources will be made available to the Commission to ensure its effectiveness.

(6) While noting the replies provided by the State party according to which the provisions of the Covenant can be referred to by domestic courts and tribunals when interpreting the Constitution, the Committee is concerned that the Covenant cannot be directly invoked before courts and tribunals. It is also concerned that the provisions of the Covenant are not all fully incorporated in the legislation of the State party, despite its dualist system (art. 2).

The State party should ensure the full implementation of the Covenant in its domestic law. The State party should also take appropriate measures to raise awareness of the Covenant among judges, lawyers and prosecutors to ensure that its provisions can be invoked before and taken into account by national courts and tribunals.

Response: Malawi will continue to ensure that key actors are aware of the Covenant. In terms of the Covenant being directly invoked by domestic courts, it would like to emphasize that the Covenant is frequently referred to in domestic cases. Its direct application is currently not possible, as that will require legislation which is not yet being considered. Courts of law are expected under the Constitution of the Republic of Malawi to have regard to acceptable norms of international law in its interpretation of the Constitution.

(7) The Committee is concerned about allegations regarding reported cases of violence and discrimination against people engaging in same-sex relationships in the State party, as well as allegations of incitement to violence against them by some public officials and authorities, despite section 20 of the Constitution, which guarantees equality of persons and prohibits discrimination. The Committee is also concerned about sections 153 and 156 of the Penal Code, which criminalize homosexuality, and about the new amendment to the Penal Code, section 137A, which also criminalizes same-sex relationships between women (arts. 2, 3 and 26).

The State party should amend its Penal Code to decriminalize homosexuality between adults of both sexes, and conduct awareness-raising campaigns to educate the population on this issue. The State party should also take appropriate steps to protect persons engaged in same-sex consensual relationships against discrimination and violence on the basis of their sexual orientation, and ensure that public officials and public authorities refrain from using language that may encourage hatred and violence against them. In this regard, the State party should prosecute persons allegedly responsible for such acts of discrimination and violence, and punish those who are convicted.

Response: The Government of Malawi has referred to the Law Commission for review of all legislation referred to above. The review process will be thorough and consultative. The Malawi Law Commission is an independent body and its recommendations are seriously considered by the Government of Malawi.

(8) While noting the adoption of the Deceased Estates (Wills, Inheritance and Protection) Act in July 2011, the Committee is concerned that some practices that violate women's rights continue to exist in the State party, in particular the appropriation of property from widows, the practice known as "sexual cleansing" and the practice of widows being considered part of the "inheritance" by their brother-in-law or other male relatives (arts. 2, 3, 23 and 24).

The State party should take appropriate measures to put an end to such practices and protect the equal rights of women, in particular widows. The State party should also prosecute persons allegedly responsible for such practices, and punish those who are convicted. Furthermore, the State party should expedite the consideration and the adoption of the Marriage, Divorce and Family Relations Bill, which is currently being considered by the Cabinet, as well as the Gender Equality Bill, which is currently being examined by the Law Commission, and ensure that they are in compliance with the Covenant.

Response: It is hoped the Marriage, Divorce and Family Relations Bill and the Gender Equality Bill will be considered by Parliament shortly.

(9) The Committee expresses concern at reports that domestic violence, in particular violence against women, is prevalent in the State party, while noting efforts undertaken by the State party to combat it. The Committee is also concerned that spousal rape has not yet been explicitly prohibited in the legislation of State party. The Committee is further concerned about the lack of information on the concrete results achieved by various programmes and initiatives carried out by the Department of Gender Affairs in the Ministry of Gender, Child and Community Development (arts. 3, 7 and 23).

The State party should explicitly criminalize spousal rape in its Penal Code. The State party should also firmly combat domestic violence, in particular violence against women, by applying and continuing to promote the Prevention of Domestic Violence Act, by investigating such cases, prosecuting those responsible and, in particular, by training law enforcement officials to detect and deal with domestic violence. The State party should further strengthen its awareness-raising campaigns on the negative effects of domestic violence and constantly evaluate its programmes and initiatives. It should offer adequate protection to victims, in particular by strengthening the Victim Support Units within police settings, and ensure that women who are victims can complain without fear of reprisals.

Response: Malawi is firmly committed to combating domestic violence, as evidenced by the passing of the Prevention of Domestic Violence Act. With assistance from the Department for International Development of the United Kingdom of Great Britain and Northern Ireland, a programme to review the effectiveness of prosecution of domestic violence cases will commence soon.

(10) While noting that the State party has adopted a moratorium on the application of the death penalty, the Committee regrets that the State party has neither ratified the Second Optional Protocol to the Covenant nor abolished the death penalty. While also noting explanations provided by the delegation of the State party, the Committee is concerned that, despite the decision of the Constitutional Court (*Kafantayeni v. Attorney General*) on the unconstitutionality of the mandatory death penalty for murder, as still prescribed by sections 209 and 210 of the Penal Code, some courts and tribunals continue in practice to impose the death penalty (art. 6).

The State party should amend its Penal Code so as to abolish the death penalty. The State party should also ratify the Second Optional Protocol to the Covenant.

Response: Malawi wishes to emphasize that it currently retains the death penalty, which is not illegal under international law. In that regard it urges the Committee to note that the death penalty is no longer mandatory in certain cases, such as murder or treason, as was the case previously. The Government views this as significant progress.

(11) The Committee is concerned at allegations according to which torture is widespread in the State party and sometimes leads to the death of detainees in police custody. The Committee is also concerned about the reported excessive use of force by police officers during arrests and about the fact that some detainees are subjected to torture and cruel, inhuman or degrading treatment (arts. 6 and 7).

The State party should adopt comprehensive and adequate measures to effectively combat torture and excessive use of force by police officers. The State party should also conduct investigations on all alleged cases of torture and deaths in police custody, prosecute persons who are allegedly responsible, punish those who are convicted with adequate sanctions, and adequately compensate victims. It should further continue to train police officers and other law enforcement officials on the Covenant, particularly on provisions relating to the prohibition of torture.

Response: Malawi is deeply concerned about incidents of torture and use of excessive force. Measures taken to combat this include the amendment of the Police Act to establish the Independent Complaints Commission with powers to investigate cases of torture or deaths in police custody. In addition every reported case of torture is being investigated. Malawi will provide more detailed statistics in this respect in subsequent dialogue with the Committee.

(12) The Committee is concerned about information provided by the State party according to which about 1,200 detainees are under pretrial detention, many of them for long periods. The Committee is also concerned about the backlog of cases to be handled by national courts and tribunals, including those on appeal. The Committee is further concerned that legal assistance is not accessible to all litigants and that the number of judges, magistrates and lawyers remain insufficient in the State party (arts. 7, 10 and 14).

The State party should strengthen the measures aimed at expediting all cases before national courts and tribunals, so as to avoid long periods of pretrial detention. In that regard, the State party should ensure that persons whose detentions are extended by a decision of a tribunal or a court are legally assisted. The State party should consider also using alternative measures of detention for pretrial detainees. It should further take adequate measures to train judges, magistrates and lawyers in a sufficient number to allow all complainants access to justice.

Response: Malawi has taken significant measures to avoid long periods of pretrial detention. This includes the enactment of specific pretrial custody time limits, the launch of diversion and mediation projects, the use of camp courts, and the use of alternative sentences such as community service.

(13) The Committee expresses concern at reports of deplorable conditions of detention in prisons, including a high rate of overcrowding and reported deaths of detainees due to the poor health-care system (art. 10).

The State party should, as matter of urgency, enhance its efforts to improve the conditions of detention in its prisons, in particular measures to overcome the high rate of overcrowding and to provide sentences alternative to imprisonment. The State party should also investigate deaths reported in prisons and improve the health-care system. It should further train prison officers and facilitate complaints from detainees about their conditions of detention, investigate and prosecute persons allegedly responsible for such violations, and punish those who are convicted.

Response: Following a High Court decision in *Masangano v. Attorney General*, the Government is aware of its obligations to ensure that prison conditions improve. This has resulted in improvements in the quality of food for prisoners, and plans to build new and purpose-built prisons. With assistance from the European Union, training sessions with prison staff have commenced to ensure that staff are aware of the legal obligations with respect to treatment of prisoners.

(14) The Committee is concerned about allegations according to which searches without a warrant are common in the State party (art. 17).

The State party should take all necessary measures to repeal the 2010 amendment to the Police Act, which expands the authorization of searches without warrant, in order to prevent arbitrary searches and interference with liberty and privacy.

Response: Section 35 of the Police Act which allows police has been referred to the Law Commission for review.

(15) The Committee is concerned about trafficking in persons, in particular of minors for sexual exploitation or child labour purposes, which allegedly remains common in the State

party. The Committee is also concerned about the lack of comprehensive information on this issue, and statistical data on the number of persons concerned, as well as about the number of persons prosecuted and convicted. It is further concerned about the lacuna on trafficking in the Penal Code with regard to women, child prostitution and trafficking for forced labour (arts. 3, 7, 8 and 24).

The State party should strengthen its efforts to eliminate trafficking in persons, in particular of women, girls and boys, for sexual exploitation and child labour. The State party should also prosecute all persons allegedly responsible, and punish those who are convicted. It should continue to train law enforcement officials and immigration officers and offer protection and rehabilitation to victims, and enhance its cooperation with neighbouring countries. The State party should pursue its campaigns to raise awareness among the population regarding the negative effects of trafficking. It should amend the Penal Code to prevent trafficking of women, child prostitution and trafficking for forced labour.

Response: Malawi has drafted an anti-trafficking bill which will be considered by Parliament soon.

(16) The Committee is concerned at reports that freedom of opinion and expression is threatened in the State party, in particular at reports that journalists and human rights defenders cannot express their views, including by criticizing the authorities, without fear of reprisals consisting of arrests, ill-treatment, harassment and prosecution. The Committee is also concerned about the banning of newspapers (art. 19).

The State party should, as a matter of urgency, effectively guarantee the freedoms of opinion and expression in the State party. In that regard, the State party should consider repealing the provisions of the Penal Code that empower the Minister of Information to ban newspapers; ensure that journalists and human rights defenders can freely express their opinions without any fear; investigate and prosecute persons responsible for arrests and threats against them, and punish those who are convicted; and adequately compensate victims. The Committee draws the attention of the State party to its general comment No. 34 (2011) on the freedoms of opinion and expression.

Response: Malawi is very committed to ensuring that its people fully enjoy the freedoms of expression and opinion.

(17) While taking note of information provided by the delegation of the State party, the Committee is concerned that the freedom of assembly and association is not always effectively guaranteed, in particular as evidenced by refusals to authorize peaceful demonstrations. The Committee is also concerned about allegations of arrests, killings and ill-treatment having occurred in the State party during the demonstrations of July 2011 (arts. 6, 7, 21 and 22).

The State party should strengthen its efforts to effectively guarantee the freedom of assembly and association, including by removing obstacles to the right to demonstrate and by applying the 48-hour notification rule. The State party should also investigate and prosecute persons allegedly responsible for arrests, killings and ill-treatment of demonstrators in July 2011, and punish those who are convicted. In this regard, the State party should further provide the Independent Commission, set up to inquire into these events, with sufficient resources to carry out its mandate and implement its recommendations.

Response: Malawi is committed to ensuring that its people are free to assemble and demonstrate. The Police Act clearly provides for procedures to be followed in that regard. The events of 20 July 2011 are being investigated by a commission of inquiry.

(18) The Committee is concerned that corporal punishment still exists in some settings in the State party (arts. 7 and 24).

The State party should take all measures to ensure that corporal punishment does not continue to exist.

Response: Corporal punishment is outlawed.

(19) The Committee is concerned about the reported practice of forced and early marriages by some parts of its population (arts. 3, 23 and 24).

The State party should take appropriate measures, including through legislative steps, to protect children against forced and early marriages. In this regard, the State party should conduct awareness-raising campaigns on the negative effects of forced and early marriages. It should also investigate complaints from the victims, prosecute persons who are allegedly responsible, and punish those who are convicted with appropriate sanctions.

Response: Malawi will take significant steps to end such practices.

(20) The Committee expresses concern at the fact that local government elections have not taken place since 1995, when they should be held once every five years, as required by the Local Government Elections Act (art. 25).

The State party should take appropriate measures to organize, as soon as possible, the next local government elections, including by allocating the necessary budget for this purpose.

Response: Malawi will hold general elections in 2014, which is less than two years away. A bill that will facilitate tripartite elections in 2014 is at present before the National Assembly. In view of this, it is expected that the local government elections will also be held at that time.

(21) The Committee notes that the State party faces serious hardships to fulfil its reporting obligations under the Covenant. The Committee, therefore, encourages the State party to solicit technical cooperation from the appropriate United Nations entities, in particular the Office of the United Nations High Commissioner for Human Rights, to assist it in developing the capacities to meet its reporting obligations under the Covenant.

Response: Malawi fully shares these observations and has already taken some steps towards requesting some assistance from the Office of the United Nations High Commissioner for Human Rights. Already the Government has held discussions with a team of experts from that Office to identify areas of assistance.

(22) The Committee proposes to finalize these provisional concluding observations under rule 70, paragraph 3, of its rules of procedure, by the end of its 104th session. Any comments that the State party intends to provide should be submitted to the Committee by 29 February 2012.

(23) The Committee requests the State party to submit its initial report by 31 March 2012, in accordance with the commitment given by the State party's delegation.

113. Cape Verde

(1) In the absence of a report by the State party, the Human Rights Committee considered the situation of civil and political rights in Cape Verde under the International Covenant on Civil and Political Rights at its 2877th meeting (CCPR/C/SR.2877), held in a public session on 21 March 2012. In accordance with rule 70, paragraph 1, of the Committee's rules of procedure, failure of a State party to submit a report under article 40 of the Covenant may lead to the examination in a public session of the measures taken by

the State party to give effect to the rights recognized in the Covenant, and to the adoption of concluding observations.

(2) At its 2887th meeting (CCPR/C/SR.2887), held on 28 March 2012, the Committee adopted the following concluding observations, pending submission of the State party's initial report, which the State party's permanent representative to the United Nations stated would be submitted in due course.

A. Introduction

(3) The Covenant came into force for Cape Verde on 6 November 1993. The State party was under the obligation to submit its initial report under article 40, paragraph 1 (a), of the Covenant by 5 November 1994. The Committee regrets that the State party has failed to honour its reporting obligations under article 40 of the Covenant and that, despite numerous reminders, the State party has not submitted the initial report. This amounts to a serious breach by the State party of its obligations under article 40 of the Covenant. However, the Committee appreciates that the State party's permanent representative to the United Nations attended the session and provided clarification on a number of issues.

B. Positive aspects

(4) The Committee welcomes the accession by the State party to the following treaties:

(a) The Optional Protocol to the International Covenant on Civil and Political Rights and its Second Optional Protocol aiming at the abolition of the death penalty, on 19 May 2000;

(b) The Convention on the Rights of Persons with Disabilities, on 10 October 2011;

(c) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, on 10 May 2002;

(d) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, on 10 May 2002;

(e) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, on 16 September 1997.

C. Principal matters of concern and recommendations

(5) While welcoming the establishment of the National Commission for Human Rights and Citizenship (NCHRC), the Committee expresses concern at the lack of information on its operations and its independence. The Committee shares the concerns expressed by the Human Rights Council during the review of the State party under the universal periodic review mechanism on the need to strengthen the NCHRC so that it complies with the Paris Principles (General Assembly resolution 48/134, annex) (art. 2 of the Covenant).

The State party should provide information in its initial report on the mandate, independence, funding and activities of the NCHRC. Furthermore, the State party should report on the measures taken, since its review by the Human Rights Council under the universal periodic review mechanism, to strengthen the NCHRC so that it operates in accordance with the Paris Principles (General Assembly resolution 48/134, annex).

(6) While noting that article 12 of the new Constitution proclaims that all treaties ratified by the State party, including the Covenant, are part of domestic law, the Committee notes the lack of information on instances when the provisions of the Covenant have been invoked or referred to in national courts (art. 2).

The State party should provide information on instances of when and how domestic courts have referred to provisions of the Covenant. Furthermore, the State party should take appropriate measures to raise awareness of the Covenant among judges, lawyers and prosecutors to ensure that its provisions are taken into account, as necessary, by national courts.

(7) The Committee notes the lack of information on how the State party's measures to combat terrorism may affect the rights protected under the Covenant (art. 2).

The State party should provide information in its initial report on how measures to combat terrorism may affect the rights protected under the Covenant.

(8) While welcoming the efforts that are being made by the State party with respect to gender equality, particularly at high levels of Government, the Committee notes the lack of information on the existence of plans and programmes to promote gender equality once the National Gender Equality and Equity Plan for the period 2005 to 2009 ends. The Committee also expresses concern at the slow progress to promote women's representation in decision-making positions, particularly in the private sector and the legislature. The Committee further expresses its concern at the persistence of deep-rooted and negative patriarchal stereotypes regarding the roles of women and men in the family and in society at large (arts. 3 and 26).

The Committee urges the State party to adopt a comprehensive and integrated approach to its policies to ensure that gender mainstreaming is practised at all levels. The Committee further recommends that the State party take special measures to increase the number of women in decision-making positions in all spheres, particularly in the private sector. Furthermore, the State party should enhance its efforts to eliminate existing patriarchal and gender stereotypes on the roles and responsibilities of women and men in the family and in society by, inter alia, adopting programmes that seek to raise awareness in society of gender equality.

(9) The Committee is concerned at the lack of data on the incidence of violence against women, including domestic violence, and the lack of information on the measures taken so far to combat this phenomenon, such as police investigations, prosecutions and remedies provided to victims (arts. 3 and 7).

The State party should provide data, disaggregated by age and ethnicity, on the magnitude of the problem of violence against women, including domestic violence. In this regard, the State party should report on the measures taken to ensure that cases of violence against women, including domestic violence, are thoroughly investigated, that the perpetrators are prosecuted, and if convicted, punished with appropriate sanctions, and that victims are adequately compensated.

(10) The Committee expresses concern at reports of child abuse and sexual exploitation in the schools of the State party. The Committee further expresses concern at the lack of data on the number of cases that have been investigated and prosecuted, and on the compensation awarded to victims of such abuse. Furthermore, the Committee is concerned at the lack of information on the number of shelters available in the State party for victims of sexual abuse and exploitation (arts. 7 and 24).

The State party should, as matter of urgency, enhance its efforts to combat child abuse and sexual exploitation by improving mechanisms for early detection, encouraging reporting of suspected and actual abuse, and ensuring that cases of abuse are thoroughly investigated, that perpetrators are prosecuted, and if convicted, punished with appropriate sanctions, and that victims are adequately rehabilitated. Furthermore, the State party should provide information on the number of shelters that are available in the State party for this purpose.

(11) While noting the increased problem of juvenile delinquency and youth gangs in the State party, the Committee is concerned at reports that police brutality against juveniles, as a form of extrajudicial punishment, may be common and is allegedly sanctioned by society in the State party. The Committee notes the lack of information on the number of cases that have been investigated and prosecuted, and on the compensation awarded to victims of such abuse by law enforcement personnel (arts. 7 and 24).

The State party should take concrete measures to combat juvenile delinquency and the increase in the number of youth gangs by, inter alia, addressing the root causes for the increased juvenile delinquency and proliferation of youth gangs in the State party. The State party should further ensure that allegations of brutality and other forms of abuse by law enforcement personnel are effectively investigated and that those responsible are held accountable.

(12) While noting that corporal punishment is unlawful in schools, penal institutions and care institutions, the Committee is concerned that corporal punishment still occurs as excessive chastisement in the home. Furthermore, the Committee is concerned at reports of frequent use of corporal punishment by teachers (arts. 7 and 24).

The State party should take practical steps to put an end to corporal punishment in all settings. The State party should act vigorously against the use of corporal punishment in schools, promote non-violent forms of discipline as alternatives to corporal punishment, and conduct public information campaigns to raise awareness about its harmful effects.

(13) The Committee is concerned at the prevalence of trafficking in persons, particularly women and children, as the State party's territory is often used for transit purposes. The Committee particularly notes the lack of information on the number of investigations, prosecutions and convictions in this area, as well as on the prevention and protection mechanisms for victims, including rehabilitation schemes (art. 8).

The State party should provide data on the magnitude of the problem of human trafficking in the State party which should be disaggregated by age, sex and ethnic origin, and should also focus on trafficking flows from, to and in transit through its territory. The State party should train its police officers, border personnel, judges, lawyers and other relevant personnel in order to raise awareness of this phenomenon and the rights of victims. Furthermore, the State party should ensure that all perpetrators of trafficking in persons are investigated, prosecuted, and if convicted, adequately sanctioned, and should guarantee that adequate protection, reparation and compensation are provided to victims. The State party should also provide information on the measures taken to establish prevention and rehabilitation programmes for victims of trafficking.

(14) The Committee is concerned at reports that in detention facilities in the State party, juveniles are not held separately from adults, on the one hand, and accused persons are not separated from convicts, on the other hand. The Committee is also concerned at reports of lengthy pretrial detention leading to overcrowding in prisons and places of detention and which is allegedly exacerbated by delays in the delivery of justice. Furthermore, the Committee notes the lack of information on how the two new prison facilities that the State party constructed have ameliorated the problem of overcrowding and other conditions in prisons (arts. 10 and 14).

The State party should, as a matter of urgency, put in place a system to segregate juveniles from adult prisoners, and accused persons from convicts. The State party should take all necessary steps to improve prison conditions and ensure that the treatment of detainees and prisoners in detention facilities and prisons is in line with the Covenant and the United Nations Standard Minimum Rules for the Treatment of

Prisoners. Furthermore, the State party should review its system of administration of justice in order to expedite the delivery of justice.

(15) The Committee is concerned at the lack of information on the appointment and promotion of judges, as well as the procedures for disciplining judges in the State party. The Committee is also concerned at reports that judges are underpaid, which could expose them to grave risks of bribery and corruption, particularly in light of the emergence of drug trafficking groups that might interfere with the administration of justice (art. 14).

The State party should provide information in its initial report on the procedures for the appointment, promotion and disciplining of judges. The State party should take steps to entrench judicial independence by ensuring that the remuneration of judges is sufficient to guarantee judicial independence and integrity. In this regard, the State party should provide information on the measures taken to address all forms of possible interference with judicial independence by, inter alia, ensuring that prompt, thorough, independent and impartial investigations are conducted into any allegations of interference, including by way of corruption, and prosecuting and punishing perpetrators, including judicial officers, who may be complicit.

(16) The Committee notes the lack of information on the regulatory framework governing the right to freedom of opinion and expression and how these rights are enjoyed in practice (art. 19).

The Committee urges the State party to provide information with regard to the regulatory framework governing the right to freedom of opinion and expression in the State party and how these rights are enjoyed in practice.

(17) The Committee notes the lack of information on the measures taken by the State party to implement the recommendation of the National Electoral Commission to amend the provisions of its Electoral Code in order to ensure greater security and transparency in the conduct of elections. The Committee also notes the lack of information on the measures taken to review the voter identification and registration processes (art. 25).

The State party should provide information on the concrete measures taken to implement the recommendations of the National Electoral Commission to amend the Electoral Code in order to ensure greater electoral security and transparency, and to review the voter identification and registration processes.

(18) The Committee notes the lack of data on the existence and size of ethnic, religious and linguistic minorities in the State party and how their rights under article 27 of the Covenant are guaranteed. The Committee also notes the lack of information with regard to the measures taken to address the alleged sporadic clashes between West African immigrants and the police and the military following the killing of an immigrant from Guinea-Bissau, who was the tenth West African to be killed in the period between 2002 and 2005 (arts. 6, 26 and 27).

The State party should provide data, disaggregated by ethnicity, on the existence and size of minorities in the State party, and how their rights under article 27 of the Covenant are protected. Furthermore, the State party should thoroughly investigate the root cause of the murders of West African immigrants, and ensure that the alleged perpetrators of such violence are prosecuted and appropriately sanctioned, and that family members of the victims are adequately compensated.

(19) The Committee reminds the State party of the possibility of soliciting technical cooperation from the appropriate United Nations organs and agencies, as well as the Office of the United Nations High Commissioner for Human Rights, to assist in developing its capacity to meet its reporting obligations under the Covenant.

(20) The State party should widely disseminate the Covenant, the Optional Protocols to the Covenant and the present concluding observations. The Committee also suggests that the present concluding observations be translated into the official language of the State party.

(21) The Committee requests the State party to submit its initial report before 30 March 2013.

V. Consideration of communications under the Optional Protocol

114. Individuals who claim that any of their rights under the International Covenant on Civil and Political Rights have been violated by a State party, and who have exhausted all available domestic remedies, may submit written communications to the Human Rights Committee for consideration under the Optional Protocol. No communication can be considered unless it concerns a State party to the Covenant that has recognized the competence of the Committee by becoming a party to the Optional Protocol. Of the 167 States that have ratified, acceded to or succeeded to the Covenant, 114 have accepted the Committee's competence to deal with individual complaints by becoming parties to the Optional Protocol (see annex I, sect. B).

115. Consideration of communications under the Optional Protocol is confidential and takes place in closed meetings (art. 5, para. 3, of the Optional Protocol). Under rule 102 of the Committee's rules of procedure, all working documents issued for the Committee are confidential unless the Committee decides otherwise. However, the author of a communication and the State party concerned may make public any submissions or information bearing on the proceedings, unless the Committee has requested the parties to respect confidentiality. The Committee's final decisions (Views, decisions declaring a communication inadmissible, decisions to discontinue the consideration of a communication) are made public; the names of the authors are disclosed, unless the Committee decides otherwise, at the request of the authors.

116. An overview of the States parties' obligations under the Optional Protocol is contained in the Committee's general comment No. 33 (2008).¹⁷

A. Progress of work

117. The Committee started its work under the Optional Protocol at its second session, in 1977. Since then, 2,144 communications concerning 86 States parties have been registered for consideration by the Committee, including 68 registered during the period covered by the present report. At present, the status of the 2,144 communications registered is as follows:

- (a) Consideration concluded by the adoption of Views under article 5, paragraph 4, of the Optional Protocol: 916, including 764 in which violations of the Covenant were found;
- (b) Declared inadmissible: 582;
- (c) Discontinued or withdrawn: 317;
- (d) Not yet concluded: 329.

118. A high number of communications are received per year in respect of which complainants are advised that further information would be needed before their communications could be registered for consideration by the Committee, or that their cases cannot be dealt with by the Committee, for example because they fall clearly outside the

¹⁷ *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 40, vol. I (A/64/40 (Vol. I)), annex V.*

scope of application of the Covenant or of the Optional Protocol. A record of this correspondence is kept by the secretariat of OHCHR.

119. At its 103rd and 104th sessions, the Committee adopted Views on 34 cases. These Views are reproduced in annex IX (Vol. II).

120. The Committee also concluded the consideration of 13 cases by declaring them inadmissible. These decisions are reproduced in annex X (Vol. II).

121. Under the Committee's rules of procedure, the Committee will normally decide on the admissibility and merits of a communication together. Only in exceptional circumstances will the Committee address admissibility separately. A State party which has received a request for information on admissibility and merits may, within two months, object to admissibility and apply for separate consideration of admissibility. Such a request will not, however, release the State party from the requirement to submit information on the merits within six months, unless the Committee, its Working Group on Communications or its designated special rapporteur decides to extend the time for submission of information on the merits until after the Committee has ruled on admissibility.

122. The Committee decided to discontinue the consideration of 15 communications for reasons such as withdrawal by the author, or because the author or counsel failed to respond to the Committee despite repeated reminders, or because the authors, who had expulsion orders pending against them, were allowed to stay in the countries concerned. In two of these communications (No. 1162/2003 and No. 1294/2004), registered against Uzbekistan and concerning individuals under a death sentence, the Committee, upon registration of the cases, requested the State party not to carry out the sentence while the cases were under consideration by the Committee. However, these requests were not granted and the individuals in question were executed.

123. In three cases decided during the period under review, the Committee noted that the State party had failed to cooperate in the examination of the author's allegations. The States parties in question are Kyrgyzstan (in one communication), Sri Lanka (in one communication) and Zambia (in one communication). The Committee deplored that situation and recalled that it was implicit in the Optional Protocol that States parties should transmit to the Committee all information at their disposal. In the absence of a reply, due weight had to be given to the author's allegations, to the extent that they had been properly substantiated.

124. In case No. 1759/2008 (*Traoré v. Côte d'Ivoire*), the Committee noted that despite the repeated requests made by the Committee, the State party provided observations only on the admissibility of the author's allegations, without presenting the required clarification regarding the merits of the case. Furthermore, these observations were submitted more than one year after the communication was brought to the attention of the State party. The Committee recalled that the State party had a duty to investigate in good faith all allegations of violations of the Covenant made against it and its representatives and to furnish to the Committee the information available to it. In cases where the allegations are corroborated by credible evidence submitted by the author and where further clarification depends on information that is solely in the hands of the State party, the Committee may consider an author's allegations to be substantiated in the absence of satisfactory evidence or explanations to the contrary presented by the State party. In the absence of any explanations from the State party in this respect, due weight must be given to the author's allegations.

125. In case No. 1811/2008 (*Djebbar and Chihoub v. Algeria*), the Committee noted that the State party had not replied to the authors' claims concerning the merits of the case. It emphasized that the burden of proof should not rest solely on the authors of a communication, especially given that the authors and the State party do not always have the same degree of access to evidence and that often only the State party holds the necessary

information. It is implicit in article 4, paragraph 2, of the Optional Protocol that the State party has the duty to investigate in good faith all allegations of violations of the Covenant made against it and its representatives and to provide the Committee with the information available to it. The Committee made a similar statement in case No. 1781/2008 (*Berzig v. Algeria*).

B. Committee's caseload under the Optional Protocol

126. The table below sets out the pattern of the Committee's work on communications over the last four years, to 31 December 2011.

Communications dealt with from 2008 to 2011

<i>Year</i>	<i>New cases registered</i>	<i>Cases concluded^a</i>	<i>Pending cases at 31 December</i>
2011	106	188	352
2010	96	94	434
2009	68	84	432
2008	112	87	448

^a Total number of cases decided (by the adoption of Views, inadmissibility decisions and decisions to discontinue consideration).

127. By the date of adoption of the present report, some 140 communications were ready for the Committee's decision on admissibility and/or merits. The Committee is concerned that due to the Secretariat's limited resources, the Committee is not in a position to examine these communications in an expeditious manner.

C. Approaches to considering communications under the Optional Protocol

1. Special Rapporteur on new communications

128. At its thirty-fifth session, in March 1989, the Committee decided to designate a special rapporteur authorized to process new communications and requests for interim measures as they were received, i.e. between sessions of the Committee. At the Committee's 101st session, in March 2011, Sir Nigel Rodley was designated Special Rapporteur. In the period covered by the present report, 68 new communications were transmitted to States parties under rule 97 of the Committee's rules of procedure, requesting information or observations relevant to the questions of admissibility and merits. In 10 cases, the Special Rapporteur issued requests for interim measures pursuant to rule 92 of the Committee's rules of procedure. The competence of the Special Rapporteur to issue and, if necessary, to withdraw requests for interim measures under rule 92 of the rules of procedure is described in the annual report for 1997.¹⁸

2. Competence of the Working Group on Communications

129. At its thirty-sixth session, in July 1989, the Committee decided to authorize the Working Group on Communications to adopt decisions declaring communications

¹⁸ *Official Records of the General Assembly, Fifty-second Session, Supplement No. 40, vol. I (A/52/40 (vol. I)), para. 467.*

admissible when all members of the Working Group so agreed. Failing such agreement, the Working Group refers the matter to the Committee. It also does so whenever it believes that the Committee itself should decide the question of admissibility. During the period under review, two communications were declared admissible by the Working Group on Communications. The Working Group can also adopt decisions declaring communications inadmissible if all members so agree. However, the decision will be transmitted to the Committee plenary, which may confirm it without formal discussion or examine it at the request of any Committee member.

3. Ways and means to expedite the examination of communications

130. At its 104th session, the Committee considered ways and means to deal with the current backlog of communications ready for a decision on admissibility and/or merits. The Committee expressed its willingness to establish two working groups in order to examine a higher number of communications per session. However, this could only be feasible if the Secretariat resources were increased. Reference is made in this regard to the request addressed to the General Assembly, contained in annex VI to the present report.

D. Individual opinions

131. In its work under the Optional Protocol, the Committee seeks to adopt decisions by consensus. However, pursuant to rule 104 of the Committee's rules of procedure, members can add their individual or dissenting opinions to the Committee's Views. Under this rule, members can also append their individual opinions to the Committee's decisions declaring communications admissible or inadmissible.

132. During the period under review, individual opinions were appended to the Committee's Views or decisions concerning cases No. 1755/2008 (*El Hagog Jumaa v. Libya*), No. 1759/2008 (*Traoré v. Côte d'Ivoire*), No. 1781/2008 (*Berzig v. Algeria*), No. 1782/2008 (*Aboufaied v. Libya*), No. 1789/2008 (*G.E. v. Germany*), No. 1811 (*Djebbar and Chihoub v. Algeria*), No. 1815/2008 (*Adonis v. Philippines*), No. 1820/2008 (*Krasovskaya v. Belarus*), No. 1833/2008 (*X. v. Sweden*), No. 1838/2008 (*Tulzhenkova v. Belarus*), No. 1847/2008 (*Klain v. Czech Republic*), Nos. 1853-1854/2008 (*Atasoy/Sarkut v. Turkey*), No. 1905/2009 (*Khirani v. Algeria*) and Nos. 1914, 1915 and 1916/2009 (*Musaev v. Uzbekistan*).

E. Issues considered by the Committee

133. A review of the Committee's work under the Optional Protocol from its second session in 1977 to its 102nd session in July 2011 can be found in the Committee's annual reports for 1984 to 2011, which contain summaries of the procedural and substantive issues considered by the Committee and of the decisions taken. The full texts of the Views adopted by the Committee and of its decisions declaring communications inadmissible under the Optional Protocol are reproduced in annexes to the Committee's annual reports to the General Assembly. The texts of the Views and decisions are also available in the treaty body database on the OHCHR website (www.ohchr.org).

134. Nine volumes of *Selected Decisions of the Human Rights Committee under the Optional Protocol*, from the second to the sixteenth sessions (1977–1982), from the seventeenth to the thirty-second sessions (1982–1988), from the thirty-third to the thirty-ninth sessions (1988–1990), from the fortieth to the forty-sixth sessions (1990–1992), from the forty-seventh to the fifty-fifth sessions (1993–1995), from the fifty-sixth to the sixty-fifth sessions (March 1996 to April 1999), from the sixty-sixth to the seventy-fourth

sessions (July 1999 to March 2002), from the seventy-fifth to the eighty-fourth sessions (July 2002 to July 2005) and from the eighty-fifth to the ninety-first sessions (October 2005 to October 2007) have been published. Some volumes are available in English, French, Russian and Spanish. The most recent volumes are currently available in only one or two languages, which is most regrettable. As domestic courts increasingly apply the standards contained in the International Covenant on Civil and Political Rights, it is imperative that the Committee's decisions can be consulted worldwide in a properly compiled and indexed volume, available in all the official languages of the United Nations.

135. The following summary reflects developments concerning issues considered during the period covered by the present report.

1. Procedural issues

(a) *Inadmissibility for lack of standing (Optional Protocol, art. 1)*

136. In case No. 1749/2008 (*V.S. v. Belarus*), the author, a Secretary of the Consistory of the Religious Union Evangelical-Lutheran Church, claimed that the Belarus authorities unreasonably restricted the right to profess Lutheran beliefs and that he was deprived of his right under article 14, paragraph 1, to have access to court as the law on freedom of conscience and religious organizations does not envisage a procedure for appealing a written warning issued to a religious organization. The Committee considered that the author was essentially claiming violations of rights of the Religious Union. Notwithstanding that he was the Secretary of the Religious Union, the religious organization had its own legal personality. All domestic remedies referred to in the case were in fact proposed in the name of the Religious Union and not the author. Given the fact that under article 1 of the Optional Protocol only individuals may submit a communication, the Committee considered that the author, by claiming violations of the rights of the Religious Union, which are not protected by the Covenant, had no standing under article 1 of the Optional Protocol. This claim was therefore declared inadmissible.

(b) *Claims not substantiated (Optional Protocol, art. 2)*

137. Article 2 of the Optional Protocol provides that "individuals who claim that any of their rights enumerated in the Covenant have been violated and who have exhausted all available domestic remedies may submit a written communication to the Committee for consideration". Although an author does not need to prove the alleged violation at the admissibility stage, he or she must submit sufficient material substantiating the allegation for purposes of admissibility. A "claim" is, therefore, not just an allegation, but an allegation supported by substantiating material. In cases where the Committee finds that the author has failed to substantiate a claim for purposes of admissibility, it has held the communication inadmissible, in accordance with rule 96 (b) of its rules of procedure.

138. Claims declared inadmissible for lack of substantiation were included in cases No. 1316/2004 (*Gryb v. Belarus*), No. 1547/2007 (*Torobekov v. Kyrgyzstan*), No. 1606/2007 (*A.I. v. Belarus*), No. 1627/2007 (*V.P. v. Russian Federation*), No. 1641/2007 (*Calderón Bruges v. Colombia*), No. 1749/2008 (*V.S. v. Belarus*), No. 1752/2008 (*J.S. v. New Zealand*), No. 1800/2008 (*R.A.D.B. v. Colombia*), No. 1819/2008 (*A.A. v. Canada*), No. 1858/2009 (*Y.M. v. Russian Federation*), No. 1883/2009 (*Orazova v. Turkmenistan*) and Nos. 1914, 1915 and 1916/2009 (*Musaev v. Uzbekistan*).

139. In case No. 1816/2008 (*K.A.L. and A.A.M.L. v. Canada*), the Committee recalled that States parties are under an obligation not to extradite, deport, expel or otherwise remove a person from their territory, where there are substantial grounds for believing that there is a real risk of irreparable harm, such as that contemplated by articles 6 and 7 of the Covenant, either in the country to which removal is to be effected or in any country to

which the person may subsequently be removed. The Committee noted the authors' allegations on the deteriorating situation in Pakistan with regard to religious minorities, the risk of rape or other forms of violence against women, and the lack of effective protection by the authorities. It also noted the events that affected the authors before leaving Pakistan. These claims were examined by the Canadian authorities, who concluded that the authors did not face a real risk of persecution, torture, risk to life, or risk of cruel and inhuman treatment or punishment. In the circumstances and in the absence of comments by the authors on the State party's observations, the Committee considered that the authors had failed to provide sufficient evidence in support of their claims to the effect that they would be exposed to a real risk if they were removed to Pakistan. Consequently, in accordance with article 2 of the Optional Protocol, the Committee considered that the authors' claims under articles 6, paragraph 1; 7; 9, paragraph 1; 18; 24, paragraph 1; and 27, of the Covenant, were not sufficiently substantiated for the purpose of admissibility.

(c) *Competence of the Committee with respect to the evaluation of facts and evidence (Optional Protocol, art. 2)*

140. A specific form of lack of substantiation is represented by cases where the author invites the Committee to re-evaluate issues of fact and evidence addressed by domestic courts. The Committee has repeatedly recalled its jurisprudence that it is not for it to substitute its views for the judgement of the domestic courts on the evaluation of facts and evidence in a case, unless the evaluation is manifestly arbitrary or amounts to a denial of justice. If a jury or court reaches a reasonable conclusion on a particular matter of fact in the light of the evidence available, the decision cannot be held to be manifestly arbitrary or to amount to a denial of justice. Claims involving the re-evaluation of facts and evidence have thus been declared inadmissible under article 2 of the Optional Protocol. This was true for cases No. 1316/2004 (*Gryb v. Belarus*), No. 1547/2007 (*Torobekov v. Kyrgyzstan*), No. 1627/2007 (*V.P. v. Russian Federation*), No. 1800/2008 (*R.A.D.B. v. Colombia*), No. 1819/2008 (*A.A. v. Canada*) and No. 2058/2011 (*O.D. v. Russian Federation*).

(d) *Claims regarding the failure of a State party to give effect to the Committee's Views in a previous communication*

141. In case No. 1634/2007 (*Korneenko v. Belarus*), the author claimed that the refusal of the Supreme Court to comply with the Committee's Views in communication No. 1274/2004, where the Committee found that Mr. Korneenko's rights under article 22, paragraph 1, of the Covenant had been violated, constituted a breach of his right to equality before the courts, under article 14, paragraph 1. The Committee noted that the issue concerning the measures taken by the State party to give effect to the Views is a matter for the existing follow-up procedure, as set up by the Committee. Furthermore, the author's claim was not based on any new factual developments related to his rights under the Covenant, beyond his unsuccessful attempt to obtain a remedy in respect to a violation already established by the Committee. Under those circumstances, the author had no separate claim under the Covenant that would go beyond what the Committee had already decided in the author's earlier communication. In the light of those considerations, the Committee concluded that the communication was inadmissible under articles 1 and 2 of the Optional Protocol.

(e) *Inadmissibility for abuse of the right to submit a communication (Optional Protocol, art. 3)*

142. Under article 3 of the Optional Protocol, the Committee can declare inadmissible any communication which it considers to be an abuse of the right to submit communications. During the period under consideration, the question of abuse was raised in connection with a number of cases where several years had elapsed between the exhaustion of domestic remedies and the submission of the communication to the Committee. The

Committee recalled that the Optional Protocol establishes no time limit for the submission of communications and that the passage of time, other than in exceptional cases, does not in itself constitute an abuse of the right to submit a communication.

143. At its 100th session, the Committee decided to amend rule 96 of its rules of procedure, which describes the admissibility criteria, in order to define the situations where the delay could constitute an abuse of the right to submit a communication. Rule 96 (c), which simply indicated that the Committee should ascertain “that the communication does not constitute an abuse of the right of submission”, was completed as follows:

An abuse of the right of submission is not, in principle, a basis of a decision of inadmissibility *ratione temporis* on grounds of delay in submission. However, a communication may constitute an abuse of the right of submission, when it is submitted after 5 years from the exhaustion of domestic remedies by the author of the communication, or, where applicable, after 3 years from the conclusion of another procedure of international investigation or settlement, unless there are reasons justifying the delay taking into account all the circumstances of the communication. (CCPR/C/3/Rev.10)

144. This rule, in its amended form, applies to communications received by the Committee after 1 January 2012.

145. In case No. 1563/2007 (*Jünglingová v. Czech Republic*), the Committee noted the State party’s argument that the communication should be considered inadmissible as an abuse of the right of submission in view of the fact that the author waited more than six years after exhaustion of domestic remedies before submitting her complaint to the Committee. The author argued that the delay was caused by lack of available information. The Committee observed, in accordance with its current jurisprudence, that in the particular circumstances of the instant case it did not consider the delay of six years and five days since the exhaustion of domestic remedies to amount to an abuse of the right of submission under article 3 of the Optional Protocol.

146. A conclusion that the delay in submission of the communication did not constitute an abuse was also reached by the Committee in cases No. 1847/2008 (*Klain v. Czech Republic*) and No. 1800/2008 (*R.A.D.B. v. Colombia*).

147. In case No. 1850/2008 (*S.L. v. Czech Republic*), concerning property restitution, the Committee held that the period of delay before the author’s submission of the communication could not be calculated from the date of exhaustion of domestic remedies, because the author never availed herself of the domestic remedies considered as ineffective. The author did not suggest that she and her husband were deterred from proceeding in the domestic courts for fear of retaliation or similar considerations. She submitted her communication some 15 years after she and her husband were advised that no effective domestic remedy existed, nearly 11 years after the Committee adopted its Views in the *Simunek* case¹⁹ and nearly 9 years after the decision of the Constitutional Court of the State party that established the absence of a domestic remedy. The author identified as causes of the delay her difficult family circumstances and the logistical problems of conducting legal proceedings from abroad. The Committee concluded in the circumstances that the delay had been so unreasonable and excessive as to amount to an abuse of the right of submission, which rendered the communication inadmissible under article 3 of the Optional Protocol.

¹⁹ Communication No. 516/1992, *Simunek et al. v. the Czech Republic*, Views adopted on 19 July 1995.

- (f) *The same matter being examined under another procedure of international investigation or settlement (Optional Protocol, art. 5, para. 2 (a))*

148. In case No. 1811/2008 (*Djebbar and Chihoub v. Algeria*), the Committee noted that the disappearances of Djamel Chihoub and Mourad Chihoub were reported to the Working Group on Enforced or Involuntary Disappearances. However, it recalled that extra-conventional procedures or mechanisms established by the Commission on Human Rights or the Human Rights Council, and whose mandates are to examine and report publicly on human rights situations in specific countries or territories, or cases of widespread human rights violations worldwide, do not constitute an international procedure of investigation or settlement within the meaning of article 5, paragraph 2 (a), of the Optional Protocol. Accordingly, the Committee considered that the examination of the cases of Djamel and Mourad Chihoub by the Working Group on Enforced or Involuntary Disappearances did not render the communication inadmissible under this provision. The Committee reached a similar conclusion in case No. 1781/2008 (*Berzig v. Algeria*).

- (g) *The requirement of exhaustion of domestic remedies (Optional Protocol, art. 5, para. 2 (b))*

149. Pursuant to article 5, paragraph 2 (b), of the Optional Protocol, the Committee shall not consider any communication unless it has ascertained that the author has exhausted all available domestic remedies. However, it is the Committee's constant jurisprudence that the rule of exhaustion applies only to the extent that those remedies are effective and available. The State party is required to give details of the remedies which it submitted had been made available to the author in the circumstances of his or her case, together with evidence that there would be a reasonable prospect that such remedies would be effective. Furthermore, the Committee has held that authors must exercise due diligence in the pursuit of available remedies. Mere doubts or assumptions about their effectiveness do not absolve the authors from exhausting them.

150. In case No. 1759/2008 (*Traoré v. Côte d'Ivoire*), the Committee noted that the author made serious allegations of torture and enforced disappearances to the judge, the only authority to whom he had access while he was in detention. He was not able to refer the matter to the competent authorities after his release because he received serious threats to his person, which drove him to flee Côte d'Ivoire and obtain refugee status in a third country. The Committee recalled that the State party has a duty not only to carry out thorough investigations of alleged violations of human rights brought to the authorities' attention, but also to prosecute, try and punish anyone held to be responsible for such violations. On the basis of the information made available to it, the Committee found that legal remedies had not in fact been open to the author and that insurmountable obstacles prevented him from exhausting all domestic remedies. Hence, the Committee considered that article 5, paragraph 2 (b), of the Optional Protocol did not constitute an impediment to the admissibility of the communication.

151. In case No. 1811/2008 (*Djebbar and Chihoub v. Algeria*), the Committee noted that, according to the State party, the authors had not exhausted domestic remedies, since they did not consider the possibility of bringing the matter before the investigating judge and suing for damages in criminal proceedings. The Committee recalled its jurisprudence to the effect that authors must avail themselves of all legal remedies in order to fulfil the requirement of exhaustion of all available domestic remedies, insofar as such remedies appear to be effective in the given case and are de facto available to the authors. The Committee was of the view that the State party had not provided evidence to suggest that such a remedy was de facto available to the authors, when Ordinance No. 06-01 of 27 February 2006 was still being applied despite the Committee's recommendations regarding its compliance with the Covenant. The Committee therefore concluded that article 5, paragraph 2 (b), of the Optional Protocol was not a barrier to the admissibility of the

communication. The Committee reached a similar conclusion in case No. 1781/2008 (*Berzig v. Algeria*).

152. In case No. 1833/2008 (*X. v. Sweden*), the author claimed that his forcible return to Afghanistan would amount to a violation by Sweden of his rights under articles 6 and 7 of the Covenant. The Committee noted the State party's argument that the author did not file an appeal to the Migration Court of Appeal against the Migration Court's decision by which the author's application for a re-examination of his case based on his sexual orientation claim was rejected. Although the Committee was satisfied that the remedy, in the form of an appeal to the Migration Court of Appeal, would have been an effective remedy within the meaning of article 5, paragraph 2 (b), of the Optional Protocol, it observes that the author's deportation to Afghanistan was enforced shortly after the decision of the Migration Court was notified to the author, thus de facto depriving him of the right to file the respective appeal to the Migration Court of Appeal within three weeks of the date on which the decision of the Migration Court was issued, as provided under chapter 16, section 10, of the 2005 Aliens Act. The Committee considered that, when further domestic remedies are available to asylum seekers who risk deportation to a third country, they must be allowed a reasonable length of time to pursue those remedies before the deportation measure is enforced; otherwise, such remedies become materially unavailable, ineffective and futile. Under such circumstances, the Committee considered that it was not precluded by article 5, paragraph 2 (b), of the Optional Protocol from examining the communication.

153. In case No. 1838/2008 (*Tulzhenkova v. Belarus*), the Committee took note of the State party's argument that the author failed to file an application for supervisory review to the General Prosecutor, requesting him to lodge an objection with the Chairman of the Supreme Court. The Committee further noted the author's explanation that her application for supervisory review was rejected by the Chairman of the Supreme Court and that she did not lodge an application with the Prosecutor's Office because the supervisory proceedings do not constitute an effective domestic remedy. In this regard, the Committee recalled its jurisprudence, according to which supervisory review procedures against court decisions which have entered into force constitute an extraordinary means of appeal which is dependent on the discretionary power of a judge or prosecutor and is limited to issues of law only. In such circumstances, the Committee considered that it was not precluded, for purposes of admissibility, under article 5, paragraph 2 (b), from examining the communication. The Committee reached a similar conclusion in cases No. 1750/2008 (*Sudalenko v. Belarus*) and No. 1866/2009 (*Chebotareva v. Russian Federation*).

154. During the period under review, some communications or specific claims were declared inadmissible for failure to exhaust domestic remedies, including cases No. 1802/2008 (*L.O.P. v. Spain*) and No. 1789/2008 (*G.E. v. Germany*). Regarding the latter, the author claimed to be discriminated against on the ground of age because as a doctor providing services under the public health insurance he was not able to work after age 68, whereas this limitation did not exist for doctors providing services under private insurance. The State party contested the Committee's competence in this case due to paragraph (c) of its reservation to the Optional Protocol, which provides that the competence of the Committee "shall not apply to communications ... by means of which a violation of article 26 of the [said Covenant] is reprimanded, if and insofar as the reprimanded violation refers to rights other than those guaranteed under the aforementioned Covenant". The State party construed the claim by the author as basically referring to an alleged violation of his right to choose or exercise an occupation, which is indeed not covered by the Covenant. The Committee, however, considered that the communication was related to an alleged violation of the autonomous rights to equality and non-discrimination, enshrined in article 26 of the Covenant and therefore was not precluded from examining the admissibility of the communication. Nevertheless, the Committee noted that the author failed to file an

admissible application to the courts for provisional relief or to begin legal proceedings on the merits, which led it to conclude that the requirements of article 5, paragraph 2 (b), of the Optional Protocol had not been met.

(h) *Interim measures under rule 92 of the Committee's rules of procedure*

155. Under rule 92 of its rules of procedure, the Committee may, after receipt of a communication and before adopting its Views, request a State party to take interim measures in order to avoid irreparable damage to the victim of the alleged violations. The Committee continues to apply this rule on appropriate occasions, mostly in cases submitted by or on behalf of persons who have been sentenced to death and are awaiting execution and who claim that they were denied a fair trial. In view of the urgency of such communications, the Committee has requested the States parties concerned not to carry out the death sentences while the cases are under consideration. Stays of execution have specifically been granted in this connection. Rule 92 has also been applied in other circumstances, for instance in cases of imminent deportation or extradition which may involve or expose the author to a real risk of violation of rights protected under the Covenant. In connection with the communications decided during the period under review, this was true in cases No. 1819/2009 (*A.A. v. Canada*) and No. 2024/2011 (*Israil v. Kazakhstan*).

156. In case No. 2024/2011 (*Israil v. Kazakhstan*), the Committee noted that the State party extradited the author although his communication had been registered under the Optional Protocol and a request for interim measures of protection had been addressed to the State party in this respect. The Committee recalled that, by adhering to the Optional Protocol, a State party to the Covenant recognizes the competence of the Committee to receive and consider communications from individuals claiming to be victims of violations of any of the rights set forth in the Covenant (preamble and art. 1). Adherence to the Optional Protocol obliges a State party to cooperate with the Committee in good faith so as to permit and enable it to consider such communications, and after examination, to forward its views to the State party and to the individual. It is incompatible with these obligations for a State party to take any action that would prevent or frustrate the Committee in its consideration and examination of the communication, and in the expression of its Views. Apart from any violation of the Covenant found against a State party in a communication, a State party commits grave breaches of its obligations under the Optional Protocol if it acts to prevent or frustrate consideration, by the Committee, of a communication alleging a violation of the Covenant, or to render examination by the Committee moot and the expression of its Views nugatory and futile. The author of the communication alleged that his rights under articles 6 and 7 of the Covenant would be violated should he be extradited to China. Having been notified of the communication, the State party breached its obligations under the Optional Protocol by extraditing the author before the Committee could conclude its consideration and examination and the formulation and communication of its Views. It is particularly regrettable for the State to have done so after the Committee had acted under rule 92 of its rules of procedure, requesting the State party to refrain from doing so. Flouting of the rule, especially by irreversible measures such as, as in the present case, the author's extradition undermines the protection of Covenant rights through the Optional Protocol.

2. Substantive issues

(a) *The right to an effective remedy (Covenant, art. 2, para. 3)*

157. In case No. 1759/2008 (*Traoré v. Côte d'Ivoire*) the Committee reiterated the importance which it attaches to States parties' establishment of appropriate judicial and administrative mechanisms for addressing alleged violations of rights, even during a state

of emergency. The Committee further recalled that failure by a State party to investigate allegations of violations could in and of itself give rise to a separate breach of the Covenant. In this case, the information before the Committee indicated that the author did not have access to an effective remedy owing to the failure of the judicial authorities to duly investigate the allegations made by the author and the threats made against him to prevent him from pursuing the matter in the courts. The Committee noted the author's argument that the 2007 amendments to the Amnesty Act excluded any possibility of criminal prosecution for serious violations of human rights or international humanitarian law. The Committee therefore concluded that the facts before it revealed a violation of article 2, paragraph 3, read in conjunction with articles 7, 9, and 10, paragraph 1, of the Covenant, with regard to the author.

158. In case No. 1820/2008 (*Krasovskaya v. Belarus*), concerning the disappearance of Anatoly Krasovsky, the Committee noted that the submissions before it did not contain sufficient information to clarify the cause of Mr. Krasovsky's disappearance or presumed death, or the identity of any person who may have been involved in it, and therefore did not show a sufficient nexus between the disappearance of Mr. Krasovsky and the action and activities of the State party that allegedly led to the disappearance. In these circumstances, the Committee was of the view that the facts before it did not allow it to conclude that the disappearance of Mr. Krasovsky was carried out by the State party itself. Nevertheless, the Committee recalled that State parties have a positive obligation to ensure the protection of individuals against violations of Covenant rights, which may be committed not only by its agents, but also by private persons or entities. The Committee further recalled its general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant, according to which States must establish appropriate judicial and administrative mechanisms for addressing claims of rights violations,²⁰ and that criminal investigation and consequential prosecution are necessary remedies for violations of human rights such as those protected by articles 6 and 7 of the Covenant. In the instant case, the numerous complaints filed by the authors had not led to the arrest or prosecution of a single perpetrator. The Committee further observed not only the failure of the State to conduct a proper investigation but also the failure to explain at which stage the proceedings were, 10 years after the disappearance of Mr. Krasovsky. In the absence of an explanation of the lack of progress in the investigation, and in view of the information before it, the Committee concluded that the State party had violated its obligations under article 2, paragraph 3, read in conjunction with articles 6 and 7, for failure to properly investigate and take appropriate remedial action regarding the disappearance.

159. In case No. 1862/2009 (*Pathmini Peiris v. Sri Lanka*), the Committee recalled that criminal investigation and consequential prosecution are necessary remedies for violations of human rights such as those protected by articles 6 and 7 of the Covenant. The Committee observed that the numerous complaints filed by the author had not led to the arrest or prosecution of a single perpetrator. In the absence of any explanation by the State party, and in view of the detailed evidence placed before it, including the identification by name, by the author, of all alleged perpetrators, the Committee concluded that the State party must be held to be in breach of its obligations under article 2, paragraph 3, read in conjunction with article 6 and article 7, to properly investigate and take appropriate remedial action regarding the death of the author's husband, and the ill-treatment suffered by the author and her family.

²⁰ *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 40*, vol. I (A/59/40 (Vol. I)), annex III, para. 15.

160. Violations of article 2, paragraph 3, in conjunction with other provisions of the Covenant were also found in cases No. 1781/2008 (*Berzig v. Algeria*), No. 1782/2008 (*Aboufaied v. Libya*), No. 1811/2008 (*Djebbar and Chihoub v. Algeria*), No. 1828/2008 (*Olmedo v. Paraguay*) and No. 1829/2008 (*Benítez Gamarra v. Paraguay*).

(b) *Right to life (Covenant, art. 6)*

161. In case No. 1759/2008 (*Traoré v. Côte d'Ivoire*) the Committee noted that, on 29 September 2002, Chalió Traoré was, in the author's presence, taken away by men wearing the uniform of the presidential security guard acting on the order of their commander, Colonel Dogbo; that the men returned the next day, 30 September 2002, to take away Bakary Traoré; that since that date the two men had disappeared and the author thinks they have been extrajudicially executed; that the author first reported his cousins' disappearance to the judicial authorities on 15 October 2002, the date of his first appearance before a judge; and that his allegations were never investigated. The Committee also noted that the allegations had not been contradicted by the State party, which had not taken any steps to shed light on the fate of Mr. Chalió Traoré and Mr. Bakary Traoré. In accordance with the information made available to it, the Committee therefore concluded that there was a violation of articles 6, paragraph 1; 7; and 9, alone and read in conjunction with article 2, paragraph 3, of the Covenant.

162. In case No. 1811/2008 (*Djebbar and Chihoub v. Algeria*), the Committee noted that Djamel Chihoub was arrested on 16 May 1996 by members of the army of the State party. As for Mourad Chihoub, he was allegedly arrested on 13 November 1996 at the age of 16 by military officers from the Baraki barracks under orders from the same commander who had led the arrest of Djamel Chihoub a few months earlier. Allegedly, no one from his family had seen him or heard from him since. According to the authors, the chances of finding Djamel and Mourad Chihoub alive 15 years after their disappearance were negligible, and their prolonged absence, as well as the context and circumstances of their arrest, suggested that they died in detention. The Committee noted that the State party had not provided any information to refute those allegations and concluded that the State party had failed in its duty to guarantee the right to life of Djamel and Mourad Chihoub, in violation of article 6 of the Covenant. A violation of this provision was also found in cases No. 1781/2008 (*Berzig v. Algeria*) and No. 1905/2009 (*Khirani v. Algeria*), involving the disappearance of the victim.

163. In case No. 1828/2008 (*Olmedo v. Paraguay*), the Committee was of the view that the grave circumstances surrounding the victim's death, after he was shot in a demonstration, called for an effective investigation into the possible involvement of the State party's police forces. Despite the foregoing, the State party had not explained why the investigation that began on 16 June 2003 has made so little progress and still not reached any definitive conclusion. The Committee took note of the author's statement, which had not been contested by the State party, to the effect that no autopsy was carried out and that the projectile extracted from the victim's body had not been examined and had been misplaced, which made it impossible to elucidate important aspects of the investigation. It is implicit in article 4, paragraph 2, of the Optional Protocol, that the State party has the duty to investigate in good faith all allegations of violations of the Covenant made against it and its authorities, and to furnish to the Committee whatever information it has available. In view of the foregoing, the Committee concluded that the facts before it revealed a violation of article 6, paragraph 1, of the Covenant, and of article 2, paragraph 3, of the Covenant, read in conjunction with article 6.

164. In case No. 1833/2008 (*X. v. Sweden*), the Committee noted the author's claim that his forcible return to Afghanistan would expose him to a risk of torture and other cruel, inhuman or degrading treatment or punishment, as well as threats to his life due to his

sexual orientation. The Committee further noted the State party's argument that the author's asylum application was duly considered by the migration authorities, which did not find that the situation of homosexual or bisexual persons in Afghanistan was such that in itself it warranted international protection, and that the author had not established that he risked being subjected to persecution if he were to return to Afghanistan. The Committee recalled that it is generally for the instances of States parties to the Covenant to review or evaluate facts and evidence in order to determine the existence of such danger. However, in the present communication, the material before the Committee showed that the State party's migration authorities rejected the author's application, not on the ground of the author's unchallenged sexual orientation and its impact on the author in the particular circumstances in Afghanistan, but rather on the ground that the sexual orientation claim had been invoked at a late stage in the asylum process which, in the view of the State party, substantially undermined his credibility. The State party found that the author would not face any risk of torture if returned to his country of origin, even though the State party itself referred to international reports according to which homosexual activities in Afghanistan are punishable as *Hudood* crimes by a maximum sentence of death. The Committee observed that in the assessment of the author's risk of being subjected to treatment contrary to articles 6 and 7 of the Covenant upon return to Afghanistan the State party's authorities focused mainly on inconsistencies in the author's account of specific supporting facts and the low credibility derived from the late submission of the sexual orientation claim. The Committee was of the view that insufficient weight was given to the author's allegations on the real risk he might face in Afghanistan in view of his sexual orientation. Accordingly, the Committee considered that, in the circumstances, the author's deportation to Afghanistan constituted a violation of articles 6 and 7 of the Covenant.

165. In case No. 1862/2009 (*Pathmini Peiris v. Sri Lanka*), the Committee observed that according to the uncontested material at its disposal, the author and her family received a number of direct threats from the police seeking to unlawfully coerce them into withdrawing complaints filed by them against police officers. It was reported that the author's husband was shot dead by masked men, three months after two individuals had told the family that they had been instructed by the Negombo police to kill them. After this threat, the author and her husband had filed several complaints, including before the Office of the Deputy Inspector General and the police, but no action was taken by the authorities to protect the family. In these circumstances, and taking into account the State party's lack of cooperation with the Committee, the Committee was of the view that the facts before it revealed that the death of the author's husband must be held attributable to the State party itself. The Committee accordingly concluded that the State party was responsible for the arbitrary deprivation of life of the author's husband, in breach of article 6 of the Covenant.

166. In case No. 1859/2009 (*Kamoyo v. Zambia*), the Committee recalled its jurisprudence that the imposition of a sentence of death upon conclusion of criminal proceedings in which the provisions of the Covenant had not been respected constituted a violation of article 6 of the Covenant. In this case, the author's death sentence had been pending on appeal for nearly 17 years, in violation of the right to a fair trial as guaranteed by article 14 of the Covenant, and therefore also in violation of article 6 of the Covenant.

(c) *Right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment (Covenant, art. 7)*

167. In case No. 1759/2008 (*Traoré v. Côte d'Ivoire*), the Committee noted the author's allegations that he and his cousins had been subjected to torture, including cigarette burns, beatings, severe injury to the author's eye, the amputation of his right toe and electric shocks; the lack of adequate medical attention; and the disappearance of the author's cousins. Given that the State party had not refuted the facts, the Committee concluded that the acts of torture suffered by the author and his cousins, the secret detention of the same

and the enforced disappearance of the author's cousins constituted violations of article 7 of the Covenant.

168. In case No. 1782/2008 (*Aboufaied v. Libya*), the Committee was of the view that to have kept the author's brothers, Idriss and Juma Aboufaied, in captivity for a prolonged period, to have prevented them from communicating with their family and the outside world, and to have subjected Idriss Aboufaied to acts of torture, constituted a violation of article 7 of the Covenant with regard to each of them. With regard to the author, the Committee noted the anguish and distress caused by the successive disappearance of his two brothers. Recalling its jurisprudence, the Committee concluded that the facts before it revealed a violation of article 7 of the Covenant with regard to the author.

169. In case No. 1862/2009 (*Pathmini Peiris v. Sri Lanka*), the Committee recalled that the State party had offered no challenge to the evidence submitted by the author that on 12 November 2007, police officers broke into her domicile, beat her husband until he fell on the ground and lost consciousness, hit her with a pistol, punched her 10-year-old son against the wall, and hit her daughter with a motorcycle, knocking her to the ground, and later sought to undress her. In the circumstances, the Committee concluded that the author, her husband and their two children were subjected to treatment contrary to article 7 of the Covenant.

170. In case No. 1859/2009 (*Kamoyo v. Zambia*), the Committee recalled that prolonged delays in the execution of a death sentence do not per se constitute cruel, inhuman or degrading treatment. On the other hand, each case must be considered on its own merits, bearing in mind the imputability of delays in the administration of justice on the State party, the specific conditions of imprisonment in a maximum security prison and their psychological impact on the person concerned. In the instant case, in addition to the psychological distress created by prolonged detention on death row, the uncontested evidence before the Committee indicated that the author's case record had been lost. The Committee concluded that the failure of the Supreme Court of Zambia to decide on the author's appeal within a reasonable period had to be attributed to negligence by the State party. As a consequence, the Committee considered that the author's prolonged detention on death row constituted a breach of the obligations of Zambia under article 7 of the Covenant.

171. In case No. 2024/2011 (*Israil v. Kazakhstan*), concerning the extradition of the author to China, the Committee noted the State party's arguments submitted in general terms as to the threat which could result from maintaining the author in Kazakhstan. The Committee considered that it was known, or should have been known, to the State party's authorities at the time of the author's extradition that there were widely noted and credible public reports that China resorted to use of torture against detainees and that the risk of such treatment was usually high in the case of detainees belonging to national minorities, including Uighurs, held for political and security reasons. In the Committee's view, these elements in their combination showed that the author faced a real risk of torture in China if extradited. Moreover, it was clear that the author was sought in China for serious crimes, and could face a death sentence there. While a statement was made by the Chinese authorities in their request of extradition that the author would not be sentenced to death and the State party did not address this issue, the Committee considered that a risk of conviction and death sentence being procured through treatment incompatible with article 7 of the Covenant had not been eliminated. In the circumstances, the Committee was of the view that there was also a risk of a violation of article 6 of the Covenant. It recalled that if a State party removes a person within its jurisdiction to another jurisdiction where there are substantial grounds for believing that there is a real risk of irreparable harm, such as that contemplated by articles 6 and 7 of the Covenant, the State party itself may be in violation

of the Covenant. In the circumstances of the present case, the Committee concluded that the author's extradition thus amounted to a violation of articles 6 and 7 of the Covenant.

172. Other communications in which the Committee found violations of article 7 include cases No. 1755/2008 (*El Hagog Jumaa v. Libya*), No. 1880/2009 (*Nenova et al. v. Libya*), Nos. 1914, 1915 and 1916/2009 (*Musaev v. Uzbekistan*) and No. 1829/2008 (*Benítez Gamarra v. Paraguay*), as well as No. 1781/2008 (*Berzig v. Algeria*), No. 1811/2008 (*Djebbar and Chihoub v. Algeria*) and No. 1905/2009 (*Khirani v. Algeria*), involving the disappearance of the respective victims.

173. In case No. 1801/2008 (*G.K. v. Netherlands*), the Committee had to assess whether the author's asylum request asserting that he would be at risk upon return to Armenia was adequately evaluated by the State party authorities and whether he would indeed face a real risk of being subjected to torture or ill-treatment upon return to his country of origin. After examining all the information submitted by the parties the Committee could not conclude that the author would face such a risk.

(d) *Liberty and security of person (Covenant, art. 9)*

174. In case No. 2024/2011 (*Israil v. Kazakhstan*), the author claimed to have been initially kept under house arrest from 1 April 2010 to 23 June 2010. On 23 June 2010, he was placed in detention pending extradition. According to the State party's law, such detention cannot exceed three months. In this case, however, the author was kept detained from 23 June 2010 to 30 May 2011, when he was extradited. All appeals concerning his continuing house arrest and subsequent detention remained unsuccessful. The Committee recalled that deprivation of liberty is permissible only when it takes place on such grounds and in accordance with such procedure as are established by domestic law and when this is not arbitrary. It noted that the State party had not addressed these claims specifically. In the circumstances, the Committee considered that due weight should be given to the author's allegations. Accordingly, the Committee concluded that, in the circumstances of the case, the author's rights under article 9, paragraph 1, read together with article 2, paragraph 3 (a), of the Covenant, had been violated.

175. In case No. 1547/2007 (*Torobekov v. Kyrgyzstan*), the author claimed that his rights under article 9, paragraph 3, of the Covenant had been violated, as his placement in custody was authorized by a prosecutor who cannot be considered independent. In this respect, the Committee recalled its jurisprudence that paragraph 3 of article 9 entitles a detained person charged with a criminal offence to judicial control of his/her detention. It is generally admitted in the proper exercise of judicial power that it be exercised by an authority which is independent, objective and impartial in relation to the issues dealt with. In the circumstances of the case, the Committee found that the public prosecutor could not be characterized as having the institutional objectivity and impartiality necessary to be considered an "officer authorized to exercise judicial power" within the meaning of article 9, paragraph 3, and concluded that there had been a violation of this provision.

176. The Committee further noted that, according to article 9, paragraph 3, anyone detained on a criminal charge is entitled to trial within a reasonable time or to release. The Committee recalled its jurisprudence that, in order to avoid a characterization of arbitrariness, detention should not continue beyond the period for which the State party can provide appropriate justification. In this case, the Pervomaysky District Court had determined that the author's placement in custody was necessary, because he was charged with a particularly serious crime, he had been previously convicted and there was a concern that he might abscond if released. While the author submitted that he should have been released pending trial, he did not allege that the justification put forward by the Pervomaysky District Court for his placement in custody was inappropriate. The Committee also noted that the length of the author's pretrial detention was deducted from

the overall length of his imprisonment imposed by the Pervomaysky District Court at a ratio of one to two days. For these reasons, the Committee found that the length of the author's pretrial detention could not be deemed unreasonable and that, consequently, there was no violation of article 9, paragraph 3, in this respect.

177. In case No. 1759/2008 (*Traoré v. Côte d'Ivoire*), the Committee noted that the author was detained secretly at the premises of the Republican Security Company (CRS) and did not appear before a judge to be informed of the charges against him until three weeks after his arrest. In the absence of any pertinent explanations from the State party concerning the matter, the Committee concluded that there was a violation of article 9 of the Covenant.

178. In case No. 1782/2008 (*Aboufaied v. Libya*), the Committee noted that, according to the information at its disposal, Idriss Aboufaied was twice arrested without a warrant by agents of the State party, and that he was held in secret detention for approximately two months on each occasion, without access to defence counsel, without being informed of the grounds for his arrest, and without being brought before a judicial authority. He was first informed of charges against him in April 2007, when he was brought before a special tribunal in the District of Tadjoura. Juma Aboufaied was kept in secret detention for 15 months, without access to a lawyer and without ever being informed of the grounds for his arrest. During these periods, Idriss and Juma Aboufaied were unable to challenge the legality of their detention or its arbitrary character. In the absence of any explanation from the State party, the Committee found violations of article 9 of the Covenant with regard to both detentions of Idriss Aboufaied and with regard to the entire period of detention of Juma Aboufaied.

179. Other communications in which the Committee found violations of article 9 include cases No. 1755/2008 (*El Hagog Jumaa v. Libya*), No. 1880/2009 (*Nenova et al. v. Libya*), No. 1781/2008 (*Berzig v. Algeria*), No. 1905/2009 (*Khirani v. Algeria*), No. 1811/2008 (*Djebbar and Chihoub v. Algeria*), No. 1862/2009 (*Pathmini Peiris v. Sri Lanka*) and Nos. 1914, 1915 and 1916/2009 (*Musaev v. Uzbekistan*).

(e) *Treatment during imprisonment (Covenant, art. 10)*

180. In case No. 1759/2008 (*Traoré v. Côte d'Ivoire*), the Committee noted the allegations regarding the conditions of detention of the author and his cousins at the facilities of the Investigative Gendarmerie in the Le Plateau district of Abidjan and the conditions of detention of the author at Abidjan Detention and Correction Centre. It noted that the State party had not contested the information. The Committee recalled that persons deprived of their liberty may not be subjected to any hardship or constraint other than that resulting from the deprivation of liberty; they must be treated in accordance with, inter alia, the Standard Minimum Rules for the Treatment of Prisoners. It considered that the author's conditions of detention, as described, constituted a violation of the right of all persons to be treated with humanity and with respect for the inherent dignity of the human person and are, therefore, contrary to article 10, paragraph 1, of the Covenant.

181. Violations of article 10 were also found in cases No. 1782/2008 (*Aboufaied v. Libya*), No. 1811/2008 (*Djebbar and Chihoub v. Algeria*) and No. 1905/2009 (*Khirani v. Algeria*).

(f) *Right to leave any country (Covenant, art. 12, para. 2)*

182. In case No. 1782/2008 (*Aboufaied v. Libya*), the Committee observed the uncontested information before it, according to which State party agents confiscated Idriss Aboufaied's passport without justification upon his arrival in Libya on 30 September 2006, and explicitly refused to return it to him, thereby precluding him from leaving the country

and returning to his place of legal residence, in Switzerland. The Committee recalled that a passport provides a national with the means “to leave any country, including his own”, as stipulated in article 12, paragraph 2, of the Covenant, and that such right may, by virtue of paragraph 3 of that article, be subject to restrictions “which are provided by law [and] are necessary to protect national security, public order (*ordre public*), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant”. In this case, the State party had not put forward any such argument. Consequently, the Committee found that the confiscation of the author’s passport, and the failure to restore the document to him, must be deemed an unjustified interference with his right to freedom of movement, in violation of article 12, paragraph 2, of the Covenant.

183. In case No. 1883/2009 (*Orazova v. Turkmenistan*), the Committee noted that the author’s and her family’s right to leave the country had been temporarily restricted pursuant to article 32 of the Law on migration, but that the Prosecutor’s Office had not specifically indicated the legal grounds that would have justified the imposition of this restriction. Accordingly, the Committee was of the view that the author’s right under article 12, paragraph 2, of the Covenant had been violated.

(g) *Right to fair trial (Covenant, art. 14)*

184. In case No. 1755/2008 (*El Hagog Jumaa v. Libya*), the Committee recalled its general comment No. 32 (2007) on article 14, where it had emphasized that the right to equality before courts and tribunals, in general terms, guarantees, in addition to the principles mentioned in the second sentence of article 14, paragraph 1, those of equal access and equality of arms, and ensures that the parties to the proceedings in question are treated without any discrimination.²¹ In this case, taking into account the information provided by the State party, the Committee considered that an accumulation of violations of the right to fair trial had taken place, including the violation of the right not to testify against oneself; the violation of the principle of equality of arms – through unequal access to pieces of evidence and counter-expertise; and violation of the right to prepare one’s own defence through the lack of access to a lawyer prior to the beginning of the trial and the inability to speak to said lawyer freely. The Committee, therefore, concluded that the trial and sentence of the author disclosed a violation of article 14. A similar conclusion was reached by the Committee in case No. 1880/2009 (*Nenova et al. v. Libya*).

(h) *Right to be tried without undue delay (Covenant, art. 14, para. 3 (c))*

185. In case No. 1859/2009 (*Kamoyo v. Zambia*), the Committee noted that the author was convicted of murder, and recalled its jurisprudence as reflected in its general comment No. 32, that the rights contained in article 14, paragraphs 3 (c) and 5, read together, confer a right to review of a conviction without delay, and that the right of appeal is of particular importance in death penalty cases. It noted that 13 years after conviction, the author was still waiting for his appeal to be considered by the Supreme Court, due to apparent negligence resulting in the loss of his case record. The Committee concluded that such delay violated the author’s right to review without delay, and consequently found a violation of article 14, paragraphs 3 (c) and 5, of the Covenant.

(i) *Right to defend oneself and to have legal assistance (Covenant, art. 14, para. 3 (d))*

186. In case No. 1815/2008 (*Adonis v. Philippines*), the author, a journalist who had been convicted for libel in absentia, claimed that his right under article 14, paragraph 3, to be

²¹ *Official Records of the General Assembly, Sixty-second Session, Supplement No. 40, vol. I (A/62/40 (Vol. I)), annex VI.*

tried in his presence was not respected. The Committee recalled its jurisprudence that proceedings in the absence of the accused may in some circumstances be permissible in the interest of the proper administration of justice, i.e. when accused persons, although informed of the proceedings sufficiently in advance, decline to exercise their right to be present. Consequently, such trials are only compatible with article 14, paragraph 3 (d), if the necessary steps are taken to summon accused persons in a timely manner and to inform them beforehand about the date and place of their trial and to request their attendance. The Committee noted that the State party did not provide evidence showing that the Court sought to notify the author of the withdrawal of his lawyer, and the decision of the Court was unclear as to whether another counsel was appointed to represent the author. The State party did not show evidence either that the author was given timely enough notice of the Court's decision to allow him to file an appeal. Accordingly, the Committee concluded that article 14, paragraph 3 (d), had been violated.

(j) *Right to have one's conviction and sentence being reviewed by a higher tribunal (Covenant, art. 14, para. 5)*

187. In case No. 1641/2007 (*Calderón Bruges v. Colombia*), the Committee recalled its jurisprudence to the effect that article 14, paragraph 5, guarantees that a conviction will be subject to review. In its general comment No. 32, the Committee pointed out that "article 14, paragraph 5, is violated not only if the decision by the court of first instance is final, but also where a conviction imposed by an appeal court or a court of final instance, following acquittal by a lower court, according to domestic law, cannot be reviewed by a higher court". In this case, the author was tried and acquitted by the Bogotá Third Special Circuit Criminal Court. This judgement was appealed by the Public Prosecutor before the Bogotá Judicial District High Court, which upheld the verdict of the court of first instance. Subsequently, the Prosecutor filed an appeal in cassation with the Supreme Court, mainly alleging errors in the evaluation of the evidence by the High Court. The Supreme Court quashed the judgment of the High Court and sentenced the author to, inter alia, 5 years' imprisonment. Since this conviction was not reviewed by a higher court, the Committee concluded that article 14, paragraph 5, of the Covenant had been violated.

188. Violations of article 14 were also found in cases No. 1782/2008 (*Aboufaied v. Libya*) and Nos. 1914, 1915 and 1916/2009 (*Musaev v. Uzbekistan*).

(k) *Right to recognition as a person before the law (Covenant, art. 16)*

189. In case No. 1782/2008 (*Aboufaied v. Libya*), the Committee reiterated its established case law, according to which intentionally removing a person from the protection of the law for a prolonged period of time may constitute a refusal of recognition as a person before the law if the victim was in the hands of the State authorities when last seen and, at the same time, if the efforts of his or her relatives to obtain access to potentially effective remedies, including judicial remedies (art. 2, para. 3, of the Covenant) have been systematically impeded. In the present case, the State party authorities subjected Idriss and Juma Aboufaied to incommunicado detention, refused to provide the family any information concerning their whereabouts or condition, and, through intimidation, prevented the family from seeking redress or assistance for them. The Committee, therefore, found that the enforced disappearance of Idriss and Juma Aboufaied deprived them of the protection of the law during that period, in violation of article 16 of the Covenant.

190. A violation of this article was also found in cases No. 1781/2008 (*Berzig v. Algeria*), No. 1905/2009 (*Khirani v. Algeria*), and No. 1811/2008 (*Djebbar and Chihoub v. Algeria*), in respect of the disappearance of the respective victims.

(l) *Right not to be subjected to interference with one's privacy, family and home (Covenant, art. 17)*

191. In case No. 1862/2009 (*Pathmini Peiris v. Sri Lanka*), the Committee took note of the author's contention that police officers harassed her and her family in their home through threatening telephone calls and forced visits, including the severe assault on their home, and that subsequently they feared to live in their home and were forced into hiding, and unable to live a peaceful family life. The Committee also noted the continuing harm resulting from the State party's failure to take any action in response to the Committee's request to adopt interim measures to protect the author and her family. In the absence of any rebuttal by the State party, the Committee concluded that the State party's interference with the privacy of the family home of the author was arbitrary, in violation of article 17 of the Covenant.

(m) *Freedom of thought, conscience and religion (Covenant, art. 18)*

192. In case Nos. 1853-1854/2008 (*Atasoy/Sarkut v. Turkey*), the authors claimed that their rights under article 18, paragraph 1, of the Covenant had been violated, due to the absence in the State party of an alternative to compulsory military service, as a result of which they had been criminally prosecuted, with Mr. Sarkut also having lost his employment, because of their failure to perform military service. The Committee reiterated that the right to conscientious objection to military service is inherent to the right to freedom of thought, conscience and religion. It entitles any individual to an exemption from compulsory military service if the latter cannot be reconciled with that individual's religion or beliefs. The right must not be impaired by coercion. A State party may, if it wishes, compel the objector to undertake a civilian alternative to military service, outside the military sphere and not under military command. The alternative service must not be of a punitive nature. It must be a real service to the community and compatible with respect for human rights. In these cases, the authors' refusal to be drafted for compulsory military service derived from their religious beliefs, which, it is uncontested, were genuinely held, and their subsequent prosecution and sentences amounted to an infringement of their freedom of conscience, in breach of article 18, paragraph 1, of the Covenant. The Committee recalled that repression of the refusal to be drafted for compulsory military service, exercised against persons whose conscience or religion prohibits the use of arms, was incompatible with article 18, paragraph 1, of the Covenant.

(n) *Freedom of opinion and expression (Covenant, art. 19)*

193. In case No. 1316/2004 (*Gryb v. Belarus*), the author claimed that following his participation in a peaceful rally in commemoration of the anniversary of the adoption of the 1994 Constitution of Belarus, he was fined and for this reason, he was not issued a lawyer's license, even though he had passed a qualification examination. He claimed that he was a victim of discrimination on political grounds, as he belonged to an opposition movement critical to the regime in place, and that no other lawyers in such situation were refused issuance of lawyer's licence. The Committee recalled that freedom of opinion and freedom of expression are indispensable conditions for the full development of the person, that they are essential for any society, and that they constitute the foundation stone for every free and democratic society. It noted further that the rights and freedoms set up in articles 19 and 21 of the Covenant are not absolute and may be subject to limitations in certain situations. Under article 19, paragraph 3, such limitations must be provided by law and necessary for respect of the rights or reputations of others, or for the protection of national security or of public order (*ordre public*) or public health or morals. Similarly, the second sentence of article 21 of the Covenant requires that no restrictions may be placed on the exercise of the right to peaceful assembly other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety,

public order (ordre public), the protection of public health or morals or the protection of rights and freedoms of others. In this case, the State party had limited itself to explaining that the author had been fined lawfully, under the provisions of the Code of Administrative Offences, which, as a consequence, had led to the subsequent non-issuance of his licence as a lawyer, in the light of the provisions of the Law on Lawyers. The Committee noted that the State party, however, had not adduced any explanation on how the non-issuance of the author's lawyer's licence was justified and necessary, for purposes of article 19, paragraph 3, and/or the second sentence of article 21 of the Covenant. In the circumstances, and in absence of any other pertinent information on file, the Committee considered that the author's rights under article 19, paragraph 2, and article 21, of the Covenant, had been violated.

194. In case No. 1750/2008 (*Sudalenko v. Belarus*), the author claimed a violation of his right to impart information because of the arbitrary seizure and partial destruction of elections-related print materials, as a result of the application of article 172-1, part 8, of the Code on Administrative Offences, as well as the fine imposed on him for having distributed such materials. The Committee considered that, even if the sanctions imposed on the author were permitted under national law, the State party did not advance any argument as to why they were necessary for one of the legitimate purposes set out in article 19, paragraph 3, of the Covenant. The State party did not explain why the breach of the requirement to have a contractual agreement with the editorial board or the publisher of a newspaper in order to distribute photocopies of an article published in one of its issues involved pecuniary sanctions and the seizure and partial destruction of the leaflets in question. The Committee concluded that in the absence of any pertinent explanations from the State party, the restrictions of the exercise of the author's right to impart information could not be deemed necessary for the protection of national security or of public order (ordre public) or for respect of the rights or reputations of others. The Committee therefore found that the author's rights under article 19, paragraph 2, of the Covenant had been violated.

195. In case No. 1772/2008 (*Belyazeka v. Belarus*), the author claimed that, by breaking up, on 30 October 2007, the commemoration aimed at honouring the victims of the Stalinist repressions, the State party's authorities violated his right to freedom of expression under article 19, paragraph 2, of the Covenant, since he was taken away from the commemoration and subsequently fined 620,000 Belarusian roubles for publicly expressing personal and other interests during the unauthorized picket. Even if the sanctions imposed on the author were permitted under national law, the Committee noted that the State party had not advanced any argument as to why they were necessary for one of the legitimate purposes set out in article 19, paragraph 3, of the Covenant, and what dangers would have been created by the author by publicly expressing his negative attitude to the Stalinist repressions in Soviet Russia. The Committee concluded that in the absence of any pertinent explanations from the State party, the restrictions of the exercise of the author's right to freedom of expression could not be deemed necessary for the protection of national security or of public order (ordre public) or for respect of the rights or reputations of others. The Committee therefore found that the author's rights under article 19, paragraph 2, of the Covenant had been violated.

196. In case No. 1815/2008 (*Adonis v. Philippines*), the author alleged that his conviction for defamation under the Philippine Penal Code constituted an illegitimate restriction of his right to freedom of expression because it did not conform to the standards set by article 19, paragraph 3, of the Covenant. The author maintained, in particular, that the criminal sanction of imprisonment established by the Philippine Revised Penal Code for libel was neither necessary nor reasonable, for the following reasons: (a) there are less severe sanctions available; (b) it admits no proof of truth as a defence except for very limited cases; (c) it does not take into account the public interest as a defence; or (d) it presumes malice in the allegedly defamatory statements, placing the burden of proof on the accused.

The Committee recalled its general comment No. 34 (2011) on the freedoms of opinion and expression, according to which “defamation laws must be crafted with care to ensure that they comply with paragraph 3, and that they do not serve, in practice, to stifle freedom of expression. All such laws, in particular penal defamation laws, should include such defences as the defence of truth and they should not be applied with regard to those forms of expressions that are not, of their nature, subject to verification. At least with regard to comments about public figures, consideration should be given to avoiding penalizing or otherwise rendering unlawful untrue statements that have been published in error but without malice. In any event, a public interest in the subject matter of the criticism should be recognized as a defence. Care should be taken by States parties to avoid excessively punitive measures and penalties. ... States parties should consider the decriminalization of defamation and, in any case, the application of the criminal law should only be countenanced in the most serious of cases and imprisonment is never an appropriate penalty”.²² In light of this, the Committee considered that the sanction of imprisonment imposed on the author was incompatible with article 19, paragraph 3, of the Covenant.

197. In case No. 1838/2008 (*Tulzhenkova v. Belarus*), the author claimed that the administrative sanction imposed on her for distributing leaflets containing information about an upcoming peaceful gathering before permission to hold the event in question had been granted, as required under the domestic law, constituted an unjustified restriction on her freedom to impart information, as protected by article 19, paragraph 2, of the Covenant. The Committee considered whether the restrictions imposed on the author’s right to freedom of expression were justified under any of the criteria set out in article 19, paragraph 3. The Committee recalled that freedom of opinion and freedom of expression are indispensable conditions for the full development of the person; such freedoms are essential for any society and constitute the foundation stone for every free and democratic society. Any restrictions to the exercise of such freedoms must conform to strict tests of necessity and proportionality, be applied only for those purposes for which they were prescribed and must be directly related to the specific need on which they are predicated. The State party had argued that the provisions of the Law on Mass Events were aimed at creating conditions for the realization of citizens’ constitutional rights and freedoms and the protection of public safety and public order during the holding of such events on streets, squares and at other public locations. However, the State party had not supplied any specific indication of what dangers would have been created by the early distribution of the information contained in the author’s leaflet. In the circumstances of the case, the State party had not shown how the fine imposed on the author was justified under any of the criteria set out in article 19, paragraph 3, and concluded that the author’s rights under article 19, paragraph 2, of the Covenant, had been violated.

(o) *Right of peaceful assembly (Covenant, art. 21)*

198. In case No. 1772/2008 (*Belyazeka v. Belarus*), the author claimed that, by breaking up the commemoration aimed at honouring the victims of the Stalinist repressions, the State party’s authorities violated his right to freedom of assembly under article 21, since he was arbitrarily prevented from holding a peaceful assembly. The Committee noted that the State party had not provided any information as to how, in practice, commemorating the victims of the Stalinist repressions would violate the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of rights and freedoms of others as set out in article 21 of the Covenant. Accordingly, the Committee concluded that the State party had violated the author’s right under article 21 of

²² *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 40*, vol. I (A/66/40 (Vol. I)), annex V, para. 47.

the Covenant. A violation of article 21 was also found in case No. 1866/2009 (*Chebotareva v. Russian Federation*), regarding the refusal of the city authorities to grant the author permission to conduct a public event to mark the anniversary of the murder of Anna Politkovskaya and to protest against political repression in the country.

(p) *Right of minors to protection by the State (Covenant, art. 24)*

199. In case No. 1811/2008 (*Djebbar and Chihoub v. Algeria*), the Committee noted that Mourad Chihoub had been arrested at the age of 16 when he was still a minor, without an arrest warrant or any explanation, and then he was detained incommunicado and deprived of all contact with his family for 15 years. The Committee was of the view that the State party did not ensure the special protection required for children under 18 years of age. Consequently, the Committee found a violation of the rights guaranteed under article 24 with regard to Mourad Chihoub.

(q) *The right to equality before the law and the prohibition of discrimination (Covenant, art. 26)*

200. In case No. 1563/2007 (*Jünglingová v. Czech Republic*), the Committee recalled its Views in numerous Czech property restitution cases, where it held that article 26 had been violated and that it would be incompatible with the Covenant to require the authors to obtain Czech citizenship as a prerequisite for the restitution of their property confiscated by the authorities or, alternatively, for the payment of appropriate compensation. Bearing in mind that the authors' original entitlement to their properties had not been predicated on citizenship, the Committee found in those cases that the citizenship requirement was unreasonable. A requirement in the law for citizenship as a necessary condition for restitution of property previously confiscated made an arbitrary, and consequently a discriminatory distinction between individuals who are equally victims of prior State confiscations, and constitutes a violation of article 26 of the Covenant. The Committee concluded that the principle established in the above cases applied equally to the author and found a violation of the author's rights under article 26 of the Covenant. The Committee reached a similar conclusion in case No. 1847/2008 (*Klain v. Czech Republic*).

201. In case Nos. 1637/2007, 1757/2008 and 1765/2008 (*Canessa; Barindelli Bassini et al; and Torres Rodríguez v. Uruguay*), the authors, former diplomats, were taken off their posts as secretaries in the Foreign Service upon reaching 60 years of age. As a result, they claimed to be victims of discrimination under article 26 of the Covenant. The Committee recalled its long-standing jurisprudence that not every differentiation of treatment necessarily constitutes discrimination within the meaning of article 26 if the criteria for such differentiation are reasonable and objective and if the aim is to achieve a purpose which is legitimate under the Covenant. Age may constitute one of the grounds for discrimination prohibited under article 26, provided that it is the ground for establishing differentiated treatment that is not based on reasonable and objective criteria. In the case at hand, the Committee observed that the State party had not explained the purpose of the distinction established by law between secretaries and other category M civil servants of the Foreign Service which led to the authors' cessation of duties, nor had it put forward reasonable and objective criteria for such a distinction. The Committee took the view that, while the imposition of a compulsory retirement age for a particular occupation does not per se constitute discrimination on the ground of age, in the case at hand that age differs for secretaries and for other category M civil servants, a distinction which has not been justified by the State party. The latter has based its reasoning on the argument of the Supreme Court to the effect that the difference of treatment "does not appear irrational" and on the defence of a degree of discretion to which it would be entitled in exercising its right to rationalize the Public Administration. The Committee noted, however, that the State party had not explained how a civil servant's age can affect the performance of a secretary

so specifically and differently from the performance of a counsellor, minister or ambassador as to justify the difference of 10 years between compulsory retirement ages. In light of this, the Committee concluded that the facts before it revealed the existence of discrimination based on the authors' age, in violation of article 26 of the Covenant, read in conjunction with article 2.

F. Remedies called for under the Committee's Views

202. After the Committee has made a finding of a violation of a provision of the Covenant in its Views under article 5, paragraph 4, of the Optional Protocol, it proceeds to ask the State party to take appropriate steps to remedy the violation. Often, it also reminds the State party of its obligation to prevent similar violations in the future. When pronouncing a remedy, the Committee observes that:

Bearing in mind that, by becoming a party to the Optional Protocol, the State party has recognized the competence of the Committee to determine whether there has been a violation of the Covenant or not and that, pursuant to article 2 of the Covenant, the State party has undertaken to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant and to provide an effective and enforceable remedy in case a violation has been established, the Committee wishes to receive from the State party, within 180 days, information about the measures taken to give effect to the Committee's Views. The State party is also requested to publish the Committee's Views.

203. During the period under review the Committee took the following decisions regarding remedies.

204. In case No. 1828/2008 (*Olmedo v. Paraguay*), involving a violation of article 6, paragraph 1 and of article 2, paragraph 3, read in conjunction with article 6, paragraph 1, the State party was requested to provide the author with an effective remedy, which would include an effective and complete investigation of the facts, the prosecution and punishment of those guilty and full reparation, including appropriate compensation.

205. In case No. 1820/2008 (*Krasovskaya v. Belarus*), involving the violation of article 2, paragraph 3, read in conjunction with articles 6 and 7, the Committee indicated that the State party was under an obligation to provide the author with an effective remedy, which should include a thorough and diligent investigation of the facts, the prosecution and punishment of the perpetrators, adequate information about the results of its inquiries, and adequate compensation to the authors.

206. In case No. 1759/2008 (*Traoré v. Côte d'Ivoire*), involving various violations of articles 6, paragraph 1; 7; 9; 10, paragraph 1; and article 2, paragraph 3, the Committee indicated that the State party was under an obligation to provide the author with an effective remedy by: (i) ensuring a thorough and diligent investigation into the torture and ill-treatment suffered by the author and his cousins and into the enforced disappearance of the author's cousins, as well as the prosecution and punishment of those responsible; (ii) providing the author with detailed information on the results of its investigation; (iii) immediately releasing Chalio and Bakary Traoré if they are still being detained; (iv) if Chalio and Bakary Traoré have died, returning their remains to their relatives; and (v) providing the author and either Chalio and Bakary Traoré or their immediate families with reparation, including in the form of adequate compensation. The State party is also under an obligation to prevent similar violations in the future.

207. In case No. 1811/2008 (*Djebbar and Chihoub v. Algeria*), involving violations of article 2, paragraph 3, read in conjunction with articles 6, paragraph 1; 7; 9; 10, paragraph

1; 16; and 2, paragraph 3, read in conjunction with article 24, regarding the disappearance of the victims, the Committee indicated that the State party was under an obligation to provide the authors with an effective remedy, including by (i) conducting a thorough and effective investigation into the disappearance of Djamel and Mourad Chihoub; (ii) providing their family with detailed information about the results of the investigation; (iii) freeing Djamel and Mourad Chihoub immediately if they are still being detained incommunicado; (iv) if they are dead, handing over their remains to their family; (v) prosecuting, trying and punishing those responsible for the violations committed; and (vi) providing adequate compensation for the authors and their family for the violations suffered, and for Djamel and Mourad Chihoub if they are still alive. Moreover, and notwithstanding Ordinance No. 06-01, the State party should ensure that it does not impede enjoyment of the right to an effective remedy for the victims of crimes such as torture, extrajudicial killings and enforced disappearance. Similar remedies were recommended in cases No. 1781/2008 (*Berzig v. Algeria*) and No. 1905/2009 (*Khirani v. Algeria*) and, with the exception of (iii) and (iv), in case No. 1782/2008 (*Aboufaied v. Libya*).

208. In case No. 1833/2008 (*X. v. Sweden*) the Committee found that the author's deportation to Afghanistan constituted a violation of articles 6 and 7 of the Covenant. Accordingly, it stated that the State party was under an obligation to provide the author with an effective remedy, including taking all appropriate measures to facilitate the author's return to Sweden if he so wished.

209. In case No. 1862/2009 (*Pathmini Peiris v. Sri Lanka*), involving various violations of articles 6, 7, 17 and 23, paragraph 1, the Committee considered that the State party was under an obligation to provide the author with an effective remedy, which included ensuring that perpetrators are brought to justice, that the author and her two children can return to their domicile in safety, and that reparation is provided, including payment of adequate compensation and an apology to the family.

210. In case No. 2024/2011 (*Israil v. Kazakhstan*), concerning the extradition of the author, in violation of articles 6, 7 and 9, the Committee requested the State party to provide the author with an effective remedy, including adequate compensation. The State party was also requested to put in place effective measures for the monitoring of the situation of the author of the communication, in cooperation with the receiving State. The State party was also requested to provide the Committee with updated information, on a regular basis, of the author's situation.

211. In case No. 1547/2007 (*Torobekov v. Kyrgyzstan*), involving violations of article 9, paragraph 3, the State party was requested to provide the author with an effective remedy in the form of appropriate compensation.

212. In case No. 1755/2008 (*El Hagog Jumaa v. Libya*), involving violations of article 7 alone and read in conjunction with article 2, paragraph 3, article 9 and article 14, the Committee considered that the State party was under an obligation to provide the author with an effective remedy, including conducting a new full and thorough investigation into allegations of torture and ill-treatment and initiating proper criminal proceedings against those responsible for the treatment to which the author was subjected; and providing the author with appropriate reparation, including compensation. A similar remedy was recommended in cases No. 1880/2009 (*Nenova et al. v. Libya*) and No. 1829/2008 (*Benítez Gamarra v. Paraguay*).

213. In case No. 1859/2009 (*Kamoyo v. Zambia*), involving violations of articles 6; 14, paragraph 3 (c); 14, paragraph 5; and 7, the State party was requested to provide the author with an effective remedy, including either his retrial in conformity with all guarantees enshrined in the Covenant, or his release, as well as appropriate reparation, including adequate compensation.

214. In case No. 1815/2008 (*Adonis v. the Philippines*), involving violations of article 14, paragraph 3 (d), and article 19, the Committee considered that the State party was under an obligation to provide the author with an effective remedy, including adequate compensation for the time served in prison. The State party was also under an obligation to take steps to prevent similar violations occurring in the future, including by reviewing the relevant libel legislation.

215. In case Nos. 1914, 1915 and 1916/2009 (*Musaev v. Uzbekistan*), involving violations of articles 7, 9, and 14, paragraphs 3 (b) and (g) and 5, the State party was requested to provide the victim with an effective remedy, including: carrying out an impartial, effective and thorough investigation into the allegations of torture and ill-treatment and initiating criminal proceedings against those responsible; either his retrial in conformity with all guarantees enshrined in the Covenant or his release; and providing the victim with full reparation, including appropriate compensation.

216. In case No. 1641/2007 (*Calderón Bruges v. Colombia*), involving a violation of article 14, paragraph 5, the State party was requested to provide the author with an effective remedy, including the review of his conviction, as well as adequate compensation.

217. In case No. 1883/2009 (*Orazova v. Turkmenistan*), involving violations of article 12, paragraph 2, the Committee declared that the remedy should entail measures to immediately restore Ms. Orazova's freedom to leave the country at her own will, as well as appropriate compensation.

218. In case Nos. 1853-1854/2008 (*Atasoy/Sarkut v. Turkey*), involving violations of article 18, paragraph 1, because of the authors' refusal to perform military service, the Committee requested the State party to provide the authors with an effective remedy, including expunging their criminal records and providing them with adequate compensation.

219. In cases No. 1838/2008 (*Tulzhenkova v. Belarus*) and No. 1750/2008 (*Sudalenko v. Belarus*), involving violations of article 19, paragraph 2, the State party was requested to provide the respective authors with an effective remedy, including reimbursement of the value of the fine and any legal costs incurred by the authors, as well as compensation.

220. In case No. 1316/2004 (*Gryb v. Belarus*), involving violations of article 19, paragraph 2, and article 21, the State party was requested to provide the author with an effective remedy, which should include the reissuance of the author's lawyer's license and reparation, including adequate compensation.

221. In case No. 1772/2008 (*Belyazeka v. Belarus*), involving violations of articles 19, paragraph 2, and 21, the State party was requested to provide the author with an effective remedy, including reimbursement of the value of the fine imposed on him for his participation in an unauthorized picket, and any legal costs incurred by the author, as well as compensation.

222. In case No. 1866/2009 (*Chebotareva v. Russian Federation*), involving a violation of article 21, the State party was requested to provide the author with an effective remedy, including compensation and reimbursement of any legal costs paid by the author.

223. Cases No. 1847/2008 (*Klain v. Czech Republic*) and No. 1563/2007 (*Jünglingová v. Czech Republic*) involved violations of article 26 as a result of discrimination on the basis of citizenship with respect to restitution of property. The State party was requested to provide the authors with an effective remedy, including compensation if the property could not be returned. The Committee also reiterated its position that the State party should review its legislation to ensure that all persons enjoy both equality before the law and equal protection of the law.

224. In case Nos. 1637/2007, 1757/2008 and 1765/2008 (*Canessa; Barindelli Bassini et al.; and Torres Rodríguez v. Uruguay*), involving violations of article 26, the Committee took the view that the State party must recognize that reparation is due to the authors, including appropriate compensation for the losses suffered.

VI. Follow-up on individual communications under the Optional Protocol

225. In July 1990, the Committee established a procedure for the monitoring of follow-up to its Views under article 5, paragraph 4, of the Optional Protocol, and created the mandate of the Special Rapporteur for follow-up on Views to this effect. Mr. Krister Thelin has been the Special Rapporteur since March 2011 (101st session).

226. As indicated in the Committee's general comment No. 33 on the obligations of States parties under the Optional Protocol to the International Covenant on Civil and Political Rights,²³ the Special Rapporteur, through written representations, and frequently also through personal meetings with diplomatic representatives of the State party concerned, urges compliance with the Committee's views and discusses factors that may be impeding their implementation.

227. It is to be noted, as also indicated in general comment No. 33 (para. 17), that failure by a State party to implement the Views of the Committee in a given case becomes a matter of public record through the publication of the Committee's decisions in, inter alia, its annual reports to the General Assembly. Some States parties, to which the Views of the Committee have been transmitted in relation to communications concerning them, have failed to accept the Committee's Views, in whole or in part, or have attempted to re-open the case. In a number of those cases the responses have been made where the State party took no part in the procedures, having not carried out its obligation to respond to communications under article 4, paragraph 2, of the Optional Protocol. In other cases, rejection of the Committee's Views, in whole or in part, has come after the State party has participated in the procedure and where its arguments have been fully considered by the Committee. In all such cases, the Committee regards dialogue between the Committee and the State party as ongoing with a view to implementation. The Special Rapporteur for follow-up on Views conducts this dialogue, and regularly reports on progress to the Committee.

228. In 764 of the 916 Views adopted since 1979, the Committee concluded that there had been a violation of the Covenant. A comprehensive table recapitulating all Views with a conclusion of violation, by State, is included as annex XI to the present annual report (see Vol. II).

229. The present chapter sets out all information provided by States parties and authors or their counsel/representative since the previous annual report.²⁴

A. Follow-up information received since the previous annual report

230. The following information was received during the period under review.

State party	Algeria
Case	<i>Medjnoune, 1297/2004</i>
Views adopted on	14 July 2006

²³ *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 40*, vol. I (A/64/40 (Vol. I)), annex V, para. 16.

²⁴ *Ibid.*, *Sixty-sixth Session, Supplement No. 40*, vol. I (A/66/40 (Vol. I)), chap. VI.

Violations

Articles 7; 9, paragraphs 1, 2 and 3; and 14, paragraph 3 (a) and (c), of the Covenant.

Remedy: An effective remedy, which includes bringing Mr. Medjnoune immediately before a judge to answer the charges against him or to release him, conducting a full and thorough investigation into the incommunicado detention and treatment suffered by Mr. Medjnoune since 28 September 1999, and initiating criminal proceedings against the persons alleged to be responsible for those violations, in particular the ill-treatment. The State party is also required to provide Mr. Medjnoune with appropriate compensation for the violations.

No reply by the State party (A/66/40 (Vol. I), chap. VI, pp. 120–122)

On 19 August 2011, the author's counsel informed the Committee that on 18 July 2011, Mr. Medjnoune's trial had finally taken place; the preliminary investigation had been completed in 2000 and thus Mr. Medjnoune had been kept in pretrial detention for more than 11 years. Mr. Medjnoune was sentenced to a prison term covering his pretrial detention, in the absence, according to counsel, of any convincing evidence and despite the fact that the civil parties had revoked their claims and that witnesses had officially testified that Mr. Medjnoune was not involved in the crime for which he was charged.

According to counsel, the verdict in question aims solely at validating the legality of Mr. Medjnoune's 11 years of pretrial detention. In addition, Mr. Medjnoune's eight-month secret detention (1999-2000) was not taken into consideration.

Counsel's submission was sent to the State party in August 2011. The Committee will await receipt of further information before finally deciding on the matter. The case should also be discussed at a meeting with the State party, to take place at a subsequent session.²⁵

The Committee considers the follow-up dialogue ongoing, while noting that, to date, its recommendation has not been satisfactorily implemented.

State party	Australia
Case	<i>Kwok, 1442/2005</i>
Views adopted on	23 October 2009
Violations	Article 9, and potential violation of articles 6 and 7 of the Covenant.

Remedy: An appropriate remedy, to include protection from removal to China without adequate assurances as well as adequate compensation for the length of the detention to which the author was subjected.

No previous follow-up information received.

On 25 October 2011, the State party expressed its regret at the delay in replying, and explained that it had studied carefully the Committee's Views, which had been published on the website of the Attorney General's Department.

²⁵ The secretariat tried, without success, to organize such meeting for the 103rd session.

It informed the Committee that Ms. Kwok had been granted a permanent residence visa, at the request of the Minister for Immigration and Citizenship made on 14 September 2010, under article 417 of the Migration Act 1958. That same day, Ms Kwok had been released from community detention. The State party believes that the grant of the permanent residence visa provided the author with an effective remedy concerning her non-refoulement claim.

On 16 January 2012, author's counsel confirmed that Ms. Kwok had been granted a residence permit, and suggested that the Committee could end the follow-up examination of the case.

The Committee decided to close the follow-up consideration of the case, with a note of a satisfactory implementation of its recommendation.

State party	Australia
Cases	<i>Fardon, 1629/2007, Tillman, 1635/2007</i>
Views adopted on	18 March 2010
Violations	(a) Fardon: article 9, paragraph 1, of the Covenant; (b) Tillman: article 9, paragraph 1, of the Covenant.

Remedy: (a) Fardon: an effective remedy, including termination of his detention under the Queensland Dangerous Prisoners (Sexual Offenders) Act 2003; (b) Tillman: an effective remedy, including termination of his detention under the Crimes (Serious Sex Offenders) Act 2006 (New South Wales).

Previous follow-up information: A/66/40 (Vol. I), chap. VI, pp. 123–124

On 6 September 2011, the State party explained that Mr. Fardon had been released from custody in December 2006, under an extended supervision order. He was imprisoned again from July to October 2007, for the breach of the supervision order. In April 2008, he was charged with rape and placed in pretrial detention. He was sentenced to 10 years' imprisonment on 14 May 2010. On 12 November 2010, the Court of Appeal acquitted him. On 19 May 2011, the Supreme Court ordered his release, subject to a supervision order. The Attorney General lodged an appeal against this decision, and the Court of Appeal ordered on 1 July 2011 that Mr. Fardon be detained subject to a continuing detention order. As a result, Mr. Fardon remained in custody.

Mr. Tillman was released from custody in October 2008, under a five-year extended supervision order. He breached his supervision in October 2009, and was sentenced to six months' imprisonment. As at September 2011, he was on bail, awaiting a hearing for other breaches of his extended supervision, allegedly committed in June 2009. The matter was adjourned until 21 October 2011. At the time submission of the State party's response, Mr. Tillman had spent 11 months and 11 days in custody (in remand or serving a custodial sentence) for breaches of his supervision order.

The State party considers that both cases illustrate the difficult nature of managing serious sex offenders in the community. It contends that in its submissions to the Committee, it has demonstrated that there were no less restrictive measures than detention available to achieve the twin purposes of the Crimes (Serious Sex Offenders) Act 2006 and the Dangerous Prisoners Act 2003, namely, the rehabilitation of the offender and protection of the community. Rehabilitation of offenders is integral to legislative schemes, but protection of the community is also important. The Supreme Courts of New South Wales and Queensland decided in the cases of Mr. Tillman and Mr. Fardon that the purpose of the schemes could not be achieved by less restrictive measures. Under the law, the Courts were obliged to check whether less restrictive measures do exist, and this was done. The State party therefore rejects the

Committee's conclusion that it had failed to demonstrate that no less restrictive measures existed for the authors of the communications. As to the authors' rehabilitation, the State party explains that both authors have failed to avail themselves (by refusing to attend) of the numerous programmes concerning measures for reformation and social rehabilitation offered to them while incarcerated.²⁶

The State party stresses that the community has a legitimate expectation to be protected from offenders, and the authorities have a duty to try to rehabilitate them. The purpose of the rehabilitation schemes is not to keep offenders detained indefinitely but rather to ensure that their release occurs in a way that is safe both for the community and the offenders themselves.

The State's submission was sent to the authors in September 2011. The Committee will await further information prior to finally deciding on the matters.

The Committee considers the follow-up dialogue ongoing, while noting that, to date, its recommendations have not been satisfactorily implemented.

State party	Azerbaijan
Case	<i>Avadanov, 1633/2007</i>
Views adopted on	25 October 2010
Violations	Article 7, read in conjunction with article 2, paragraph 3, of the Covenant.

Remedy: An effective remedy in the form, inter alia, of an impartial investigation of the author's claim under article 7, prosecution of those responsible and appropriate compensation.

Previous follow-up information: A/66/40 (Vol. I), chap. VI, p. 125

On 29 August 2011, the author noted that the State party had not taken any steps to give effect to the Committee's Views. He explains that he became aware that judicial proceedings could be initiated in Azerbaijan, on the basis of the Committee's Views. He claims, however, that he is not in a position to retain an Azeri lawyer, and he cannot travel to Azerbaijan.

The author's submission was sent to the State party on 2 September 2011. During its 103rd session, the Committee acceded to a request by the State party for additional time for reply. The State party was invited to present its reply by 20 March 2012.

On 13 February 2012, the author reiterated that the State party has still not implemented the Committee's Views.

The Committee will await further information before finally deciding on the matter.

The Committee considers the follow-up dialogue ongoing, while noting that, to date, its recommendation has not been satisfactorily implemented.

State party	Cameroon
Case	<i>Engo, 1397/2005</i>
Views adopted on	22 July 2009

²⁶ In this connection, the State party refers to the Committee's communication No. 1512/2006, *Dean v. New Zealand*, Views adopted on 17 March 2009.

Violations Article 9, paragraphs 2 and 3, article 10, paragraph 1, and article 14, paragraphs 2 and 3 (a)–(d), of the Covenant.

Remedy: An effective remedy leading to the author's immediate release and the provision of adequate ophthalmologic treatment.

Previous follow-up information: A/66/40 (Vol. I), chap. VI, pp. 129–130

On 18 July 2011, the author informed the Committee that no change had occurred in his case, and that all judicial proceedings initiated by or against him had been unduly delayed. As a consequence, 12 years of uninterrupted judicial proceedings had elapsed, and the author's detention was prolonged.

The author's submission was sent to the State party on 9 August 2011.

In addition, and given the particular nature of the case, the Committee asked the secretariat to explore ways in which the United Nations Centre for Human Rights and Democracy in Central Africa (based in Yaoundé) could become involved in the follow-up proceedings in the present case. On 22 March 2012, the Centre provided the Committee with a note verbale from the State party's Ministry of External Relations, dated 15 March 2012, by which the Ministry explained to the Centre that it would keep it informed on the measures to be taken in the present case that should be brought to the Committee's attention.

The Committee will await further information before finally deciding on the matter.

The Committee considers the follow-up dialogue ongoing, while noting that, to date, its recommendation has not been satisfactorily implemented.

State party	Cameroon
Case	<i>Akwanga, 1813/2008</i>
Views adopted on	22 March 2011
Violations	Articles 7; 10, paragraphs 1 and 2; 9, paragraphs 2, 3 and 4; and 14 of the Covenant.

Remedy: Effective remedy, which should include a review of his conviction with the guarantees enshrined in the Covenant, an investigation of the alleged events and prosecution of the persons responsible, as well as adequate reparation, including compensation.

No previous follow-up information received.

On 2 February 2012, the State party submitted observations prepared by its Ministry of Justice. It explains that, regarding the Committee's recommendation to have Mr. Akwanga's conviction reviewed, the pertinent national procedures are appeal or opposition. The author had made an appeal against the judgment of 5 October 1999, by which the Military Tribunal had sentenced him to 20 years' imprisonment for, inter alia, possession of military ammunition, aggravated theft, participation in gang robbery and arson. However, the author never appeared before the court, as he absconded. On 15 December 2005, in absentia, the Court of Appeal of the Centre Province upheld his sentence.

At present, the author can oppose the judgment, but in order for the opposition to be admissible, the arrest warrant against him must first be executed. If the procedure is initiated, the court which sentenced him initially will have seven days to register the case, otherwise the author would be freed, subject to house arrest and other guarantees. If the arrest warrant is executed and the opposition procedure enabled, a new complete examination of the case will be undertaken by a collegial body of the Court of Appeal.

Concerning the recommendation of the Committee to conduct investigations into the torture and ill-treatment allegations, the State party explains that such investigations may be carried out pursuant to article 116 and following of its Criminal Procedure Code, if the author submits a complaint. His physical presence would also be required, in order to permit the confrontation procedure, in particular taking into account that the issue relates to physical violence.

As to the issue of compensation, the State party contends that payment of reparations could only occur following the pursuit of proceedings against and conviction of the perpetrators of the alleged violations.

The publication of the Views falls under the prerogatives of the Ministry of Communication.

The State party's submission was sent to the author, for comments, in February 2012.

The Committee will await receipt of further information before finally deciding on the matter.

The Committee considers follow-up dialogue ongoing, while noting that, to date, its recommendation has not been satisfactorily implemented.

State party	Canada
Case	<i>Dumont, 1467/2006</i>
Views adopted on	16 March 2010
Violations	Article 2, paragraph 3, read in conjunction with article 14, paragraph 6, of the Covenant.

Remedy: An effective remedy in the form of adequate compensation.

Previous follow-up information: A/66/40 (Vol. I), chap. VI, pp. 130–132

On 3 August 2011, the author reiterated his previous submissions and affirmed that he does not object to lifting the confidentiality clause concerning his extra-court agreement with the City of Boisbriand, if his lawyer so agrees.

On 4 August 2011, the author's counsel recalled that Mr. Dumont was entitled to compensation, and explained that it was precisely because of the violation of articles 2 and 14, paragraph 6, of the Covenant and the failure of the State party to implement the Committee's Views that Mr. Dumont had initiated judicial proceedings on extra-conventional civil liability before the ordinary jurisdictions. By doing this, however, Mr. Dumont faced the heavy burden of proving that the governments of Quebec and Canada had committed faults, in spite of the fact that Mr. Dumont was the victim of a judicial error entitled to compensation.

Counsel adds that the extra-court agreement between the author and the Souveraine and Scottish and York Insurance companies and the City of Boisbriand, cannot be seen, directly or indirectly, as a measure taken by the State party.

On 20 September 2011, the State party provided additional observations. With reference to its previous submissions, it adds that the author was already compensated for the damages suffered. The amount paid by the City of Boisbriand and its insurers does, according to the State party, remedy adequately the violation of his rights under the Covenant. This view was shared also by the Quebec Attorney General before the Superior Court of Quebec. Accepting the author's position would mean that all victims of violations under article 14, paragraph 6, of the Covenant, would be in a position to be compensated on several occasions for the same prejudice, once through an extra-court agreement and secondly through a judicial action.

The State party further notes that the author's lawyer refuses to agree to have the confidentiality clause regarding the compensation received lifted, in spite of the acceptance of the City of Boisbriand and its insurers to have the Committee made aware of the amount paid. In the circumstances, the State party requests the Committee to end the follow-up examination of the case. In conclusion, the State party informs the Committee that on 7 November 2011, the Quebec Court of Appeal will examine the author's appeal in his civil case. If the court so decides, the State party is ready to pay an additional compensation to the author and to inform the Committee accordingly.

On 27 October 2011, the author informed the Committee that he had decided not to divulge the amount of the compensation he received from the City of Boisbriand, as the issue in the present communication concerns the State party and Quebec.

The author's latest submission was sent for observations to the State party, in December 2011. The Committee will await receipt of further information before finally deciding on the matter.

The Committee considers follow-up dialogue ongoing, while noting the State party's current efforts to satisfactorily implement the recommendation.

State party	Canada
Case	<i>Pillai et al.</i> , 1763/2008
Views adopted on	25 March 2011
Violations	The authors' removal to Sri Lanka would, if implemented, violate their rights under article 7 of the Covenant

Remedy: Effective remedy, including a full reconsideration of the authors' claim regarding the risk of torture in Sri Lanka, taking into account the State party's obligations under the Covenant.

No previous follow-up information received.

By note verbale of 31 October 2011, the State party informed the Committee that the authors submitted, in 2009, a request for permanent residence in Canada based on humanitarian and compassionate grounds. By decision of 29 July 2011, their request was in principle approved, awaiting the outcome of the requisite checks (criminal, medical, security, among others). The decision was due mainly to considerations as regards the best interests of the child. Their removal has been stayed. If they are granted resident status, they would not be removed from Canada, and after a certain time period, they would be eligible for Canadian citizenship.

The State party's submission was sent to the authors, for comments, in December 2011.

The Committee will await receipt of further information before finally deciding on the matter.

The Committee considers the follow-up dialogue ongoing, while noting the State party's current efforts to satisfactorily implement the recommendation.

State party	Czech Republic
Case	<i>Zavrel</i> , 1615/2007
Views adopted on	27 July 2010
Violations	Article 26 of the Covenant.

Remedy: Effective remedy, including compensation if the property in question cannot be returned. The Committee reiterates that the State party should review its legislation, specifically in relation to the citizenship requirement in Act No. 87/1991, to ensure that all persons enjoy both equality before the law and equal protection of the law.

No previous follow-up information received.

On 6 December 2011, the author informed the Committee that he was 91 years old, and that the State party had not provided a reply and had failed to give effect to the Committee's Views in his case.

The author's submission was transmitted for observations to the State party in December 2011. The Committee will await receipt of further information before finally deciding on the matter.

The Committee considers the follow-up dialogue ongoing, while noting that, to date, its recommendation has not been satisfactorily implemented.

State party	France
Case	<i>J.O.</i> , 1620/2007
Views adopted on	23 March 2011
Violations	Article 14, paragraphs 2 and 5, in conjunction with article 2 of the Covenant.

Remedy: The State party is under an obligation to provide the author with an effective remedy, including a review of his criminal conviction and appropriate compensation.

No previous follow-up information received.

By note verbale of 31 January 2012, the State party noted that the Committee had found a violation of article 14, paragraph 2, of the Covenant, even though the author did not invoke it in his initial submission.

It explains that the Committee's Views were transmitted to the Court of Appeal of Aix-en-Provence and to the Court of Cassation.

As regards the Committee's recommendation to have the author's criminal conviction reviewed, the State party explains that the Criminal Procedure Code does not provide for a review of final convictions on the basis of a decision by the Human Rights Committee, unlike judgements of the European Court of Human Rights, which have jurisdictional value. This notwithstanding, as the author was given a suspended sentence, he benefited from the provisions of article 132–35 of the Criminal Code and, on 17 February 2009, five years after the rejection of his cassation claim, as he had not committed other crimes during this period, all inscriptions concerning his conviction were removed from his criminal record at the Casier Judiciaire National. His conviction is thus considered void and it does not appear on his B2 form of his criminal record, which must be presented, inter alia, prior to engagement in certain employment or the receipt of certain honorific distinctions. A record of the conviction remains in the B1 form of the criminal record. This record can be consulted only by judiciary authorities and penitentiary authorities. Pursuant to article 133–13 of the Criminal Code, the author could be fully rehabilitated on 17 February 2014, provided that he does not commit any crimes, and his criminal record would then be fully cleared.

The author can submit a request to the Prosecutor's Office for rehabilitation under article 782 and following of the Criminal Procedure Code. When a prosecutor transmits such requests to a Court of Appeal, the Court has two months to pronounce itself. If a court opts for rehabilitation, an inscription to this effect is made on the initial sentence. The Court may also decide to order the deletion of all reference to the initial sentence in the individual's criminal record (including in the B1 form).

Finally, the State party points out that the author had received, upon a court's decision, 70,000 euros as damages and interests paid to him by his previous lawyer, for serious fault committed by the latter.²⁷ This amount, according to the State party, covers the amount the author provided, as reimbursement of unduly received allocations.

On 1 March 2012, the author's counsel expressed the view that the State party's reply was inadequate, and noted that in fact, the State party had failed to take measures to give effect to the Committee's Views and to provide Mr. O. with an effective remedy.

According to counsel, the failure to provide Mr. O. with the same remedy he would receive had a violation been found by the European Court for Human Rights introduces a baseless distinction between the State party's international obligations under comparable legal instruments.

Counsel adds that at present, even if Mr. O.'s criminal conviction in France is considered spent under French law, it is not considered spent under English law, and he is required not to withhold it from potential future employers. In addition, in the United Kingdom of Great Britain and Northern Ireland, spent convictions may be required to be disclosed during civil and criminal trials, and in many other circumstances, or when applying for tourist visas, for example.

The counsel's submission was sent to the State party for observations in March 2012.

The Committee will await receipt of further information before finally deciding on the matter.

The Committee considers the follow-up dialogue ongoing, while noting that, to date, its recommendation has not been satisfactorily implemented.

State party	Greece
Case	<i>Georgopoulos et al.</i> , 1799/2008
Views adopted on	29 July 2010
Violations	Articles 17, 23 and 27, alone and read in conjunction with article 2, paragraph 3, of the Covenant.
Remedy:	Effective remedy, as well as reparations, including compensation.
Previous follow-up information:	A/66/40 (Vol. I), chap. VI, pp. 139–140

On 25 July 2011, the State party explained that following Decrees Nos. 64/2011 and 71/2011 of the Appeals Prosecutor of Patras, the authors' case was reopened, and the First Instance Prosecutor of Patras was requested to press charges against the Mayor of Patras and two of his deputies, for violation of their duties according to articles 13a, 263a, 26 (1) a, 98 and 259 of the Penal Code, in relation to the

²⁷ The Committee notes that the payment in question was determined by a civil court, in a case between the author and his former lawyer.

demolition operation of the shed erected by one of the authors. The hearing of the case was arranged for 10 October 2011. The State party maintains that this shows that it is in full compliance with the Committee's Views, and demonstrates the willingness of the authorities to re-examine the case.

As to the issue of compensation, the State party explains that the Court of Cassation has established a case law according to which judgments of the European Court of Human Rights must be considered as *res judicata* for the parties and intervening persons and can be invoked directly in court. Such judgments have a binding effect on the prejudicial matter as to whether the State acts or omissions were illegal. Contrary to what the authors' counsel has affirmed, proceedings under articles 104 and 105 of the Introductory Law of the Civil Code are efficient and appropriate for damages incurred due to State liability because of the *res judicata* effect of the European Court's judgments (or of an international organ such as the Human Rights Committee), acknowledged by the case law of the Court of Cassation. According to the State party, in any event counsel is free to decide whether to initiate such proceedings, or to seek reparation of damages through the Legal Council of the State.

As to its obligation to ensure that no similar violations occur in the future, the State party explains that Ms. Georgopoulos, following a decision of the Ministry of the Interior of 31 October 2007, is now a beneficiary of a housing loan within the framework of a housing-aid programme for Roma Greeks. From 2002, the Ministry of the Interior has proceeded with the housing of 9,000 Roma families, according to the framework provided by ministerial decisions No. 33165 (2006) and No. 42950 (2008). Examination of applications submitted to local authorities by Roma residents is based on social criteria, taking into account, *inter alia*, specific living conditions, number of children and income. Ms. Georgopoulos has already purchased a plot of land in the Patras municipality and has received more than half of the loan guaranteed (the remaining part is to be paid once construction of the house is completed). According to the State party, these kinds of plans of action and housing programmes ensure that similar violations will not occur in the future.

The State party's submission was sent to the authors on 2 September 2011.

The Committee will await further information in order to finally decide on the matter.

The Committee considers the follow-up dialogue ongoing, while noting the current steps taken by the State party for a satisfactory implementation of the recommendation.

State party	Iceland
Case	<i>Haraldsson and Sveinsson, 1306/2004</i>
Views adopted on	24 October 2007
Violation	Article 26 of the Covenant.
Remedy: An effective remedy, including adequate compensation and review of the State party's fisheries management system.	
Previous follow-up information: A/64/60 (Vol. II), annex IX, pp. 629–631	

On 21 September 2011, the authors' counsel explained that the Committee's Views remain non-implemented.

By note verbale dated 30 November 2011, the State party referred to its previous observations and explained that a review of its fisheries management system was being carried out, and a comprehensive summary in that connection was included in its fifth periodic report to the Committee (CCPR/C/ISL/5).

The Government has presented new bills aimed at increasing the possibilities for participation of those not currently stakeholders in the system. This issue, according to the State party, is a matter of ongoing and lively debate, as the system for fisheries management constitutes one of the cornerstones of the local economy.

As regards the authors' reference, in their latest submission, to two Supreme Court judgments by which the Court refused to pronounce itself on the failure of the State party's authorities to implement the Committee's Views, the State party refers to the independence of the judiciary and notes that the judgments in question were taken on formal grounds and, thus, the case was not examined on the merits. Counsel may re-argue his claim and appeal again to the Supreme Court.

The Committee decided to close the follow-up examination of the case with a finding of a partly satisfactory implementation of its recommendation.

State party	Kyrgyzstan
Case	<i>Krasnov, 1402/2005</i>
Views adopted on	29 March 2011
Violations	Article 7; article 9, paragraph 2; and article 14, paragraphs 1, and 3 (b) and 3 (c), of the Covenant.

Remedy: An effective remedy, including a review of the author's conviction, taking into account the provisions of the Covenant, and appropriate compensation.

Previous follow-up information: A/66/40 (Vol. I), chap. VI, pp. 142–143

On 8 September 2011, the State party reiterated its previous observations and provided a compilation of submissions prepared by its Supreme Court, the State Service on the execution of penalties, the Ministry of Internal Affairs, and the Office of the Prosecutor General. All institutions recall in detail the criminal proceedings concerning Mr. Krasnov. The State party concludes that the examination of the criminal case file established that the author's allegations contained in the Committee's Views were not confirmed.

The State party's submission was sent to the author, for comments, on 15 September 2011.

The Committee will await receipt of further information in order to finally decide on the matter.

The Committee considers the follow-up dialogue ongoing, while noting that, to date, its recommendation has not been satisfactorily implemented.

State party	Kyrgyzstan
Case	<i>Toktakunov, 1470/2006</i>
Views adopted on	28 March 2011
Violation	Article 19, paragraph 2, of the Covenant.

Remedy: An effective remedy. The Committee considers that in the present case, the information already provided by the State party²⁸ constituted such a remedy to the author. The State party should also take all necessary measures to guarantee the accessibility of information on death penalty sentences imposed in Kyrgyzstan.

No previous follow-up information received.

On 2 August 2011, the State party provided information, prepared by different authorities. According to the information from the Supreme Court, the author did not appeal to the Supreme Court against the decision of the Bishkek City Court of 24 January 2004, even though, under the law, the Supreme Court was empowered to re-examine the case. In addition, the author's allegations about the refusal of the authorities to provide him with information were never brought to the attention of the Supreme Court.

According to the information from the Office of the Prosecutor General, during a meeting with a prosecutor, the author explained that, in fact, he had been provided with the requested information concerning the sentences of death penalty in 2006, shortly after the submission of his communication to the Committee.

The State party's submission was sent to the author on 11 August 2011, but no reply was received.

The Committee decided to close the follow-up examination of the case with a finding of a satisfactory implementation of its recommendation.

State party	Kyrgyzstan
Case	<i>Akhadov, 1503/2006</i>
Views adopted on	25 March 2011
Violations	Article 6, read in conjunction with article 14; article 7 and article 14, paragraph 3 (g); article 9; and article 14, paragraph 1, of the Covenant.

Remedy: An effective remedy including: conducting a full and thorough investigation into the allegations of torture and ill-treatment and initiating criminal proceedings against those responsible for the treatment to which the author was subjected; considering his retrial in conformity with all guarantees enshrined in the Covenant or his release; and providing the author with appropriate reparation, including compensation.

No previous follow-up information.

The State party presented its observations on 2 August 2011, in the form of submissions prepared by various institutions, such as the Supreme Court, the Office of the Prosecutor General, the State Service on the execution of penalties, and the Ministry of Internal Affairs. All institutions present a chronology of the facts and proceedings related to the author's case, without addressing the Committee's Views. On 8 September 2011, the State party reiterated its previous observations, and contended that the examination of the criminal case file established that the author's allegations contained in the Committee's Views were not confirmed.

²⁸ The State party explained that in fact the author had been provided with certain information concerning the death penalty, prior to its abolition in the State party and before the adoption of the Committee's Views.

The State party's submissions were sent to the author, for comments, on 10 August and 15 September 2011, respectively.

The Committee considers the follow-up dialogue ongoing, while noting that, to date, its recommendation has not been satisfactorily implemented.

State party	Kyrgyzstan
Case	<i>Gunan, 1545/2007</i>
Views adopted on	25 July 2011
Violations	Article 6, read together with article 14; articles 7 and 14, paragraph 3 (g); and article 14, paragraphs 1 and 3 (b) and (d), of the Covenant.

Remedy: Effective remedy, including: carrying out an impartial, effective and thorough investigation into the allegations of torture and ill-treatment and initiating criminal proceedings against those responsible for the treatment to which the author was subjected; considering his retrial in conformity with all guarantees enshrined in the Covenant or his release; and providing the author with full reparation, including appropriate compensation.

No previous follow-up information received.

The State party presented its observations by note verbale of 29 December 2011. It recalls the facts of the case extensively. It recalls that in 1999, Mr. Gunan was charged for serious crimes, including murder; terrorism in an organized group; participation in a criminal association; and, inter alia, the unlawful acquisition, possession and transmittal of firearms, ammunition, explosives and explosive devices.

On 12 March 2001, the Osh City Court sentenced Mr. Gunan to death. This decision was confirmed on appeal, on 18 May 2001, by the Osh Regional Court, and by the Supreme Court on 18 September 2001.

The author's allegations regarding the use of psychological and physical pressure by the investigators were examined by the courts and were not confirmed. According to the State party, these allegations constituted a defence strategy and an attempt to avoid the imputation of criminal liability concerning particularly serious crimes.

The State party considers that the author's allegations in the communication to the Committee did not correspond to reality. It adds that it was not possible to submit more comprehensive information, as terrorism-related data constitute a State secret and cannot be revealed.

The State party's submission was sent to the author, for comments, in February 2012.

The Committee considers the follow-up dialogue ongoing, while noting that, to date, its recommendation has not been satisfactorily implemented.

State party	Kyrgyzstan
Case	<i>Moidunov and Zhumabaeva, 1756/2008</i>
Views adopted on	23 March 2011

Violations

Violation of the author's son's rights under articles 6, paragraph 1, and 7; and of the author's rights under article 2, paragraph 3, in conjunction with articles 6, paragraph 1, and 7 of the Covenant.

Remedy: An effective remedy, which should include an impartial, effective and thorough investigation into the circumstances of the author's son's death, prosecution of those responsible, and full reparation, including appropriate compensation.

No previous follow-up information received.

By notes verbales of 19 and 29 December 2011, the State party argued that the Committee's conclusions on the investigation of the circumstances of the death of the author's son are based on the author's allegations only, without corroboration by other evidence.

The State party explains that on 9 November 2004, the Prosecutor's Office opened a criminal case on the death of the author's son in the detention facilities of the Department of Internal Affairs of the Bazar-Korgon District. As a result, the senior inspector on duty when the death occurred was charged with abuse of power leading to a death of a person, with falsification of records on the detention of the victim, and with negligence. On 21 September 2005, the Suzak District Court sentenced the officer for negligence causing the death of a person. On 27 December 2005, the Supreme Court of Kyrgyzstan retained the part concerning "negligence" under article 316 of the Criminal Code of Kyrgyzstan and annulled the rest of sentence. The police officer did not serve his sentence, in virtue of article 66 of the Criminal Code, given that he reached a reconciliatory settlement with the brother of the victim (recognized as a lawful representative of the interests of the victim by the investigation and in court).

In the light of these considerations, the State party disagrees with the Committee's conclusion on the violation of the author's rights.

The author's counsel provided comprehensive comments on the State party's observations on 13 February 2012. Counsel notes that, by rejecting the Committee's Views and by refusing to provide victims with an effective remedy, the State party is violating its international obligations to cooperate in good faith under the Covenant. The State party has also failed to conduct an independent and effective investigation into the torture and death of Mr. Moidunov. The refusal to compensate his relatives, despite a formal request by their lawyers, violated a recently introduced modification in the Constitution obliging the State party to compensate individuals if an international body, such as the Committee, finds a violation of their rights.

Counsel also notes that the State party has failed to introduce any changes to its legislation or practices, to avoid similar violations in future.

Counsel's submission was transmitted to the State party, for observations, in February 2012.

The Committee considers the follow-up dialogue ongoing, while noting that, to date, its recommendation has not been satisfactorily implemented.

State party	Nepal
Case	<i>Sharma, 1469/2006</i>
Views adopted on	28 October 2008

Violations

Articles 7, 9 and 10, and article 2, paragraph 3, read together with articles 7, 9 and 10 of the Covenant with regard to the author's husband; and article 7, alone and read together with article 2, paragraph 3, of the Covenant with regard to the author herself.

Remedy: An effective remedy, including a thorough and effective investigation into the disappearance and fate of the author's husband, his immediate release if he is still alive, adequate information resulting from the State party's investigation, and adequate compensation for the author and her family for the violations suffered by the author's husband and by themselves. While the Covenant does not give individuals the right to demand of a State the criminal prosecution of another person, the Committee nevertheless considers the State party duty-bound not only to conduct thorough investigations into alleged violations of human rights, particularly enforced disappearances and acts of torture, but also to prosecute, try and punish those held responsible for such violations.

Previous follow-up information: A/66/40 (Vol. I), chap. VI, pp. 143–147

On 4 August 2011, the State party reiterated in part its previous submissions, and provided additional observations. It explains that Ms. Sharma has been provided with the sum of 200,000 Nepalese rupees, that is, double what other individuals in her situation are entitled to under the law, by decision of the Government. The State party explains that it is committed to providing further relief packages, once the mechanisms of transitional justice are in place. On 15 July 2011, the Government presented to the Parliament a budget for the provision of relief to the families of martyrs and of persons disappeared during the conflict, in the National Budget 2011/2012. The Government states also that it continues to work to promote additional relief measures for [the family of] Mr. Sharma and other victims of the conflict and their families.

As to the investigation concerning the disappearance of Mr. Sharma, the State party reiterates that it will be dealt with under the mechanisms to be created under the transitional justice system, in line with the provisions of the Interim Constitution. The bills are before Parliament.

In this context, the State party explains that the Supreme Court of Nepal, through a directive order, has asked the Government to formulate a separate law governing investigations into the status of disappeared persons and to carry out investigations through a commission to be formed under such law.

The State party, lastly, explains that the Nepalese Army acts in conformity with the law. It has extended full cooperation to the investigating officials or agencies.

On 20 October 2011, the author's counsel noted that in its most recent submission, the State party in fact reiterated the information contained in its previous submissions. According to counsel, the State party's continued refusal to give effect to the Committee's Views amounts to a failure to fulfil, in good faith, its commitments under the Covenant and the Optional Protocol, and constitutes a separate violation of the author's rights. If the State party does not give full effect to the Committee's Views, the author will submit a separate communication to the Committee, based on article 2 of the Optional Protocol.

The State party was provided with the author's submission on 25 October 2011. The Committee will await receipt of further information in order to decide on the matter.

The case was also mentioned at a meeting between the Special Rapporteur for follow-up on Views and representatives of the State party, which took place on 25 October 2011, during the 103rd session. The State party's representatives recalled the State party's commitment to act against impunity of crimes committed during the conflict. They reiterated that it was a Constitutional requirement that such acts be dealt with under the future post-conflict mechanisms, namely, the commissions on disappearances and on reconciliation. Draft laws are before Parliament, and a draft of the new constitution was to be completed by the end of 2011. The case of Mr. Sharma will be dealt with under

the new mechanisms, as will the cases of several thousand other victims.

The Committee considers the follow-up dialogue ongoing, while noting that, to date, its recommendation has not been satisfactorily implemented.

State party	Nepal
Case	<i>Giri et al.</i> , 1761/2008
Views adopted on	24 March 2011
Violations	Articles 7; 9 and 10, paragraph 1, read in conjunction with article 2, paragraph 3, of the Covenant, concerning the author. Article 7, read in conjunction with article 2, paragraph 3, of the Covenant, with regard to the author's wife and their two children.

Remedy: Provide the author and his family with an effective remedy, by ensuring a thorough and diligent investigation into the torture and ill-treatment suffered by the author, the prosecution and punishment of those responsible, and providing the author and his family with adequate compensation for the violations suffered. In doing so, the State party shall ensure that the author and his family are protected from acts of reprisals or intimidation.

No previous follow-up information.

The case was mentioned at a meeting between the Special Rapporteur for follow-up on Views and representatives of the State party, which took place on 25 October 2011, during the 103rd session.

By note verbale of 9 November 2011, the State party referred to its submission on the admissibility and merits of the case, and explained that the draft bill for the establishment of the Truth and Reconciliation Commission was at the final stage of consideration by the Legislative Committee of the Parliament. The Commission has temporal jurisdiction for crimes committed during the armed conflict from 13 February 1996 to 21 November 2006, including serious human rights violations and torture. The aim is to establish an independent, impartial, credible, autonomous and resourceful body to carry out thorough and credible investigations on alleged human rights violations. The State party contends that the Commission would ensure an effective remedy to the author. The bill provides also for the protection of witnesses and other persons, and for compensation for victims and their families. The State party also makes assurances that neither the author nor his family would be subject to reprisals or intimidation.

As a consequence of the Committee's Views, the State party decided to provide the author and his family with an interim compensation for the violation of the author's rights, to be determined by the Council of Ministers. As for the non-repetition of similar violations, the State party explains that a bill on the Criminal Code was submitted to the Parliament, criminalizing acts of both physical and mental torture, and inhuman and degrading treatment; perpetrators of such crimes would risk prison terms and/or fines.

The State party adds that it does not intend to prolong or dilute the case, nor to shield the perpetrators. It is constitutionally (art. 33 of the Constitution) and politically (the 2006 Comprehensive Peace Agreement) obliged and determined to establish the Commission to investigate crimes during the armed conflict and secure justice for victims and their families.

On 8 December 2011, the State party informed the Committee that the Government had decided to grant an immediate relief amount of 150,000 Nepalese rupees to the author and his family. It was also decided that the Ministry of Home Affairs and the Ministry of Defence would develop a mechanism to

prevent the reoccurrence of such incidents in future, and that the Ministry of Peace and Reconstruction would write to the future Truth and Reconciliation Commission, to carry out investigation into the alleged torture inflicted on the author.

The State party's submissions were sent to the author in December 2011, for comments.

The Committee will await receipt of further information before finally deciding on the matter.

The Committee considers the follow-up dialogue ongoing, while noting the current steps taken by the State party to satisfactorily implement the recommendation.

State party	Nepal
Case	<i>Sobhraj, 1870/2009</i>
Views adopted on	27 July 2010
Violations	Articles 10, paragraph 1; 14, paragraphs 1, 2, 3 (a)–(f), 5 and 7; and 15, paragraph 1, of the Covenant.

Remedy: Effective remedy, including the speedy conclusion of the proceedings and compensation.

Previous follow-up information: A/66/40 (Vol. I), chap. VI, pp. 147–150

The case was mentioned at a meeting between the Special Rapporteur for follow-up on Views and representatives of the State party, which took place on 25 October 2011, during the 103rd session.

By note verbale of 5 December 2011, the State party reiterated its previous submissions and explained that judgments of the Supreme Court are final and not subject to appeal. The Supreme Court may, however, in exceptional circumstances, review its own judgments. Review petitions must be written in the Nepalese language, which was not done in the present case, and for this reason the Supreme Court referred them back to the author.

With reference to article 14, paragraph 3 (f), of the Covenant, the State contends that the Covenant does not provide for a right to have petitions for the reconsideration of final judgments translated. All decisions in the author's case are final at present. Under Nepalese law, the author has to initiate a petition for revision. In the hearing of review petitions, the author would not undergo oral legal proceedings, and therefore the State party does not have to provide him with an interpreter for the initiation of the review. The author's appeals to the Appellate Court and the Supreme Court were filed in Nepali.

On 1 February 2012, the author's counsel reiterated her previous submissions and noted, in particular, that the refusal to admit Mr. Sobhraj's review petition to the Supreme Court, because it was not written in Nepali, prevented him from having his case reviewed with a focus on the violations revealed by the Committee in its Views, and thus prevented him from receiving an effective remedy. Counsel believes that article 14, paragraph (f), of the Covenant should also be applicable to the right to present a review petition in languages other than Nepali.

Mr. Sobhraj is still in detention, and the prolongation of undue delays in the judicial proceedings causes additional harm to him. In addition, he has received no compensation.

The submission by counsel was transmitted to the State party, in February 2012, for observations.

The Committee will await receipt of further information before finally deciding on the matter.

The Committee considers the follow-up dialogue ongoing, while noting that, to date, its recommendation has not been satisfactorily implemented.

State party	Philippines
Case	<i>Rouse, 1089/2002</i>
Views adopted on	25 July 2005
Violations	Articles 14, paragraphs 1 and 3 (c) and (e); 7; and 9, paragraph 1, of the Covenant.

Remedy: Effective remedy, including adequate compensation, inter alia, for the time of his detention and imprisonment.

No previous follow-up information received.

On 5 December 2011, the author informed the Committee that the State party had given no effect to its Views. He explains that he had sought the assistance of the Commission on Human Rights of the Philippines to request a presidential pardon,²⁹ and informs the Committee that he renounces payment of compensation for his illegal detention.

The author adds that the fact that his criminal record has not been cleared causes him problems and suffering. Thus, “far-right” members of the media in the United States of America — the author’s present country of residence — continue to report about his conviction and harass his employers for supporting paedophiles.

The author invites the Committee to support his action with the Commission on Human Rights of the Philippines.

The author’s latest submission was sent to the State party, for observations, in February 2012.

The Committee will await receipt of further information before finally deciding on the matter.

The Committee considers the follow-up dialogue ongoing, while noting that, to date, its recommendation has not been satisfactorily implemented.

State party	Philippines
Case	<i>Pimentel et al., 1320/2004</i>
Views adopted on	19 March 2007
Violations	Article 14, paragraph 1, read in conjunction with article 2, paragraph 3, of the Covenant, as it relates to the proceedings on the amount of the filing fee.

Remedy: The State party is under an obligation to ensure an adequate remedy to the authors, including compensation and a prompt resolution of their case regarding the enforcement of the United States judgement in the State party.

Previous follow-up information: A/66/40 (Vol. I), chap. VI, pp. 155–156

On 28 July 2011, the State party submitted additional observations. It explains that under article 2 of the Optional Protocol, the kind of an “effective remedy” to be provided for victims of violations is a remedy determined by judicial, administrative or legislative authorities, or by any other competent

²⁹ The author provides neither the date of his communication with the Commission on Human Rights of the Philippines nor does he explain whether he has received a reply.

authority provided for under the legal system of the State party concerned. Thus, according to the State party, and in connection with the authors' submission, the motions filed by the authors' counsel for default and entry of a compensation award (1 October 2007) and the urgent motion for entry of a compensation award (13 August 2010) fall outside the purview of the Committee's competence.

According to the State party, the authors focus on the jurisprudence of the European Court of Human Rights concerning compensations for delays in the enforcement of court judgments on human rights violations by the authorities. This jurisprudence, however, cannot be applied to the State party.

The State party further notes that filing fees in judicial proceedings are of vital importance, since their payment is a jurisdictional requirement. The State party's Supreme Court has consistently ruled that a court will only acquire jurisdiction over a case upon the payment of the prescribed fees. According to the State party, the issue of filing fees was closely tied to the issue of enforcement of a foreign judgment in the Philippines, which required an in-depth study and discussion of the matter, as the resulting decision has shown.

The State party contests the authors' contention that the proceedings in their case before the Makati City Regional Trial Court (RTC) constituted an unreasonable delay. The State party notes, first, that the Committee is precluded from examining this claim by the provisions of article 5, paragraph 2 (b), of the Optional Protocol. Second, the State party notes that there was no unreasonable delay in the application of court remedies in the present case. The authors were offered the opportunity to submit a motion for reconsideration of the RTC order in their case, but failed to do so. They also did not mention in their urgent motion that they had endeavoured to file any motion for early resolution of their case before the RTC, or that they had sought the remedy of certiorari before the appellate court for the alleged delay of the RTC in dealing with their case.

Finally, the State party informs the Committee that, apart from the judicial determination of the civil case filed by the authors in the present communication in the Philippines, the State party's legislature has also taken action to provide compensation for those who were victims of human rights abuses during martial law. At present, five draft bills are before the House of Representatives and one is before the Senate (copies of the draft bills are provided).

On 9 September 2011, the authors' counsel acknowledged that bills concerning compensation of human rights abuses during martial law were before the parliament. He notes, however, that several such bills have been before the parliament since 1992, but none of them was enacted. Counsel recalls that the original complaint by the authors was introduced in a Philippine court on 21 May 1997, and that they have thus waited for more than 14 years without obtaining the enforcement of the United States court judgment concerning their case. In addition, contrary to what was contended by the State party, the authors had already introduced a motion for reconsideration before the Makati City Regional Trial Court on 23 July 2010, but the case is still pending.

The Committee decided to suspend the follow-up dialogue, with a finding of a non-satisfactory implementation of its recommendation.

State party	Philippines
Case	<i>Larrañaga, 1421/2005</i>
Views adopted on	24 July 2006
Violations	Violations by the State party of articles 6, paragraph 1; 7; and 14, paragraphs 1, 2, 3 (b)–(e) and 5, of the Covenant.
Remedy:	Effective remedy, including commutation of the author's death sentence and early consideration for release on parole.

No previous follow-up information received.

In December 2011, the author's counsel explained that on 13 March 2007, the author's death sentence was commuted to life imprisonment. On 18 May 2007, the State party concluded the Treaty on the Transfer of Sentenced Persons with Spain, and on 6 October 2009, under the provisions of this treaty, the author was transferred to Spain.

Counsel claims that the State party failed to implement the Committee's Views and to provide a follow-up reply. He also claims that Spain has failed to secure the early consideration for release on parole. According to counsel, the Spanish authorities may only decide to release or modify the prison term of the author following an agreement with the Philippines, pursuant to the provisions of the transfer treaty. At present, even if he is eligible for time off for good behaviour, the author would have to serve his sentence until 3 February 2027. The Spanish authorities, after having consulted their counterpart in the Philippines, as required by the transfer treaty, rejected the author's request for early release.

On 17 January 2012, the author's counsel inquired whether Spain would be asked to provide observations on his submission of December 2011.

With reference to the jurisprudence of the European Court of Human Rights, counsel believes that by reason of the Optional Protocol to which Spain is a party, it is open to a prisoner serving a sentence in Spain after being transferred pursuant to the Treaty with the Philippines to complain about the lawfulness of his continued detention, if his conviction and sentence imposed abroad involved a "flagrant denial of justice".

Counsel's submission was sent to the State party, for observations, in December 2011.

The Committee will await receipt of further information before finally deciding on the matter.

The Committee considers the follow-up dialogue ongoing, while noting that, to date, its recommendation has not been fully satisfactorily implemented.

State party	Portugal
Case	<i>Correia de Matos, 1123/2002</i>
Views adopted on	28 March 2006
Violations	Article 14, paragraph 3 (d), of the Covenant.
Remedy:	Effective remedy. The State party should amend its laws to ensure their conformity with article 14, paragraph 3 (d), of the Covenant.

Previous follow-up information: A/66/40 (Vol. I), chap. VI, pp. 159–160

On 6 January 2012, the State party reiterated its previous submissions and explained that before submitting the communication to the Committee, the author had applied, with an identical claim, to the European Court of Human Rights, which concluded on 14 September 2000 that no violation of the author's defence rights had occurred. On 28 March 2006, the Committee concluded that the requirement for individuals to be represented by a lawyer at certain stages of court proceedings (article 64 of the Portuguese Criminal Procedure Code) violated the author's rights under article 14, paragraph 3 (d), of the Covenant.

The State party explains that it thus faces two different decisions on the same subject by two international instances, one of which has jurisdictional nature. The State party informs the Committee that article 64 of its Criminal Procedure Code is still in place, that this is a delicate and complex issue, but that by no means does this fact demonstrate a lack, on the part of the State party, of cooperation with

and respect for the Committee.

On 6 March 2012, the author commented that under the Vienna Convention on the Law of the Treaties (art. 30), the State party should not invoke the 1953 European Convention for the Protection of Human Rights and Fundamental Freedoms as a pretext for not executing its obligations under the 1976 Covenant. He also claims that the State party should execute its obligations in good faith.

The latest comments from the author were sent on 15 March 2012 to the State party, for observations.

The Committee will await receipt of further information before finally deciding on the matter.

The Committee considers the follow-up dialogue ongoing, while noting that, to date, its recommendation has not been satisfactorily implemented.

State party	Republic of Korea
Cases	<i>Min-Kyu Jeong et al.</i> , 1642-1741/2007
Views adopted on	24 March 2011
Violation	Article 18, paragraph 1, of the Covenant.

Remedy: Effective remedy, including expunging the authors' criminal records and providing them with adequate compensation. The State party is under an obligation to avoid similar violations in the future, which includes the adoption of legislative measures guaranteeing the right to conscientious objection.

No previous follow-up information received.

By note verbale of 28 December 2011, the State party explained that it had published the Committee's Views along with their Korean translation in the Government's *Official Gazette* (26 July 2011). In addition, an outline of the Committee's Views was reported on major news agencies and on principal broadcasting networks.

The State further explains that all authors have been convicted by courts and the Committee's Views cannot serve as a basis for the annulment of their judgments, unless a separate legislation is enacted by the National Assembly. Therefore, at present, it is impossible to provide the authors with relief measures to reverse their final judgments, such as expunging the criminal records of the authors and providing them with reparation and compensation.

The State party adds that the recent developments on the Korean Peninsula, including the military tension between the State party and the Democratic People's Republic of Korea, show that the prevailing security conditions differ from the conditions in countries which have introduced alternatives to compulsory military service. According to the State party, premature introduction of alternative military service without public consensus would involve a risk of causing difficulties in securing sufficient military manpower, and may lead to the questioning of the fairness between those engaged in military service and those in alternative service. In addition, there is no consensus on the issue among society.

The Government has submitted the Committee's Views to the National Human Rights Policy Council (a body comprising 15 Ministers), with a view to examining possibilities for introducing an alternative to compulsory military service for conscientious objectors and to building a platform for public debate on the issue.

Finally, the State party explains that the authors introduced a constitutional appeal in April 2011, claiming that despite the Committee's Views, the National Assembly has not enacted legislation

permitting conscientious objection, and thus is breaching their fundamental rights. The case is still pending.

On 13 March 2012, the authors' counsel noted that it was clear that the State party neither accepts nor intends to give effect to the Committee's Views, except to publish the Views. Counsel adds that there are more than seven hundred Jehovah's Witnesses imprisoned in the Republic of Korea, because they refuse to perform compulsory military service.

Counsel adds that the State party could, without major difficulties, (a) grant amnesty to the victims and provide them with compensation, and (b) modify its legislation — not through a popular vote — to align it to the Covenant's provisions.

Counsel's submission was sent to the State party, for comments, in March 2012.

The Committee will await receipt of further information before finally deciding on the matter.

The Committee considers the follow-up dialogue ongoing, while noting that, to date, its recommendation has not been satisfactorily implemented.

State party	Russian Federation
Case	<i>Pustovalov, 1232/2003</i>
Views adopted on	23 March 2010
Violations	Articles 7 and 14, paragraph 3 (g), and article 14, paragraph 3 (b), (d) and (e), of the Covenant.

Remedy: Effective remedy, including adequate compensation, the initiation and pursuit of criminal proceedings to establish responsibility for Mr. Pustovalov's ill-treatment, and a retrial with the guarantees enshrined in the Covenant.

Previous follow-up information: A/66/40 (Vol. I), chap. VI, pp. 161–162

On 28 October 2011, the author explained that the Committee's Views remained unimplemented.

On 30 December 2011, the author's submission was transmitted to the State party, for observations.

The Committee will await receipt of further information before finally deciding on the matter.

The Committee considers the follow-up dialogue ongoing, while noting that, to date, its recommendation has not been satisfactorily implemented.

State party	Russian Federation
Case	<i>Khoroshenko, 1304/2004</i>
Views adopted on	29 March 2011
Violations	Article 6, read together with article 14; 7; 9, paragraphs 1–4; 14, paragraphs 1 and 3 (a), (b), (d) and (g), of the Covenant.

Remedy: Effective remedy including: conducting a full and thorough investigation into the allegations of torture and ill-treatment and initiating criminal proceedings against those responsible for the treatment to which the author was subjected; conducting a retrial in compliance with all guarantees under the Covenant; and providing the author with adequate reparation, including compensation.

No previous follow-up information received.

On 28 November 2011, the author explained that the State party had given no effect to the Committee's Views. He informed the Committee that in August 2011 he had asked the Office of the Prosecutor General and the Supreme Court to have his case reconsidered on the basis of new evidence — the Committee's Views — without success. He also filed a request for a Presidential pardon, in November 2011.

On 12 February 2012, the author reiterated his previous submission, and added that he had submitted a complaint with the Constitutional Court against the provisions invoked by the Supreme Court and the Office of the Prosecutor General in rejecting his August 2012 appeals.

The author's submissions were sent to the State party, for observations, in February and March 2012, respectively.

The Committee will await receipt of further information before finally deciding on the matter.

The Committee considers the follow-up dialogue ongoing, while noting that, to date, its recommendation has not been satisfactorily implemented.

State party	Russian Federation
Case	<i>Yevdokimov and Riazanov, 1410/2005</i>
Views adopted on	21 March 2011
Violations	Article 25, alone and in conjunction with article 2, paragraph 3, of the Covenant.

Remedy: The State party is under an obligation to amend its legislation to comply with the Covenant and provide the authors with an effective remedy.

No previous follow-up information received.

On 11 July 2011, the authors informed the Committee that the Views had not been published or implemented by the authorities, and that the authorities had not approached the authors concerning the payment of compensation. No legislative changes had been introduced.

By letter, received by the Committee on 25 January 2012, Mr. Yevdokimov explained that the Committee's Views had been given no effect, and prisoners could not vote in the December 2011 elections for the lower chamber of Parliament.

The authors' submissions were sent to the State party, in August 2011 and February 2012, respectively, for comments. The case was also mentioned at a meeting between the Special Rapporteur for follow-up on Views and representatives of the State party, which took place during the 103rd session.

The Committee will await receipt of further information before finally deciding on the matter.

The Committee considers the follow-up dialogue ongoing, while noting that, to date, its recommendation has not been satisfactorily implemented.

State party	Serbia
Case	<i>Novaković, 1556/2007</i>
Views adopted on	21 October 2010
Violations	Article 2, paragraph 3, of the Covenant, in conjunction with article 6.

Remedy: An effective remedy. The State party is under an obligation to take appropriate steps (a) to ensure that the criminal proceedings against the persons responsible for the death of Mr. Novaković are speedily concluded and that, if convicted, they are punished, and (b) to provide the authors with appropriate compensation.

Previous follow-up information: A/66/40 (Vol. I), chap. VI, pp. 167–168

On 2 August 2011, the State party recalled that a criminal case concerning the death of Mr. Novaković was pending before the First Instance Court in Belgrade, and explained that a hearing was scheduled for 23 September 2011. On the issue of payment of compensation, the State party informs the Committee that payment of compensation in the case was delayed by the restructuring of the Ministry of Human and Minority Rights – now the Directorate for Human and Minority Rights within the Ministry of Human and Minority Rights, Public Administration and Local Self-Government. The State party explains that it envisages a more systematic solution to the problem of implementing United Nations treaty bodies' decisions in individual cases, including in the present case.

Finally, the State party explains that the Committee's Views have been translated into Serbian, and are available from the webpage of the Directorate for Human and Minority Rights, as per usual practice. The issue of whether to have United Nations treaty bodies' decisions in individual cases published in the *Official Gazette* is being studied in the light of the provisions of the Law on publication of legal acts and general regulations and on issuing the *Official Gazette* of the Republic of Serbia.

On 31 August 2011, the authors provided comments to the State party's observations. First, they note that the authorities (in particular the Ministry of Human and Minority Rights) communicate with them only through the Committee, and the authors' letter to the Ministry dated November 2010 remains unanswered. In spite of their efforts, the authors have not been able to find out the exact reasons for the death of Mr. Novaković, and they have received no compensation, even though the State party has paid compensation to victims following the adoption of Views by the Committee in other cases. Finally, the authors request the Committee's Views to be published in the *Official Gazette*.

The authors' submission was sent to the State party in September 2011.

The Committee will await further information before deciding on the matter.

The Committee considers the follow-up dialogue ongoing, while noting that, to date, its recommendation has not been satisfactorily implemented.

State party	Tajikistan³⁰
Case	<i>Saidov, 964/2001</i>

³⁰ All cases concerning Tajikistan under follow-up examination by the Committee, including those listed in the present document, were mentioned at a meeting between the Special Rapporteur for follow-up on Views and representatives of the State party, which took place in October 2011, during the 103rd session.

Views adopted on	8 July 2004
Violations	Articles 6; 7; 10, paragraph 1; 14, paragraphs 1, 2, 3 (b) and (d), and 5, of the Covenant.

Remedy: An effective remedy, including compensation.

Previous follow-up information: A/62/40 (Vol. I), chap. VI, pp. 116–117

By note verbale of 3 January 2012, the State party recalled that on 24 December 1999, the Military College of the Supreme Court found Mr. Saidov, as a member of an armed gang, guilty of several serious crimes, including banditry, participation in a criminal association, terrorism and usurpation of power with use of violence and murder, and sentenced him to death. The sentence was carried out on 4 April 2001.

The State party notes that the Committee adopted its Views based on the author's allegations, in the absence of any observations by the State party.

It rejects the author's allegations that her son was forced to confess guilt under duress, and contends that Mr. Saidov provided handwritten confessions freely during interrogations, in the presence of his lawyer. No complaints about unlawful methods of investigation or torture were ever formulated by him or by his lawyer. Similarly, the State party notes that no complaints were filed with regard to the conditions of detention during the pretrial investigation and the availability of medical care. As to the alleged violation of article 14, paragraph 5, of the Covenant, the State party admits that decisions of the Supreme Court acting as the court of first instance were, at the time, not subject to appeal. It notes that this is no longer the case. In addition, the decision of the Supreme Court of 24 December 1999 was studied on a number of occasions under the supervisory review proceedings, and no violations of the law were revealed.

The State party also explains that publications in the mass media in no way influenced the judges, and that neither the accused nor his lawyers ever asked the judges to recuse themselves.

According to the State party, the court examined Mr. Saidov's retraction of his initial confessions, but found that his guilt was confirmed by a multitude of corroborating evidence.

The State party also rejects the allegations that Mr. Saidov's defence rights had been violated, and explains that the legal requirement pursuant to which individuals risking a death sentence must be represented by a lawyer was respected.

The Committee decided to suspend the follow-up dialogue, with a finding of a non-satisfactory implementation of its recommendation.

State party	Tajikistan
Case	<i>Khalilova, 973/2001</i>
Views adopted on	30 March 2005
Violations	Violation of Mr. Khalilov's rights under articles 6, paragraph 1; 7; 10, paragraph 1; and 14, paragraphs 2, 3 (g) and 5, of the Covenant, and a violation of article 7 in the author's own respect.

Remedy: Effective remedy, including information on the location where the author's son is buried, and compensation for the anguish suffered. The State party is also under an obligation to prevent similar violations in the future.

Previous follow-up information: A/62/40 (Vol. I), chap. VI, pp. 116–117

On 3 January 2012, the State party informed the Committee that the Office of the Prosecutor General has examined the Committee's Views, which were adopted in the absence of a reply by the authorities and based mainly on the author's allegations. According to the State party, however, it transpired that the author's allegations were groundless.

The State party recalls extensively the facts of the case, and explains that Mr. Khalilov's guilt in several crimes committed within an armed gang, including murder and hostage-taking, was established in court not only in the light of his confessions, provided voluntarily and in the presence of his counsel, but also on the basis of, inter alia, a multitude of corroborating evidence, such as witness testimonies, experts' conclusions, medical-forensic and ballistic examinations, crime scene examinations and the reconstitution of crime acts, all duly assessed in court.

The State party rejects the allegations regarding the use of unlawful methods of investigation, including torture, and explains that neither Mr. Khalilov nor his counsel ever complained in this connection during the investigation or in court.

As to the alleged violation of Mr. Khalilov's right to be presumed innocent, given that he was designated as a criminal on national television during the pretrial investigation, the State party explains that this fact did not affect the court's conclusions.

As to Mr. Khalilov's right to appeal, the State party indicates that according to section 329 of the Criminal Procedure Code, decisions by the Supreme Court acting as the court of first instance were not subject to ordinary appeal. However, Mr. Khalilov or his counsel could have filed a supervision review request, which they failed to do.

As to the Committee's request to have Ms. Khalilova made aware of the burial place of her son, the State party explains that according to section 221, paragraph 3, of the Code on the Execution of Sentences, a court informed the convict's immediate relatives about the execution of death penalty, without however disclosing the location of the burial place.

The Committee decided to suspend the follow-up dialogue, with a finding of a non-satisfactory implementation of its recommendation.

State party	Tajikistan
Case	<i>Aliboev, 985/2001</i>
Views adopted on	18 October 2005
Violations	Violation of Mr. Aliboev's rights under articles 6, paragraph 2; 7; and 14, paragraphs 1, 3 (d) and (g) and 5 of the Covenant, as well as under article 7, in relation to Ms. Aliboeva.

Remedy: Appropriate remedy, including appropriate compensation.

Previous follow-up information: A/62/40 (Vol. I), chap. VI, p. 117

On 3 January 2012, the State party informed the Committee that the Office of the Prosecutor General had examined the Committee's Views, which were adopted in the absence of a reply by the State party and based mainly on the author's allegations. According to the State party, it has transpired that the author's allegations in the individual communication were groundless.

The State party rejects the allegations regarding the use of unlawful methods of investigation including torture, and explains that neither Mr. Aliboev nor his counsel ever complained in this connection during the pretrial investigation or in court. Mr. Aliboev was assigned a counsel at all stages of the criminal proceedings and he voluntarily confessed guilt, in the presence of his counsel.

It recalls extensively the facts of the case, and explains that Mr. Aliboev's guilt in several crimes committed within an armed gang, including armed robberies and hostage-taking, was established in court in the light of his confessions provided freely and in the presence of his counsel, and on the basis of numerous other corroborating evidence.

As to Mr. Aliboev's right to appeal, the State party indicates that at the material time, convictions adopted by the Supreme Court as a first instance court were not subject to appeal. At present such a right exists. The State party adds that Mr. Aliboev's criminal case file was re-examined under the supervisory proceedings, and it was established that criminal proceedings against him were conducted in compliance with the national laws.

As to Ms. Aliboeva's right to be informed of her husband's burial place, the State party explains that according to section 221, paragraph 3, of the Code on the Execution of Sentences, a court informed the convict's relatives about the execution, without however indicating the location of the burial place.

The Committee decided to suspend the follow-up dialogue, with a finding of a non-satisfactory implementation of its recommendation.

State party	Tajikistan
Case	<i>Boimurodov, 1042/2001</i>
Views adopted on	20 October 2005
Violations	Articles 7 and 14, paragraph 3 (g); 9, and 14, paragraph 3 (b), and (g), of the Covenant.

Remedy: Appropriate remedy, including adequate compensation.

Previous follow-up information: A/63/40 (Vol. II), annex VII, pp. 543–546

By note verbale of 3 January 2012, the State party explained that the Office of the Prosecutor General had examined the Committee's Views and noted that the Committee had deemed the reply provided at the time by the State party to be insufficient. It contends that, after verification, it transpired that the author's allegations in the communication were groundless. According to the State party, the rights of Mr. Boimurodov were fully respected, both during the preliminary investigation and in court.

According to the State party, the guilt of Mr. Boimurodov in several crimes was not only established by his confessions, but also confirmed by, inter alia, the depositions of several witnesses (names provided), the conclusions of forensic experts, records concerning examinations of crime scenes, identification parades and seized material evidence, all duly assessed in court.

The author's ill-treatment allegations are groundless and, during the numerous interrogations at the preliminary investigation, neither the alleged victim nor his lawyer complained about unlawful methods of investigation. Mr. Boimurodov's conditions of pretrial detention were monitored by a prosecutor. Mr. Boimurodov formulated no complaints during his monthly discussions with the monitoring prosecutor.

According to the State party, allegations regarding ill-treatment were made for the first time only in court. On 13 June 2001, the Supreme Court opened a criminal case concerning these allegations, and the case was investigated by the State Committee on National Security. The numerous operative

investigation actions did not establish that Mr. Boimurodov was subjected to torture or unlawful methods of investigation. The criminal case in question was thus closed. In his communication to the Committee, on the other hand, Mr. Boimurodov's father only referred to his son's statements, without adducing any other evidence in this connection.

The State party further rejects as unsubstantiated the author's allegations that his son was prevented from meeting with the lawyer of his choice. The criminal case file shows that Mr. Boimurodov was apprehended as a suspect on 12 October 2001, and his parents were duly informed of this. He was then officially arrested, within the three-day period provided by the law then in force. His arrest was confirmed by a prosecutor, as then required by the law. Given that he risked the death penalty, however, and as required by the law, he was assigned a lawyer (name provided), even though he had stated that he could represent himself. Thus, his defence rights have not been violated.

The State party next rejects the allegations that Mr. Boimurodov was detained for 40 days without having been presented to a lawyer or a prosecutor. Finally, the State party informs the Committee that in virtue of various acts on general amnesty, Mr. Boimurodov is scheduled to be freed on 2 October 2017.

In the light of all these considerations, and given the gravity of the crimes committed, the State party considers that there is no basis for the re-examination of Mr. Boimurodov's criminal case or for compensation.

The Committee decided to suspend the follow-up dialogue, with a finding of a non-satisfactory implementation of its recommendation.

State party	Tajikistan
Case	<i>Kurbanov, 1096/2002</i>
Views adopted on	6 November 2003
Violations	Articles 6; 7; 9, paragraphs 2 and 3; 10; and 14, paragraphs 1 and 3 (a) and (g), of the Covenant.

Remedy: Compensation and a retrial before an ordinary court and with all the guarantees of article 14, or, should this not be possible, release.

Previous information: A/63/40 (Vol. II), annex VII, pp. 546–547

On 3 January 2012, the State party informed the Committee that the Office of the Prosecutor General has examined the Committee's Views, which were based on the insufficient reply provided at the time by the State party. It contends that after verification, it transpires that the author's allegations were groundless and that the rights of Mr. Kurbanov were respected, both during the preliminary investigation and in court.

The State party recalls extensively the facts of the case, and explains that Mr. Kurbanov's guilt in several crimes, including murder, has been established in court not only in the light of his freely provided confessions, but also on the basis of a multitude of corroborating evidence, such as witness testimonies, experts' conclusions, medical-forensic and ballistic examinations and crime scene examinations, all duly assessed in court.

The State party rejects the allegations regarding the use of unlawful methods of investigation and torture, and explains that neither Mr. Kurbanov nor his lawyer ever complained in this connection during the investigation or in court. In addition, in his appeal to the Supreme Court, Mr. Kurbanov did not challenge the conclusions of the court concerning his guilt and did not complain about the manner in

which the investigation was held, and asked only to have his death sentence commuted to a prison term.

The State party explains that the law in force at the time allowed a suspect to be detained for a period of 10 days, which was respected in this case – Mr. Kurbanov was apprehended as a suspect on 5 May 2001, he was placed in pretrial detention on 7 May 2001, and he was officially charged on 15 May 2001. At the time, pretrial detention was ordered by a prosecutor, not a court.

During the preliminary investigation, it transpired that in addition to charges of fraud, Mr. Kurbanov was also involved in murders. He was then officially charged with murder, in the presence of his lawyer.

The State party adds that verifications have been conducted with the officers who had arrested Mr. Kurbanov and had carried out the investigation of the criminal case, and no use of unlawful methods of investigation was revealed.

The case was examined by the Military College of the Supreme Court, in accordance with the law, as one of the accused was an official of the Ministry of Security.

As to the conditions of the pretrial detention of Mr. Kurbanov, the State party explains that the latter was kept in accordance with the existing regulations, and was treated the same way as all other detainees.

Mr. Kurbanov's death sentence was commuted to 25 years' imprisonment by a Presidential Decree of 15 March 2004. Mr. Kurbanov passed away on 4 March 2007 due to an illness, while serving his sentence.

In the light of all these considerations, and given the gravity of the crimes committed, the State party considers that there is no basis for the re-examination of Mr. Kurbanov's criminal case or for his compensation.

The Committee decided to suspend the follow-up dialogue, with a finding of a non-satisfactory implementation of its recommendation.

State party	Tajikistan
Cases	<i>Karimov, Askarov and Davlatov, 1108/2002 and 1121/2002</i>
Views adopted on	27 March 2007
Violations	Violation of Messrs. Davlatov and Davlatov's rights under article 6, paragraph 2; articles 7 and 14, paragraph 3 (g), read together; article 10; and article 14, paragraph 2, of the Covenant; as well as Messrs. Karimov and Askarov's rights under article 6, paragraph 2, of the Covenant; article 7, read together with article 14, paragraph 3 (g); article 10; and article 14, paragraphs 2 and 3 (b) and (d).

Remedy: Effective remedy, including compensation.

Previous follow-up information: A/63/40 (Vol. II), annex VII, pp. 549–551

On 3 January 2012, the State party informed the Committee that the Office of the Prosecutor General had examined the Committee's Views. It contends that the authors' allegations were groundless.

The State party recalls extensively the facts of the case, and it explains that the authors' guilt in several crimes committed in an armed gang, including murder, was established during the pretrial investigation, and confirmed in court. The criminal case was examined by the Military College of the Supreme Court, in accordance with the law, as one of the accused was an official in the Ministry of Security. During the criminal proceedings, the authors were duly represented by counsel.

The State party rejects the allegations regarding the use of unlawful methods of investigation including torture, regarding the refusal to provide the victims with adequate food and regarding the refusal to allow their families to supply the men with food parcels, and explains that neither the victims nor their counsel ever lodged complaints in this connection during the investigation or in court.

The death sentence of each victim was commuted to 25 years' imprisonment. Moreover, in line with the General Amnesty Act of 20 August 2011, Mr. Karimov's sentence was reduced by eight years and two months and Mr. Askarov's and Mr. N. Davlatov's sentences by two years. The State party adds that Mr. A. Davlatov passed away due to an illness while serving his sentence, on 28 November 2007.

The Committee decided to close the follow-up examination concerning the case of Mr. A. Davlatov (deceased). It decided to suspend the follow-up dialogue, with a finding of a non-satisfactory implementation of its recommendation, concerning the three other victims, namely, Mr. Karimov, Mr. Askarov and Mr. N. Davlatov.

State party	Tajikistan
Case	<i>Khomidova, 1117/2002</i>
Views adopted on	29 July 2004
Violations	Articles 7; 9, paragraphs 1 and 2; 14, paragraphs 1 and 3 (b), (e) and (g), of the Covenant, read together with article 6.

Remedy: Effective remedy, entailing commutation of the victim's death sentence, compensation, and a new trial with all the guarantees of article 14, or, should this not be possible, release.

Previous follow-up information: A/60/40 (Vol. II), annex VII, pp. 535–536

On 3 January 2012, the State party informed the Committee that the Office of the Prosecutor General had examined the Committee's Views, which were adopted in the absence of a submission by the State party on admissibility and merits, and based mainly on the author's allegations. According to the State party, the author's allegations are groundless.

The State party rejects the allegations regarding the use of unlawful methods of investigation and torture, and explains that neither Mr. Khomidov nor his counsels ever complained in this connection during the investigation or in court. The State party emphasizes that Mr. Khomidov confessed guilt freely.

The State party recalls extensively the facts of the case, and explains that Mr. Khomidov's guilt was established during the pretrial investigation and in court in the light of his confessions, which were provided freely and in the presence of his two counsels, who duly performed their duties in his case, and which corroborated a multitude of other evidence.

Further, the State party notes that Mr. Khomidov was charged with the crimes promptly and in the presence of his counsels.

The State party rejects the author's allegations that the presiding judge refused to order a medical forensic expertise to establish whether Mr. Khomidov had been subjected to ill-treatment, and submits that the criminal case contains no information on such requests.

The State party, further, notes that the author and his counsels had nine days to get acquainted with the content of the criminal case file, constituting a sufficient time period.

Finally, the State party emphasizes that the author's death sentence was commuted to 25 years' of imprisonment. Moreover, on 20 August 2011, Mr. Khomidov's sentence was reduced by seven years and 11 months, pursuant to the General Amnesty Act.

The Committee decided to suspend the follow-up dialogue, with a finding of a non-satisfactory implementation of its recommendation.

State party	Tajikistan
Case	<i>Sattorov, 1200/2003</i>
Views adopted on	30 March 2009
Violations	Articles 7 and 14, paragraph 3 (g), of the Covenant.
Remedy:	Effective remedy, including the payment of adequate compensation, initiation and pursuit of criminal proceedings to establish responsibility for the ill-treatment of the author's son, and a retrial, with the guarantees enshrined in the Covenant or release, of the author's son.

Previous follow-up information: A/65/40 (Vol. I), chap. VI, pp. 156–157

On 3 January 2012, the State party explained that the Office of the Prosecutor General had examined the Committee's Views. It notes that the authors' allegations were groundless. According to the State party, the rights of the author's son not to be subjected to torture and cruel and inhuman treatment and not to be compelled to testify against himself have been respected.

The State party recalls extensively the facts of the case, and explains that Mr. Sattorov's guilt in several crimes committed within an armed gang, including robbery, was established during the pretrial investigation and in court. Throughout the criminal proceedings, immediately following his apprehension, Mr. Sattorov was represented by counsel, who had duly performed his duties.

The State party rejects the allegations regarding the use of unlawful methods of investigation and torture and explains that neither the victim nor his counsel ever complained in this connection during the pretrial investigation or in court.

Finally, it emphasizes that the victim's death sentence was commuted to 25 years' imprisonment, and, additionally, pursuant to the General Amnesty Act of 20 August 2011, Mr. Sattorov's sentence was further reduced by two years.

The Committee decided to suspend the follow-up dialogue, with a finding of a non-satisfactory implementation of its recommendation.

State party	Tajikistan
Case	<i>Kurbonov, 1208/2003</i>
Views adopted on	16 March 2006

Violations Articles 7; 9, paragraphs 1 and 2; and 14, paragraphs 1 and 3 (g), of the Covenant.

Remedy: Effective remedy, which should include a retrial with the guarantees enshrined in the Covenant or immediate release, as well as adequate reparation.

Previous follow-up information: A/62/40 (Vol. II), annex IX, 694–697

On 3 January 2012, the State party informed the Committee that the Office of the Prosecutor General had examined the Committee's Views, which had been adopted in the absence of submissions from the State party, and that it transpired that the author's allegations in this case were groundless.

The State party recalls the facts of the case, and it explains that Mr. Kurbonov's guilt in committing armed robberies was established during the pretrial investigation and in court in the light of his confessions, which were provided freely.

It rejects the allegations regarding the use of unlawful methods of investigation and torture, and explains that neither Mr. Kurbonov nor his counsel ever complained in this connection during the investigation or in court; Mr. Kurbonov voluntarily confessed guilt.

As to the author's allegations that five police officers had been subject to disciplinary measures and prosecuted on 10 May 2001, the State party indicates that documents demonstrating the said allegations were not presented during the court's hearing by Mr. Kurbonov or his lawyers. In addition, the retention period of the archives has expired, and any supposed documents would have been destroyed.

The State party adds that on 28 November 2008 Mr. Kurbonov completed his sentence and was released.

On 3 January 2012, in a separate submission signed by the Prime Minister of Tajikistan, the facts of the case were recalled. The Committee was also informed that the right not to be subjected to torture and to cruel and inhuman treatment, the right to liberty and security, as well as the right to access to courts are recognized in the Constitution of the Republic of Tajikistan, and were fully respected in this case. The State party also noted that Mr. Kurbonov's criminal case file was examined by the authorities, and no violations of his rights under the Covenant were revealed.

The Committee decided to suspend the follow-up dialogue, with a finding of a non-satisfactory implementation of its recommendation.

State party	Tajikistan
Cases	<i>Sharifova, Safarov, Burkhonov, 1209/2003, 1231/2003 and 1241/2004</i>
Views adopted on	1 April 2008
Violations	Violation of the rights of E. Rakhmatov, A. Safarov, F. Salimov and S. Mukhammadiev under article 7 of the Covenant, read together with articles 14, paragraph 3 (g); 10; and 14, paragraph 1; a violation of the rights of Mr. B. Safarov under article 14 of the Covenant, paragraph 1 only; and a violation the rights of Messrs E. Rakhmatov and S. Mukhammadiev under article 14, paragraph 4, of the Covenant.

Remedy: Effective remedy, to include such forms of reparation as early release and compensation.

No previous follow up information received.

On 3 January 2012, the State party informed the Committee that the Office of the Prosecutor General had examined the Committee's Views, which were adopted in the absence of a reply by the State party and based on the authors' allegations. According to the State party, these allegations are groundless, and the right to adequate investigation into the allegations of torture, the right not to be forced to confess guilt, the right to adequate prison conditions, the right to a fair trial, and the right to special treatment of minors have been respected in this case.

The State party recalls extensively the facts of the case, and explains that the authors' guilt in several crimes committed within an armed gang, including burglary, was established during the pretrial investigation and confirmed in court. Mr. Rakhmatov and Mr. Mukhammadiev, minors at the time, were treated accordingly and were interrogated both in presence of their counsels and their parents and, finally, received reduced sentences. All were duly represented by lawyers throughout the criminal proceedings. The State party rejects the allegations regarding the use of unlawful methods of investigation and torture and notes these allegations were never raised during the investigation or in the court.

Finally, the State party notes that on 30 January 2004, Mr. Rakhmatov's sentence was commuted to correctional works; on 16 April 2006 Mr. Mukhammadiev completed his sentence and was released, while the Safarov brothers and Mr. Salimov completed their sentences and were released in April 2008.

In the light of the above, the State party considers that there has been no violation of the alleged victims' rights under the Covenant, and that, accordingly, there is no basis for the re-examination of their criminal case or for their compensation.

The Committee decided to suspend the follow-up dialogue, with a finding of a non-satisfactory implementation of its recommendation.

State party	Tajikistan
Cases	<i>Khuseynov and Butaev, 1263/2004-1264/2004</i>
Views adopted on	20 October 2008
Violations	Article 7, read together with article 14, paragraph 3 (g); and article 14, para 3 (b), of the Covenant, and a violation of the right of Mr. Butaev under article 14, paragraph 3 (e), of the Covenant.

Remedy: An effective remedy, including adequate compensation.

Previous follow-up information: A/65/40 (Vol. I), chap. VI, p. 157

By note verbale of 3 January 2012, the State party informed the Committee that the Office of the Prosecutor General had duly considered the Committee's Views and carefully studied the content of the criminal case file in this case.

The State party recalls that on 24 February 2003, the Supreme Court found Mr. Khuseynov and Mr. Butaev guilty of serious crimes, including murders, and sentenced them to death. In July 2004, their death sentences were commuted to long prison terms.

According to the content of the criminal case file, Mr. Khuseynov was arrested on 28 June 2001, and on that day, during an interrogation as a suspect, he freely confessed guilt in the incriminated acts. He confirmed his confession during his first interrogation as an accused, in the presence of his lawyer. He repeated his confessions, also in the presence of a lawyer, during further interrogations on 13 July

2001, and on 10 November 2001.

During the preliminary investigation and in court neither the alleged victims nor their lawyers adduced any evidence about the use of unlawful methods of investigation. In addition, when the alleged victims were placed in pretrial detention, in September 1999, they underwent medical checks and no corporal injuries were revealed.

Mr. Butaev and Mr. Khuseynov were informed of their defence rights at the moment of arrest, and during the preliminary investigation they were represented by three ex officio lawyers (names provided) and no request to be represented by a privately hired lawyer was made. In addition, during the first interrogation as suspect, Mr. Butaev was informed of his procedural rights; the criminal case file contains the corresponding form signed by him. The investigators became aware of a number of crimes committed by Mr. Butaev from replies he had provided freely during the interrogations. He confirmed his confessions, in the presence of official witnesses.

According to the State party, the allegations that Mr. Butaev had been apprehended on 4 June 2001 and that his mother visited him on 10 June 2001 in the Ministry of Security and learned that he had been beaten and forced to confess guilt are groundless. The criminal case file shows that the criminal case was opened on 14 July 2001 only, and on that day Mr. Butaev was questioned as a suspect, and the case was transmitted to the Prosecutor's Office. Subsequently, he was interrogated as an accused, in the presence of a lawyer.

The Committee decided to suspend the follow-up dialogue, with a finding of a non-satisfactory implementation of its recommendation.

State party	Tajikistan
Case	<i>Idiev, 1276/2004</i>
Views adopted on	31 March 2009
Violations	Articles 7; 9, paragraphs 1 and 2; 14, paragraph 3 (d), (e) and (g); article 6, paragraph 2, read together with article 14, paragraph 3 (d), (e) and (g), of the Covenant.

Remedy: An effective remedy, including initiation and pursuit of criminal proceedings to establish responsibility for ill-treatment, and adequate compensation.

Previous follow-up information: A/65/40 (Vol. I), chap. VI, pp. 156–157

By note verbale of 3 January 2012, the State party informed the Committee that the Office of the Prosecutor General had studied the Committee's Views in the present case and that the author's allegations contained in the Committee's Views were not confirmed.

The State party recalls that on 24 February 2003 Mr. Idiev was found guilty for having participated, as a member of an established armed gang, in the murder of two persons under aggravating circumstances, and was sentenced to death. This decision was confirmed on 17 November 2003 by the Supreme Court.

The allegation of Mr. Idiev's mother that her son was detained in the premises of the Department for the Fight against Organized Crime from 14 to 23 August 2001 is groundless, according to the State party, and the official records on the apprehension and search of Mr. Idiev clearly show that he was apprehended on 23 August 2001.

The State party also rejects the allegations of forced confessions under beatings and torture. It notes that the author never adduced any evidence in support of her allegations, and in addition,

throughout the pretrial investigation, no complaints to this effect were brought by Mr. Idiev or by his lawyer. During the investigation, Mr. Idiev confessed guilt in the presence of his lawyer, and he repeated his confessions at the reconstitution of the crime at the crime scene, in the presence of official witnesses. At the end of the preliminary investigation, after having acquainted themselves with the criminal case file content, neither Mr. Idiev nor his lawyer formulated claims or requests.

In line with applicable regulations, when Mr. Idiev was placed in pretrial detention, he underwent a medical examination and no corporal damages were revealed. According to the State party, the allegations that the court had rejected the lawyer's request to have officials of the Ministry of Internal Affairs questioned do not correspond to reality. The trial transcript contains no reference to such request by Mr. Idiev or his lawyer, and, subsequently, they made no comments or objection on the trial transcript to this effect. In addition, in his communication to the Committee, Mr. Idiev provided no sufficient details on the identity of the officials who allegedly had used unlawful methods of investigation against him.

The State party further adds that neither Mr. Idiev nor his lawyer ever complained about a violation of defence rights during the investigation or in court.

The Committee decided to suspend the follow-up dialogue, with a finding of a non-satisfactory implementation of its recommendation.

State party	Tajikistan
Case	<i>Ashurov, 1348/2005</i>
Views adopted on	20 March 2007
Violations	Articles 7; 9, paragraphs 1–3; and 14, paragraphs 1, 2 and 3 (a), (b), (e) and (g), of the Covenant.

Remedy: Effective remedy, that is, immediate release, appropriate compensation, or, if required, the revision of the trial with all the guarantees enshrined in the Covenant, as well as adequate reparation.

No previous follow-up information received.

On 3 January 2012, the State party informed the Committee that the Office of the Prosecutor General had examined the Committee's Views, which were based mainly on the author's allegations and adopted in the absence of a reply by the State party. It contends that after verification, it transpired that the author's allegations in the individual communication were groundless. According to the State party, the rights of Mr. Ashurov, as protected by national and international law, have been respected.

The State party recalls the facts of the case, and contends that Mr. Ashurov was apprehended by the police as a suspect in serious crimes on 5 May 2002, and not on 3 May 2002, as claimed by the author. The author's allegations that Mr. Ashurov was subjected to torture and beatings to the point that he confessed guilt are groundless and confirmed by no evidence. Neither Mr. Ashurov nor his lawyers complained about this during the preliminary investigation. In court, the investigators in the case (names provided) were questioned in this connection, and they denied use of unlawful methods of investigation. Mr. Ashurov confessed guilt freely, in the presence of his lawyer, who had represented him since the initiation of the investigation. Thus, on 6 May 2002, Mr. Ashurov, in the presence of his lawyer, confessed guilt and provided a detailed description of his involvement in various crimes. He signed the interrogation record and confirmed, in writing, that the record had been read by him and that the transcript of his depositions reflected his statements correctly; the record is co-signed by his lawyer.

During an interrogation on 20 May 2003, in the presence of his lawyer, the investigators asked Mr. Ashurov specifically whether he had been subjected by the initial investigators to violence, coercion or torture, to which he replied negatively.

The State party adds that Mr. Ashurov's criminal case file was examined under the supervisory proceedings and it was established that the criminal proceedings against him had been conducted in compliance with the national laws.

In addition, the State party highlights that on 20 August 2011 Mr. Ashurov's sentence was reduced by two years, and it is expected that he will be released on 5 May 2015.

In a similar detailed 10-page letter, the Prime Minister of Tajikistan explained to the Committee that the Government had carefully examined its Views, but that the author's allegations contained therein were not confirmed and Mr. Ashurov's rights under the Covenant had not been violated.

In the light of these considerations, the State party considers that there is no basis for the re-examination of Mr. Ashurov's criminal case or for his compensation.

The Committee decided to suspend the follow-up dialogue, with a finding of a non-satisfactory implementation of its recommendation.

State party	Tajikistan
Case	<i>Kirpo, 1401/2005</i>
Views adopted on	27 October 2009
Violations	Articles 7; 9, paragraphs 1–3; 14, paragraph 3 (g) of the Covenant.

Remedy: An effective remedy, including initiation and pursuit of criminal proceedings to establish responsibility for ill-treatment of the author's son, appropriate reparation, including compensation, and consideration of a retrial in conformity with all the guarantees enshrined in the Covenant or his release.

Previous follow-up information: A/66/40 (Vol. I), chap. VI, pp. 172–173

By note verbale of 10 January 2012, the State party explained that the Office of the Prosecutor General had studied the Committee's Views. It notes that the Committee concluded to a violation of the Covenant based on the author's allegations, in the absence of an appropriate reply by the State party. However, the examination of the criminal case file's content showed that the author's rights under both national and international law were respected, both during the investigation and in court.

The State party contends that it was unaware of the registration of the communication in 2005 and that it never received the reminders to provide observations, sent between 2006 and 2009. According to the State party, the author had failed to exhaust available domestic remedies and his allegations do not correspond to reality.

The State party recalls that Mr. Kirpo's guilt in very serious crimes was established during the investigation and in court. At the investigation stage, Mr. Kirpo confessed guilt, and his guilt was confirmed by a multitude of corroborating evidence. The State party lists the names of 26 witnesses and refers to, inter alia, the experts' conclusions and material evidence seized, all duly assessed in court.

It adds that the author failed to present to the Committee evidence in support of his claim that he was beaten. The verification carried out after the adoption of the Committee's Views established that the author's allegations therein were not confirmed.

The allegations that Mr. Kirpo was kept unlawfully in detention in the premises of the Ministry

of National Security for 13 days, in the absence of a lawyer, and without the possibility to meet with his relatives, and that, during that period, he was forced under duress to confess guilt, are, according to the State party, also groundless. The content of the criminal case file shows that Mr. Kirpo committed the crimes together with two other individuals. In order to permit the location of all the members of the criminal group in question, and also in order to guarantee the safety of Mr. Kirpo, the latter was kept detained in the Ministry of National Security from 7 to 19 May 2000. The fact that he faced a real threat is confirmed by his own statements given at the time, to the effect that he feared for his safety and the safety of his relatives, as he anticipated reprisals from his accomplices. Notwithstanding, during the court trial, the court concluded to a violation of Mr. Kirpo's criminal procedure rights for his 13 days of detention, and ordered an investigation into the matter. As a result, officials of the Ministry of National Security were disciplined and dismissed. The court deducted this period of detention when deciding Mr. Kirpo's sentence, but considered that the detention in question had no influence on the objectivity of the investigation, and did not affect the establishment of his guilt. Thus, the issue of Mr. Kirpo's rights under article 9, paragraph 4, of the Covenant had already been dealt with at the national level.

On the day of Mr. Kirpo's arrest, and in the light of the fears expressed, he, together with three officers from the Ministry of National Security, went to his home and from there, together with his wife and children, he was brought to the Ministry of National Security. Therefore, it is clear that Mr. Kirpo's wife was promptly informed of her husband's arrest, as required by law.

Mr. Kirpo's arrest was confirmed by a prosecutor, in line with the legal requirements at the time. As of 1 April 2010, confirmations of arrest are given by courts.

The criminal case file contains no claims made by Mr. Kirpo or his lawyers, either during the preliminary investigation or in court, regarding the use of unlawful methods of investigation, torture or beatings. The Committee's conclusions of a violation of article 7 and 14, paragraph 3 (g) in this case are thus based only on the mere allegations by Mr. Kirpo's mother that her son apparently told her, during a visit, that he had been beaten and had a rib broken.

As to the absence of access to legal counsel, the State party recalls that the criminal case against Mr. Kirpo was opened on 20 May 2000, and that that same day he was assigned a lawyer (name provided).

The State party further informs the Committee that Mr. Kirpo was released on 13 September 2011, in virtue of the General Amnesty Act of 20 August 2011.

The Committee decided to suspend the follow-up dialogue, with a finding of a non-satisfactory implementation of its recommendation.

State party	Tajikistan
Case	<i>Khostikoev, 1519/2006</i>
Views adopted on	22 October 2009
Violation	Article 14, paragraph 1, of the Covenant.
Remedy:	Effective remedy, including the payment of appropriate compensation.
Previous follow-up information:	A/66/40 (Vol. I), chap. VI, pp. 173–174

The State party presented its observations by note verbale of 2 November 2011. It recalls the facts of the case, and explains that the courts' decisions in this case were correct and well grounded. The courts have established that the privatization of the national swimming pool complex was void, as the clauses of the Privatization Agreement were not executed on time and violated the regulations governing

privatization tenders and auctions.

The State party rejects the author's allegations that his lawyer was prevented from working properly at the beginning of the trial and that he had no sufficient time to familiarize himself with the content of the case file. It points out that already on 13 July 2005 the first instance court had indicated in a ruling that the parties should ensure the presence of their official representatives at a hearing on 22 July 2005, to present their reactions concerning the initiated proceedings. The author's authorization for his lawyer to act is dated 16 August 2005. The case was examined in court from 15 to 17 August 2005, and the decision was pronounced on 17 August 2005. This is why the lawyer in question had no time to study the case file content, and was not present for the first part of the trial. The beginning of the trial was held in the presence of the author. The author's counsel made no request to be given additional time to study the case. In addition, as regards the allegation that the court refused to accept supplementary evidence, the State party explains that the court did suspend the trial, specifically in order to allow for the submission of additional evidence. Before the start of the hearing on 17 August, however, the parties informed the court that they were unable to produce such evidence.

The State party further rejects the author's allegation that courts failed to deal with the issue of statutory limitations, and points out that none of the parties have ever invoked the matter in court.

The State party rejects the author's allegations concerning the bias of the court, stating that the court questioned all parties in the case, considered all evidentiary material submitted, and made a reasoned legal assessment thereof. Neither the High Economic Court nor the Office of the Prosecutor General found grounds for the review of the case under the supervisory proceeding.

On 24 January 2012, the author explained that the State party's reply was foreseeable and did not differ from the answers he had received from other institutions in Tajikistan. He reiterates his previous allegations in connection with the statutory time limits, and contends, in particular, that his lawyer was unable to acquaint himself with the content of the case file prior to the beginning of the trial. He also notes that the State party took possession of the sports complex in question, but never returned the money paid for the acquisition of its shares.

The Committee decided to suspend the follow-up dialogue, with a finding of a non-satisfactory implementation of its recommendation.

State party	Ukraine
Case	<i>Shchetka, 1535/2006</i>
Views adopted on	19 July 2011
Violations	Articles 7 and 14, paragraph 3 (g); article 14, paragraphs 1 and 3 (e), of the Covenant.

Remedy: Effective remedy, including: carrying out an impartial, effective and thorough investigation into the allegations of torture and ill-treatment and initiating criminal proceedings against those responsible; considering the victim's retrial in conformity with all guarantees enshrined in the Covenant or his release; and providing the victim with full reparation, including appropriate compensation.

No previous follow-up information received.

On 23 December 2011, the author's counsel informed the Committee that after the receipt of the Committee's Views, the author requested the Supreme Court of Ukraine, in September 2011, to have his case re-examined pursuant to article 400-12 of the Criminal Procedure Code. This article provides for a

re-examination of criminal cases based on decisions of international judicial organs.³¹ On 3 November 2011, the High Specialized Court refused to allow the examination of the case by the Supreme Court of Ukraine, finding that the Human Rights Committee does not constitute an “international judicial agency” for the purposes of article 400 of the Criminal Procedure Code of Ukraine, and that the Committee’s Views do not constitute, in their form and content, judicial decisions and are not legally binding.

The author has also sought the assistance of the Parliament’s human rights ombudsperson, who transmitted his submission to the Office of the Prosecutor General. On 22 November 2011, the Kyiv Prosecutor’s Office sent a letter to the author, informing him that in the framework of verification, the Committee’s findings concerning use of torture during investigation and subsequent unfair trial were not confirmed. The Prosecutor’s Office thus found no grounds on which to request the re-examination of the author’s criminal case.

Counsel contends that by their actions, the authorities are trying to avoid implementing the Committee’s Views.

The author’s submission was sent to the State party, for observations, in February 2012.

The Committee will await receipt of further information before finally deciding on the matter.

The Committee considers the follow-up dialogue ongoing, while noting that, to date, its recommendation has not been satisfactorily implemented.

State party	Zambia
Case	<i>Chongwe, 821/1998</i>
Views adopted on	25 October 2000
Violations	Articles 6, paragraph 1, and 9, paragraph 1, of the Covenant.
Remedy:	Adequate measures to protect the author’s personal security and life from threats. The Committee urged the State party to carry out independent investigations of the shooting incident, and to expedite criminal proceedings against the persons responsible for the shooting. If the outcome of the criminal proceedings reveals that persons acting in an official capacity were responsible for the shooting and injuring of the author, the remedy should include damages to Mr. Chongwe.

Previous follow-up information: A/66/40 (Vol. I), chap. VI, pp. 186–187

On 31 September 2011, the author informed the Committee that there had been fundamental political developments since the September 2011 elections. He has contacted the new authorities and will inform the Committee of the outcome.

The author’s submission was sent to the State party in December 2011, for observations.

The Committee will await receipt of further information before finally deciding on the matter.

³¹ **Article 400-12.** Grounds for reviewing of judgments by the Supreme Court of Ukraine
Grounds for reviewing of judgments by the Supreme Court of Ukraine which have taken legal effect are:

(2) Finding of violation of international obligations by Ukraine in court’s resolution of a case by international judicial agency, which jurisdiction is recognized by Ukraine. (*Source:* <http://legislationline.org/documents/action/popup/id/16259/preview>).

The Committee considers the follow-up dialogue ongoing, while noting that, to date, its recommendation has not been satisfactorily fully implemented.

B. Meetings of the Special Rapporteur for follow-up on Views with States parties' representatives

231. During the Committee's 103rd session, the Special Rapporteur for follow-up on Views met with representatives of Nepal, the Russian Federation, Tajikistan and Uzbekistan. All meetings were qualified as encouraging by the Special Rapporteur. During the 104th session the secretariat attempted to arrange meetings with representatives of Belarus, Cameroon and Kyrgyzstan,³² without success.

C. Other information

232. The Special Rapporteur draws the attention of the Committee to the website of The Centre for Civil and Political Rights (www.ccprcentre.org/), a Switzerland-based non-governmental organization that replicates and monitors follow-up information, in the public domain, concerning individual cases adopted by the Committee. The Centre thus fulfils an important function yet to be undertaken by the Office of the United Nations High Commissioner for Human Rights.

³² The secretariat could not establish contact with the State party's permanent mission in New York.

VII. Follow-up to concluding observations

233. In chapter VII of its annual report for 2003,³³ the Committee described the framework that it has set out for providing for more effective follow up, subsequent to the adoption of the concluding observations in respect of States parties' reports submitted under article 40 of the Covenant. In chapter VII of its previous annual report,³⁴ an updated account of the Committee's experience in this regard over the previous year was provided. The current chapter again updates the Committee's experience to 30 March 2012.

234. Over the period covered by the present annual report, Ms. Christine Chanet acted as the Committee's Special Rapporteur for follow-up on concluding observations. At the Committee's 103rd and 104th sessions, the Special Rapporteur presented progress reports to the Committee on intersessional developments and made recommendations which prompted the Committee to take appropriate decisions State by State.

235. For all reports of States parties examined by the Committee under article 40 of the Covenant over the past year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the following comprehensive table. Over the reporting period, since 30 July 2011, 22 States parties have submitted information to the Committee under the follow-up procedure (Australia, Belgium, Botswana, Chad, Chile, Colombia, Croatia, Denmark, Ecuador, Estonia, France, Ireland, Israel, the Netherlands, New Zealand, Nicaragua, Spain, Sweden, Switzerland, Tunisia, the United Kingdom of Great Britain and Northern Ireland, Uzbekistan) as well as the United Interim Administration Mission in Kosovo (UNMIK), and eight States parties (Azerbaijan, Cameroon, Jordan, Hungary, Panama, Poland, El Salvador, United Republic of Tanzania) failed to provide any information in relation to follow-up to concluding observations. Four States parties (Argentina, Mexico, Republic of Moldova, the Russian Federation) have not provided additional information required by the Committee to clarify their follow-up responses. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the preparation of the next periodic report by the State party.

236. The reports below were adopted by the Human Rights Committee at its 103rd and 104th session and reflect the decisions taken with regard to the follow-up report or complementary information provided by States parties during the period under review. The follow-up table (annex V) reflects the status of the follow-up procedure for all States parties that have been considered under this procedure since the eighty-sixth session (March 2006).

A. Follow-up report adopted by the Committee during its 103rd session

237. The following information was contained in the report of the Special Rapporteur for follow-up on concluding observations adopted by the Committee at its 103rd session.

³³ *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 40*, vol. I (A/58/40 (vol. I)).

³⁴ *Ibid.*, *Sixty-sixth Session, Supplement No. 40*, vol. I (A/66/40 (vol. I)).

Eighty-seventh session (July 2006)

Report considered: Report by the United Nations Interim Administration Mission in Kosovo (UNMIK) on the human rights situation in Kosovo, submitted on 2 February 2006.

Information requested:

Para. 12: Investigate all outstanding cases of war crimes, crimes against humanity and ethnically motivated crimes committed before and after 1999; ensure that the perpetrators of such crimes are brought to justice and that victims are compensated; provide effective witness-protection programmes; extend full cooperation to International Criminal Tribunal for the Former Yugoslavia prosecutors (arts. 2, para. 3; 6; and 7).

Para. 13: Effectively investigate all outstanding cases of disappearances and abductions; bring perpetrators to justice; ensure that the relatives of disappeared and abducted persons have access to information about the fate of the victims, as well as to adequate compensation (arts. 2, para. 3; 6; and 7).

Para. 18: Intensify efforts to ensure safe conditions for sustainable returns of displaced persons, in particular those belonging to minorities; ensure that they may recover their property, receive compensation for damage done and benefit from rental schemes for property temporarily administered by the Kosovo Property Agency (art. 12).

Date information due: 1 January 2007

Date follow-up replies received:

11 March 2008 Reply incomplete with regard to paragraphs 13 and 18.

7 November 2008 Reply incomplete with regard to paragraphs 13 and 18.

12 November 2009 Information received (recommendations partially implemented).

30 June 2011 Letter received from UNMIK indicating that a representative of the Secretary-General at UNMIK would arrive in Geneva on 20 July 2011 to attend the requested meeting.

9 September 2011 Letter of response received from the Director of the UNMIK Office of Legal Affairs (Mr. Tschoepke), following the meeting of 20 July 2011.

Action taken:

Between April and September 2007 Three reminders were sent.

10 December 2007 The Special Rapporteur requested a meeting with the Special Representative of the Secretary-General or a representative designated by the Special Representative, to be convened during the ninety-second session.

11 June 2008 The Special Rapporteur requested a meeting with a representative of UNMIK.

22 July 2008 During the ninety-third session, the Special Rapporteur met with Mr. Roque C. Raymundo, Senior Human Rights Adviser to UNMIK, who provided additional information on paragraphs 12, 13 and 18 and undertook to submit further information on: (a) cases in which perpetrators of disappearances and abductions had been tried and sentenced, access by relatives to information about the fate of victims, and measures taken to secure adequate resources for victim compensation schemes (para. 13); and (b) implementation of the strategies and policies for ensuring safe and sustainable returns, in particular for minority returnees, as well as for ensuring that minority returnees benefit from the special rental scheme introduced by the Kosovo Property Agency (para. 18). The

meeting was also attended by a representative of the Pristina office of the Office of the United Nations High Commissioner for Human Rights (OHCHR).

3 June 2009 A letter was sent to request additional information.

27 August 2009 A reminder was sent.

28 September 2010 While taking note of the cooperativeness of UNMIK, the Committee sent a letter in which it noted the measures taken but indicated that none of the recommendations had been fully implemented.

10 May 2011 The Committee sent a letter requesting a meeting with the representative of the Secretary-General at UNMIK.

20 July 2011 The Special Rapporteur met with the Director of the UNMIK Office of Legal Affairs (Mr. Tschoepke), who indicated that the supplementary information requested would be forwarded before the October 2011 session.

Recommended action: Two letters should be sent.

1. A letter to UNMIK, in which the Committee should take note of the comments provided, explaining the Mission's inability to implement the recommendations of the Committee. The letter should also thank UNMIK for its commitment to coordinating the elaboration of a consolidated report by the other actors involved in the promotion of human rights in Kosovo, and indicate that the information should be submitted to the Committee by 15 January 2012.

2. A letter from the Chair of the Committee to the Office of Legal Affairs (Ms. O'Brian) to request advice on the general status of Kosovo and on the strategy to adopt in the future to maintain the Committee's dialogue with Kosovo.

Ninety-second session (March 2008)

State party: Tunisia

Report considered: Fifth periodic report (due on 4 February 1998), submitted on 14 December 2006.

Information requested:

Para. 11: Ensure that all allegations of torture and cruel, inhuman or degrading treatment are investigated by an independent authority, that the perpetrators of such acts, including their hierarchical superiors, are prosecuted and punished and that the victims receive compensation; improve training of public officials; provide statistics on complaints alleging torture (arts. 2 and 7).

Para. 14: Commute all death sentences; consider abolishing the death penalty and ratifying the second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (arts. 2, 6 and 7).

Para. 20: Take steps to put an end to acts of intimidation and harassment targeting human rights organizations and defenders; investigate reports of such acts; ensure that any restrictions imposed on the right to peaceful assembly and demonstration are compatible with the provisions of the Covenant (arts. 9, 19, 21 and 22).

Para. 21: Ensure that independent human rights associations are registered and that they are provided with effective and prompt recourse against any rejection of applications for registration (arts. 21 and 22).

Date information due: 1 April 2009

Date follow-up replies received:

16 March 2009 Partial reply (para. 11: cooperative but information incomplete; para. 14: recommendations not implemented; paras. 20 and 21: non-specific information).

2 March 2010 Supplementary follow-up report received.

17 September 2011 The State party acknowledged receipt of the reminder letters and asked for consideration of its fifth periodic report to be deferred.

Action taken:

30 July 2009 A letter was sent to request additional information, to state that the follow-up procedure with respect to certain issues was considered completed due to non-implementation of the recommendations and to ask the State party to report on those issues in its next periodic report.

4 October 2010 While taking note of the cooperativeness of the State party, the Committee sent a letter indicating that the follow-up procedure had been completed in respect of those issues to which the responses provided by the State party were considered to be generally satisfactory: training of law enforcement officials (para. 11). The letter also included a request for additional information on certain issues: complaints alleging torture submitted to, and registered by, the authorities; number of compensation awards (para. 11); steps taken to safeguard the peaceful activities of human rights organizations and defenders, and information on investigations into allegations of intimidation (para. 20); and information on the registration of human rights associations (para. 21).

20 April 2011 A reminder was sent.

3 August 2011 A further reminder was sent. Immediate response received from the State party, asking for the previous letters to be resent. Previous letters resent to the Permanent Mission.

Recommended action: The Committee should send a letter confirming that it has taken note of the State party's letter of 17 September 2011, in which it asked for consideration of its fifth periodic report to be deferred. The Committee should inform the State party that, in view of the political situation in the country, a two-year extension of the deadline for submission of its next periodic report is granted (now due 31 March 2014), but that its follow-up replies to paragraphs 11, 14, 20 and 21 of the concluding observations remain due and that a one-year extension of the deadline for their submission is granted.

Next report due: 31 March 2012: The deadline for submission of the next report is deferred to 31 March 2014 because of the political situation in the country.

State party: Botswana

Report considered: Initial report (due on 8 December 2001), submitted on 13 October 2006.

Information requested:

Para. 12: Raise awareness of the precedence of constitutional law over customary laws and practices and of the right of every individual to request the transfer of a case to constitutional law courts and to appeal decisions before such courts (arts. 2 and 3).

Para. 13: Ensure that the death penalty is imposed only for the most serious crimes; move towards abolition of the death penalty; provide detailed information on the number of convictions for murder, courts' findings of mitigating circumstances, and the number of death sentences imposed by the courts and of persons executed each year; ensure that

families are informed in advance of the date of execution of family members and that the body is returned to them for burial (art. 6).

Para. 14: Withdraw reservations to articles 7 and 12 (arts. 7 and 12).

Para. 17: Ensure that persons on remand are not kept in custody for an unreasonable period of time; ensure that conditions of detention are compatible with the United Nations Standard Minimum Rules for the Treatment of Prisoners; take immediate action to reduce the prison population; increase the use of alternative measures to imprisonment; enhance access to prisoners by family members (arts. 7, 9 and 10).

Date information due: 1 April 2009

Date follow-up reply received: 5 October 2011

Action taken:

8 September 2009 A reminder was sent.

11 December 2009 A reminder was sent.

28 September 2010 The Special Rapporteur requested a meeting with a representative of the State party.

19 April 2011 A reminder was sent requesting a meeting with a representative of the State party.

6 July 2011 Positive response received from the State party (by telephone).

27 July 2011 The Special Rapporteur met with the Ambassador of Botswana, who indicated that the supplementary information requested would be sent to the Committee prior to the October 2011 session.

Recommended action: A letter should be sent taking note of the cooperation of the State party and requesting that additional information be provided in the next periodic report on the following issues:

- Additional measures planned by the State party with the aim of informing the population at large of the precedence of constitutional law over customary laws and practices, and on the entitlement to request the transfer of a case to constitutional law courts (para. 12)
- The number of convictions for murder, the number of and reasons for the courts' findings of mitigating circumstances, and the number of death sentences imposed by the courts (para. 13)
- More detailed information on the modalities and outcome of the public debates on capital punishment (para. 13)
- The nature of the information given to relatives prior to an execution (length of time prior to the execution that notice is given; authority in charge of the communication; form in which it is made) (para. 13)
- The criteria followed by the courts in extending the remand for a person charged with a criminal offence, and statistics on the actual length of remand detention (para. 17)
- The "formal structures" that are in place to ensure compliance with international standards in the treatment of prisoners (para. 17)
- The number of charges against officers regarding ill-treatment of prisoners and the number of convictions (para. 17)

- The time frame of the project on alternatives to imprisonment (para. 17)
- The measures taken (para. 17):
 - (a) To enhance access to prisoners by family members;
 - (b) To reduce the prison population.

While taking note of the clarifications provided on policy on the burial of executed prisoners, the Committee should express its regret that no measures have been taken by the State party on the following recommendations, which have not been implemented:

- The return of the body of the persons executed to their family for private burial (para. 13)
- The withdrawal of the reservations to articles 7 and 12 of the Covenant (para. 14)

Next report due: 31 March 2012

Ninety-fourth session (October 2008)

State party: Denmark

Report considered: Fifth periodic report (due on 31 October 2005), submitted on 23 July 2007.

Information requested:

Para. 8: Continue efforts to eliminate violence against women, including domestic violence, by means of, inter alia, information campaigns on the criminal nature of this phenomenon and the allocation of sufficient financial resources to prevent such violence and provide protection and material support to victims.

Para. 11: Review domestic legislation and practice in relation to solitary confinement during pretrial detention, with a view to ensuring that such a measure is used only in exceptional circumstances and for a limited period of time.

Date information due: 31 October 2009

Date follow-up replies received:

4 November 2009 Follow-up report received (para. 8: replies incomplete; para. 11: replies largely satisfactory).

5 August 2011 Response to request for additional information received.

Action taken:

26 April 2010 A letter was sent indicating that the procedure was complete with regard to the issues in relation to which the information supplied by the State party was considered to be largely satisfactory: review of legislation on solitary confinement during pretrial detention (para. 11). The letter included a request for additional information on certain issues: measures aimed at eliminating violence against women.

28 September 2010 A reminder was sent.

20 April 2011 A further reminder was sent.

Recommended action: A letter should be sent in which the Committee should note that the information provided is largely satisfactory in the context of the follow-up procedure.

Taking into account the information provided, the fact that the next periodic report is due by 13 October 2013, that the State party has accepted the lists of issues prior to reporting (LOIPR) procedure, and that lists of issues prior to reporting will be drafted by the Committee at its current session (103rd session, in October 2011), the follow-up procedure has come to an end with regard to the concluding observations in question (CCPR/C/DNK/CO/5).

The Committee should include in the list of issues prior to reporting (LOIPR) questions requesting updated information on the outcome of the measures and action plans that have been carried out to prevent violence against women, including domestic violence.

Next report due: 31 October 2013

Ninety-fifth session (March 2009)

State party: Sweden

Report considered: Sixth periodic report (due on 1 April 2007), submitted on 20 July 2007.

Information requested:

Para. 10:

(a) Increase awareness among persons with disabilities about their rights and the protection and redress available to them against violations of their rights;

(b) Provide updated information on the impact of awareness-raising programmes, indicate how access to social services and goods is ensured for persons with disabilities in practice, including at the level of municipalities, and give details on the implementation of disability policy in the next periodic report;

(c) Take effective measures to increase the employment rate for persons with disabilities, including those with a reduced work capacity.

Para. 13: Take effective measures to ensure that fundamental legal safeguards are guaranteed in practice to all persons held in custody, in particular the right to have access to a medical doctor and to promptly inform a close relative or a third party concerning their arrest; ensure that the information leaflet on fundamental safeguards is made available at all places where persons are deprived of their liberty.

Para. 16: Ensure that no individuals, including persons suspected of terrorism, are exposed to the danger of torture or cruel, inhuman or degrading treatment or punishment; recognize that the more systematic the practice of torture or cruel, inhuman or degrading treatment, the less likely it will be that a real risk of such treatment can be avoided by diplomatic assurances, however stringent any agreed follow-up procedure may be; exercise the utmost care in the use of such assurances and adopt clear and transparent procedures allowing review by adequate judicial mechanisms before individuals are deported, as well as effective means to monitor the fate of the individuals concerned.

Para. 17: Permit detention of asylum-seekers only in exceptional circumstances and limit the duration of such detentions; avoid placing asylum-seekers in remand prisons; consider placement alternatives for asylum-seekers and ensure that asylum-seekers are not deported before a final decision concerning their applications has been taken; ensure that asylum-seekers have the right to access adequate information in order to answer arguments and evidence utilized in their case.

Date information due: 1 April 2010

Date follow-up replies received:

18 March 2010 Follow-up report received (paras. 10 and 13: response largely satisfactory; paras. 16 and 17: recommendations not implemented in parts, no response on certain points).

5 August 2011 Response to the request for additional information received (paras. 16 and 17: response largely satisfactory).

Action taken:

28 September 2010 A letter was sent indicating that the follow-up procedure had been completed with regard to those questions to which the responses supplied by the State party were considered to be largely satisfactory: rights of persons with disabilities (para. 10) and fundamental legal safeguards for persons held in custody (para. 13). The letter included a request for additional information on certain issues: diplomatic assurances (para. 16); detention and placement of asylum seekers, and access to information (para. 17). It also highlighted the points concerning which the Committee considered that its recommendations had not been implemented: limit the length of detention of asylum seekers (para. 17).

20 April 2011 A reminder was sent.

Recommended action: A letter should be sent in which the Committee should note that the answers provided are largely satisfactory and that the follow-up procedure has come to an end. The Committee should use the letter as an opportunity to remind the State party that its next periodic report is due on 1 April 2014.

Next report due: 1 April 2014

Ninety-sixth session (July 2009)

State party: Netherlands

Report considered: Fourth periodic report (due on 1 August 2006), submitted on 9 May 2007.

Information requested:

Para. 7: Review the Law on the Termination of Life on Request and Assisted Suicide in the light of the Covenant's recognition of the right to life.

Para. 9: Ensure that the procedure for processing asylum applications allows for a thorough and adequate assessment by allowing sufficient time for the presentation of evidence; in all cases, ensure respect for the principle of non-refoulement.

Para. 23: Ensure as a matter of urgency that conditions in places of detention are improved to comply with the standard set out in article 10, paragraph 1.

Date information due: 28 July 2010

20 July 2011 A telephone call was received from the Permanent Mission, indicating that the reply was being reviewed and would be forwarded to the Committee before the October 2011 session.

Date follow-up reply received: 16 September 2011

Action taken:

16 December 2010 A reminder was sent.

20 April 2011 A further reminder was sent.

Recommended action: A letter should be sent in which the Committee notes that the answers provided are partially satisfactory. Additional information should be requested on the following issues:

- The measures taken to ensure that asylum seekers are given the opportunity to adequately substantiate their claims through the presentation of evidence (para. 9)
- The number of asylum applications made and the number rejected on the basis of the application of the principle of “non-refoulement” in the last five years (para. 9)
- The implementation status and schedule for the follow-up project to the “Schoonmaken Terreinen”; the overhaul of the sanitary system, and the provision of a daily programme of activities in the Bon Futuro Prison; and the provision of education for adults and young offenders in the Bonaire Remand Prison (para. 23)

The Committee should also request the State party to provide updated information on the progress made for the implementation of the described measures in the Bon Futuro Prison and the Bonaire Remand Prison, and the evaluation of these measures (para. 23). Finally, the Committee should inform the State party that it considers that the recommendation in paragraph 7 has not been implemented.

Next report due: 31 July 2014

Ninety-seventh session (October 2009)

State party: Croatia

Report considered: Second periodic report (due on 1 April 2005), submitted on 27 November 2007.

Information requested:

Para. 5: Strengthen measures to fight discrimination and combat physical and verbal attacks against members of ethnic minorities, in particular members of the Serb minority; intensify efforts to ensure the prevention as well as prompt investigation and prosecution of such attacks and to provide victims with access to effective remedies; carry out intensified public information campaigns to overcome prejudices against ethnic minorities; continue efforts to accelerate economic development in regions mainly inhabited by returnees of Serb origin.

Para. 10:

(a) Promptly identify the total number and range of war crimes committed, irrespective of the ethnicity of the persons involved, with a view to prosecuting the remaining cases expeditiously;

(b) Take effective measures in order to ensure that all cases of war crimes are prosecuted in a non-discriminatory manner, independently of the perpetrator’s ethnicity, and collect statistical data on victims and defendants in past and current war crimes trials;

(c) Increase efforts to ensure that the possibility to refer cases to the special war crimes chambers is utilized to the fullest extent;

(d) Ensure that the Amnesty Law is not applied in cases of serious human rights

violations or violations that amount to crimes against humanity or war crimes;

(e) Expedite the recovery and delivery of the records of Croatian military operations required by the International Criminal Tribunal for the Former Yugoslavia in the completion of its investigative work;

(f) Ensure the suspension of the operation of the statute of limitation for the period of the conflict to allow the prosecution of serious cases of torture and killings.

Para. 16: Continue to strengthen efforts aimed at facilitating equal access to citizenship, in particular for members of minority groups; ensure that the administrative procedures and legislative provisions on citizenship do not disadvantage persons of non-ethnic Croat origin.

Para. 17: Strengthen measures to prevent intimidation of journalists, and to promptly investigate, bring to trial and punish perpetrators of attacks on, or threats against, journalists and to compensate the victims; publicly condemn such instances of intimidation and attacks and generally take vigorous action to ensure freedom of the press.

Date follow-up replies received:

17 January 2011 (report due 4 November 2010): Reply partly satisfactory (para. 5), but incomplete (paras. 10, 5 and 17).

1 July 2011 Response received to request for additional information.

Action taken:

9 May 2011 The Committee sent a letter in which it acknowledged the cooperativeness of the State party and indicated that implementation of the recommendations had begun in relation to the following points:

- Programmes to prevent and prosecute acts of discrimination and racial hatred (para. 5)
- Presentation of statistical information on cases tried in absentia (para. 10 (a))
- Prosecution of alleged perpetrators of war crimes, regardless of their ethnic origin (para. 10 (b))
- Procedure for referring cases to special chambers (para. 10 (c))
- Exclusion from the Amnesty Law and suspension of statutory limitation in respect of serious human rights violations and crimes against humanity (para. 10 (d) and (f))
- Recovery of the records of Croatian military operations and their delivery to the International Criminal Tribunal for the Former Yugoslavia (para. 10 (e))

However, the Committee also noted that implementation of the recommendations was not complete. It therefore requested further information concerning:

- The impact of the legislation and plans adopted for the development of the poorest regions of Croatia (para. 5)
- The total number and range of war crimes committed (para. 10 (a))
- The strategy for dealing with war crimes where the alleged perpetrator has not been identified, due to be announced, according to the State party, in November 2010 (para. 10 (b))
- Support services for witnesses in courts with special war crimes chambers (para. 10 (c))

Lastly, it pointed out that the State party had not provided any information on the exact

number of journalists who had been attacked or intimidated or made any mention of a public condemnation of all instances of intimidation and attacks on freedom of the press (para. 17) and that the recommendation had therefore not been implemented.

Recommended action: A letter should be sent in which the Committee notes that the answer provided is largely satisfactory on paragraph 10 (c), and requesting that additional information be provided in the State party's next periodic report on the following issues:

- The remedies that were provided to the victims of discrimination and of physical and verbal attacks against minorities (para. 5)
- The range of war crimes committed from 1991 to 1995, with the information grouped according to type of war crime, irrespective of the ethnicity of the persons involved (para. 10 (a))
- Updated information on the activities of the specialized war crimes chambers (number of cases received, number of investigations opened, decisions adopted) (para. 10 (b))

The Committee should also note that no information was provided on the public condemnation of instances of intimidation and attacks against journalists (para. 17) and that the recommendation has therefore not been implemented.

Next report due: 30 October 2013

State party: Ecuador

Report considered: Fifth and sixth periodic reports (due in 2001 and 2006 respectively), submitted as a single document on 22 January 2008.

Information requested:

Para. 9:

- (a) Investigate and punish perpetrators of violence;
- (b) Ensure effective access to justice for victims of sexual violence;
- (c) Grant police protection to victims, and establish shelters where they can live in dignity;
- (d) Redouble efforts to create an educational environment free from discrimination and violence through awareness-raising campaigns and training for educational personnel and students;
- (e) Take preventive and awareness-raising measures to counter gender violence, such as the provision of training for police officers, especially in the Women's Commissions, on women's rights and gender violence.

In this connection, the Committee would like to receive in the State party's next periodic report detailed information on the progress achieved in combating gender violence.

Para. 13:

- (a) Take immediate and effective measures to put an end to abuses, monitor, investigate and, where appropriate, prosecute and punish law enforcement officers who commit acts of ill-treatment and compensate the victims. In this connection, the State party should provide in its next periodic report statistics on criminal and disciplinary proceedings initiated for this type of act and the results thereof;
- (b) Intensify human rights training for law enforcement agents so that they do not engage in such conduct.

Para. 19: Take appropriate measures to ensure the practical implementation of the Constitutional and legal provisions that guarantee the principle of non-discrimination against indigenous peoples and full compliance with articles 26 and 27 of the Covenant.

Date information due: 4 November 2010

Date follow-up reply received: 2 August 2011

NGO report received: 20 September 2011: Report received from the Comisión Ecuánica de Derechos Humanos and the Centre for Civil and Political Rights (CCPR Centre).

Action taken: 10 May 2011: A reminder letter was sent.

Recommended action: A letter should be sent in which, while taking note of the cooperation of the State party and of the precision of the information provided, the Committee will indicate that it has taken note of the progress made with regard to the concluding observations selected for the follow-up process, but that supplementary information remains necessary on the following points:

Para. 9:

- The measures taken to increase the proportion of gender violence cases dealt with by the judicial system and the results of such measures
- The implementation of the measures referred to in the State party reply (the process of integral reform of the judicial institutions specialized in the application of the Organic Code of the Judiciary; the proposal for a national database system on gender violence cases and the creation of specialized units for handling domestic and sexual violence in Guayas, Galápagos, Pichincha, El Oro and Manabí; the improvement of the infrastructure of shelters for victims of these crimes)
- The measures implemented in the context of the integral reform of the institutions to guarantee victims' reparation and the restitution of their rights (project of the Attorney-General's Office)
- The measures adopted to enable victims to live with dignity in the shelters (projects implemented and measures taken) and the mechanisms and criteria applied to select the NGOs in charge of support and assistance to victims of domestic and sexual violence
- Prevention and information programmes related to sexual violence that have been implemented for the population at large (the Committee's recommendation referred to "preventive and awareness-raising measures to counter gender violence, such as the provision of training for police officers, especially in the Women's Commissions, on women's rights and gender violence" and thus did not focus only on police officers in the Women's Commissions)

Para. 19:

- Content of the draft organic legislation on the equality counsels and on the cooperation between indigenous and ordinary jurisdictions, and the progress made for their implementation
- Results of the actions taken in application of Decree 60-2009, and their follow-up

The Committee should also ask the State party to include in its next periodic report updated statistics on the criminal and disciplinary procedures taken following acts of ill-treatment by law enforcement officials against persons in police custody, and their results (para. 13).

Next report due: 31 October 2013

Ninety-eighth session (March 2010)

State party: New Zealand

Report considered: Fifth periodic report (due on 31 October 2003), submitted on 25 November 2008.

Information requested:

Para. 12: Strengthen efforts to reduce the overrepresentation of Māori, in particular Māori women, in prisons and continue addressing the root causes of this phenomenon; increase efforts to prevent discrimination against Māori in the administration of justice; ensure that law enforcement officials and the judiciary receive adequate human rights training, in particular on the principle of equality and non-discrimination.

Para. 14: Ensure that the Terrorism Suppression Amendment Act is not applied in a discriminatory manner and does not lead to excessive use of force against suspects, in light of the need to balance the preservation of public security and the enjoyment of individual rights; provide the Committee, in the next periodic report, with detailed information on the results of any investigation, prosecution and disciplinary measures taken vis-à-vis law enforcement officials in connection with the alleged human rights violations perpetrated, in particular cases of excessive use of force, in the context of Operation 8; ensure that the trials of those arrested in the context of Operation 8 are held within a reasonable time frame.

Para. 19: Increase efforts for effective consultation of representatives of all Māori groups with regard to the current review of the Foreshore and Seabed Act 2004, with a view to amending or repealing it; ensure that the public consultation period is sufficiently long so as to enable all Māori groups to have their views heard and, in light of the Committee's general comment No. 23 (1994) on article 27 (Rights of minorities), pay particular attention to the cultural and religious significance of access to the foreshore and seabed for the Māori.

Date information due: 26 March 2010

Date follow-up reply received: 19 April 2011

Recommended action: A letter should be sent in which the Committee should take note of the collaboration of the State party, especially with regard to the progress made to implement the recommendations of the Committee. The Committee should indicate that it considers the information partially satisfactory and request additional information on:

- The introduction of mandatory human rights training for the staff of the Department of Corrections and the results of the actions taken as part of the comprehensive policy approach that has been implemented (para. 12)
- The need for additional information on the provisions of the 2011 Marine and Coastal Area Bill that highlight the cultural and religious significance of access to the foreshore and seabed for the Māori, and guarantee that this significance is respected at all stages of the processes carried out in application of the Act (para. 19)

Taking into account the draft law reforms and court proceedings related to terrorism suppression and Operation 8, the Committee should request updated information when relevant decisions are taken on the following issues (para. 14):

- The outcome of the court proceedings related to Operation 8

- The conclusions of the report of the Independent Police Conduct Authority on the alleged misconduct or neglect of duty on the part of the Police
- The report of the New Zealand Law Commission on the Terrorism Suppression Act and on the gathering of evidence in relation to terrorist acts

Next report due: 30 March 2015

Ninety-ninth session (July 2010)

State party: Estonia

Report considered: Third periodic report, submitted on 10 December 2008.

Information requested:

Para. 5: Either provide the Chancellor of Justice with a broader mandate to more fully promote and protect all human rights or achieve that aim by some other means, in full compliance with the Paris Principles, and take into account in this regard the requirements for the national preventive mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Para. 6: Take appropriate measures:

(a) To ensure the effective application of the Gender Equality Act and the Equal Treatment Act, especially with regard to the principle of equal pay for equal work between men and women;

(b) To carry out awareness-raising campaigns to eliminate gender stereotypes in the labour market and among the population;

(c) To ensure the effectiveness of the system of complaints filed before the Chancellor of Justice and the Gender Equality and Equal Treatment Commissioner by clarifying their respective roles;

(d) To reinforce the effectiveness of the Office of the Gender Equality and Equal Treatment Commissioner by providing it with sufficient human and financial resources; and

(e) To set up the Gender Equality Council, as foreseen by the Gender Equality Act.

Date information due: 27 July 2011

Date follow-up reply received: 12 August 2011

Other information received: 5 October 2011: Report from the Legal Information Centre for Human Rights (LICHR) and the CCPR Centre.

Recommended action: A letter should be sent in which the Committee should note that the answers provided are partially satisfactory, and that additional information should be provided on the following issues:

- The stage of the accreditation process reached by the Office of the Chancellor of Justice (para. 5) – all the areas of intervention of the Office of the Chancellor of Justice (para. 5)
- Additional actions taken to assign the necessary financial and human resources to enable the Office of the Commissioner to fulfil its functions appropriately in

compliance with the Equal Treatment Act, and to create a Gender Equality Council in application of the Gender Equality Act (para. 6)

Next report due: 30 July 2015

State party: Israel

Report considered: Third periodic report (due on 1 August 2007), submitted on 25 July 2008.

Information requested:

Para. 8: Lift the military blockade of the Gaza Strip, insofar as it adversely affects the civilian population; invite an independent, international fact-finding mission to establish the circumstances of the boarding of the flotilla, including its compatibility with the Covenant.

Para. 11: Incorporate into domestic legislation the crime of torture, as defined in article 1 of the Convention against Torture and in conformity with article 7 of the Covenant; in accordance with the Committee's previous recommendation (CCPR/CO/78/ISR, para. 18), completely remove the notion of "necessity" as a possible justification for the crime of torture; examine all allegations of torture, cruel, inhuman or degrading treatment pursuant to the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

Para. 22:

- (a) Ensure that children are not tried as adults;
- (b) Refrain from holding criminal proceedings against children in military courts, ensure that children are only detained as a measure of last resort and for the shortest possible time, and guarantee that proceedings involving children are audio-visually recorded and that trials are conducted in a prompt and impartial manner, in accordance with fair trial standards;
- (c) Inform parents or close relatives of where the child is detained and provide the child with prompt access to free and independent legal assistance of its own choosing;
- (d) Ensure that reports of torture or cruel, inhuman or degrading treatment of detained children are investigated promptly by an independent body.

Para. 24: In planning efforts in the Negev area, respect the Bedouin population's right to their ancestral land and their traditional livelihood based on agriculture; guarantee the Bedouin population's access to health structures, education, water and electricity, irrespective of their whereabouts on the territory of the State party.

Date information due: 29 July 2011

Date follow-up reply received: 31 October 2011

Other information received: Nine documents submitted by NGOs (follow-up reports, a letter addressed to the Government of the State party and a press release).

Recommended action: The State party replies and NGO information should be analysed at the next session.

Next report due: 30 July 2013

State party: Colombia

Report considered: Sixth periodic report.

Information requested:

Para. 9: Comply with obligations under the Covenant and other international instruments, including the Rome Statute of the International Criminal Court, and investigate and punish serious violations of human rights and international humanitarian law with appropriate penalties which take into account their grave nature.

Para. 14: Take effective measures to discontinue any directive of the Ministry of Defence that can lead to serious violations of human rights, such as extrajudicial executions, and fully comply with the obligation to ensure that serious human rights violations are impartially investigated by the regular justice system and that those responsible are punished. The Committee underlines the responsibility of the High Council of the Judiciary when it comes to resolving conflicts of jurisdiction and ensuring that such crimes remain clearly and effectively outside the jurisdiction of military courts; guarantee the security of witnesses and their relatives in such cases; implement the recommendations issued by the Special Rapporteur on summary, arbitrary and extrajudicial executions following his mission to Colombia in 2009 (A/HRC/14/24/Add.2).

Para. 16: Create robust controls and oversight systems for its intelligence service and establish a national mechanism to purge intelligence files, in consultation with victims and relevant organizations and in coordination with the Procurator-General; investigate, try and punish with appropriate penalties the persons responsible for crimes in this area.

Date information due: 28 July 2011

Date follow-up reply received: 9 August 2011

Date of meeting: 18 September 2011: Meeting between members of the secretariat of the Human Rights Committee and representatives of the Colombian Commission of Jurists (CCJ). (CCJ presented its report in the course of the meeting.)

Date other information received: 22 September 2011: Information has been received from CCJ, Coordinación Colombia-Europa-Estados Unidos and the CCPR Centre.

Recommended action: An analysis of the State party's reply will be sent by OHCHR Colombia. The State party replies and NGO information should be analysed at the next session.

Next report due: 1 April 2014

B. Follow-up report adopted by the Committee during its 104th session

238. See the table below for the criteria adopted by the Human Rights Committee to evaluate State responses:

Evaluation criteria

Reply/action satisfactory

A Response largely satisfactory

Reply/action partially satisfactory

B1 Substantive action taken, but additional information required

B2 Initial action taken, but additional information required

Evaluation criteria

 Reply/action not satisfactory

C1 Response received but actions taken do not implement the recommendation

C2 Response received but not relevant to the recommendations

No cooperation with the Committee

D1 No response received within the deadline, or no reply to a specific question in the report

D2 No response received after reminder(s)

Eighty-ninth session (March 2007)**State party: Chile****COB:** CCPR/C/CHL/CO/5**Follow-up paragraphs:**

Para. 9: Impunity for human rights violations committed during the dictatorship and suitability of persons who have committed human rights violations to hold public office

Para. 19: Negotiations with indigenous communities, land rights

State party's first reply: Expected: 26 March 2008;³⁵ Received: 21 October 2008**Evaluation of State party's first reply:**Paras. 9 and 19: [B2]³⁶**NGO information:**

25 March 2009 Centre for Civil and Political Rights (CCPR Centre) and Centre for Human Rights, Universidad Diego Portales; Observatorio de Derechos de los Pueblos Indígenas.

State party's second reply received: 28 May 2010**Evaluation of State party's second reply:**Paras. 9 and 19: [B1]³⁷**State party's third reply received:** 5 October 2011**Summary of third reply – paragraph 9:**

Under article 105 of the Criminal Code, legal prohibitions resulting from the commission of a criminal act shall last for the amount of time set for prescription of the punishment This rule does not apply to prohibitions on the exercise of political rights.

³⁵ Two reminders: 11 June 2008 and 22 September 2008.
³⁶ 10 December 2008: letter sent; 22 June 2009: meeting with the State party requested; two reminders: 11 December 2009 and 23 April 2010.³⁷ 16 December 2010: letter sent; 31 January 2011: letter from the State party requesting clarification on what additional information is required; 20 April 2011: letter clarifying what information is required; 2 August 2011: reminder.

Judges can no longer apply mechanisms exempting individuals from criminal responsibility in cases of crimes against humanity, which were declared imprescriptible by the Supreme Court in 2006.

However, the Supreme Court applies the concept of “partial prescription” (*prescripción gradual*) under article 103 of the Criminal Code, considering that “where prescription cannot be applied in criminal proceedings, as it would absolve the individual of criminal responsibility, median, partial or incomplete prescription can be applied, as it constitutes grounds for reducing the sentence ... [its consequences] are completely different [from those of prescription]. It is a mitigating circumstance which allows only for a reduction of the corresponding punishment. While, like extinctive prescription, it is applied on the basis of the passage of time, it cannot be considered to have the same legal status, since extinctive prescription is based on the principle of legal certainty ...”.

Under the principle of the separation of powers, the executive cannot interfere in the decisions of the judiciary. Nevertheless, it continues to work to ensure the incorporation into the legal system of international human rights standards and the duties to punish offences and guarantee rights, which preclude the use of prescription as an automatic exonerating mechanism.

Evaluation – paragraph 9:

[D1]: The State party does not provide any information on banning persons convicted of human rights violations from exercising public functions.

[B1]: Recalling the principles set out in paragraph 4 of general comment No. 31, the State party should be asked to provide additional information in its next periodic report on the manner and circumstances of the application by the Supreme Court of progressive prescription and on measures taken to ensure that it does not give rise to impunity for human rights violations (para. 9).

Summary of third reply – paragraph 19:

Description of the laws adopted to protect the rights of indigenous peoples and to guarantee and respect their integrity, including Act No. 19.253 establishing the National Indigenous Development Corporation. Article 1 of the Act refers to the earth as the cornerstone of indigenous existence and culture and adds that the State and society have a duty to protect indigenous lands and to ensure the judicious use of their resources. Article 12 of the Act specifies what land qualifies as indigenous land and provides for protection mechanisms, setting limits on legal transactions that might be prejudicial. The Act regulates the division of indigenous lands and related rights of succession (the provisions are described in the State party’s reply). Between 1994 and 2010, a total of 667,457 hectares were acquired by or transmitted to Indian persons or communities.

Evaluation – paragraph 19:

[A]

Additional information provided – paragraph 7:

Significant amendments have been made to the Counter-Terrorism Act since September 2010. The members of the Mapuche community have been reclassified so that the Counter-Terrorism Act no longer applies to them. The concept of a terrorist act has been defined more restrictively; and changes have been made to the procedure and the military justice system.

Evaluation – paragraph 7:

No follow-up to this paragraph.

Recommended action: Letter reflecting the Committee's analysis and indicating that the supplementary information that has been requested should be included in the periodic report due on 1 March 2012 or in an addendum thereto.

Next periodic report: 1 April 2012

Ninety-third session (July 2008)

State party: France

COB: CCPR/C/FRA/CO/4, adopted in July 2008

Follow-up paragraphs:

Para. 12: Statistical data disaggregated by racial, ethnic and national origin

Para. 18: Detention of undocumented foreign nationals and asylum seekers; detention centres

Para. 20: Procedure for deporting foreign nationals/asylum seekers

State party's first reply: Expected: 22 July 2009; Received: 20 July 2009

Evaluation of State party's first reply:

Para. 12: [A]

Para. 18 and 20: [B2]³⁸

State party's second reply received: 9 July 2010

Evaluation of State party's second reply:

Para. 12: [A]

Paras. 18 and 20: [B2] (para. 20: [A] on the issue of assurances)³⁹

State party's third reply received: 8 November 2011

Summary of third reply – paragraph 18:

The immigration situation is very different in overseas departments, regions and communities (DROM-COM). The Government has built administrative detention centres in DROM-COM with high levels of illegal immigration: Guadeloupe, French Guyana, Réunion and Mayotte. The Government has also built permanent or temporary administrative detention facilities in other locations (statistical information provided on administrative detention centres and facilities in DROM-COM).

Administrative detention is regulated by the Code on the Entry and Residence of Aliens and the Right of Asylum. The Decree of 30 May 2005 sets out the standards for facilities in administrative detention centres, taking into account the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). A circular dated June 2010 specifies which personal items detainees are allowed to keep with them and the conditions for solitary confinement. It prohibits the use of shackles and handcuffs, apart from in exceptional cases. Since January 2010, the task of

³⁸ Letter from the Committee sent on 11 January 2010.

³⁹ Letter from the Committee sent on 16 December 2010; 17 January 2011: request for clarification on information required. 20 April 2011: letter clarifying information required; 2 August 2011: reminder.

providing information and assistance to foreign nationals in detention on the exercise of their rights is shared between five associations. Efforts are also being made to improve training for staff in the centres.

Renovation work has been carried out at the administrative detention centre in Guadeloupe (2009–2010) and French Guyana (2007–2008) (bringing equipment and operations up to standard). CPT visited the administrative detention centre in French Guyana in the autumn of 2008. Its recommendations were taken into account by the Government. The administrative detention centre in Mayotte was renovated in 2008 in anticipation of the construction of a new one by the end of 2014. No renovations were deemed necessary for the administrative detention centre in Réunion.

Evaluation – paragraph 18:

[B2]: The Committee should ask the State party to include in its next periodic report more specific information on the measures taken to improve detainees' exercise of their rights with regard to health, education, work, family and the regularization of their legal situation.

Summary of third reply – paragraph 20:

1. The sole purpose of the bill in question is to transfer to the National Court on the Right of Asylum the responsibility for ruling on appeals against failed asylum applications. The bill gives the judge 72 hours rather than 48 to issue a ruling. It was adopted on first reading by the Senate on 6 May 2009 and has not been discussed by the National Assembly.

The “priority procedure” is in conformity with Community law (Council Directive 2005/85/EC of 1 December 2005). It is employed on an optional basis, in exceptional circumstances as outlined in the Act. It ensures an independent review with appropriate safeguards. It is not used in matters of “national security”, but only when “the presence in France of a foreigner poses a serious threat to public order, public safety or State security”. The same concept is used to justify the execution of an expulsion procedure. The correct interpretation of the concept is subject to judicial control. The procedure is invoked when the foreign national is from a country regarded as safe, or when the application for asylum is made with a view to overturning an expulsion order.

2. The legislation on the rights of asylum seekers and undocumented foreigners comprises a multitude of different laws, codified in the Code on the Entry and Residence of Aliens and the Right of Asylum. The Act of 16 June 2011 on immigration, integration and nationality introduced further changes. In 2010, France received 52,762 applications for asylum (compared to 47,686 in 2009). The State party accepted more than 2,200 persons under certain special procedures between 2008 and 2010. More than 160,500 persons benefit from sustainable protection measures.

The Act of 16 June 2011 ensures compliance with Directive 2008/115/EC. It gives priority to the voluntary return of foreigners in an irregular situation. The decision to order a person's expulsion or ban him or her from re-entering France is taken following an examination of the individual case. In the case of a lengthy stay in France, family ties or special situations, an individual cannot be forced to leave the country. The administrative judge conducts a thorough examination of the measure and can overturn it. Foreign nationals may request repatriation aid to help them return to their country of origin. Statistical information is provided.

NGO information:

24 January 2011: Action by Christians for the Abolition of Torture (ACAT): “Eleven commitments to place human dignity at the heart of political action”. Reports multiple restrictions on the right to asylum.

Evaluation – paragraph 20:

[B1]: Additional information is needed on: (i) the frequency with which the “priority procedure” is applied, and the conditions for its use; (ii) the measures taken to ensure that asylum seekers are effectively informed about their rights and obligations once they are in French territory.

Recommended action: Letter reflecting the Committee’s analysis.

Next periodic report: 1 November 2012

State party: United Kingdom of Great Britain and Northern Ireland

COB: CCPR/C/GBR/CO/6, adopted in March 2008

Follow-up paragraphs:

Para. 9: Inquiries into violations of the right to life in Northern Ireland

Para. 12: Procedure in cases of terrorism, diplomatic assurances

Para. 14: Investigation and sanction of alleged deaths, torture or cruel, inhuman or degrading treatment in detention facilities in Afghanistan and Iraq

Para. 15: Due process for terrorist suspects

State party’s first reply: Expected: 18 July 2009; Received: 7 August 2009

NGO information:

1 August 2009 British Irish Rights Watch

24 August 2009 Northern Ireland Human Rights Commission

Evaluation:

Para. 9: [B2]

Para. 12: [C1]

Para. 14: [B2]

Para. 15: [B2]⁴⁰

State party’s second reply: 10 November 2010

Evaluation:

Paras. 14, 15: [B1]

Paras. 12, 9: Not included in the follow-up procedure⁴¹

State party’s third reply: 19 October 2011

Summary of third reply – paragraph 14:

Updated information on the issues raised is provided in the fifth periodic report of the United Kingdom to the Committee against Torture (see below):

On the Iraq Historic Allegations Team at paragraph 445: “Many of the claims of abuse in British custody in Iraq which allege criminal behaviour have arisen years after the event and present difficult investigative challenges. The Iraq Historic Allegations Team (IHAT)

⁴⁰ 26 April 2010: letter sent; 28 September 2010: reminder.

⁴¹ 20 April 2011: letter sent; 2 August 2011: reminder.

... was set up to commit additional resources to investigations and get to the bottom of the allegations more quickly ... The Head of the IHAT ... was appointed on 6 September 2010 and he leads a team of Royal Military Police and civilian investigators.”

On reparation to victims of deaths in military detention facilities abroad: see paragraphs 125,497 and 498 of report to CAT:

- Reference to a public inquiry into allegations of unlawful killing and mistreatment of Iraqi nationals by British forces in southern Iraq in 2004. The Ministry of Defence and Army will continue to cooperate fully with the inquiry. Not possible to comment further as the inquiry is ongoing.
- Baha Mousa case: on 27 March 2008 the Secretary of State for Defence admitted substantive breaches of articles 2 and 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and of article 3 of ECHR in respect of nine individuals detained at the same time as Baha Mousa. The then Minister for the Armed Forces offered his apologies and sympathy to all the families. On 14 May 2008, the Secretary of State for Defence ordered a public inquiry into the death of Baha Mousa. Case ongoing.

Evaluation:

[B1]: Updated information necessary on the progress and results of the work of the Iraq Historic Allegations team; and on the conclusions and decisions of the Baha Mousa case and of the Al Sweady Inquiry.

Summary of reply – paragraph 15:

Para. 33 of the fifth periodic report of the United Kingdom to the Committee against Torture “The Northern Ireland-specific provisions contained in Part VII of the Terrorism Act 2000 were repealed on 31 July 2007 as part of a security normalisation programme [...]. Terrorism legislation in Northern Ireland is now for the most part identical to the rest of the UK.”

Evaluation:

[B1]: Additional information necessary on the specificities of terrorism legislation in Northern Ireland.

Recommended action: Letter reflecting the Committee’s analysis.

Next periodic report: 31 July 2012

State party: Ireland

COB: CCPR/C/IRL/CO/3, adopted in March 2008

Follow-up paragraphs:

Para. 11: Definition of “terrorist acts” in its domestic legislation, control of suspicious flights and renditions

Para. 15: Conditions of detention

Para. 22: Availability of non-denominational primary education

State party’s first reply: Expected: 23 July 2009; Received: 31 July 2009

NGO information:

August 2009 Free Legal Advice Centres (FLAC); Irish Council for Civil Liberties (ICCL); Irish Penal Reform Trust (IPRT)

Evaluation:

Paras. 11, 15, 22: [B1]⁴²

State party's second reply: 21 December 2010

Evaluation of second reply:

Paras. 15, 22: [A]

Para. 11: [B1]⁴³

State party's third reply: 31 January 2012

Summary of third reply – paragraph 11:

(a) The main body of counter-terrorism law comprises the Offences against the State Acts of 1939 and 1998 and the Criminal Justice (Terrorist Offences) Act 2005. Specified offences are terrorist when committed with the intent to seriously intimidate a population, unduly compel a government or international organization to perform or abstain from performing an act, or destabilize or destroy the fundamental political, constitutional, economic or social structures of a State or an international organization.

The 2005 Act gives effect to international antiterrorist instruments. Persons charged with serious terrorist offences are tried before a panel of three judges before a Special Criminal Court. Operates within the general structure of criminal law with procedural guarantees. Appeal to the Irish superior court is possible.

Persons suspected of offences with terrorist motivation have the same rights of access to a lawyer or legal advice as those suspected of the same offences without such motivation. Solicitors cannot be present during the police interviews. The detainee is informed orally and in writing.

The maximum period of pre-charge detention under the Offences against the State Acts is two days. The Senior Garda Officer can request an extension if there are reasonable grounds to believe that it is necessary for the proper investigation of the offence. Where the legitimacy of any extension is questioned, the Senior Garda Officer involved must stand by the decision before the Courts.

Persons prosecuted in the Special Criminal Court have the same rights to apply for bail as those charged with other offences.

The Act defines as “serious” offences where a person may be sentenced to imprisonment of five years or more. If bail is refused and trial has not commenced within four months of the refusal, a new application can be presented.

From 2009 to 2010, the Special Criminal Court prosecuted 32 persons, and 30 were convicted.

(b) The assurances received in relation to allegations of extraordinary rendition are clear, categorical and reliable.

To enter an aircraft to make an arrest, it is necessary to have reasonable grounds for suspicion that evidence of or relating to the commission of an arrestable offence is on

⁴² 4 January 2010: letter sent; 28 September 2010: reminder.

⁴³ 25 April 2011: letter requesting additional information on the results of the activities developed by the Cabinet Committee: (a) modalities and frequency of investigation and prosecution of terrorist acts, and length of pretrial detention and access to a lawyer in practice; (b) safeguards in place when relying on official assurances. Two reminders sent: 17 November 2011–2 August 2011.

board. No random or routine entry to search civilian aircraft for the purpose of the detection of any offence is permitted.

Investigations have taken place into allegations of extraordinary rendition in Irish airports. No evidence was offered by complainants to support their allegations.

Evaluation:

[B1]: Additional information is necessary on the definition of terrorism.

Recommended action: Letter stating that the answer provided on paragraph 11 is largely satisfactory and recalling that the next periodic report is due on 31 July 2012.

Next periodic report: 31 July 2012

Ninety-fourth session (October 2008)

State party: Nicaragua

COB: CCPR/C/NIC/CO/3, adopted in October 2008

Follow-up paragraphs:

Para. 12: Killings of women

Para. 13: Legislation on abortion

Para. 17: Detention conditions

Para. 19: Persecution and death threats against human rights defenders; freedom of expression and association

State party's first reply: Expected: 29 October 2009;⁴⁴ Received: 11 October 2011⁴⁵

Summary of first reply – paragraph 12:

Descriptions are provided of nine projects created to eliminate violence against women, along with their results in the form of the number of persons who visited the Special Police Unit for Women and Children and the number of complaints and decisions adopted.

The Public Prosecution Service has established the Special Unit on Violence and the Office of Specialized Care for Crime Victims. A “directive on domestic violence” and a response protocol to coordinate intervention by judges, prosecutors, police officers and forensic doctors have also been established.

The following actions to promote autonomy among women are described: training sessions; the government policy known as the “Gender Programme” or “Gender Window” launched in 15 cities to build technical capacity among 35,000 women beneficiaries of social programmes.

The Nicaraguan Institute for Women is developing a programme to promote the rights of women in order to strengthen their participation, with a view to reducing poverty and allowing families and communities to flourish.

⁴⁴ Two reminders: 23 April 2010 and 8 October 2010; meeting with the State party requested: 20 April 2011; positive response from the State party by telephone: 4 May 2011. Meeting scheduled for 18 July 2011. No State party representative appeared.

⁴⁵ With a note verbale explaining and apologizing for the delegation's absence from the meeting in July.

In September 2010, a bill to combat violence against women, which includes a definition of the offence of femicide, was introduced. In March 2011, the Family Code was approved by the Commission on Justice and Legal Affairs and the Commission on Women, Youth, Children and Family Issues.

NGO information:

The Nicaraguan Centre for Human Rights (CENIDH), the World Organisation against Torture (OMCT), the Red de Centros, the Red de Mujeres contra la Violencia, the Federation of Non-Governmental Organizations working with Children and Adolescents (CODENI), 10 February 2012:

(a) The situation has not improved (length of police investigations, delayed forensic reports, lack of detentions of possible perpetrators, low number of cases finally prosecuted, postponement of hearings and trials, large backlogs for the Prosecution and the Police). The possibility of reconciliation and mediation promotes impunity. There is no budget increase to meet the staff shortage. Additional infrastructure and training are necessary;

(b) Concern about cases defined as “minor sexual offences” by the police: they are not prosecuted ex officio and the victims must initiate the proceedings after exhausting the mediation procedure. Paradoxically, perpetrators will be systematically represented, while victims have to pay a counsel. This procedure discourages victims from bringing their cases to justice;

(c) In 2009 only 1,196 requests for urgent protection were filed. 226 women were returned to their homes (0.6 per cent of the complaints). Civil society runs all the shelters and legal and psychological counselling for victims of sexual violence;

(d) There is no institutionalized dialogue with human rights activists;

(e) The State report does not mention training to police or other actors working in the administration of justice, the budget allocated to it or cooperation with civil society.

Evaluation – paragraph 12:

[B1] for (d) and (e): Additional information is needed on the status of the bill on violence against women and on the results of the programmes described in the State party’s reply in terms of reducing gender-based violence and killings of women and of increasing their direct participation and their representation by civil society.

[D1] for (a), (b) and (c).

Summary of first reply – paragraph 13:

The State’s position on abortion is an expression of its national sovereignty. Action has been taken at the community and institutional levels to prevent unwanted pregnancies and to promote health care, with emphasis on family planning. Contraceptive pills are provided to women. Doctors are not prohibited from intervening when the mother’s life is in danger; in fact they are required to do so.

Projects to improve access to justice play an important role: they create spaces for resolving conflicts and expanding community and restorative justice, as well as access to free justice for disadvantaged individuals.

A department providing specialized psychosocial assistance for victims of trafficking in persons and sexual exploitation has been established within the special police units for women and children.

A national strategy on sexual and reproductive health has been developed to improve the maternal and prenatal health care provided by specialized obstetric units. Standards and

protocols have been adopted to serve as guidelines for clinical intervention.

An information programme on gender relations, citizenship, sexuality and values has been included in the educational curriculum. The Ministry of Health received the *Premio América* 2011 for its progress in preventing maternal mortality through the *Casas Maternas* (maternity houses) strategy.

NGO information:

All types of abortion are penalized without exception. On 16 March 2010, 21 Members of Parliament presented a motion to reform the Criminal Code and allow for an exception in the case of danger to the mother. It was not discussed in plenary. The Supreme Court is considering the constitutionality of the prohibition of abortion. Professionals conducting abortions are still penalized.

Evaluation – paragraph 13:

[B1]: Progress has been achieved with regard to prevention measures, but additional information is needed on measures taken to ensure the effectiveness and sustainability of the current family-planning programmes and programmes to prevent unwanted pregnancies.

[C1]: The actions taken do not implement the recommendation urging the State party to review its legislation on abortion.

[D1]: No information is provided on the judicial treatment of doctors who attend women requiring care as a result of an “unnatural” abortion.

Summary of first reply – paragraph 17:

The prison system is regulated by the Act on the Prison System and the Execution of Sentences. All related activities must be carried out in accordance with constitutional principles and guarantees, domestic legislation and international instruments. The subject of human rights is included in the educational programmes conducted at the School for Prison Studies.

The Inspectorate-General of the Prison System monitors the actions of prison officials and staff. It receives complaints and recommends disciplinary sanctions. The civil inspectorate of the Ministry of the Interior and the Public Prosecution Service can also monitor the actions of prison staff.

The number of minors currently in detention is provided, and measures taken to ensure special treatment and conditions of detention for minors are described, along with measures to prevent juvenile delinquency.

NGO information:

According to the General Budget for 2011, there is an increase of 6.9 per cent compared to 2010 and of 3.1 per cent compared to 2009. This is insufficient to overcome the overcrowding of more than 6,000 detainees. Police cells are used to shelter more than 100 convicted prisoners on the Caribbean coast. The budget for food has not been increased and there is no budget for health coverage. There are ongoing restrictions on human rights activists visiting places of detention.

Evaluation – paragraph 17:

[C2]: The information received does not make it possible to assess the implementation of the principles of international law in relation to prisons. The only steps mentioned are those taken to improve detention conditions for minors, whereas the recommendation refers to detention conditions in general.

Summary of first reply – paragraph 19:

The preamble of the Constitution recalls the principle of absolute respect for human rights, including the freedoms of opinion, thought, association, expression and assembly.

There is no State policy against human rights defenders. The State recognizes the work of human rights defenders and works in cooperation with more than 4,000 NGOs, 29 of which are specialized.

The criminal case against nine women who defended the rights of women involved in the termination of the pregnancy of an underage girl has been closed.

NGO information:

There is still an active policy of threats, censorship and repression against human rights activists by pro-Government groups and individuals. They have not been punished.

Evaluation – paragraph 19:

[B2]: Information is still needed (i) on the measures adopted to prevent harassment and threats against human rights defenders; (ii) on the investigations launched and the punishments handed out to those responsible for the alleged acts of systematic harassment and death threats against human rights defenders.

Recommended action: Letter reflecting the Committee's analysis.

Next periodic report: 29 October 2012

State party: Spain

COB: CCPR/C/ESP/CO/5, adopted in October 2008

Follow-up paragraphs:

Para. 13: National mechanism for the prevention of torture

Para. 15: Length of police custody and pretrial detention

Para. 16: Detention and expulsion of foreigners

State party's first reply: Expected: 30 October 2009;⁴⁶ Received: 16 June 2010

NGO information:

4 February 2010 NGO Report – CCPR Centre/BEHATOKIA (Basque Observatory of Human Rights)

Evaluation of State party's first reply:

Para. 16: [B1]

Paras. 13, 15: [B2]⁴⁷

State party's second reply received: 29 June 2011

Evaluation:

Paras. 13, 15, 16: [B1]⁴⁸

⁴⁶ 23 April 2010: reminder.

⁴⁷ 25 April 2011: letter sent.

⁴⁸ 22 September 2011: letter asking the State party to include information *in its next periodic report* on

State party's third reply received: 24 October 2011

Summary of third reply – paragraph 13:

The Ministry of the Interior reiterates the information provided in June 2011. The draft bill on a new criminal procedure was adopted on 22 July 2011. It amends the regime of incommunicado detention and provides for audiovisual recordings to be made in cases of incommunicado detention, and for the detainee to be visited every eight hours by a forensic doctor and a person chosen by the national mechanism for the prevention of torture.

Evaluation – paragraph 13:

[B2]: Additional information is needed on the adoption and implementation of the bill on a new criminal procedure and on the main reforms introduced, particularly with regard to the maximum length of police custody and pretrial detention.

Summary of third reply – paragraph 15:

No information on the subject.

Evaluation – paragraph 15:

[D1]

Summary of third reply – paragraph 16:

Number of cases in which international protection (asylum and subsidiary protection) has been granted since 2009:

2009: Asylum in 179 cases/subsidiary protection in 162 cases. Total: 341

2010: 245/350/Total: 595

2011: (Up to 1 October) 253/407/Total: 660

Evaluation – paragraph 16:

[B1]: The information provided should be updated in the next periodic report.

Recommended action: Letter reflecting the Committee's analysis.

Next periodic report: 1 November 2012

Ninety-fifth session (March 2009)

State party: Australia

COB: CCPR/C/AUS/CO/5, adopted in March 2009

Follow-up paragraphs:

Para. 11: Counter-terrorism legislation and practices

Para. 14: Indigenous peoples; NTER measures

the operation of the national mechanism for the prevention of torture; developments in legislation and in practice regarding the length of police custody and pretrial detention; the annual number since 2009 of: (i) individuals who requested and were granted access to free legal aid; (ii) deportations ordered, and the percentage of those that were suspended in application of the principle of non-refoulement; (iii) persons who benefited from the right to asylum and subsidiary protection.

Para. 17: Violence against women

Para. 23: Immigration detention policy

State party's first reply: Expected: 2 April 2010;⁴⁹ Received: 17 December 2010

NGO information:

20 November 2009 Human Rights Law Resources Centre

Evaluation of State party's first reply:

Paras. 11, 14, 17: [B2]

Para. 23: [A]⁵⁰

Second reply received: 3 February 2012

Summary of second reply – paragraph 11:

The Government maintains that the definition of a terrorist act is not vague. Nonetheless, it underlines the possibility for the recently appointed Independent National Security Legislation Monitor to revise the definition in the context of its mandate. The Council of Australian Governments (COAG) still has not commenced its review of the counter-terrorism laws.

Detention in conditions of secrecy for up to eight days without a warrant is limited by extensive restrictions and safeguards. A person may only be detained by the Australian Security Intelligence Organisation (ASIO) for the purpose of questioning after the issue of a warrant if it substantially assists the collection of relevant intelligence, or when there are reasonable grounds to believe that the person will fail to appear for questioning, will alert a person involved in a terrorism offence that is being investigated, or will destroy or alter a record or thing required to be produced under the warrant. Limitations are tailored to protect national security. The abrogation of the current ASIO questioning and detention powers is not considered.

The expression “for the avoidance of doubt” is interpreted literally. Section 34 ZP aims at ensuring that the questioning can proceed notwithstanding the situation where, for example, a person is prevented from contacting a particular lawyer and refuses to contact any other.

Evaluation:

[C1]: Not implemented: updated information should be included in the next periodic report on the measures taken and conclusions reached by the National Security Legislation Monitor and the Council of Australian Governments (COAG).

Summary of second reply – paragraph 14:

The reinstatement of the Racial Discrimination Act 1975 (RDA) in relation to the Northern Territory Emergency Response (NTER) took effect from December 2010. The provisions are now consistent with the RDA. People have the right to take legal action if they consider any of the NTER provisions discriminatory. No action has been initiated to date.

Under existing legislation and funding arrangements, most NTER measures should cease mid-2012. In June 2011, the Government released the Stronger Futures in the Northern Territory discussion paper as the starting point for consulting with Aboriginal people in the Northern Territory to seek their views on future approaches to addressing their continuing

⁴⁹ 28 September 2010: reminder.

⁵⁰ 19 October 2011: letter sent.

high level of disadvantage. On 23 November 2011, the Government announced its legislative response to the issues identified as the most urgent. The legislation will be subject to public scrutiny through a Parliamentary Committee process before being debated by the Parliament in early 2012. If passed, the legislation will repeal the Northern Territory National Emergency Response Act 2007 and include provisions to ensure that children attend school and to address the serious harm caused by alcohol abuse and make communities safer.

The five-year leases over Aboriginal land that were compulsorily acquired under the initial NTER legislation will be ended in August 2012. The objective is now to negotiate voluntary long-term leases with Aboriginal landowners to ensure secure tenure arrangements for government investment in housing and infrastructure on Aboriginal land.

Evaluation:

[B1]: Updated information necessary on: (i) the progress made for the debate, adoption and implementation of the legislation referred to in the reply; (ii) the decisions taken for the negotiation of voluntary long-term leases with Aboriginal landowners to ensure secure tenure arrangements for government investment in housing and infrastructure.

Summary of second reply – paragraph 17:

Addressing the high levels of violence against women is an ongoing process. National surveys on attitudes towards violence in the community will be conducted from 2012. The Government will report on the results in future communications with the Committee.

The national plan to reduce violence against women and their children (2010–2022) was launched to assist in informing future strategies to prevent violence against women. It focuses on primary prevention, on improving the service system, building the evidence base and holding perpetrators to account. It seeks to enhance the relationship between government and the non-government sector. The plan will be implemented through a series of three-year action plans around six outcomes, including “indigenous communities are strengthened”. All States and territories will develop implementation plans recognizing the different circumstances and priorities. The implementation will be supervised by the Select Council on Women’s Issues and specialized ministries.

The Plan includes the development of a National Centre of Excellence to develop national research into violence against women from 2012 to inform the design and implementation of future strategies to prevent violence against women.

Evaluation:

[B1]: Progress made in preventing and combating violence against women. The commitment of the State party to report on the outcomes of the surveys it develops is noted.

Information should be included in the next periodic report on action taken for the elimination of violence against indigenous women.

Recommended action: Letter reflecting the Committee’s analysis.

Next periodic report: 30 July 2015

Ninety-sixth session (July 2009)

State party: Chad

COB: CCPR/C/TCD/CO/1, adopted in July 2009

Follow-up paragraphs:

Para. 10: Investigation and punishment of human rights violations

Para. 13: Forced displacement

Para. 20: Investigation and punishment of the events of February 2008

Para. 32: The case of Khadidja Ousmane Mahamat

State party's first reply: Expected: 29 July 2010; Received: 25 January 2012

Summary of first reply – paragraph 10:

The Judicial Advisory Unit of the United Nations Mission in the Central African Republic and Chad is carrying out projects to promote the rule of law. Objectives: to promote an independent judiciary; to build the capacity of judicial institutions to operate in a manner which is in accordance with the Chadian Constitution and laws, as well as consistent with international norms and standards; to implement the operational protocol of the Détachement Intégré de Sécurité (Chadian police) regarding arrest and detention.

The Government, with the support of the United Nations Development Programme (UNDP) through the PRET Project, has implemented a programme in eastern Chad, which focuses on the restoration of the rule of law, local governance and cooperation. Actions carried out: creation of nine legal clinics; establishment of a legal aid fund; training for judicial police officers; support for the Court of Appeal in Abéché to organize circuit courts; logistical support for lawyers in Abéché; establishment of a legal aid office, which provides a framework for conflict resolution. Judicial remedies are recommended to the parties only if mediation and conciliation procedures have failed.

Evaluation:

[B2]: Additional information is needed on the operation of the legal clinics that have been created, on the results of the projects described and on the State party's role and actions concerning their implementation.

[D1]: No information on measures taken to ensure the investigation and punishment of human rights violations, protection for victims, and their access to an appropriate remedy.

Summary of first reply – paragraph 13:

The Government has received assistance from the Office of the United Nations High Commissioner for Refugees (UNHCR) to carry out protection activities: legal assistance "for refugees in conflict with the law"; establishment of legal clinics in refugee camps; and support for circuit courts.

The United Nations Children's Fund (UNICEF) conducts activities in the areas of protection, legal assistance and juvenile justice for women and children.

Evaluation:

[B2]: Additional information needed on the results of the projects described and the State party's role and actions concerning their implementation.

[D1]: No information on measures taken to offer lasting solutions for displaced persons, including their voluntary and safe return.

Summary of first reply – paragraph 20:

No information on this paragraph.

Evaluation:

[D1]

Summary of first reply – paragraph 32:

A criminal circuit court is scheduled to rule on this case. “Additional information will be provided in the next report of Chad”.

Evaluation:

[B2]: The Committee takes note of the State party’s commitment to provide updated information on the measures taken to protect and assist Khadidja Ousmane Mahamat and to prosecute and punish the perpetrators of the violence.

Recommended action: Letter reflecting the Committee’s analysis.

Next periodic report: 31 July 2012

Ninety-ninth session (July 2010)

State party: Estonia

COB: CCPR/C/EST/CO/3, adopted in July 2010

Follow-up paragraphs:

Para. 5: Mandate of Chancellor of Justice

Para. 6: Gender discrimination

First reply: Expected: 27 July 2011; Received: 12 August 2011

NGO Information:

5 October 2011 Legal Information Centre for Human Rights (LICHR) and the Centre for Civil and Political Rights (CCPR).

Evaluation:

Para. 5: [B1]

Para. 6: [B2]⁵¹

Second reply: 20 January 2012

Summary of second reply – paragraph 5:

The Office of the Chancellor of Justice enjoys a broad mandate to protect and promote human rights and its activities comply with the conditions of the Paris Principles. Various avenues are being considered with regard to establishing a national human rights institution accredited under the International Coordinating Committee of National Human Rights Institutions.

⁵¹ Letter sent: 29 November 2011: additional information requested on the stage of the accreditation process reached by the Office of the Chancellor of Justice; the areas of intervention of the Office (para. 5); additional action taken to improve the financial and human resources to enable the Gender Equality and Equal Treatment Commissioner to fulfil its functions in compliance with the Equal Treatment Act (para. 6).

No specific information is provided on the areas of intervention of the Chancellor.

Evaluation:

[B2]: Updated information is necessary on the decisions taken, when made, to establish an NHRI.

Summary of second reply – paragraph 6:

Despite overall budgetary constraints, the budget for the Gender Equality and Equal Treatment Commissioner and its office in 2012 remained the same as in 2011. The Ministry of Social Affairs drafted an application for a programme financed by the Norwegian Financial Mechanism. The programme would provide 700,000 euros to the Gender Equality and Equal Treatment Commissioner from autumn 2012 until the end of 2015. The programme should be approved in summer 2012.

The Ministry of Social Affairs should start the negotiations for the creation of the Gender Equality Council in the first half of 2012. The proposal for composition of the Council should be submitted to the Government in 2012.

Evaluation:

[B2]: Updated information is necessary on the status of the application for the programme to be financed by the Norwegian Financial Mechanism, and on the outcome of the negotiations by the Ministry of Social Affairs on the creation of the Gender Equality Council, once finalized.

Recommended action: Letter reflecting the Committee's analysis.

Next periodic report: 30 July 2015

State party: Colombia

COB: CCPR/C/COL/CO/6, adopted in July 2010

Follow-up paragraphs:

Para. 9: Investigation and punishment of violations of human rights and international humanitarian law

Para. 14: Extrajudicial executions

Para. 16: Intelligence service

State party's first reply: Expected: 28 July 2011; Received: 8 August 2011

Summary of first reply – paragraph 9:

Substantial efforts have been made to conduct a process of reintegration, truth, justice and social reconstruction. The strategies to combat impunity that have been implemented with a view to strengthening institutional capacity to investigate serious human rights violations are described in the report. Colombia has not abstained from criminal prosecution. The armed conflict poses a challenge that requires the development of public policy strategies enabling national reconciliation.

Act No. 975, the Justice and Peace Act, has helped to stem impunity for illegal vigilante groups and allowed victims to actively participate in the process. Initially, the Justice and Peace Act did not achieve the desired results owing to the limits imposed by the interpretation of its provisions, whereby that law could not be applied and charges could not be brought until the Government had specified each and every one of the criminal acts in which a given individual had allegedly been involved. Now that partial charges are allowed, the Public Prosecution Service has charged 405 individuals with 28,432 offences,

and many of those persons should soon be sentenced.

The evaluation of the justice and peace process must also take into account the reported victims, confessions, exhumations, identifications of victims, copies of the case files sent to the competent judicial authorities, general or specific information days on cases of enforced disappearance, biological samples taken for reference from more than 15,000 family members of disappeared persons, and the participation of victims in the process. The gene bank project coordinated by the Public Prosecution Service has been initiated.

The application of the principle of discretion to prosecute to demobilized members of an illegal armed group who have not been included by the Government in the justice and peace process has been declared unconstitutional. In order to resolve the legal situation of these demobilized persons, Act No. 1424 of 2010 was adopted in application of the extraordinary regulatory powers held by the President of the Republic. The Act establishes a non-judicial mechanism to promote truth and historical memory; that mechanism does not replace the criminal prosecution of offences.

Act No. 1448 of 2011 establishes all the effective remedies for victims of serious human rights violations and recognizes their right to quick and appropriate reparations.

Other actions have been taken to combat impunity: (i) the establishment of a national unit within the Public Prosecution Service to prosecute crimes of disappearance and forced displacement (November 2010); (ii) the creation of a database on sexual violence perpetrated during the conflict; (iii) the adoption of a coordination agreement between the Public Prosecution Service and the National Reparation and Reconciliation Commission.

NGO information – paragraph 9:

Colombian Commission of Jurists – Colombia-Europe-United States Coordination, 22 September 2011: The recommendation in paragraph 9 has not been implemented, given that: (1) the results of the application of Act No. 975 are not satisfactory; (2) subsequent laws (Act No. 132 of 2009 and Act No. 1424 of 2010) continue to violate the right of victims to truth, justice and reparation; (3) paramilitary groups continue to engage in their activities and to violate the rights of the civilian population, a fact which the Government does not recognize; (4) the Government makes proposals that tend to pave the way for new types of paramilitary groups (strengthening “citizen networks of support and solidarity” that encourage civilians to engage in activities that are the domain of law enforcement officials, thereby connecting surveillance services and private security with the national police force).

Evaluation:

[C1]: The Committee should recognize the State party’s efforts but maintain its concern about the limited results of Act No. 975 with regard to the current levels of impunity, the obstacles to the implementation of the legislative and regulatory provisions of Act No. 1424, and the resulting risks to victims’ access to justice, truth and reparation. Information should be requested on measures taken to ensure that current initiatives and ongoing reforms address the causes of impunity and find ways to resolve them.

Summary of first reply – paragraph 14:

The Ministry of Defence has not issued any policy directive or instruction that might encourage serious human rights violations or infringements of international humanitarian law. The comprehensive human rights policy of the Ministry guides the conduct of law enforcement officials. Measures and monitoring mechanisms have been introduced to prevent such misconduct and facilitate investigations. A committee has been established to follow up on complaints of killings of protected persons. A coordinating body has been set up to facilitate the resolution of conflicts of jurisdiction between the judicial authorities, the

Ministry of Defence, the Public Prosecution Service and the Attorney-General's Office. In 2010 and 2011, the military criminal justice system referred 346 cases to the ordinary courts.

Other measures adopted: (i) plan for conducting investigations within the military criminal justice system; (ii) protocol for recognizing cases of human rights violations and infringements of international humanitarian law, setting out standard criteria for investigations; (iii) analysis of the recent decisions of the Disciplinary Chamber on conflicts of jurisdiction; (iv) training for 90 members of the judiciary to prevent decisions rejecting the competence of the ordinary courts; (v) adoption of Act No. 1407 of 2010 limiting the jurisdiction of the military criminal justice system to offences committed in the performance of military duties and prohibiting it from hearing cases of torture, genocide, forced disappearance, crimes against humanity or infringements of international humanitarian law.

The Ministry of Defence continues to implement the 15 measures adopted to prevent the killing of protected persons, resulting in a drastic reduction of the number of complaints. A project was initiated in cooperation with the Office of the High Commissioner for Human Rights in Colombia to evaluate the 15 measures.

In June 2011, the Ministry of Defence adopted 15 measures to combat impunity, which are described in the report.

NGO information – paragraph 14:

Extrajudicial executions directly attributable to law enforcement officials are still carried out. Ministry of Defence directives that could lead to serious human rights violations are still in force. The measures taken by the State party do not guarantee the independence of investigations and do not reinforce the actions of the Public Prosecution Service and the Attorney-General's Office. The actions of the Military Defence Service (DEMIL) unnecessarily draw out judicial proceedings, hindering the work of prosecutors and judges.

There are no measures in place to protect members of the judiciary or the representatives or family members of victims of human rights violations. There are still 11 units of the Public Prosecution Service housed in military facilities, thus compromising the impartiality of the investigations.

Extrajudicial executions still often go unpunished. The State has not provided clear information on the conflicts of jurisdiction between the military criminal courts and the ordinary criminal courts.

Evaluation:

[B2]: Progress can be seen but remains fragile. The Committee should express its concern regarding the discussions currently under way in Congress to establish a presumption of jurisdiction for the military justice system to investigate cases involving members of the Armed Forces and the police. The general rule should be that jurisdiction belongs to the ordinary criminal justice system. Information should be requested on measures taken to avoid such a setback.

[D1]: No information is provided on measures taken to ensure the safety of witnesses and loved ones in such cases.

Summary of first reply – paragraph 16:

In November 2010 the Constitutional Court declared unconstitutional the Act on Intelligence Archives and its regulations. In the light of the lack of a legal framework and the need to ensure that the problems encountered are not repeated, the Department of National Security (DAS) has adopted a series of measures as described in the report.

Internal and external monitoring mechanisms have been introduced to monitor the activities of the intelligence service, and there are plans to set up a purging committee.

A bill establishing a new intelligence agency was adopted in May 2011 (Act No. 1444) and sets a six-month deadline for the President of the Republic to create, eliminate, split and merge the various intelligence departments. Investigations have been carried out within DAS, and a staff purging process has begun.

The Supreme Court prosecutor is investigating illegal surveillance activities and wiretapping committed by some DAS members against social and human rights organizations. Significant progress has been made in these cases, as reflected in the sentences handed down and the measures adopted. The results achieved by the Public Prosecution Service indicate that the judiciary is working effectively to obtain appropriate sentences for those responsible, while ensuring the victims' participation.

NGO information – paragraph 16:

No decision has been taken under Act No. 1444 to reform DAS. Act No. 1444 sets out a general framework for intelligence activities and introduces provisions that do not respect fundamental rights and do not offer any effective remedy to ensure these can be exercised and defended (it places excessive restrictions on access to intelligence documents, makes no provision for any monitoring mechanism, and limits the scope of the Parliamentary Legal Committee established under the 2009 Act). The bill mentions establishing a commission to sort archives for two years, with very limited functions. The Commission should be permanent and its recommendations should give rise to permanent and mandatory regulations. The Government has announced that the purging of archives will not begin until a specific legal framework has been adopted.

Only three sentences were handed down in the cases the State party mentioned (these were plea bargains reached when the accused accepted responsibility). The prosecution was suspended in other cases because the accused agreed to testify.

Complaints have been filed against several DAS and Government officials and former officials, including Mr. Uribe, former President of the Republic, who admitted his responsibility for the conduct of public officials under investigation.

New cases of illegal intelligence activities involving the surveillance of judges, politicians, journalists and human rights defenders are mentioned. A legal framework for the effective and independent monitoring of intelligence activities should be established in consultation with the social organizations victimized by the current strategies.

Evaluation:

[B2]: Progress has been achieved in the form of the investigation and resolution of cases involving illegal intelligence activities, the official closure of DAS in October 2011, and the establishment of the National Directorate of Intelligence. The Committee should express its concern that illegal intelligence activities are still being brought to its attention. Additional information should be requested on measures taken to regulate the military intelligence service and on the sorting of intelligence archives.

Recommended action: Letter reflecting the Committee's analysis.

Next periodic report: 1 April 2014

100th session (October 2010)

State party: Belgium

COB: CCPR/C/BEL/CO/5, adopted in October 2010

Follow-up paragraphs:

Para. 14: Use of force and firearms by law enforcement officials

Para. 17: Access to legal counsel and a doctor within the first few hours of detention

Para. 21: Deportation of foreign nationals; independence of oversight bodies

State party's first reply: Expected: 26 October 2011; Received: 18 November 2011

Summary of first reply – paragraph 14:

The legal requirements for the use of force by police officers are outlined. Statistics are provided on internal and external monitoring, on the number of disciplinary sanctions handed down by the competent authorities, on the judicial investigations carried out by the Police Investigation Service, and on the criminal convictions handed down for acts of "police violence".

An investigation into the complaints lodged in the wake of the events of 29 September to 1 October 2010 was opened by the Police Investigation Service and closed in early June 2011. The recommendations contained in the final report (appended to the reply) were sent to the Minister of the Interior and the police services concerned.

Evaluation:

[B1]: Reply limited to the provisions already in place before the concluding observations were adopted. No mention of new measures to improve the situation, or of the United Nations Principles on the Use of Force and Firearms by Law Enforcement Officials. Additional information is needed on measures taken to improve the situation regarding the use of force by police officers, to ensure that investigations are systematically conducted in cases of complaints alleging ill-treatment, and to prosecute and punish those responsible in proportion to the seriousness of their actions (para. 14).

[A]: Regarding the complaints lodged in the wake of the demonstrations held from 29 September to 1 October 2010.

Summary of first reply – paragraph 17:

The Act amending both the Code of Criminal Procedure and the Act of 20 July 1990 was passed in August 2011. It incorporates the principles found in the jurisprudence of the European Court of Human Rights (*Salduz v. Turkey*) and several recommendations made by the United Nations and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. On 23 September 2011, the Association of Prosecutors-General issued a circular (annexed to the reply) on arranging for a lawyer's assistance from the time of the first hearing.

Evaluation:

[B2]: The legislative amendments adopted rectify the problems concerning access to a lawyer within the first few hours after a person is deprived of his or her liberty and the right of access to a doctor. Additional information is needed on measures taken to ensure that the monitoring of deportations of foreign nationals is independent and objective, to implement the legislation on access to a lawyer and a doctor within the first few hours after a person is

deprived of his or her liberty and to ensure that the changes made will be definitive.

Summary of first reply – paragraph 21:

Information on increased monitoring and on the mandate of the General Inspectorate of the Federal and Local Police.

Evaluation:

[B1]: There is no guarantee that the reform will continue beyond 2013. Information is needed on measures taken to maintain the level of operational monitoring when the European Commission project ends.

[A]: On the independence of the oversight body.

Recommended action: Letter reflecting the Committee's analysis.

Next periodic report: 31 October 2015

Annexes

Annex I

States parties to the International Covenant on Civil and Political Rights and to the Optional Protocols, and States which have made the declaration under article 41 of the Covenant as at 30 March 2012

A. States parties to the International Covenant on Civil and Political Rights (167)

<i>State party</i>	<i>Date of receipt of the instrument of ratification</i>	<i>Date of entry into force</i>
Afghanistan	24 January 1983 ^a	24 April 1983
Albania	4 October 1991 ^a	4 January 1992
Algeria	12 September 1989	12 December 1989
Andorra	22 September 2006	22 December 2006
Angola	10 January 1992 ^a	10 April 1992
Argentina	8 August 1986	8 November 1986
Armenia	23 June 1993 ^a	23 September 1993
Australia	13 August 1980	13 November 1980
Austria	10 September 1978	10 December 1978
Azerbaijan	13 August 1992 ^a	^b
Bahamas	23 December 2008	23 March 2009
Bahrain	20 September 2006 ^a	20 December 2006
Bangladesh	6 September 2000 ^a	6 December 2000
Barbados	5 January 1973 ^a	23 March 1976
Belarus	12 November 1973	23 March 1976
Belgium	21 April 1983	21 July 1983
Belize	10 June 1996 ^a	10 September 1996
Benin	12 March 1992 ^a	12 June 1992
Bolivia (Plurinational State of)	12 August 1982 ^a	12 November 1982
Bosnia and Herzegovina	1 September 1993 ^c	6 March 1992
Botswana	8 September 2000	8 December 2000

<i>State party</i>	<i>Date of receipt of the instrument of ratification</i>	<i>Date of entry into force</i>
Brazil	24 January 1992 ^a	24 April 1992
Bulgaria	21 September 1970	23 March 1976
Burkina Faso	4 January 1999 ^a	4 April 1999
Burundi	9 May 1990 ^a	9 August 1990
Cambodia	26 May 1992 ^a	26 August 1992
Cameroon	27 June 1984 ^a	27 September 1984
Canada	19 May 1976 ^a	19 August 1976
Cape Verde	6 August 1993 ^a	6 November 1993
Central African Republic	8 May 1981 ^a	8 August 1981
Chad	9 June 1995 ^a	9 September 1995
Chile	10 February 1972	23 March 1976
Colombia	29 October 1969	23 March 1976
Congo	5 October 1983 ^a	5 January 1984
Costa Rica	29 November 1968	23 March 1976
Côte d'Ivoire	26 March 1992 ^a	26 June 1992
Croatia	12 October 1992 ^d	8 October 1991 ^c
Cyprus	2 April 1969	23 March 1976
Czech Republic	22 February 1993 ^c	1 January 1993
Democratic People's Republic of Korea	14 September 1981 ^a	14 December 1981
Democratic Republic of the Congo	1 November 1976 ^a	1 February 1977
Denmark	6 January 1972	23 March 1976
Djibouti	5 November 2002 ^a	5 February 2003
Dominica	17 June 1993 ^a	17 September 1993
Dominican Republic	4 January 1978 ^a	4 April 1978
Ecuador	6 March 1969	23 March 1976
Egypt	14 January 1982	14 April 1982
El Salvador	30 November 1979	29 February 1980
Equatorial Guinea	25 September 1987 ^a	25 December 1987
Eritrea	22 January 2002 ^a	22 April 2002
Estonia	21 October 1991 ^a	21 January 1992
Ethiopia	11 June 1993 ^a	11 September 1993

<i>State party</i>	<i>Date of receipt of the instrument of ratification</i>	<i>Date of entry into force</i>
Finland	19 August 1975	23 March 1976
France	4 November 1980 ^a	4 February 1981
Gabon	21 January 1983 ^a	21 April 1983
Gambia	22 March 1979 ^a	22 June 1979
Georgia	3 May 1994 ^a	^b
Germany	17 December 1973	23 March 1976
Ghana	7 September 2000	7 December 2000
Greece	5 May 1997 ^a	5 August 1997
Grenada	6 September 1991 ^a	6 December 1991
Guatemala	5 May 1992 ^a	5 August 1992
Guinea	24 January 1978	24 April 1978
Guinea-Bissau	1 November 2010	1 February 2011
Guyana	15 February 1977	15 May 1977
Haiti	6 February 1991 ^a	6 May 1991
Honduras	25 August 1997	25 November 1997
Hungary	17 January 1974	23 March 1976
Iceland	22 August 1979	22 November 1979
India	10 April 1979 ^a	10 July 1979
Indonesia	23 February 2006 ^a	23 May 2006
Iran (Islamic Republic of)	24 June 1975	23 March 1976
Iraq	25 January 1971	23 March 1976
Ireland	8 December 1989	8 March 1990
Israel	3 October 1991	3 January 1992
Italy	15 September 1978	15 December 1978
Jamaica	3 October 1975	23 March 1976
Japan	21 June 1979	21 September 1979
Jordan	28 May 1975	23 March 1976
Kazakhstan ^c	24 January 2006	
Kenya	1 May 1972 ^a	23 March 1976
Kuwait	21 May 1996 ^a	21 August 1996
Kyrgyzstan	7 October 1994 ^a	^b
Lao People's Democratic Republic	25 September 2009	25 December 2009

<i>State party</i>	<i>Date of receipt of the instrument of ratification</i>	<i>Date of entry into force</i>
Latvia	14 April 1992 ^a	14 July 1992
Lebanon	3 November 1972 ^a	23 March 1976
Lesotho	9 September 1992 ^a	9 December 1992
Liberia	22 September 2004	22 December 2004
Libya	15 May 1970 ^a	23 March 1976
Liechtenstein	10 December 1998 ^a	10 March 1999
Lithuania	20 November 1991 ^a	20 February 1992
Luxembourg	18 August 1983	18 November 1983
Madagascar	21 June 1971	23 March 1976
Malawi	22 December 1993 ^a	22 March 1994
Maldives	19 September 2006 ^a	19 December 2006
Mali	16 July 1974 ^a	23 March 1976
Malta	13 September 1990 ^a	13 December 1990
Mauritania	17 November 2004 ^a	17 February 2005
Mauritius	12 December 1973 ^a	23 March 1976
Mexico	23 March 1981 ^a	23 June 1981
Monaco	28 August 1997	28 November 1997
Mongolia	18 November 1974	23 March 1976
Montenegro ^f		3 June 2006
Morocco	3 May 1979	3 August 1979
Mozambique	21 July 1993 ^a	21 October 1993
Namibia	28 November 1994 ^a	28 February 1995
Nepal	14 May 1991 ^a	14 August 1991
Netherlands	11 December 1978	11 March 1979
New Zealand	28 December 1978	28 March 1979
Nicaragua	12 March 1980 ^a	12 June 1980
Niger	7 March 1986 ^a	7 June 1986
Nigeria	29 July 1993 ^a	29 October 1993
Norway	13 September 1972	23 March 1976
Pakistan	23 June 2010	23 September 2010
Panama	8 March 1977	8 June 1977

<i>State party</i>	<i>Date of receipt of the instrument of ratification</i>	<i>Date of entry into force</i>
Papua New Guinea	21 July 2008 ^a	21 October 2008
Paraguay	10 June 1992 ^a	10 September 1992
Peru	28 April 1978	28 July 1978
Philippines	23 October 1986	23 January 1987
Poland	18 March 1977	18 June 1977
Portugal	15 June 1978	15 September 1978
Republic of Korea	10 April 1990 ^a	10 July 1990
Republic of Moldova	26 January 1993 ^a	^b
Romania	9 December 1974	23 March 1976
Russian Federation	16 October 1973	23 March 1976
Rwanda	16 April 1975 ^a	23 March 1976
Saint Vincent and the Grenadines	9 November 1981 ^a	9 February 1982
Samoa	15 February 2008 ^a	15 May 2008
San Marino	18 October 1985 ^a	18 January 1986
Senegal	13 February 1978	13 May 1978
Serbia ^g	12 March 2001	^c
Seychelles	5 May 1992 ^a	5 August 1992
Sierra Leone	23 August 1996 ^a	23 November 1996
Slovakia	28 May 1993 ^c	1 January 1993
Slovenia	6 July 1992 ^c	25 June 1991
Somalia	24 January 1990 ^a	24 April 1990
South Africa	10 December 1998	10 March 1999
Spain	27 April 1977	27 July 1977
Sri Lanka	11 June 1980 ^a	11 September 1980
Sudan	18 March 1986 ^a	18 June 1986
Suriname	28 December 1976 ^a	28 March 1977
Swaziland	26 March 2004 ^a	26 June 2004
Sweden	6 December 1971	23 March 1976
Switzerland	18 June 1992 ^a	18 September 1992
Syrian Arab Republic	21 April 1969 ^a	23 March 1976
Tajikistan	4 January 1999 ^a	^b

<i>State party</i>	<i>Date of receipt of the instrument of ratification</i>	<i>Date of entry into force</i>
Thailand	29 October 1996 ^a	29 January 1997
The former Yugoslav Republic of Macedonia	18 January 1994 ^c	18 September 1991
Timor-Leste	18 September 2003 ^a	18 December 2003
Togo	24 May 1984 ^a	24 August 1984
Trinidad and Tobago	21 December 1978 ^a	21 March 1979
Tunisia	18 March 1969	23 March 1976
Turkey	23 September 2003	23 December 2003
Turkmenistan	1 May 1997 ^a	^b
Uganda	21 June 1995 ^a	21 September 1995
Ukraine	12 November 1973	23 March 1976
United Kingdom of Great Britain and Northern Ireland	20 May 1976	20 August 1976
United Republic of Tanzania	11 June 1976 ^a	11 September 1976
United States of America	8 June 1992	8 September 1992
Uruguay	1 April 1970	23 March 1976
Uzbekistan	28 September 1995 ^a	^b
Vanuatu	21 November 2008	21 February 2009
Venezuela (Bolivarian Republic of)	10 May 1978	10 August 1978
Viet Nam	24 September 1982 ^a	24 December 1982
Yemen	9 February 1987 ^a	9 May 1987
Zambia	10 April 1984 ^a	10 July 1984
Zimbabwe	13 May 1991 ^a	13 August 1991

Note: In addition to the States parties listed above, the Covenant continues to apply in Hong Kong, China and Macao, China.^h

B. States parties to the Optional Protocol (114)

<i>State party</i>	<i>Date of receipt of the instrument of ratification</i>	<i>Date of entry into force</i>
Albania	4 October 2007 ^a	4 January 2008
Algeria	12 September 1989 ^a	12 December 1989
Andorra	22 September 2006	22 December 2006
Angola	10 January 1992 ^a	10 April 1992

<i>State party</i>	<i>Date of receipt of the instrument of ratification</i>	<i>Date of entry into force</i>
Argentina	8 August 1986 ^a	8 November 1986
Armenia	23 June 1993 ^a	23 September 1993
Australia	25 September 1991 ^a	25 December 1991
Austria	10 December 1987	10 March 1988
Azerbaijan	27 November 2001 ^a	27 February 2002
Barbados	5 January 1973 ^a	23 March 1976
Belarus	30 September 1992 ^a	30 December 1992
Belgium	17 May 1994 ^a	17 August 1994
Benin	12 March 1992 ^a	12 June 1992
Bolivia (Plurinational State of)	12 August 1982 ^a	12 November 1982
Bosnia and Herzegovina	1 March 1995	1 June 1995
Brazil	25 September 2009 ^a	25 December 2009
Bulgaria	26 March 1992 ^a	26 June 1992
Burkina Faso	4 January 1999 ^a	4 April 1999
Cameroon	27 June 1984 ^a	27 September 1984
Canada	19 May 1976 ^a	19 August 1976
Cape Verde	19 May 2000 ^a	19 August 2000
Central African Republic	8 May 1981 ^a	8 August 1981
Chad	9 June 1995 ^a	9 September 1995
Chile	27 May 1992 ^a	28 August 1992
Colombia	29 October 1969	23 March 1976
Congo	5 October 1983 ^a	5 January 1984
Costa Rica	29 November 1968	23 March 1976
Côte d'Ivoire	5 March 1997	5 June 1997
Croatia	12 October 1995 ^a	
Cyprus	15 April 1992	15 July 1992
Czech Republic	22 February 1993 ^c	1 January 1993
Democratic Republic of the Congo	1 November 1976 ^a	1 February 1977
Denmark	6 January 1972	23 March 1976
Djibouti	5 November 2002 ^a	5 February 2003
Dominican Republic	4 January 1978 ^a	4 April 1978

<i>State party</i>	<i>Date of receipt of the instrument of ratification</i>	<i>Date of entry into force</i>
Ecuador	6 March 1969	23 March 1976
El Salvador	6 June 1995	6 September 1995
Equatorial Guinea	25 September 1987 ^a	25 December 1987
Estonia	21 October 1991 ^a	21 January 1992
Finland	19 August 1975	23 March 1976
France	17 February 1984 ^a	17 May 1984
Gambia	9 June 1988 ^a	9 September 1988
Georgia	3 May 1994 ^a	3 August 1994
Germany	25 August 1993 ^a	25 November 1993
Ghana	7 September 2000	7 December 2000
Greece	5 May 1997 ^a	5 August 1997
Guatemala	28 November 2000 ^a	28 February 2001
Guinea	17 June 1993	17 September 1993
Guyana ⁱ	10 May 1993 ^a	10 August 1993
Honduras	7 June 2005	7 September 2005
Hungary	7 September 1988 ^a	7 December 1988
Iceland	22 August 1979 ^a	22 November 1979
Ireland	8 December 1989 ^a	8 March 1990
Italy	15 September 1978	15 December 1978
Kazakhstan	30 June 2009	30 September 2009
Kyrgyzstan	7 October 1994 ^a	7 January 1995
Latvia	22 June 1994 ^a	22 September 1994
Lesotho	6 September 2000 ^a	6 December 2000
Libya	16 May 1989 ^a	16 August 1989
Liechtenstein	10 December 1998 ^a	10 March 1999
Lithuania	20 November 1991 ^a	20 February 1992
Luxembourg	18 August 1983 ^a	18 November 1983
Madagascar	21 June 1971	23 March 1976
Malawi	11 June 1996 ^a	11 September 1996
Maldives	19 September 2006 ^a	19 December 2006
Mali	24 October 2001 ^a	24 January 2002

<i>State party</i>	<i>Date of receipt of the instrument of ratification</i>	<i>Date of entry into force</i>
Malta	13 September 1990 ^a	13 December 1990
Mauritius	12 December 1973 ^a	23 March 1976
Mexico	15 March 2002 ^a	15 June 2002
Mongolia	16 April 1991 ^a	16 July 1991
Montenegro ^e		23 October 2006
Namibia	28 November 1994 ^a	28 February 1995
Nepal	14 May 1991 ^a	14 August 1991
Netherlands	11 December 1978	11 March 1979
New Zealand	26 May 1989 ^a	26 August 1989
Nicaragua	12 March 1980 ^a	12 June 1980
Niger	7 March 1986 ^a	7 June 1986
Norway	13 September 1972	23 March 1976
Panama	8 March 1977	8 June 1977
Paraguay	10 January 1995 ^a	10 April 1995
Peru	3 October 1980	3 January 1981
Philippines	22 August 1989	22 November 1989
Poland	7 November 1991 ^a	7 February 1992
Portugal	3 May 1983	3 August 1983
Republic of Korea	10 April 1990 ^a	10 July 1990
Republic of Moldova	23 January 2008	23 April 2008
Romania	20 July 1993 ^a	20 October 1993
Russian Federation	1 October 1991 ^a	1 January 1992
Saint Vincent and the Grenadines	9 November 1981 ^a	9 February 1982
San Marino	18 October 1985 ^a	18 January 1986
Senegal	13 February 1978	13 May 1978
Serbia ^e	6 September 2001	6 December 2001
Seychelles	5 May 1992 ^a	5 August 1992
Sierra Leone	23 August 1996 ^a	23 November 1996
Slovakia	28 May 1993 ^c	1 January 1993
Slovenia	16 July 1993 ^a	16 October 1993
Somalia	24 January 1990 ^a	24 April 1990

<i>State party</i>	<i>Date of receipt of the instrument of ratification</i>	<i>Date of entry into force</i>
South Africa	28 August 2002 ^a	28 November 2002
Spain	25 January 1985 ^a	25 April 1985
Sri Lanka	3 October 1997 ^a	3 January 1998
Suriname	28 December 1976 ^a	28 March 1977
Sweden	6 December 1971	23 March 1976
Tajikistan	4 January 1999 ^a	4 April 1999
The former Yugoslav Republic of Macedonia	12 December 1994 ^c	12 March 1995
Togo	30 March 1988 ^a	30 June 1988
Tunisia	29 June 2011 ^a	29 September 2011
Turkey	24 November 2006	24 February 2007
Turkmenistan	1 May 1997 ^a	1 August 1997 ^b
Uganda	14 November 1995 ^a	14 February 1996
Ukraine	25 July 1991 ^a	25 October 1991
Uruguay	1 April 1970	23 March 1976
Uzbekistan	28 September 1995 ^a	28 December 1995
Venezuela (Bolivarian Republic of)	10 May 1978	10 August 1978
Zambia	10 April 1984 ^a	10 July 1984

Note: Jamaica denounced the Optional Protocol on 23 October 1997, with effect from 23 January 1998. Trinidad and Tobago denounced the Optional Protocol on 26 May 1998 and re-acceded on the same day, subject to a reservation, with effect from 26 August 1998. Following the Committee's decision in case No. 845/1999 (*Kennedy v. Trinidad and Tobago*) of 2 November 1999, declaring the reservation invalid, Trinidad and Tobago again denounced the Optional Protocol on 27 March 2000, with effect from 27 June 2000.

C. States parties to the Second Optional Protocol, aiming at the abolition of the death penalty (73*)

<i>State party</i>	<i>Date of receipt of the instrument of ratification</i>	<i>Date of entry into force</i>
Albania	17 October 2007 ^a	17 December 2007
Andorra	22 September 2006	22 December 2006
Argentina	2 September 2008	2 December 2008
Australia	2 October 1990 ^a	11 July 1991
Austria	2 March 1993	2 June 1993

<i>State party</i>	<i>Date of receipt of the instrument of ratification</i>	<i>Date of entry into force</i>
Azerbaijan	22 January 1999 ^a	22 April 1999
Belgium	8 December 1998	8 March 1999
Bosnia and Herzegovina	16 March 2001	16 June 2001
Brazil	25 September 2009 ^a	25 December 2009
Bulgaria	10 August 1999	10 November 1999
Canada	25 November 2005 ^a	25 February 2006
Cape Verde	19 May 2000 ^a	19 August 2000
Chile	26 September 2008	26 December 2008
Colombia	5 August 1997 ^a	5 November 1997
Costa Rica	5 June 1998	5 September 1998
Croatia	12 October 1995 ^a	12 January 1996
Cyprus	10 September 1999 ^a	10 December 1999
Czech Republic	15 June 2004 ^a	15 September 2004
Denmark	24 February 1994	24 May 1994
Djibouti	5 November 2002 ^a	5 February 2003
Ecuador	23 February 1993 ^a	23 May 1993
Estonia	30 January 2004 ^a	30 April 2004
Finland	4 April 1991	11 July 1991
France	2 October 2007 ^a	2 January 2008
Georgia	22 March 1999 ^a	22 June 1999
Germany	18 August 1992	18 November 1992
Greece	5 May 1997 ^a	5 August 1997
Honduras	1 April 2008	1 July 2008
Hungary	24 February 1994 ^a	24 May 1994
Iceland	2 April 1991	2 July 1991
Ireland	18 June 1993 ^a	18 September 1993
Italy	14 February 1995	14 May 1995
Kyrgyzstan	6 December 2010	6 March 2011
Liberia	16 September 2005 ^a	16 December 2005
Liechtenstein	10 December 1998 ^a	10 March 1999
Lithuania	27 March 2002	26 June 2002

<i>State party</i>	<i>Date of receipt of the instrument of ratification</i>	<i>Date of entry into force</i>
Luxembourg	12 February 1992	12 May 1992
Malta	29 December 1994 ^a	29 March 1995
Mexico	26 September 2007 ^a	26 December 2007
Monaco	28 March 2000 ^a	28 June 2000
Mongolia	13 March 2012 ^a	13 June 2012
Montenegro ^c		23 October 2006
Mozambique	21 July 1993 ^a	21 October 1993
Namibia	28 November 1994 ^a	28 February 1995
Nepal	4 March 1998 ^a	4 June 1998
Netherlands	26 March 1991	26 June 1991
New Zealand	22 February 1990	22 May 1990
Nicaragua	21 February 2009	21 May 2009
Norway	5 September 1991	5 December 1991
Panama	21 January 1993 ^a	21 April 1993
Paraguay	18 August 2003	18 November 2003
Philippines	20 November 2007	20 February 2008
Portugal	17 October 1990	17 January 1990
Republic of Moldova	20 September 2006 ^a	20 December 2006
Romania	27 February 1991	27 May 1991
Rwanda	15 December 2008 ^a	15 March 2009
San Marino	17 August 2004	17 November 2004
Serbia ^g	6 September 2001 ^a	6 December 2001
Seychelles	15 December 1994 ^a	15 March 1995
Slovakia	22 June 1999	22 September 1999
Slovenia	10 March 1994	10 June 1994
South Africa	28 August 2002 ^a	28 November 2002
Spain	11 April 1991	11 July 1991
Sweden	11 May 1990	11 July 1991
Switzerland	16 June 1994 ^a	16 September 1994
The former Yugoslav Republic of Macedonia	26 January 1995 ^a	26 April 1995
Timor-Leste	18 September 2003 ^a	18 December 2003

<i>State party</i>	<i>Date of receipt of the instrument of ratification</i>	<i>Date of entry into force</i>
Turkey	2 March 2006	2 June 2006
Turkmenistan	11 January 2000 ^a	11 April 2000
Ukraine	25 July 2007 ^a	25 October 2007
United Kingdom of Great Britain and Northern Ireland	10 December 1999	10 March 2000
Uruguay	21 January 1993	21 April 1993
Uzbekistan	23 December 2008 ^a	23 March 2009
Venezuela (Bolivarian Republic of)	22 February 1993	22 May 1993

* The number of States parties to the Second Optional Protocol will become 74 on 13 June 2012, following the entry into force of the Second Optional Protocol for Mongolia, which deposited its instrument of ratification on 13 March 2012. (According to article 8, paragraph 2, of the Second Optional Protocol: "For each State ratifying the present Protocol or acceding to it after the deposit of the tenth instrument of ratification or instrument of accession, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession".)

D. States which have made the declaration under article 41 of the Covenant (48)

<i>State party</i>	<i>Valid from</i>	<i>Valid until</i>
Algeria	12 September 1989	Indefinitely
Argentina	8 August 1986	Indefinitely
Australia	28 January 1993	Indefinitely
Austria	10 September 1978	Indefinitely
Belarus	30 September 1992	Indefinitely
Belgium	5 March 1987	Indefinitely
Bosnia and Herzegovina	6 March 1992	Indefinitely
Bulgaria	12 May 1993	Indefinitely
Canada	29 October 1979	Indefinitely
Chile	11 March 1990	Indefinitely
Congo	7 July 1989	Indefinitely
Croatia	12 October 1995	Indefinitely
Czech Republic	1 January 1993	Indefinitely
Denmark	19 April 1983	Indefinitely
Ecuador	24 August 1984	Indefinitely

<i>State party</i>	<i>Valid from</i>	<i>Valid until</i>
Finland	19 August 1975	Indefinitely
Gambia	9 June 1988	Indefinitely
Germany	27 December 2001	Indefinitely
Ghana	7 September 2000	Indefinitely
Guyana	10 May 1992	Indefinitely
Hungary	7 September 1988	Indefinitely
Iceland	22 August 1979	Indefinitely
Ireland	8 December 1989	Indefinitely
Italy	15 September 1978	Indefinitely
Liechtenstein	10 March 1999	Indefinitely
Luxembourg	18 August 1983	Indefinitely
Malta	13 September 1990	Indefinitely
Netherlands	11 December 1978	Indefinitely
New Zealand	28 December 1978	Indefinitely
Norway	31 August 1972	Indefinitely
Peru	9 April 1984	Indefinitely
Philippines	23 October 1986	Indefinitely
Poland	25 September 1990	Indefinitely
Republic of Korea	10 April 1990	Indefinitely
Russian Federation	1 October 1991	Indefinitely
Senegal	5 January 1981	Indefinitely
Slovakia	1 January 1993	Indefinitely
Slovenia	6 July 1992	Indefinitely
South Africa	10 March 1999	Indefinitely
Spain	11 March 1998	Indefinitely
Sri Lanka	11 June 1980	Indefinitely
Sweden	26 November 1971	Indefinitely
Switzerland	16 April 2010	16 April 2015
Tunisia	24 June 1993	Indefinitely
Ukraine	28 July 1992	Indefinitely
United Kingdom of Great Britain and Northern Ireland	20 May 1976	Indefinitely

<i>State party</i>	<i>Valid from</i>	<i>Valid until</i>
United States of America	8 September 1992	Indefinitely
Zimbabwe	20 August 1991	Indefinitely

^a Accession.

^b In the opinion of the Committee, the date of entry into force is that on which the State became independent.

^c Succession.

^d In a letter dated 27 July 1992, received by the Secretary-General on 4 August 1992 and accompanied by a list of multilateral treaties deposited with the Secretary-General, the Government of Croatia notified that:

“[The Government of] ... the Republic of Croatia has decided, based on the Constitutional Decision on Sovereignty and Independence of the Republic of Croatia of 25 June, 1991 and the Decision of the Croatian Parliament in respect of the territory of the Republic of Croatia, by virtue of succession of the Socialist Federal Republic of Yugoslavia of 8 October, 1991, to be considered a party to the conventions that Socialist Federal Republic of Yugoslavia and its predecessor states (the Kingdom of Yugoslavia, Federal People’s Republic of Yugoslavia) were parties, according to the enclosed list. In conformity with the international practice, [the Government of the Republic of Croatia] would like to suggest that this take effect from 8 October, 1991, the date on which the Republic of Croatia became independent.”

^e Prior to the receipt by the Secretary-General of the instrument of ratification, the Committee’s position was the following: although a declaration of succession had not been received, persons within the territory of the State which constituted a part of a former State party to the Covenant continued to be entitled to the guarantees provided in the Covenant, in accordance with the Committee’s established jurisprudence (see *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 40 (A/49/40)*, vol. I, paras. 48 and 49).

^f Montenegro was admitted to membership in the United Nations by General Assembly resolution 60/264 of 28 June 2006. On 23 October 2006, the Secretary-General received a letter dated 10 October 2006 from the Government of Montenegro, together with a list of multilateral treaties deposited with the Secretary-General, informing the Secretary-General that:

- The Government of the Republic of Montenegro had decided to succeed to the treaties to which the State Union of Serbia and Montenegro had been a party or signatory
- The Government of the Republic of Montenegro was succeeding to the treaties listed in the attached annex and formally undertook to fulfil the conditions set out therein as from 3 June 2006, the date on which the Republic of Montenegro had assumed responsibility for its international relations and the Parliament of Montenegro had adopted the Declaration of Independence
- The Government of the Republic of Montenegro maintained the reservations, declarations and objections, as set out in the annex to the instrument, that had been made by Serbia and Montenegro before the Republic of Montenegro assumed responsibility for its international relations

^g The Socialist Federal Republic of Yugoslavia ratified the Covenant on 2 June 1971, which entered into force for that State on 23 March 1976. The successor State (the Federal Republic of Yugoslavia) was admitted to membership in the United Nations by General Assembly resolution 55/12 of 1 November 2000. By virtue of a subsequent declaration by the Yugoslav Government, the Federal Republic of Yugoslavia acceded to the Covenant with effect from 12 March 2001. In accordance with the established practice of the Committee, persons subject to the jurisdiction of a State which had been part of a former State party to the Covenant continue to be entitled to the guarantees set out in the Covenant. Following the adoption of the Constitutional Charter of Serbia and Montenegro by the Assembly of the Federal Republic of Yugoslavia on 4 February 2003, the name of the Federal Republic of Yugoslavia became “Serbia and Montenegro”. The Republic of Serbia

succeeded the State Union of Serbia and Montenegro as a Member of the United Nations, including all organs and bodies of the United Nations system, on the basis of article 60 of the Constitutional Charter of Serbia and Montenegro, to which the Declaration of Independence adopted by the National Assembly of Montenegro on 3 June 2006 gave effect. On 19 June 2006, the Secretary-General received a communication dated 16 June 2006 from the Minister for Foreign Affairs of the Republic of Serbia informing him that: (a) the Republic of Serbia would continue to exercise its rights and honour its commitments under international treaties concluded by Serbia and Montenegro; (b) the Republic of Serbia should be considered a party to all international agreements in force, instead of Serbia and Montenegro; and (c) the Government of the Republic of Serbia would henceforth perform the functions formerly performed by the Council of Ministers of Serbia and Montenegro as a depositary for the corresponding multilateral treaties. The Republic of Montenegro was admitted to membership in the United Nations by General Assembly resolution 60/264 of 28 June 2006.

^h For information on the application of the Covenant in Hong Kong, China, see *Official Records of the General Assembly, Fifty-first Session, Supplement No. 40 (A/51/40)*, chap. V, sect. B, paras. 78–85. For information on the application of the Covenant in Macao, China, see *ibid.*, *Fifty-fifth Session, Supplement No. 40 (A/55/40)*, chap. IV.

ⁱ Guyana denounced the Optional Protocol on 5 January 1999 and re-acceded on the same day, subject to a reservation, with effect from 5 April 1999. Guyana's reservation elicited objections from six States parties to the Optional Protocol.

Annex II

Membership and officers of the Human Rights Committee, 2011–2012

A. Membership of the Human Rights Committee

<i>103rd session</i>	<i>Nationality^a</i>	<i>Term ends 31 December</i>
Mr. Abdelfattah Amor	Tunisia	2014
Mr. Lazahri Bouزيد	Algeria	2012
Ms. Christine Chanet	France	2014
Mr. Ahmed Amin Fathalla	Egypt	2012
Mr. Cornelis Flinterman	Netherlands	2014
Mr. Yuji Iwasawa	Japan	2014
Mr. Rajsoomer Lallah	Mauritius	2012
Ms. Zonke Zanele Majodina	South Africa	2014
Ms. Iulia Antoanella Motoc	Romania	2014
Mr. Gerald L. Neuman	United States of America	2014
Mr. Michael O'Flaherty	Ireland	2012
Mr. Rafael Rivas Posada	Colombia	2012
Sir Nigel Rodley	United Kingdom of Great Britain and Northern Ireland	2012
Mr. Fabián Omar Salvioli	Argentina	2012
Mr. Krister Thelin	Sweden	2012
Ms. Margo Waterval	Suriname	2014
<i>104th session</i>	<i>Nationality^a</i>	<i>Term ends 31 December</i>
Mr. Abdelfattah Amor^b	Tunisia	-
Mr. Lazahri Bouزيد	Algeria	2012
Ms. Christine Chanet	France	2014
Mr. Ahmed Amin Fathalla	Egypt	2012
Mr. Cornelis Flinterman	Netherlands	2014
Mr. Yuji Iwasawa	Japan	2014
Mr. Walter Kälin^c	Switzerland	2014

<i>104th session</i>	<i>Nationality^a</i>	<i>Term ends 31 December</i>
Mr. Rajsoomer Lallah	Mauritius	2012
Ms. Zonke Zanele Majodina	South Africa	2014
Ms. Iulia Antoanella Motoc	Romania	2014
Mr. Gerald L. Neuman	United States of America	2014
Mr. Michael O'Flaherty	Ireland	2012
Mr. Rafael Rivas Posada	Colombia	2012
Sir Nigel Rodley	United Kingdom of Great Britain and Northern Ireland	2012
Mr. Fabián Omar Salvioli	Argentina	2012
Mr. Marat Sarsembayev^d	Kazakhstan	2012
Mr. Krister Thelin	Sweden	2012
Ms. Margo Waterval	Suriname	2014

^a In accordance with article 28, paragraph 3, of the International Covenant on Civil and Political Rights: "The members of the Committee shall be elected and shall serve in their personal capacity."

^b Mr. Amor died on 2 January 2012, prior to the 104th session; his term was due to expire on 31 December 2014. Elections were held on 1 May 2012 for a replacement to continue this mandate until 31 December 2014. Mr. Yadh Ben Achour, from Tunisia, was elected by acclamation.

^c Mr. Kälín was elected during by-elections held in New York on 17 January 2012 to fill two vacancies that arose from the resignations of Ms. Helen Keller and Mr. Mahjoub El Haiba, both effective 30 September 2011.

^d Mr. Sarsembayev was elected during by-elections held in New York on 17 January 2012 to fill two vacancies that arose from the resignations of Ms. Keller and Mr. Mahjoub El Haiba, both effective September 2011.

B. Officers

The officers of the Committee, elected for a term of two years at the 2773rd meeting, on 14 March 2011 (101st session), are the following:

Chairperson: Ms. Zonke Zanele Majodina

Vice-Chairpersons: Mr. Yuji Iwasawa
Mr. Michael O'Flaherty
Mr. Fabián Salvioli

Rapporteur: Ms. Helen Keller (replaced by Mr. Lazahri Bouzid during the 103rd session)

Annex III

Submission of reports and additional information by States parties under article 40 of the Covenant (as at 30 March 2012)

<i>State party</i>	<i>Type of report</i>	<i>Date due</i>	<i>Date of submission</i>
Afghanistan	Second	23 April 1989	25 October 1991 ^a
Albania	Second	1 November 2008	25 August 2011
Algeria	Fourth	1 November 2011	Not yet received
Andorra	Initial	22 December 2007	Not yet received
Angola	Initial/Special	9 April 1993/ 31 January 1994	22 February 2010
Argentina	Fifth	30 March 2014	Not yet due
Armenia	Second	1 October 2001	27 April 2010
Australia	Sixth	1 April 2013	Not yet due
Austria	Fifth	30 October 2012	Not yet due
Azerbaijan	Fourth	1 August 2013	Not yet due
Bahamas	Initial	23 March 2010	Not yet received
Bahrain	Initial	20 December 2007	Not yet received
Bangladesh	Initial	6 December 2001	Not yet received
Barbados	Fourth	29 March 2011	Not yet received
Belarus	Fifth	7 November 2001	Not yet received
Belgium	Sixth	29 October 2015	Not yet due
Belize	Initial	9 September 1997	Not yet received
Benin	Second	1 November 2008	Not yet received
Bolivia (Plurinational State of)	Third	31 December 1999	16 August 2011
Bosnia and Herzegovina	Second	1 November 2010	17 November 2010
Botswana	Second	31 March 2012	Not yet received
Brazil	Third	31 October 2009	Not yet received
Bulgaria	Fourth	29 July 2015	Not yet due
Burkina Faso	Initial	3 April 2000	Not yet received
Burundi	Second	8 August 1996	Not yet received
Cambodia	Second	31 July 2002	Not yet received

<i>State party</i>	<i>Type of report</i>	<i>Date due</i>	<i>Date of submission</i>
Cameroon	Fifth	30 July 2013	Not yet due
Canada	Sixth	31 October 2010	Not yet received
Cape Verde	Initial	5 November 1994	Not yet received ^b
Central African Republic	Third	1 August 2010	Not yet received
Chad	Second	31 July 2012	Not yet due
Chile	Sixth	27 March 2012	Not yet received
Colombia	Seventh	1 April 2014	Not yet due
Congo	Third	31 March 2003	Not yet received
Costa Rica	Sixth	1 November 2012	Not yet due
Côte d'Ivoire	Initial	25 June 1993	Not yet received
Croatia	Third	30 October 2013	Not yet due
Cyprus	Fourth	1 June 2002	Not yet received
Czech Republic	Third	1 August 2011	11 October 2011
Democratic People's Republic of Korea	Third	1 January 2004	Not yet received
Democratic Republic of the Congo	Fourth	1 April 2009	Not yet received
Denmark	Sixth	31 October 2013	Not yet due
Djibouti	Initial	5 February 2004	3 February 2012
Dominica	Initial	16 September 1994	Not yet received ^c
Dominican Republic	Sixth	30 March 2016	Not yet due
Ecuador	Sixth	30 October 2013	Not yet due
Egypt	Fourth	1 November 2004	Not yet received
El Salvador	Seventh	29 October 2014	Not yet due
Equatorial Guinea	Initial	24 December 1988	Not yet received ^d
Eritrea	Initial	22 April 2003	Not yet received
Estonia	Fourth	30 July 2015	Not yet due
Ethiopia	Second	29 July 2014	Not yet due
Finland	Sixth	1 November 2009	8 August 2011
France	Fifth	31 July 2012	Not yet due
Gabon	Third	31 October 2003	Not yet received
Gambia	Second	21 June 1985	Not yet received ^e
Georgia	Fourth	1 November 2011	Not yet received

<i>State party</i>	<i>Type of report</i>	<i>Date due</i>	<i>Date of submission</i>
Germany	Sixth	1 April 2009	18 April 2011
Ghana	Initial	8 February 2001	Not yet received
Greece	Second	1 April 2009	Not yet received
Grenada	Initial	6 September 1991	Not yet received ^f
Guatemala	Fourth	30 March 2016	Not yet due
Guinea	Third	30 September 1994	Not yet received
Guinea-Bissau	Initial	1 February 2012	Not yet received
Guyana	Third	31 March 2003	Not yet received
Haiti	Initial	30 December 1996	Not yet received
Honduras	Second	31 October 2010	Not yet received
Hong Kong, China ^g	Third (China)	1 January 2010	31 May 2011
Hungary	Sixth	29 October 2014	Not yet due
Iceland	Fifth	1 April 2010	30 April 2010
India	Fourth	31 December 2001	Not yet received
Indonesia	Initial	23 May 2007	19 January 2012
Iran (Islamic Republic of)	Fourth	2 November 2014	Not yet due
Iraq	Fifth	4 April 2000	Not yet received
Ireland	Fourth	31 July 2012	Not yet due
Israel	Fourth	30 July 2013	Not yet due
Italy	Sixth	31 October 2009	Not yet received
Jamaica	Fourth	2 November 2014	Not yet due
Japan	Sixth	29 October 2011	Not yet received
Jordan	Fifth	29 October 2014	Not yet due
Kazakhstan	Second	29 July 2014	Not yet due
Kenya	Third	1 April 2008	19 August 2010
Kuwait	Third	2 November 2014	Not yet due
Kyrgyzstan	Second	31 July 2004	Not yet received
Lao People's Democratic Republic	Initial	25 December 2010	Not yet received
Latvia	Third	1 November 2008	Not yet received
Lebanon	Third	31 December 1999	Not yet received
Lesotho	Second	30 April 2002	Not yet received

<i>State party</i>	<i>Type of report</i>	<i>Date due</i>	<i>Date of submission</i>
Liberia	Initial	22 December 2005	Not yet received
Libya	Fifth	30 October 2010	Not yet received ^h
Liechtenstein	Second	1 September 2009	Not yet received
Lithuania	Third	1 April 2009	31 August 2010
Luxembourg	Fourth	1 April 2008	Not yet received
Macao, China ^g	Initial (China)	31 October 2001	11 May 2011
Madagascar	Fourth	23 March 2011	Not yet received
Malawi	Initial	21 March 1995	Not yet received ⁱ
Maldives	Initial	19 December 2007	17 February 2010
Mali	Third	1 April 2005	Not yet received
Malta	Second	12 December 1996	Not yet received
Mauritania	Initial	17 February 2006	9 February 2012
Mauritius	Fifth	1 April 2010	Not yet received
Mexico	Sixth	30 March 2014	Not yet due
Monaco	Third	28 October 2013	Not yet due
Mongolia	Sixth	1 April 2015	Not yet due
Montenegro ^j	Initial	23 October 2007	Not yet received
Morocco	Sixth	1 November 2008	Not yet received
Mozambique ^k	Initial	20 October 1994	14 February 2012
Namibia	Second	1 August 2008	Not yet received
Nepal	Second	13 August 1997	21 February 2012
Netherlands (including Antilles and Aruba)	Fifth	31 July 2014	Not yet due
New Zealand	Sixth	30 March 2015	Not yet due
Nicaragua	Fourth	29 October 2012	Not yet due
Niger	Second	31 March 1994	Not yet received
Nigeria	Second	28 October 1999	Not yet received
Norway	Seventh	2 November 2016	Not yet due
Pakistan	Initial	23 September 2011	Not yet received
Panama	Fourth	31 March 2012	Not yet received
Papua New Guinea	Initial	21 October 2009	Not yet received
Paraguay	Third	31 October 2008	31 December 2010

<i>State party</i>	<i>Type of report</i>	<i>Date due</i>	<i>Date of submission</i>
Peru	Fifth	31 October 2003	29 June 2011
Philippines	Fourth	1 November 2006	21 June 2010
Poland	Seventh	29 October 2015	Not yet due
Portugal	Fourth	1 August 2008	10 January 2011
Republic of Korea	Fourth	2 November 2010	Not yet received
Republic of Moldova	Third	30 October 2013	Not yet due
Romania	Fifth	28 April 1999	Not yet received
Russian Federation	Seventh	1 November 2012	Not yet due
Rwanda	Fourth	10 April 2013	Not yet due
Saint Vincent and the Grenadines	Second	31 October 1991	Not yet received ^f
Samoa	Initial	15 May 2009	Not yet received
San Marino	Third	31 July 2013	Not yet due
Senegal	Fifth	4 April 2000	Not yet received
Serbia	Third	1 April 2015	Not yet due
Seychelles	Initial	4 August 1993	Not yet received ^m
Sierra Leone	Initial	22 November 1997	Not yet received
Slovakia	Fourth	1 April 2015	Not yet due
Slovenia	Third	1 August 2010	Not yet received
Somalia	Initial	23 April 1991	Not yet received
South Africa	Initial	9 March 2000	Not yet received
Spain	Sixth	1 November 2012	Not yet due
Sri Lanka	Fifth	1 November 2007	Not yet received
Sudan	Fourth	26 July 2010	Not yet received
Suriname	Third	1 April 2008	Not yet received
Swaziland	Initial	27 June 2005	Not yet received ⁿ
Sweden	Seventh	1 April 2014	Not yet due
Switzerland	Fourth	1 November 2015	Not yet due
Syrian Arab Republic	Fourth	1 August 2009	Not yet received ^h
Tajikistan	Second	31 July 2008	25 August 2011
Thailand	Second	1 August 2009	Not yet received
The former Yugoslav Republic of Macedonia	Third	1 April 2012	Not yet received

<i>State party</i>	<i>Type of report</i>	<i>Date due</i>	<i>Date of submission</i>
Timor-Leste	Initial	19 December 2004	Not yet received
Togo	Fifth	1 April 2015	Not yet due
Trinidad and Tobago	Fifth	31 October 2003	Not yet received
Tunisia	Sixth	31 March 2012	Not yet received
Turkey	Initial	16 December 2004	17 March 2011
Turkmenistan	Second	30 March 2015	Not yet due
Uganda	Second	1 April 2008	Not yet received
Ukraine	Seventh	2 November 2011	5 July 2011
United Kingdom of Great Britain and Northern Ireland	Seventh	31 July 2012	Not yet due
United Kingdom of Great Britain and Northern Ireland (Overseas territories)	Seventh	31 July 2012	Not yet due
United Republic of Tanzania	Fifth	1 August 2013	Not yet due
United States of America	Fourth	1 August 2010	31 December 2011
Uruguay	Fifth	21 March 2003	Not yet received
Uzbekistan	Fourth	30 March 2013	Not yet due
Vanuatu	Initial	21 February 2010	Not yet received
Venezuela (Bolivarian Republic of)	Fourth	1 April 2005	Not yet received
Viet Nam	Third	1 August 2004	Not yet received
Yemen	Sixth	30 March 2015	Not yet due
Zambia	Fourth	20 July 2011	Not yet received
Zimbabwe	Second	1 June 2002	Not yet received

^a At its fifty-fifth session, the Committee requested the Government of Afghanistan to submit information updating its report before 15 May 1996 for consideration at the fifty-seventh session. No additional information was received. At its sixty-seventh session (October, 1999), the Committee invited Afghanistan to present its report at the sixty-eighth session (March, 2000). The State party asked that the consideration of its report be postponed. At its seventy-third session (July, 1998), the Committee decided to postpone consideration of the situation in Afghanistan, pending consolidation of the new Government. On 12 May 2011, Afghanistan accepted to be considered in a future session under the optional procedure of focused reports based on replies to list of issues prior to reporting.

^b The Committee considered the situation of civil and political rights in Cape Verde at its 104th session. See chapter III, para. 99 of the present report.

^c The Committee scheduled Dominica for examination under article 70 of its rules of procedure, in the absence of a report, during its 102nd session in July 2011, but the examination was later postponed. See chapter III, para. 96 of the present report.

^d The Committee considered the situation of civil and political rights in Equatorial Guinea under article 70 of its rules of procedure, in the absence of a report, at its seventy-ninth session (October, 2003). See chapter III, para. 88 of the present report.

^e The Committee considered the situation of civil and political rights in the Gambia under article 70 of its rules of procedure, in the absence of a report, at its seventy-fifth session (July, 2002). See chapter III, para. 86 of the present report.

^f The Committee considered the situation of civil and political rights in Grenada under article 70 of its rules of procedure, in the absence of a report, at its ninetieth session (July, 2007). See chapter III, para. 94 of the present report.

^g Although China is not itself a party to the Covenant, the Government of China has honoured the obligations under article 40 with respect to Hong Kong, China and Macao, China, which were previously under British and Portuguese administration, respectively.

^h During its 101st and 102nd sessions, the Committee decided to send letters of reminder to the Libyan Arab Jamahiriya, and to the Syrian Arab Republic, respectively, for their periodic reports.

ⁱ The Committee considered the situation of civil and political rights in Malawi at its 103rd session, in the absence of a report (rule 70 of its rules of procedure). See chapter III, para. 97, of the present report.

^j Montenegro was admitted to membership in the United Nations by General Assembly resolution 60/264 of 28 June 2006. On 23 October 2006, the Secretary-General received a letter, dated 10 October 2006, from the Government of Montenegro, together with a list of multilateral treaties deposited with the Secretary-General, informing him that:

- The Government of the Republic of Montenegro had decided to succeed to the treaties to which the State Union of Serbia and Montenegro had been a party or a signatory
- The Government of the Republic of Montenegro was succeeding to the treaties listed in the attached annex and formally undertook to fulfil the conditions set out therein as from 3 June 2006, the date on which the Republic of Montenegro had assumed responsibility for its international relations and the Parliament of Montenegro had adopted the Declaration of Independence
- The Government of the Republic of Montenegro maintained the reservations, declarations and objections, as set out in the annex to the instrument, which had been made by Serbia and Montenegro before the Republic of Montenegro assumed responsibility for its international relations

^k The Committee scheduled Mozambique for examination under article 70 of its rules of procedure, in the absence of a report, during its 104th session in March 2012. See chapter III, para. 98 of the present report.

^l The Committee considered the situation of civil and political rights in Saint Vincent and the Grenadines, at its eighty-sixth session (March, 2006), in the absence of a report (rule 70 of its rules of procedure). See chapter III, para. 91 of the present report.

^m The Committee considered the situation of civil and political rights in the Seychelles at its 101st session in the absence of a report (March, 2011). See chapter III, para. 95 of the present report.

ⁿ During the 104th session, the Committee agreed to a request to extend the deadline for the initial report of Swaziland until the end of December 2012.

Annex IV

**Status of reports and situations considered during the period
under review, and of reports still pending before the
Committee**

A. Initial reports

<i>State party</i>	<i>Date due</i>	<i>Date of submission</i>	<i>Status</i>	<i>Reference documents</i>
Turkmenistan	31 July 1998	4 January 2010	Considered at the 104th session.	CCPR/C/TKM/1 CCPR/C/TKM/Q/1 CCPR/C/TKM/Q/1/Add.1 CCPR/C/TKM/CO/1
Maldives	19 December 2007	17 February 2010	In translation. Scheduled for consideration at a later session.	CCPR/C/MDV/1 CCPR/C/MDV/Q/1
Angola	9 April 1993	22 February 2010	In translation. Scheduled for consideration at a later session.	CCPR/C/AGO/1
Turkey	16 December 2004	17 March 2011	In translation. Scheduled for consideration at a later session	CCPR/C/TUR/1
Macao, China	31 October 2001	11 May 2011	In translation. Scheduled for consideration at a later session.	CCPR/C/CHN-MAC/1
Indonesia	23 May 2007	19 January 2012	In translation. Scheduled for consideration at a later session.	CCPR/C/IDN/1
Djibouti	5 February 2004	3 February 2012	In translation. Scheduled for consideration at a later session.	CCPR/C/DJI/1
Mauritania	17 February 2006	9 February 2012	In translation. Scheduled for consideration at a later session.	CCPR/C/MRT/1

<i>State party</i>	<i>Date due</i>	<i>Date of submission</i>	<i>Status</i>	<i>Reference documents</i>
Mozambique	20 October 1994	14 February 2012	In translation. Scheduled for consideration at a later session.	CCPR/C/MOZ/1

B. Second periodic reports

<i>State party</i>	<i>Date due</i>	<i>Date of submission</i>	<i>Status</i>	<i>Reference documents</i>
Armenia	1 October 2001	27 April 2010	In translation. Scheduled for consideration at a later session.	CCPR/C/ARM/2 CCPR/C/ARM/Q/2
Kuwait	31 July 2004	18 August 2009	Considered at the 103rd session.	CCPR/C/KWT/2 CCPR/C/KWT/Q/2 CCPR/C/KWT/Q/2/Add.1 CCPR/C/KWT/CO/2
Bosnia and Herzegovina	1 November 2010	17 November 2010	In translation. Scheduled for consideration at a later session.	CCPR/C/BIH/2
Albania	1 November 2008	25 August 2011	In translation. Scheduled for consideration at a later session.	CCPR/C/ALB/2
Tajikistan	31 July 2008	25 August 2011	In translation. Scheduled for consideration at a later session.	CCPR/C/TJK/2
Nepal	13 August 1997	21 February 2012	In translation. Scheduled for consideration at a later session.	CCPR/C/NPL/2

C. Third periodic reports

<i>State party</i>	<i>Date due</i>	<i>Date of submission</i>	<i>Status</i>	<i>Reference documents</i>
Jamaica	7 November 2001	20 July 2009	Considered at the 103rd session.	CCPR/C/JAM/3 CCPR/C/JAM/Q/3 CCPR/C/JAM/Q/3/Add.1 CCPR/C/JAM/CO/3
Guatemala	1 August 2005	20 October 2009	Considered at the 104th session.	CCPR/C/GTM/3 CCPR/C/GTM/Q/3 CCPR/C/GTM/Q/3/Add.1 CCPR/C/GTM/CO/3
Lithuania	1 April 2009	31 August 2010	In translation. Scheduled for consideration at a later session.	CCPR/C/LTU/3 CCPR/C/LTU/Q/3
Iran (Islamic Republic of)	31 December 2004	27 October 2009	Considered at the 103rd session.	CCPR/C/IRN/3 CCPR/C/IRN/Q/3 CCPR/C/IRN/Q/3/Add.1 CCPR/C/IRN/CO/3
Kenya	1 April 2008	19 August 2010	In translation. Scheduled for consideration at a later session.	CCPR/C/KEN/3 CCPR/C/KEN/Q/3
Paraguay	31 October 2008	31 December 2010	In translation. Scheduled for consideration at a later session.	CCPR/C/PRY/3
Hong Kong, China	1 January 2010	31 May 2011	In translation. Scheduled for consideration at a later session.	CCPR/C/CHN-HKG/3
Bolivia (Plurinational State of)	31 December 1999	16 August 2011	In translation. Scheduled for consideration at a later session.	CCPR/C/BOL/3
Czech Republic	1 August 2011	11 October 2011	In translation. Scheduled for consideration at a later session.	CCPR/C/CZE/3

D. Fourth periodic reports

<i>State party</i>	<i>Date due</i>	<i>Date of submission</i>	<i>Status</i>	<i>Reference documents</i>
Philippines	1 November 2006	21 June 2010	In translation. Scheduled for consideration at a later session.	CCPR/C/PHL/4
Portugal	1 August 2008	12 January 2011	In translation. Scheduled for consideration at a later session.	CCPR/C/PRT/4
United States of America	1 August 2010	31 December 2011	In translation. Scheduled for consideration at a later session.	CCPR/C/USA/4 and Corr.1

E. Fifth periodic reports

<i>State party</i>	<i>Date due</i>	<i>Date of submission</i>	<i>Status</i>	<i>Reference documents</i>
Dominican Republic	1 April 2005	12 November 2009	Considered at the 104th session.	CCPR/C/DOM/5 CCPR/C/DOM/Q/5 CCPR/C/DOM/Q/5/Add.1 CCPR/C/DOM/CO/5
Yemen	1 July 2009	14 December 2009	Considered at the 104th session.	CCPR/C/YEM/5 CCPR/C/YEM/Q/5 CCPR/C/YEM/CO/5
Iceland	1 April 2010	30 April 2010	In translation. Scheduled for consideration at a later session.	CCPR/C/ISL/5 CCPR/C/ISL/Q/5
Peru	31 October 2003	29 June 2011	In translation. Scheduled for consideration at a later session.	CCPR/C/PER/5

F. Sixth periodic reports

<i>State party</i>	<i>Date due</i>	<i>Date of submission</i>	<i>Status</i>	<i>Reference documents</i>
Norway	1 October 2009	25 November 2009	Considered at the 103rd session.	CCPR/C/NOR/6 CCPR/C/NOR/Q/6 CCPR/C/NOR/Q/6/Add.1 CCPR/C/NOR/CO/6
Germany	1 April 2009	18 April 2011	In translation. Scheduled for consideration at a later session.	CCPR/C/DEU/6
Finland	1 November 2009	8 August 2011	In translation. Scheduled for consideration at a later session.	CCPR/C/FIN/6

G. Seventh periodic reports

<i>State party</i>	<i>Date due</i>	<i>Date of submission</i>	<i>Status</i>	<i>Reference documents</i>
Ukraine	2 November 2011	5 July 2011	In translation. Scheduled for consideration at a later session.	CCPR/C/UKR/7

Annex V

Table on follow-up to concluding observations*

Eighty-seventh session: July 2006			
Central African Republic (second periodic report) CCPR/C/CAF/CO/2 paras. 11, 12, 13			
Status			
Due date for the follow-up report:	2007-07-27	Not submitted	Procedure discontinued: new periodic report due – no reply received from State party (SP)
Due date for the next periodic report:	2010-08-01	Not submitted	
List of issues prior to reporting (LOIPR) status	Not applicable		
History of the procedure			
28/09/2007-10/12/2007	[HRC] Reminders sent		
20/02/2008	[HRC] Request for SP meeting		
18/03/2008	[HRC] Request for SP meeting		
01/04/2008	[MEET] Meeting during ninety-second session		No responses provided.
11/06/2008-22/09/2008	[HRC] Reminders sent		
16/12/2008	[HRC] Request for SP meeting		
29/05/2009	[HRC] Reminder sent		
02/02/2010-25/06/2010	[HRC] Request for SP meeting and reminder		
28/09/2010	[HRC] SP invited to reply to all follow-up questions in its next periodic report		
13/10/2010	[MEET] Meeting during 100th session.		No reply received.
Recommended action: None			
United States of America (second and third periodic report) CCPR/C/USA/CO/3/Rev.1 paras. 12, 13, 14, 16, 20, 26			
Status			
Due date for the follow-up report:	27/07/2007	Submitted	Procedure discontinued: new report due
Due date for the next periodic report:	01/08/2010	Not submitted	
LOIPR status	Not applicable		
History of the procedure			
28/09/2007	[HRC] Reminder sent		
01/11/2007	[SP] Follow-up report	Para. 12	[B2]
		Para. 13	[B2]

* For an explanation of the system used to indicate the assessment of State responses (A, B1, B2, C1, C2, D1, D2), see chap. VII, para. 238, of the present report.

Abbreviations: EXT, information from external sources, such as NGOs; HRC, Human Rights Committee; LOIPR, list of issues prior to reporting; MEET, meeting; SP, State party.

		Para. 14	Incomplete	[B2]
		Para. 16	Incomplete	[B2]
		Para. 20	Complete	[A]
		Para. 26	Incomplete	[B2]
11/06/2008	[HRC] Request for SP meeting			
10/07/2008	[MEET] Meeting during ninety-third session			
06/05/2009	[HRC] Reminder sent			
15/07/2009	[SP] Follow-up report	Para. 12	Satisfactory in parts	[B2]
		Para. 13	Satisfactory in parts	[B2]
		Para. 14	Incomplete	[B2]
		Para. 16	Incomplete	[B2]
		Para. 26	Incomplete	[B2]
26/04/2010	[HRC] SP invited to reply to all COB in next periodic report	Recommended action: None		
United Nations Interim Administration Mission in Kosovo (UNMIK) CCPR/C/UNK/CO/1 paras. 12, 13, 18				
Status				
Due date for the follow-up report:		27/07/2007	Submitted	Procedure continues
Due date for the next periodic report:		01/08/2010	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
Apr.–Sept. 2007	[HRC] Reminders sent (3)			
10/12/2007	[HRC] Request for SP meeting			
11/03/2008	[SP] Follow-up report	Para. 12	Incomplete	[B2]
		Para. 13	Incomplete	[B2]
		Para. 18	Incomplete	[B2]
11/06/2008	[HRC] Request for SP meeting			
22/07/2008	[MEET] Meeting during ninety-third session		Additional information provided – incomplete	N/A
07/11/2008	[SP] Follow-up report	Para. 12	Incomplete	[B2]
		Para. 13	Incomplete	[B2]
		Para. 18	Incomplete	[B2]
03/06/2009	[HRC] Additional information requested			
03/06/2009	[HRC] Reminder sent			
12/11/2009	[SP] Follow-up report	Para. 12	Partially implemented	[B2]
		Para. 13	Partially implemented	[B2]
		Para. 18	Partially implemented	[B2]
28/09/2010	[HRC] Reminder sent			
10/05/2011	[HRC] Reminder sent and Request for meeting			
20/07/2011	[MEET] Meeting during 102nd session.		Agreement: UNMIK will send additional information before the October 2011 session.	
09/09/2011	[SP] Follow-up report			
10/12/2011	[HRC] Letter sent to UNMIK.	Taking note of the Mission's inability to implement the recommendations of the Committee and of its commitment to coordinate the elaboration of a consolidated report.		
22/12/2011	[HRC] Letter to Office of Legal Affairs (Ms. O'Brien)	Requesting advice on the general status of Kosovo and on the strategy to adopt in the future to maintain the dialogue of the Committee with Kosovo.		

13/02/2012	[UNMIK] Reply	Recommended action: Analyse the reply of UNMIK at the next session		
Honduras CCPR/C/HND/CO/1 paras. 9, 10, 11, 19				
Status				
Due date for the follow-up report:	27/10/2007	Submitted	Procedure discontinued: new report due	
Due date for the next periodic report:	31/10/2010	Not submitted		
LOIPR status	Not applicable			
History of the procedure				
07/01/2007	[SP] Follow-up report		Answer not relevant to recommendations	[C2]
20/01/2007	[HRC] Additional information requested			
01/01/2008-11/06/2008	[HRC] Reminders sent			
22/09/2008	[HRC] Request for meeting			
15/10/2008	[SP] Follow-up report		Initial actions taken – implementation still pending	[B2]
10/12/2008	[HRC] Letter sent	Additional information requested on all paragraphs		
06/05/2009-27/08/2009	[HRC] Reminder sent			
02/02/2010-28/09/2010	[HRC] Request for SP meeting and reminder			
Oct. 2010	[EXT] CCPR Centre – CPTRT	Para. 10		
21/10/2010	[MEET] Meeting during 100th session.		Progress made but additional action required	[B2]
16/12/2010	[HRC] Letter sent	Invitation to reply to the concluding observations as a whole in next periodic report.		
		Recommended action: None		
Bosnia and Herzegovina (initial report) CCPR/C/BIH/CO/1 paras. 8, 14, 19, 23				
Status				
Due date for the follow-up report:	01/11/2007	Submitted	Procedure discontinued: new report due	
Due date for the next periodic report:	01/11/2010	Submitted		
LOIPR status	Not applicable			
History of the procedure				
21/12/2007	[SP] Follow-up report	Paras. 8, 14, 19, 23	All incomplete	[B2]
17/01/2008	[HRC] Reminder sent			
22/09/2008	[HRC] Request for meeting			
Oct. 2008	[EXT] CCPR Centre –Helsinki Committee)	Paras. 8, 14, 19, 23		
31/10/2008	[MEET] Meeting during ninety-fourth session		Reply to be submitted after government approval.	
01/11/2008	[SP] Follow-up report	Paras. 8, 14, 19, 23	All incomplete	[B2]
04/03/2009	[SP] Follow-up report	Paras. 8, 14, 19, 23	All incomplete	[B2]
29/05/2009	[HRC] Letter sent	Additional information requested on all paragraphs		
27/08/2009-11/12/2009	[HRC] Reminders sent			
14/12/2009	[SP] Follow-up report	Para. 8	Implementation begun but not completed	[B2]
		Para. 14	Partially satisfactory	[B2]
		Para. 19	Partially satisfactory	[B2]
		Para. 23	Cooperative but incomplete	[B2]

11/12/2009	[HRC] Invitation to reply to the concluding observations as a whole in next periodic report			
Sept. 2010	[EXT] TRIAL	Para. 14	Progress made but additional action required	
		Recommended action: None		
Ukraine (sixth report) CCPR/C/UKR/CO/6 paras. 7, 11, 14, 16				
Status				
Due date for the follow-up report:	02/11/2007	Submitted	Procedure discontinued: new report due	
Due date for the next periodic report:	02/11/2011	Submitted		
LOIPR status	Not applicable			
History of the procedure				
17/01/2008	[HRC] Reminder sent			
19/05/2008	[SP] Follow-up report	Paras. 7, 11, 14, 16	All incomplete	[B2]
06/05/2008	[HRC] Additional information requested			
Oct. 2008	[EXT] CCPR Centre – UHHRU, International Renaissance Foundation, Donetsk, Vinnytsya Human Rights protection group, Kharkiv Human Rights Group	Paras. 7, 11, 14, 16		
06/05/2009	[HRC] Reminder sent			
28/08/2009	[SP] Follow-up report	Para. 7	Part incomplete, part unimplemented	[B2]
		Para. 11	Part satisfactory, part incomplete	[B2]
		Para. 14	Incomplete	[B2]
		Para. 16	Part satisfactory, part incomplete	[B2]
26/04/2010	[HRC] Letter sent	Requesting supplementary information and underlining unimplemented recommendations		
28/09/2010-19/04/2011	[HRC] Reminders sent			
10/05/2011-02/08/2011	[HRC] Requests for meeting	No reply		
		Recommended action: None		
Republic of Korea (third periodic report) CCPR/C/KOR/CO/3 paras. 12, 13, 18				
Status				
Due date for the follow-up report:	02/11/2007	Submitted	Procedure discontinued: new report due	
Due date for the next periodic report:	02/11/2010	Not submitted	No reply received from SP	
LOIPR status	Not applicable			
History of the procedure				
17/01/2008	[HRC] Reminder sent			
25/02/2008	[SP] Follow-up report	Para. 12	Incomplete	[B2]
		Para. 13	Incomplete	[B2]
		Para. 18	Unsatisfactory	[B2]
11/06/2008	[HRC] Request for meeting			
21/07/2008	[MEET] Meeting during ninety-third session		Additional information to be provided in next periodic report	
22/07/2008	[HRC] Letter summarizing outstanding issues sent			
06/05/2008-27/08/2009	[HRC] Reminders sent			
		Recommended action: None		

Eighty-ninth session: March 2007**Madagascar (third periodic report) CCPR/C/MDG/CO/3 paras. 7, 24, 25**

Status			
Due date for the follow-up report:	23/03/2008	Submitted	Procedure discontinued: new report due
Due date for the next periodic report:	23/03/2011	Not submitted	
LOIPR status	Not applicable		
History of the procedure			
11/06/2008-22/09/2008	[HRC] Reminders sent		
16/12/2008	[HRC] Request for meeting		
03/03/2009	[SP] Follow-up report	Para. 7	Incomplete [B2]
		Para. 24	Incomplete [B2]
		Para. 25	Incomplete [B2]
29/05/2009	[HRC] Letter sent	Additional information requested on all paragraphs	
03/09/2009-10/05/2011	[HRC] Reminders sent		
25/06/2010	[HRC] Request for meeting		
28/09/2010-10/05/2011	[HRC] Reminders sent		
17/05/2011	[SP] Follow-up report (dated 29/09/2010)		
		Recommended action: The follow-up replies should be included in the analysis of the next periodic report	

Chile (fifth periodic report) CCPR/C/CHL/CO/5 paras. 9, 19

Status			
Due date for the follow-up report:	26/03/2008	Submitted	Procedure continues
Due date for the next periodic report:	01/04/2012	Not submitted	
LOIPR status	Not applicable		
History of the procedure			
11/06/2008-22/09/2008	[HRC] Reminders sent		
21/10/2008-31/10/2008	[SP] Follow-up report	Para. 9	Incomplete on certain issues [B2]
		Para. 19	Incomplete on certain issues [B2]
10/12/2008	[HRC] Additional information requested		
25/03/2009	[EXT] CCPR Centre – Centro de Derechos Humanos, Universidad Diego Portales; Observatorio de Derechos de los Pueblos Indígenas	Paras. 9, 19	
22/06/2009	[HRC] Request for meeting		Part incomplete, part unimplemented
28/07/2009	[MEET] Meeting		Additional information in preparation to be sent as soon as possible
11/12/2009-23/04/2010	[HRC] Reminders sent		
28/05/2010	[SP] Follow-up report	Para. 9	Incomplete on certain issues [B2]
		Para. 19	Incomplete on certain issues [B2]
16/12/2010	[HRC] Letter sent	Specifying additional information needed and which recommendations had not been adequately implemented	

31/01/2011	[SP] Letter requesting clarifications on the additional information requested			
20/04/2011	[HRC] Letter clarifying the additional information requested			
05/10/2011	[SP] Follow-up report	Para. 9	No information on the prohibition to exercise public functions for persons responsible for human rights violations	[D1] and [B1]
		Para. 19	Follow-up discontinued on the issue	[A]
		Recommended action: Letter reflecting the Committee's analysis		
Barbados (third periodic report) CCPR/C/BRB/CO/3 paras. 9, 12, 13				
Status				
Due date for the follow-up report:	29/03/2008	Submitted	Procedure discontinued: new report due	
Due date for the next periodic report:	29/03/2011	Not submitted		
LOIPR status	Not applicable			
History of the procedure				
11/06/2008-22/09/2008	[HRC] Reminders sent			
16/12/2008	[HRC] Request for meeting			
19/03/2009	[EXT] CCPR Centre – BONGO; GIEACPC; IGLHRC	Paras. 9, 12, 13		
31/03/2009	[SP] Meeting during ninety-fifth session. Partial reply received.	Para. 9	Part largely satisfactory, part not implemented	[B1]
		Para. 12	Not implemented	[C1]
		Para. 13	Incomplete and not implemented	[C1]
29/07/2009	[HRC] Letter sent	Additional information requested on all paragraphs		
23/04/2010-28/09/2010	[HRC] Reminders sent			
10/05/2011	[HRC] Letter sent	Inviting State party to include requested additional information in next periodic report		
		Recommended action: None		
Ninetieth session: July 2007				
Zambia (third periodic report) CCPR/C/ZMB/CO/3 paras. 10, 12, 13, 23				
Status				
Due date for the follow-up report:	20/07/2008	Submitted	Procedure discontinued: new report due	
Due date for the next periodic report:	20/07/2011	Not submitted		
LOIPR status	Not applicable			
History of the procedure				
Sept. 2008-May 2009	[HRC] Reminders sent (3)			
07/10/2009	[HRC] Request for meeting			
28/10/2009	[MEET] Meeting.		Reply in preparation to be sent as soon as possible	
09/12/2009	[SP] Follow-up report	Para. 10	No reply	[D1]
		Para. 12	Incomplete	[B2]
		Para. 13	Incomplete	[B2]
		Para. 23	Incomplete	[B2]
25/01/2010	[EXT] CCPR Centre – AWOMI; WILDAF; ZCEA	Paras. 10, 12, 13, 23		

26/04/2010	[HRC] Letter sent	Additional information requested on all paragraphs		
28/09/2010	[HRC] Reminder sent			
28/01/2011	[SP] Follow-up report	Para. 10	Implementation partially initiated (10a)	[B2]
		Para. 12	Further action required	[B2]
		Para. 13	Further action required	[B2]
		Para. 23	Implementation partially initiated (23b)	[B2]
20/04/2011	[HRC] Letter sent	Inviting State party to include requested additional information in next periodic report		
		Recommended action: None		
Sudan (third periodic report) CCPR/C/SDN/CO/3 paras. 9, 11, 17				
Status				
Due date for the follow-up report:		26/07/2008	Submitted	Procedure discontinued: new report due
Due date for the next periodic report:		26/07/2010	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
22/09/2008-19/12/2008	[HRC] Reminders sent			
22/06/2009-19/10/2009	[HRC] Requests for meeting			
19/10/2009	[SP] Follow-up report. Annexes have not been received.	Para. 9	Incomplete	[B2]
		Para. 11	Incomplete	[B2]
		Para. 17	Incomplete	[B2]
19/10/2009	[HRC] Note verbale requiring the annexes			
26/02/2010	[HRC] Letter sent	Inviting State party to include requested additional information in next periodic report		
		Recommended action: None		
Czech Republic (second periodic report) CCPR/C/CZE/CO/2 paras. 9, 14, 16				
Status				
Due date for the follow-up report:		25/07/2008	Submitted	Procedure discontinued: new report due
Due date for the next periodic report:		01/08/2011	Submitted	
LOIPR status		Not applicable		
History of the procedure				
June 2008	[EXT] CCPR Centre – Zvule Prava; Centre on Housing Rights and Evictions; European Roma Rights Centre; Peacework Development Fund	Para. 16		
11/06/2008	[HRC] Reminder sent			
18/08/2008	[SP] Follow-up report	Para. 9	Incomplete	[B2]
		Para. 14	Incomplete	[B2]
		Para. 16	Incomplete	[B2]
10/12/2008	[HRC] Additional information requested			
06/05/2009-06/10/2009	[HRC] Reminders sent			
Feb. 2010	[HRC] Request for meeting			
22/03/2010 01/07/2010	[SP] Follow-up report	Para. 9	Incomplete	[B2]
		Para. 14	Incomplete	[B2]
		Para. 16	Incomplete	[B2]

20/04/2011	[HRC] Letter sent	Considering information satisfactory on 9 (c), 14 (a), 14 (c), 16 (c), 16 (d), 16 (f). Incomplete on 9 (a), 9 (b), 16 (e). 14 (b) not implemented.		
25/11/2011	[HRC] Letter sent	Stating that the requested information should be included in the next periodic report		
		Recommended action: None		
Ninety-first session: October 2007				
Georgia (third periodic report) CCPR/C/GEO/CO/3 paras. 8, 9, 11				
Status				
Due date for the follow-up report:	26/10/2008	Submitted	Procedure discontinued: new report due	
Due date for the next periodic report:	01/11/2011	Not submitted		
LOIPR status	Not applicable			
History of the procedure				
16/12/2008	[HRC] Reminder sent			
13/01/2009	[SP] Follow-up report	Para. 8	Incomplete	[B2]
		Para. 9	Incomplete	[B2]
		Para. 11	Incomplete	[B2]
29/05/2009	[HRC] Additional information requested			
27/08/2009	[HRC] Reminder sent			
28/10/2009	[SP] Follow-up report	Para. 8	Incomplete	[B2]
		Para. 9	Incomplete	[B2]
		Para. 11	Incomplete	[B2]
28/09/2010	[HRC] Additional Information requested			
20/04/2011-02/08/2011	[HRC] Reminder sent			
24/11/2011	[HRC] Letter sent	Stating that the requested information should be included in the next periodic report		
		Recommended action: None		
Libya (fourth periodic report) CCPR/C/LBY/CO/4 paras. 10, 21, 23				
Status				
Due date for the follow-up report:	30/10/2008	Submitted	Procedure discontinued: new report due	
Due date for the next periodic report:	30/10/2010	Not submitted		
LOIPR status	Not applicable			
History of the procedure				
30/10/2008	[EXT] Alkarama for Human Rights	Paras. 21, 23		
16/12/2008-09/06/2009	[HRC] Reminders sent			
24/07/2009	[SP] Follow-up report	Para. 10	Part implemented, part incomplete	[B2]
		Para. 21	Part implemented, part incomplete	[B2]
		Para. 23	Part implemented, part incomplete	[B2]
23/04/2010	[HRC] Reminder sent and request for meeting			
28/09/2010	[HRC] Request for meeting			
12/10/2010	[MEET] Meeting during 100th session		Commitment to communicate the Committee's request to the Government	
18/11/2010	[SP] Confirmation letter of outcome of above meeting			

05/11/2010	[SP] Follow-up report (hard copy) received			
18/11/2010	[HRC] Request for follow-up report in Word format			
10/05/2011	[HRC] Reminder sent that periodic report was five months overdue			
		Recommended action: None		
Austria (fourth periodic report) CCPR/C/AUT/CO/4 paras. 11, 12, 16, 17				
Status				
Due date for the follow-up report:	30/10/2008	Submitted	Procedure discontinued: Answers	
Due date for the next periodic report:	30/10/2012	Not submitted	largely satisfactory	
LOIPR status	Not applicable			
History of the procedure				
15/10/2008	[SP] Follow-up report	Para. 11	Incomplete	[B2]
		Para. 12	Incomplete	[B2]
		Para. 16	Incomplete	[B2]
		Para. 17	Incomplete	[B2]
12/12/2008	[HRC] Additional information requested.			
29/05/2009	[HRC] Reminder sent			
28/10/2009	[SP] Follow-up report	Para. 11	Largely satisfactory	[A]
		Para. 12	Largely satisfactory	[A]
		Para. 16	Largely satisfactory	[A]
		Para. 17	Largely satisfactory	[A]
23/07/2009	[EXT] CCPR Centre – asylkoordination Österreich; Integrationshaus; SOS Mitmensch			
14/12/2009	[HRC] Letter sent	Stating follow-up procedure considered completed		
		Recommended action: None		
Algeria (third periodic report) CCPR/C/DZA/CO/3 paras. 11, 12, 15				
Status				
Due date for the follow-up report:	01/11/2008	Submitted	Procedure discontinued: new report due	
Due date for the next periodic report:	01/11/2011	Not submitted		
LOIPR status	Not applicable			
History of the procedure				
07/11/2007	[SP] Follow-up report	Para. 11	Partial	[B2]
		Para. 12	Partial	[B2]
		Para. 15	Partial	[B2]
30/10/2008	[EXT] Algeria-Watch	Paras. 11, 12		
05/11/2008	[EXT] Alkarama for Human Rights	Paras. 11, 12, 15		
16/12/2008	[HRC] Reminder sent			
14/01/2009	[SP] Letter	Repeating position of memorandum, requesting memo to be issued as annex to annual report		
12/10/2009				
25/06/2010	[HRC] Request for meeting			
27/07/2010	[SP] Communication that SP representatives were available for the 99th session			

28/07/2010	[HRC] Request for meeting			
11/10/2010	[MEET] Meeting during 100th session		Request transmitted to Government. No reply received.	
16/12/2010	[HRC] Invited SP to reply to concluding observations in next periodic report	Recommended action: None		
Ninety-second session: March 2008				
Tunisia (fifth periodic report) CCPR/C/TUN/CO/5 paras. 11, 14, 20, 21				
Status				
Due date for the follow-up report:	28/03/2009	Submitted	Procedure continues	
Due date for the next periodic report:	31/03/2012	Not submitted		
LOIPR status	Not applicable			
History of the procedure				
07/11/2007	[SP] Follow-up report	Para. 11	Cooperation but incomplete	[B2]
		Para. 14	Not implemented	[C1]
		Para. 20	Acknowledged but imprecise information	[B2]
		Para. 21	Acknowledged but imprecise information	[B2]
11/03/2009	[EXT] Alkarama for Human Rights	Paras. 11, 20		
23/07/2009	[EXT] CCPR Centre/FIDH – CNLT; LTDH	Paras. 11, 14, 20, 21		
30/07/2009	[HRC] Letter sent	Additional information requested. Some issues not to be considered in the follow-up process, but should be dealt with in the next periodic report.		
Aug. 2009	[EXT] OMCT	Paras. 11, 14, 20, 21		
02/03/2010	[SP] Follow-up report			
04/10/2010	[HRC] Letter noting issues on which Follow-up discontinued and specifying requested information			
20/04/2011	[HRC] Reminder sent informing that the next periodic report is due 31/03/2012			
20/09/2011	[SP] Letter	Asking to postpone the examination of Tunisia due to the January 2011 revolution.		
21/11/2011	[HRC] Letter sent	Acknowledging State party's request and informing that the next periodic report is now due on 31 March 2014. Follow-up reply remains pending and should be sent within a year.		
08/12/2011	[SP] Letter confirming that the State party's periodic report will be sent by 31/3/2014	Recommended action: None		
Botswana (initial report) CCPR/C/BWA/CO/1 paras. 12, 13, 14, 17				
Status				
Due date for the follow-up report:	28/03/2009	Submitted	Procedure continues	
Due date for the next periodic report:	31/03/2012	Not submitted		
LOIPR status	Not applicable			
History of the procedure				

08/09/2009-11/12/2009	[HRC] Reminder sent			
28/09/2010-19/04/2011	[HRC] Request for meeting			
06/07/2011	[SP] Positive response for meeting (via telephone)			
27/07/2011	[MEET] Meeting with ambassador		Information to be sent before the October session 2011	
05/10/2011	[SP] Follow-up report	Para. 12	Incomplete	[B2]
		Para. 13	Incomplete and not implemented	[B2] and [D1]
		Para. 14	Not implemented	[D1]
		Para. 17	Incomplete	[B2]
24/11/2011	[HRC] Letter sent	Requesting additional information in next periodic report on paras. 12, 13, 17, and stating that part of 13 and 14 have not been implemented.		
		Recommended action: None		
The former Yugoslav Republic of Macedonia (second periodic report) CCPR/C/MKD/CO/2 paras. 12, 14, 15				
Status				
Due date for the follow-up report:		03/04/2009	Submitted	Procedure continues
Due date for the next periodic report:		01/04/2012	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
23/07/2009	[EXT] CCPR Centre – Helsinki Committee	Paras. 12, 14, 15		
27/08/2009	[HRC] Reminder sent			
31/08/2009	[SP] Follow-up report	Para. 12	Incomplete	[B2]
		Para. 14	Part unimplemented, part no reply	[C1]
		Para. 15	Incomplete	[B2]
26/04/2010	[HRC] Letter sent	Requesting additional information on all paragraphs		
28/09/2011-20/04/2011	[HRC] Reminders sent			
04/06/2011	[SP] Follow-up report			
19/09/2011	[HRC] Letter sent	Requesting additional information (paras. 15 and 12) and on 14 in next periodic report and stating that no information was provided on part of para. 12.		
		Recommended action: None		
Panama (third periodic report) CCPR/C/PAN/CO/3 paras. 11, 14, 18				
Status				
Due date for the follow-up report:		03/04/2009	Not submitted	Procedure continues
Due date for the next periodic report:		01/03/2012	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
27/08/2009	[HRC] Reminder sent			
11/12/2009	[HRC] Reminder sent			
23/04/2010	[HRC] Reminder sent			
28/09/2010	[HRC] Request for meeting			
19/04/2011	[HRC] Request for meeting			
June-July 2011	[HRC] Four calls to the Permanent Mission but unable to confirm State party meeting			
19/10/2011	[HRC] Phone call to Permanent Mission	Recalling the request for a meeting. Said they will consult with the representative and reply to the request.		

26/10/2011	[MEET] Meeting		The ambassador, Mr. Navarro, indicated that the information will be provided by the Permanent Mission in the forthcoming weeks.	
Recommended action: Reminder				
Ninety-third session: July 2008				
France (fourth periodic report) CCPR/C/FRA/CO/4 paras. 12, 18, 20				
Status				
Due date for the follow-up report:		22/07/2009	Submitted	Procedure continues
Due date for the next periodic report:		31/07/2012	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
20/07/2009	[SP] Follow-up report	Para. 12	Largely satisfactory	[A]
		Para. 18	Part incomplete	[B2]
		Para. 20	Part incomplete	[B2]
11/01/2010	[HRC] Additional information requested			
09/07/2010	[SP] Follow-up report	Para. 12	Largely satisfactory	[A]
		Para. 18	Part incomplete	[B2]
		Para. 20	Part incomplete	[B2]
16/12/2010	[HRC] Letter sent	Specifying 12 as complete, additional information requested for certain issues on 18, 20		
17/01/2011	[SP] Clarifications requested by the State party on the request for additional information			
20/04/2011	[HRC] Letter sent specifying the additional information			
02/08/2011	[HRC] Reminder sent			
08/11/2011	[SP] Follow-up report	Para. 18	Incomplete.	[B2]
		Para. 20	Incomplete.	[B1]
Recommended action: Letter reflecting the Committee's analysis				
San Marino (second periodic report) CCPR/C/SMR/CO/2 paras. 6, 7				
Status				
Due date for the follow-up report:		22/07/2009	Submitted	Procedure discontinued: answers largely satisfactory
Due date for the next periodic report:		31/07/2013	Not submitted	
LOIPR status		Accepted: adopted October 2011		
History of the procedure				
31/07/2009	[SP] Follow-up report	Para. 6	Largely satisfactory	[A]
		Para. 7	Largely satisfactory	[A]
09/05/2011	[HRC] Letter sent	Stating that replies are sufficient to consider the follow-up procedure completed		
Recommended action: None				
Ireland (third periodic report) CCPR/C/IRL/CO/3 paras. 11, 15, 22				
Status				
Due date for the follow-up report:		23/07/2009	Submitted	Procedure continues
Due date for the next periodic report:		31/07/2012	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
31/07/2009	[SP] Follow-up report	Para. 11	Incomplete	[B2]

		Para. 15	Incomplete and not implemented	[B2]
		Para. 22	Incomplete	[B2]
Aug. 2009	[EXT] FLAC; ICCL; IPRT	Paras. 11, 15, 22		
04/01/2010	[HRC] Request additional information on 11. Follow-up procedure on 15, 22 considered completed			
21/12/2010	[SP] Follow-up report	Para. 11	Incomplete	[B2]
25/04/2011	[HRC] Letter sent requesting additional information on parts of 11.			
02/08/2011-17/11/2011	[HRC] Reminders sent			
31/01/2012	[SP] Reply	Para. 11	Satisfactory.	[A]
Recommended action: Letter reflecting the Committee's analysis				
United Kingdom of Great Britain and Northern Ireland (sixth periodic report) CCPR/C/GBR/CO/6 paras. 9, 12, 14, 15				
Status				
Due date for the follow-up report:		22/07/2009	Submitted	Procedure continues
Due date for the next periodic report:		31/07/2012	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
Aug. 2009	[EXT] British Irish Rights Watch	Paras. 3-4, 6-11, 13-18, 24-39		
07/08/2009	[SP] Follow-up report	Para. 9	Incomplete	[B2]
		Para. 12	Parts not replied to	[B2]
		Para. 14	Part implemented, but incomplete	[B2]
		Para. 15	Part incomplete	[B2]
24/08/2009	[EXT] Northern Ireland Human Rights Commission	Para. 9		
26/04/2010	[HRC] Request for additional information on 9, 14, 15			
28/09/2010	[HRC] Reminder combined with request for additional information on 12			
10/11/2010	[SP] Follow-up report	Paras. 9, 12	Largely satisfactory	[A]
		Paras. 14, 15	Incomplete, additional information required	[B2]
20/04/2011	[HRC] Request for additional information on 14, 15			
02/08/2011	[HRC] Reminder sent			
19/10/2011	[SP] Follow-up report	Para. 14	Incomplete.	[B1]
		Para. 15	Incomplete.	[B1]
Recommended action: Letter reflecting the Committee's analysis				
Ninety-fourth session: October 2008				
Nicaragua (third periodic report) CCPR/C/NIC/CO/3 paras. 12, 13, 17, 19				
Status				

Due date for the follow-up report:	29/10/2009	Submitted	Procedure continues
Due date for the next periodic report:	29/10/2012	Not submitted	
LOIPR status	Not applicable		
History of the procedure			
23/04/2010-08/10/2010	[HRC] Reminders sent		
20/04/2011	[HRC] Request for meeting		
04/05/2011	[SP] Positive response for meeting (via telephone). Meeting set to 18/07/2011, but no representative showed up.		
02/08/2011	[HRC] Reminder sent expressing regret that no representative showed up and requesting new meeting.		
11/10/2011	[SP] Follow-up report and note verbale explaining and apologizing for their absence at the July meeting.		
10/02/2012	[EXT] CENIDH, OMCT, la Red de Centros, la Red de Mujeres contra la violencia, CODENI		
	Para. 12 (d), (e)	Incomplete.	[B1]
	Para. 12 (a) (b), (c)	No information provided	[D1]
	Para. 13		[B1] [C1] [D1]
	Para. 17	Reply does not provide the information requested	[C2]
	Para. 19	Incomplete	[B2]
	Recommended action: Letter reflecting the Committee's analysis		
Monaco (second periodic report) CCPR/CMCO/CO/2 para. 9			
Status			
Due date for the follow-up report:	28/10/2009	Submitted	Procedure discontinued: answers
Due date for the next periodic report:	28/10/2013	Not submitted	largely satisfactory
LOIPR status	Accepted: adopted October 2011		
History of the procedure			
26/03/2010	[SP] Follow-up report	Para. 9	Largely satisfactory [A]
08/10/2010	[HRC] Letter sent	Stating follow-up process completed and inviting State party to keep Committee informed on developments of specific forms of violence and training of judges and officials.	
	Recommended action: None		
Denmark (fifth periodic report) CCPR/C/DNK/CO/5 paras. 8, 11			
Status			
Due date for the follow-up report:	28/10/2009	Submitted	Procedure discontinued: answers
Due date for the next periodic report:	31/10/2013	Not submitted	largely satisfactory
LOIPR status	Accepted: adopted October 2011		
History of the procedure			
04/11/2009	[SP] Follow-up report	Para. 8	Incomplete [B2]
		Para. 11	Largely satisfactory [A]

28/01/2010	[EXT] CCPR Centre – The Danish Institute for Human Rights	Para. 11		
26/04/2010	[HRC] Letter sent	Stating follow-up procedure complete for 11, request additional information on 8.		
28/09/2010-20/04/2011	[HRC] Reminders sent			
05/08/2011	[SP] Follow-up report	Para. 8	Largely satisfactory	[A]
22/11/2011	[HRC] Letter sent.	Informing that the follow-up procedure has come to an end and taking note of the State party acceptance of the LOIPR procedure.		
		Recommended action: None		
Japan (fifth periodic report) CCPR/C/JPN/CO/5 paras. 17, 18, 19, 21				
Status				
Due date for the follow-up report:		29/10/2009	Submitted	Procedure discontinued: new report due
Due date for the next periodic report:		29/10/2011	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
01/12/2009	[EXT] JWCHR; JLAF; KYUENKAI; League Demanding State Compensation for the Victims of the Public Order Maintenance Law	Paras. 19, 21		
21/12/2009	[SP] Follow-up report	Para. 17	Part unimplemented, part incomplete	[B2]
		Para. 18	Incomplete	[B2]
		Para. 19	Part implemented	[B2]
		Para. 21	Part unimplemented, part satisfactory	[B1]
22/01/2010	[EXT] Japan Federation of Bar Associations	Paras.17, 18, 19, 21		
28/09/2010	[HRC] Letter sent	Additional information necessary on 17,18,19, and specifying parts unimplemented in 17,19,21		
28/11/2011	[HRC] Letter sent	Stating that follow-up procedure has come to an end, and that the requested follow-up information should be included in the next periodic report due since 29/10/2011		
		Recommended action: None		
Spain (fifth periodic report) CCPR/C/ESP/CO/5 paras. 13, 15, 16				
Status				
Due date for the follow-up report:		30/10/2009	Submitted	Procedure continues
Due date for the next periodic report:		01/11/2012	Not submitted	
LOIPR status		Not applicable		
History of the procedure				
04/02/2010	[EXT] CCPR Centre – BEHATOKIA	Paras. 11, 13, 14, 15, 19		
23/04/2010	[HRC] Reminder sent			
16/06/2010	[SP] Follow-up report	Para. 13	Implementation not completed	[B2]
		Para. 15	Implementation not completed	[B2]
		Para. 16	Implementation not completed	[B2]
25/04/2011	[HRC] Letter sent	Noting the initial implementation of para. 16 and requesting additional information on paras. 13, 15.		
29/06/2011	[SP] Reply with additional information on paras. 13, 15, 16			

22/09/2011	[HRC] Letter sent.	Requesting updated information to be included in next periodic report on progress realized on para. 16, and additional information on 13; and stating that para. 15 has not been implemented.		
24/10/2011	[SP] Follow-up report			
		Para. 13	Incomplete	[B2]
		Para. 15	No information provided	[D1]
		Para. 16	Updated information should be provided in the next periodic report	[B1]
		Recommended action: Letter reflecting the Committee's analysis		
Ninety-fifth session: March 2009				
Australia (fifth periodic report) CCPR/C/AUS/CO/5 paras. 11, 14, 17, 23				
Status				
Due date for the follow-up report:	02/04/2010	Submitted	Procedure continues	
Due date for the next periodic report:	01/04/2013	Not submitted		
LOIPR status	Accepted			
History of the procedure				
20/11/2009	[EXT] Human Rights Law Resources Centre Ltd	Paras. 9-15, 17-21, 23, 25, 27		
28/09/2010	[HRC] Reminder sent			
17/12/2010	[SP] Follow-up report	Para. 11	Implementation begun but not completed	[B2]
		Para. 14	Implementation begun but not completed	[B2]
		Para. 17	Implementation begun but not completed	[B2]
		Para. 23	Implementation begun but not completed	[A]
19/10/2011	[HRC] Letter sent requesting additional information on the implementation of 11, 14, 17			
03/02/2012	[SP] Follow-up reply			
		Para. 11	Not implemented	[C1]
		Para. 14	Incomplete	[B1]
		Para. 17	Incomplete	[B1]
		Recommended action: Letter reflecting the Committee's analysis		
Rwanda (third periodic report) CCPR/C/RWA/CO/3 paras. 12, 13, 14, 17				
Status				
Due date for the follow-up report:	02/04/2010	Submitted	Procedure continues	
Due date for the next periodic report:	01/04/2013	Not submitted		
LOIPR status	Undecided			
History of the procedure				
28/09/2010	[HRC] Reminder sent			
21/12/2010	[SP] Follow-up report			
25/04/2011	[HRC] Letter sent	Requesting additional information on 12, 13, 14, 17		
19/10/2011	[HRC] English translation of letter previously sent in French (after request from State party)			
		Recommended action: Reminder		
Sweden (sixth periodic report) CCPR/C/SWE/CO/6 paras. 10, 13, 16, 17				
Status				
Due date for the follow-up report:	02/04/2010	Submitted	Procedure discontinued	
Due date for the next periodic report:	01/04/2014	Not submitted		

LOIPR status		Undecided		
History of the procedure				
18/03/2010	[SP] Follow-up report	Para. 10	Largely satisfactory	[A]
		Para. 13	Largely satisfactory	[A]
		Para. 16	Incomplete	[B2]
		Para. 17	Part implemented, part without response	[B2]
28/09/2010	[HRC] Letter sent	Stating that follow-up procedure is completed for 10, 13, requesting additional information for 13 and 17, highlighting that 17 is not implemented.		
24/10/2010	[EXT] CCPR Centre – Swedish Disability Federation			
20/04/2011	[HRC] Reminder sent			
05/08/2011	[SP] Follow-up report	Para. 17	Largely satisfactory	[A]
27/11/2011	[HRC] Letter sent	Stating that the answers provided are largely satisfactory and the follow-up procedure has come to an end		
Recommended action: None				
Ninety-sixth session: July 2009				
United Republic of Tanzania (third periodic report) CCPR/C/RWA/CO/3 paras. 12, 13, 14, 17				
Status				
Due date for the follow-up report:		28/07/2010	Not submitted	Procedure continues
Due date for the next periodic report:		01/08/2013	Not submitted	
LOIPR status		Undecided		
History of the procedure				
16/12/2010-20/04/2011	[HRC] Reminders sent			
02/08/2011	[HRC] Request for meeting			
19/10/2011	[HRC] Phone call to Permanent Mission	Asking for reply to the request for a meeting. Said they would consult with the Representative, but that the person in charge of human rights issues is away until the end of November.		
17/11/2011	[HRC] Reminder sent			
21/02/2012	[HRC] Phone call to Permanent Mission	Checking on option for meeting. All correspondence sent back to the Permanent Mission at its request. No reply.		
Recommended action: Reminder				
The Netherlands (fourth periodic report) CCPR/C/NLD/CO/4 paras. 7, 9, 23				
Status				
Due date for the follow-up report:		28/07/2010	Submitted	Procedure continues
Due date for the next periodic report:		01/07/2014	Not submitted	
LOIPR status		Undecided		
History of the procedure				
16/12/2010-20/04/2011	[HRC] Reminders sent			
20/07/2011	[SP] Phone call from the Permanent Mission		Reply should be sent before October 2011 session	
16/09/2011	[SP] Follow-up report	Para. 7	Not implemented	[C1]
		Para. 9	Partially satisfactory	[B2]
		Para. 23	Partially satisfactory	[B2]
21/11/2011	[HRC] Letter sent.	Requesting additional information on para. 9 and part of para. 23; updated information on part of para. 23; and stating that para. 7 has not been implemented		

		Recommended action: Reminder		
Chad (initial report) CCPR/C/TCD/CO/1 paras. 12, 13, 14, 17				
Status				
Due date for the follow-up report:	29/07/2010	Not submitted	Procedure continues	
Due date for the next periodic report:	31/07/2012	Not submitted		
LOIPR status	Not applicable			
History of the procedure				
16/12/2010-20/04/2010	[HRC] Reminders sent			
02/08/2011	[HRC] Request for meeting			
19/10/2011	[HRC] Phone call to the Permanent Mission	Recalling the request for a meeting. Said they will consult with the Representative and reply to the request.		
27/10/2011	[MEET] Meeting with State party	The First Secretary, Mr. Awada, stated that he would insist on getting the reply from Chad as soon as possible.		
25/01/2012	[SP] Follow-up report			
		Para. 10	Incomplete and not implemented	[B2] – [D1]
		Para. 13	Incomplete and not implemented	[B2] – [D1]
		Para. 20	No information provided	[D1]
		Para. 32	Incomplete	[B2]
		Recommended action: Letter reflecting the Committee's analysis		
Azerbaijan (third periodic report) CCPR/C/AZE/CO/3 paras. 9, 11, 15, 18				
Status				
Due date for the follow-up report:	30/07/2010	Submitted	Procedure continues	
Due date for the next periodic report:	01/08/2013	Not submitted		
LOIPR status	Refused			
History of the procedure				
06/07/2010	[SP] Follow-up report (sent to translation and received in June 2011)	Para. 9	Additional information necessary	[B2]
		Para. 11	Additional information necessary	[B2]
		Para. 15	Additional information necessary	[B2]
		Para. 18	Additional information necessary	[B2]
30/10/2011	[HRC] Letter sent	Requesting additional information on all paragraphs.		
		Recommended action: Reminder		
Ninety-seventh session: October 2009				
Switzerland (third periodic report) CCPR/C/CHE/CO/3 paras. 10, 14, 18				
Status				
Due date for the follow-up report:	27/10/2010	Submitted	Procedure discontinued: replies largely satisfactory	
Due date for the next periodic report:	01/01/2015	Not submitted		
LOIPR status	Undecided			
History of the procedure				
01/11/2010	[SP] Follow-up report			
22/02/2011	[EXT] Humanrights.ch/MERS; Schweizerische Flüchtlingshilfe	Paras. 10, 14, 18		
25/04/2011	[HRC] Letter sent.	Stating that 18 and parts of 14 are satisfactory. Requesting additional information on 10, 14.		
30/08/2011	[HRC] Letter sent	Stating that the reply was not satisfactory. Request for additional information (paras. 14, 10)		
20/09/2011	[SP] Follow-up report	Para. 10	Largely satisfactory	[A]
		Para. 14	Largely satisfactory	[A]

27/11/2011	[HRC] Letter sent	Informing that the follow-up procedure has come to an end, and recalling that the next periodic report is due on 1/1/2015.		
		Recommended action: None		
Republic of Moldova (second periodic report) CCPR/C/MDA/CO/2 paras. 8, 9, 16, 18				
Status				
Due date for the follow-up report:	29/10/2010	Submitted	Procedure continues	
Due date for the next periodic report:	31/10/2013	Not submitted		
LOIPR status	Accepted: adopted October 2011			
History of the procedure				
03/12/2010	[SP] Follow-up report	Para. 8	Implementation begun but not completed	[B2]
		Para. 9	Implementation begun but not completed	[B2]
		Para. 16	Implementation begun but not completed	[B2]
		Para. 18	Implementation begun but not completed	[B2]
05/03/2011	[EXT] Legal Resources Center (LCR), La Strada, Doina Ioana Straistenau Human Rights Lawyer, Promo Lex			
06/06/2011	[EXT] UNCT			
19/09/2011	[HRC] Letter sent	Requesting additional information on paras. 9 (a), 9 (b), 16, 18 (b) and stating that no information was provided on paras. 8 (b) and 18 (recommendation not implemented)		
		Recommended action: Reminder		
Croatia (second periodic report) CCPR/C/HRV/CO/2 paras. 5, 10, 17				
Status				
Due date for the follow-up report:	28/10/2010	Submitted	Procedure continues	
Due date for the next periodic report:	30/10/2013	Not submitted		
LOIPR status	Accepted			
History of the procedure				
17/01/2011	[SP] Follow-up report	Para. 5	Part satisfactory, part incomplete	[B2]
		Para. 10	Incomplete	[B2]
		Para. 17	Incomplete	[B2]
09/05/2011	[HRC] Letter sent	Stating that implementation had begun but not completed. Additional information requested on 5, 10. Initial information requested on 17.		
14/06/2011	[SP] Follow-up report	Para. 5	Incomplete	
		Para. 10	10 (c) largely satisfactory, 10 (a) and (b) incomplete	[A]/[B2]
		Para. 17	Not implemented	[C1]
21/11/2011	[HRC] Letter sent	Informing that the reply was largely satisfactory for 10 (c), that 17 has not been implemented, and requesting additional information on 5, 10 (a), 10 (b).		
		Recommended action: Reminder		
Russian Federation (sixth periodic report) CCPR/C/RUS/CO/6 and Corr.1 paras. 13, 14, 16, 17				
Status				
Due date for the follow-up report:	28/10/2010	Submitted	Procedure continues	
Due date for the next periodic report:	01/11/2012	Not submitted		
LOIPR status	Not applicable			
History of the procedure				
22/10/2010	[SP] Follow-up report	Para. 13	Not implemented	[C1]
		Para. 14	Not implemented	[C1]
		Para. 16	Not implemented	[C1]
		Para. 17	Not implemented	[C1]

01/03/2011	[EXT] CCPR Centre – Memorial; AGORA; International Youth Human Rights Movement; Civil Assistance	Paras. 14, 16, 17		
Feb. 2011	[EXT] Amnesty International	Paras. 13, 14, 16		
19/10/2011	[HRC] Letter sent	Requesting additional information on paras. 13, 14, 16.		
		Recommended action: Reminder		
Ecuador (fifth and sixth periodic reports) CCPR/C/ECU/CO/5 paras. 9, 13, 19				
Status				
Due date for the follow-up report:	29/10/2010	Submitted	Procedure continues	
Due date for the next periodic report:	30/10/2013	Not submitted		
LOIPR status	Undecided			
History of the procedure				
10/05/2011	[HRC] Reminder sent			
31/05/2011	[SP] Follow-up report	Para. 9	Incomplete	[B2]
		Para. 13	Incomplete	[B2]
		Para. 19	Incomplete	[B2]
20/09/2011	[EXT] CCPR – Comisión Ecuánica de Derechos Humanos	Paras. 9, 13, 19		
22/11/2011	[HRC] Letter sent	Requesting additional information on paras. 9, 19 and 13		
		Recommended action: Reminder		
Ninety-eighth session: March 2010				
New Zealand (fifth report) CCPR/C/NZL/CO/5 paras. 12, 14, 19				
Status				
Due date for the follow-up report:	25/03/2010	Submitted	Procedure continues	
Due date for the next periodic report:	30/03/2015	Not submitted		
LOIPR status	Accepted			
History of the procedure				
19/04/2011	[SP] Follow-up report			
02/08/2011	[HRC] Reminder sent			
11/04/2011	[SP] Follow-up report (not received until August 2011)	Para. 12	Incomplete	[B2]
		Para. 14	Incomplete	[B2]
		Para. 19	Incomplete	[B2]
20/10/2011	[EXT] AIR Trust	Paras. 12, 14, 19	(19 erroneously labelled as 16)	
03/01/2012	[HRC] Letter sent	Requesting additional information on paras. 12, 14 and 19.		
12/02/2012	[SP] Reply	Recommended action: Analyse reply at next session		
Mexico (fifth periodic report) CCPR/C/MEX/CO/5 paras. 8, 9, 15, 20				
Status				
Due date for the follow-up report:	23/03/2011	Submitted	Procedure continues	
Due date for the next periodic report:	30/03/2014	Not submitted		
LOIPR status	Undecided			
History of the procedure				
21/03/2011	[SP] Follow-up report	Para. 8	Largely satisfactory	[A]
		Para. 9	Largely satisfactory	[A]
		Para. 15	Incomplete	[B2]

		Para. 20	Incomplete	[B2]
22/09/2011	[HRC] Letter sent	Requesting additional information on 15, 20. Updated information requested in next periodic report on 8, 9.		
		Recommended Action: Reminder		
Argentina (fourth periodic report) CCPR/C/ARG/CO/4 paras. 17, 18, 25				
Status				
Due date for the follow-up report:	23/03/2011	Submitted	Procedure continues	
Due date for the next periodic report:	30/03/2014	Not submitted		
LOIPR status	Undecided			
History of the procedure				
24/05/2011	[SP] Follow-up report	Para. 17	Incomplete	[B2]
		Para. 18	Incomplete	[B2]
		Para. 25	Incomplete	[B2]
29/06/2011	[EXT] Comisión por la Memoria de la Provincia de Buenos Aires	Paras. 17, 18		
30/06/2011	[EXT] CELS	Paras. 17, 18, 25		
18/07/2011	[EXT] Ministry of Justice and Human Rights, Mendoza Province			
22/09/2011	[HRC] Letter sent	Requesting additional information on paras. 17, 18, 25		
		Recommended action: Reminder		
Uzbekistan (third periodic report) CCPR/C/UZB/CO/3 paras. 8, 11, 14, 24				
Status				
Due date for the follow-up report:	24/03/2011	Not submitted	Procedure continues	
Due date for the next periodic report:	30/03/2013	Not submitted		
LOIPR status	Refused			
History of the procedure				
02/08/2011 - 17/9/2011	[HRC] Reminders sent			
01/02/2012	[SP] Reply. Sent to translation	Recommended action: Analyse reply at the next session		
Ninety-ninth session: July 2010				
Cameroon (fourth report) CCPR/C/CMR/CO/4 paras. 8, 17, 18				
Status				
Due date for the follow-up report:	29/07/2011	Not submitted	Procedure discontinued. No State party reply received. LOIPR upcoming.	
Due date for the next periodic report:	30/07/2013	Not submitted		
LOIPR status	Accepted: adopted October 2011			
History of the procedure				
28/11/2011	[HRC] Letter sent		Informing that, in the absence of a reply to follow-up questions, the Committee will maintain them in the LOIPR.	[D1]
		Recommended action: Letter reflecting Committee's analysis		
Colombia (sixth periodic report) CCPR/C/COL/CO/6 paras. 9, 14, 16				
Status				
Due date for the follow-up report:	28/07/2011	Submitted	Procedure continues	
Due date for the next periodic report:	01/04/2014	Not submitted		
LOIPR status	Undecided			
History of the procedure				

08/08/2011	[SP] Follow-up report			
18/09/2011	[MEET] Meeting of the secretariat with the Comisión Colombiana de Juristas			
22/09/2011	[EXT] Comisión Colombiana de Juristas	Paras. 9, 14, 16		
		Para. 9	Not implemented	[C1]
		Para. 14	Incomplete and part not implemented	[B2] and [D1]
		Para. 16	Incomplete	[B2]
		Recommended action: Letter reflecting Committee's analysis		
Estonia (third periodic report) CCPR/C/EST/CO/3 paras. 5, 6				
Status				
Due date for the follow-up report:	27/07/2011	Submitted	Procedure continues	
Due date for the next periodic report:	30/07/2015	Not submitted		
LOIPR status	Undecided			
History of the procedure				
12/08/2011	[SP] Follow-up report	Para. 5	Incomplete	[B2]
		Para. 6	Incomplete	[B2]
05/10/2011	[EXT] Legal Information Centre for Human Rights	Paras. 5, 6		
29/11/2011	[HRC] Letter sent	Requesting additional information on paras. 5 and 6		
20/01/2012	[SP] Follow-up reply	Para. 5	Incomplete	[B2]
		Para. 6	Incomplete	[B2]
		Recommended action: Letter reflecting the Committee's analysis		
Israel (third periodic report) CCPR/C/ISR/CO/3 paras. 8, 11, 22, 24				
Status				
Due date for the follow-up report:	29/07/2011	Submitted	Procedure continues	
Due date for the next periodic report:	30/07/2013	Not submitted		
LOIPR status	Accepted			
History of the procedure				
01/08/2011	[EXT] Defence for Children International	Para. 22		
26/08/2011	[EXT] BADIL	Paras. 8, 24		
30/08/2011	[EXT] CCPR Centre – Negev Coexistence Forum for Civil Equality	Para. 24		
31/08/2011	[EXT] CCPR Centre – Adalah	Paras. 8, 11, 22, 24		
31/10/2011	[SP] Follow-up report			
		Recommended action: Analyse reply and NGO information at the next session		
100th session: October 2010				
El Salvador (sixth periodic report) CCPR/C/SLV/CO/6 paras. 5, 10, 14, 15				
Status				
Due date for the follow-up report:	27/10/2011	Not submitted	Procedure continues	
Due date for the next periodic report:	01/07/2014	Not submitted		
LOIPR status	Undecided			
History of the procedure				
		Recommended action: reminder		

Poland (sixth periodic report) CCPR/C/POL/CO/6 paras. 10, 12, 18			
Status			
Due date for the follow-up report:	26/10/2011	Not submitted	Procedure continues
Due date for the next periodic report:	26/10/2015	Not submitted	
LOIPR status	Undecided		
History of the procedure			
03/04/2012	[SP] Follow-up report		
Recommended action: Analyse reply at the next session			
Belgium (fifth periodic report) CCPR/C/BEL/CO/5 paras. 14, 17, 21			
Status			
Due date for the follow-up report:	26/10/2011	Submitted	Procedure continues
Due date for the next periodic report:	31/10/2015	Not submitted	
LOIPR status	Undecided		
History of the procedure			
18/11/2011	[SP] Follow-up report	Para. 14	Incomplete. Satisfactory on the outcome of investigation on complaints following the 29 September and 1 October 2010 manifestations.
		Para. 17	Incomplete.
		Para. 21	Incomplete.
Recommended action: Letter reflecting the Committee's analysis			
Jordan (fourth periodic report) CCPR/C/JOR/CO/4 paras. 5, 11, 12			
Status			
Due date for the follow-up report:	27/10/2011	Not submitted	Procedure continues
Due date for the next periodic report:	27/10/2014	Not submitted	
LOIPR status	Undecided		
History of the procedure			
28/02/2011	NGO report: Amman Centre for Human Rights Studies		
Recommended action: Reminder			
Hungary (fifth periodic report) CCPR/C/HUN/CO/5 paras. 6, 15, 18			
Status			
Due date for the follow-up report:	27/10/2011	Not submitted	Procedure continues
Due date for the next periodic report:	29/10/2014	Not submitted	
LOIPR status	Undecided		
History of the procedure			
Recommended action: Reminder			
101st session: March 2011			
Serbia (second periodic report) CCPR/C/SRB/CO/2 paras. 12, 17, 22			
Status			
Due date for the follow-up report:	29/03/2012	Not submitted	Procedure continues
Due date for the next periodic report:	01/04/2015	Not submitted	
LOIPR status	Undecided		
History of the procedure			
Recommended action: N/A			
Slovakia (third periodic report) CCPR/C/SVK/CO/3 paras. 7, 8, 13			

Status			
Due date for the follow-up report:	28/03/2012	Submitted	Procedure continues
Due date for the next periodic report:	01/04/2015	Not submitted	
LOIPR status	Undecided		
History of the procedure			
28/03/2012	[SP]	Follow-up report	
Recommended action: Analyse reply at the next session			
Mongolia (fifth periodic report) CCPR/C/MNG/CO/5 paras. 5, 12, 17			
Status			
Due date for the follow-up report:	30/03/2012	Not submitted	Procedure continues
Due date for the next periodic report:	01/04/2015	Not submitted	
LOIPR status	Undecided		
History of the procedure			
Recommended action: N/A			
Seychelles (in the absence of a report)			
Togo (fourth periodic report) CCPR/C/TGO/CO/4 paras. 10, 15, 16			
Status			
Due date for the follow-up report:	28/03/2012	Not submitted	Procedure continues
Due date for the next periodic report:	01/04/2015	Not submitted	
LOIPR status	Undecided		
History of the procedure			
06/03/2012	[EXT]	Common report of NGO coalition	Para. 10
			B2 / C
			Para. 15
			B2 / C
			Para. 16
			B2 / C
17/04/2012	[SP]	Follow-up report	
Recommended action: Analyse reply at the next session			
102nd session: July 2011			
Ethiopia (initial report) CCPR/C/ETH/CO/1 paras. 16, 17, 25			
Status			
Due date for the follow-up report:	25/07/2012	Not submitted	Procedure continues
Due date for the next periodic report:	28/07/2014	Not submitted	
LOIPR status	Undecided		
History of the procedure			
Recommended action: N/A			
Kazakhstan (initial report) CCPR/C/KAZ/CO/1 paras. 7, 21, 25, 26			
Status			
Due date for the follow-up report:	26/07/2012	Not submitted	Procedure continues
Due date for the next periodic report:	29/07/2014	Not submitted	
LOIPR status	Undecided		
History of the procedure			
Recommended action:			
Bulgaria (third periodic report) CCPR/C/BGR/CO/3 paras. 8, 11, 21			
Status			

Due date for the follow-up report:	25/07/2012	Not submitted	Procedure continues
Due date for the next periodic report:	29/07/2015	Not submitted	
LOIPR status	Undecided		
History of the procedure			
	Recommended action:		

Annex VI

Decision of the Human Rights Committee to request approval from the General Assembly for additional temporary resources in 2013 and 2014

1. At its 104th session, on 30 March 2012, the Committee adopted the following decision:

(a) To request approval from the General Assembly, provided that additional resources could not be obtained through a reallocation by the Secretary General or the Office of the High Commissioner for Human Rights, for additional temporary resources in order to deal with communications under the Optional Protocol to the International Covenant on Civil and Political Rights;

(b) The additional resources would allow the Secretariat to do preparatory work regarding 140 individual communications in 2013 and 2014, currently ready for a decision by the Committee.

2. Pursuant to rule 27 of the Committee's rules of procedure, the programme budget implications arising from the Committee's decision, as provided by the Programme Planning and Budget Division of the United Nations Secretariat, were circulated among the members of the Committee on 29 March 2012. Therefore, the Committee requests the General Assembly, at its sixty-seventh session, to approve the present request and provide appropriate financial support to prepare for the Committee's resolution of its current backlog of communications.

3. The present request is limited to the preparatory work on the current backlog of communications during the period 2013–2014 and is without prejudice to further requests for additional resources that the Committee might address to the General Assembly in the future to deal with long-term structural problems.

Annex VII

Programme budget implications of the Committee's decision

Request for dealing with a backlog of communications under the Optional Protocol to the International Covenant on Civil and Political Rights

Programme budget implications of draft decision I submitted in accordance with rule 27 of the rules of procedure of the Human Rights Committee

I. Requests contained in the draft decision

1. By its draft decision I, the Human Rights Committee would request the General Assembly to approve the provision of additional temporary resources in order to consider in a timely manner communications under the Optional Protocol to the International Covenant on Civil and Political Rights (OP-ICCPR) and to eliminate the current backlog of cases pending before the Committee.

II. Relationship of the proposed decision to the strategic framework for the period 2012–2013 and the programme of work contained in the programme budget for the biennium 2012–2013

2. The activities to be carried out relate to Programme 1, General Assembly and Economic and Social Council affairs and conference management, Part B, Conference Services, Geneva, and subprogramme 2, Supporting human rights treaty bodies, of programme 19, Human Rights. They also fall under section 2, General Assembly and Economic and Social Council affairs and conference management; section 24, Human Rights, of the programme budget for the biennium 2012–2013.

3. Provisions have been made in the programme budget for the biennium 2012–2013 for travel and per diem costs of the 18 members of the Committee on the Human Rights Committee to attend its three annual regular sessions of 15 working days each and, for each session, a five-day pre-session working group meeting, as well as for substantive, conference and support services to the Committee and the pre-session working group.

III. Activities by which the requests would be implemented

4. Provision of additional resources called for in the draft decision, referred to in paragraph 1 above, would allow the Committee to consider a greater number of communications and backlog cases. At present, approximately 360 cases registered under the OP-ICCPR are pending consideration by the Committee. The files of 140 of those cases have been completed and ready for consideration. With the present secretariat support the Committee considers approximately 80 cases per year, spread over three sessions. An average of 80 new cases is also registered each year for consideration by the Committee. As a result, the Committee's backlog in cases under the OP-ICCPR is not diminishing. Average time between the registration of a case and its consideration by the Committee amounts to three and a half years.

5. In order to abolish the backlog of cases, the Committee requests the General Assembly to provide it with additional resources in 2013 and 2014 in order for the Committee to decide on the 140 cases which are currently ready for consideration. The Committee does not request additional meeting time to consider the communications since it intends to deal with the additional communications within the framework of its existing meeting time (three sessions of three weeks per year plus three pre-session one week working groups per year).

6. Should the General Assembly approve the Committee's request, additional general temporary assistance resources would be required to provide annually for three P-3 positions for 12 months each and a General Service (Other Level) position for 6 months for the years 2013 and 2014. Based on experience, on average, one professional staff member would need two weeks (10 working days) to prepare a draft decision/view for the Committee. This entails review of incoming correspondence related to the case; legal analysis of submissions; drafting of recommendations to the Committee, taking into account the case law of the Committee as well as of other international and regional bodies; assistance to the Committee's case rapporteur; finalisation of the final text of the decision/view; and follow-up as required. The preparation of 140 decisions/views in order to match the 140 cases in the backlog would thus require 280 weeks of work by professional staff, resulting in 3 P-3 positions for 2 years. 6 months of a General Service position is required annually in order to process the documents and send them for translation.

7. The additional documentation would be also required over the two-year period, comprising a total of an estimated 2,100 additional pages of pre-session, 2,100 pages in-session and 2,100 pages of post-session documentation in the working languages, respectively official languages of the Committee, spread out over the 6 sessions during 2013 and 2014.

8. The additional requirements referred to above relate to section 2, General Assembly and Economic and Social Council affairs and conference management; section 24, Human rights, of the programme budget for the biennium 2012-2013 and the proposed programme budget for the biennium 2014-2015.

IV. Estimated resource requirements

A. Conference-servicing requirements

9. It is estimated that additional conference-servicing requirements of \$3,762,400 per year would arise under section 2, General Assembly and Economic and Social Council affairs and conference management. The table below provides the details of these requirements. The amount of \$3,762,400 to provide for the 2014 requirements would be included in the proposed programme budget for the biennium 2013-2014.

	2013	2014	Total
I. Pre-session documentation	969 100	969 100	1 938 200
II. In-session documentation	969 100	969 100	1 938 200
III. Post-session documentation	1 824 000	1 824 000	3 648 000
IV. Other conference services	200	200	400
Total (annual)	3 762 400	3 762 400	7 524 800

B. Non-conference-servicing requirements

Section 24, Human rights

10. It is also estimated that a provision for general temporary assistance, equivalent to 36 work-months at the P-3 level, and for 6 work-months at a General Service (Other Level), estimated at \$598,300 in 2013 would be also required under section 24, Human rights of the programme budget for the biennium 2012-2013. The amount of \$598,300 to provide for the 2014 requirements would be included in the proposed programme budget for the biennium 2013-2014.

11. In addition, an amount of 87,300 per year would be required under section 37, Staff assessment, to be offset by an equivalent amount under income section 1, Income from staff assessment.

12. Should the Committee adopt the draft decision, the total additional requirements relating to the additional workload to eliminate a backlog of 140 cases would amount to \$8,721,400 enumerated in the table below. The amount of \$4,360,700 for 2013 would be provided in the programme budget for the biennium 2012-2013. The amount of \$4,360,700 to provide for the 2014 requirements would be included in the proposed programme budget for the biennium 2013-2014.

	<i>2013 (USD)</i>	<i>2014 (USD)</i>	<i>Total (USD)</i>
Section 24, Human rights			
General temporary assistance	598 300	598 300	1 196 600
Section 2, General Assembly and Economic and Social Council affairs and conference management			
Processing of documentation	3 762 400	3 762 400	7 524 800
Total	4 360 700	4 360 700	8 721 400

V. Potential for absorption

13. No provisions for the requested additional documentation requirements and related general temporary assistance resources have been included under the programme budget for the biennium 2012-2013 and it is not anticipated that that additional appropriations of \$4,360,700 for 2013 could be met from within the resources of the programme budget for the biennium 2012-2013.

VI. Contingency fund

14. It will be recalled that, under the procedures established by the General Assembly in its resolutions 41/213 of 19 December 1986 and 42/211 of 21 December 1987, a contingency fund is established for each biennium to accommodate additional expenditure derived from legislative mandates not provided for in the programme budget. Under this procedure, if additional expenditure were proposed that exceeded the resources available from the contingency fund, the activities concerned would be implemented only through the redeployment of resources from low-priority areas or the modification of existing activities. Otherwise, such additional activities would have to be deferred to a later biennium.

VII. Summary

15. Should draft decision I be adopted by the Committee, additional resources in the total amount of \$4,360,700 would be required under the programme budget for the biennium 2012–2013, including \$598,300 under section 24, Human rights, and \$3,762,400 under section 2, General Assembly and Economic and Social Council affairs and conference management. This would represent a charge against the contingency fund and, as such, would require additional appropriations of \$4,360,700 for the biennium 2012–2013 to be approved by the General Assembly at its sixty-seventh session. The amount of \$4,360,700 for 2014 would be included in the proposed programme budget for the biennium 2014–2015.

16. Additional amount of \$87,400 per year would be also required under section 37, Staff assessment to be offset by an equivalent amount under income section 1, Income from staff assessment.

Annex VIII

The relationship of the Human Rights Committee with non-governmental organizations

1. The Human Rights Committee (hereinafter “the Committee”) considers that the cooperation, with the Committee, of domestic and international non-governmental organizations (NGOs) working on the promotion and protection of human rights is essential for the promotion and implementation of the International Covenant on Civil and Political Rights (hereinafter “the Covenant”) and its Optional Protocols.

2. The purpose of the present paper is to clarify and strengthen the Committee’s relationship with NGOs and to enhance the contribution of NGOs in the implementation of the Covenant at the domestic level.

3. Since the early 1980s NGOs have been playing an important role in the implementation of the Covenant and have been making contributions at all stages of the Committee’s activities. NGOs have been submitting alternative/shadow reports for the Committee’s consideration in connection with State party reports and the follow-up procedure to concluding observations, assisting authors in the submission of individual communications, providing briefings to the Committee during its sessions and overall improving the visibility of the Committee and its activities. In general, they provide important information relevant to the conduct of the Committee’s activities and have a catalytic role in enhancing the implementation of the Covenant at the domestic level.

A. Role of non-governmental organizations in the reporting process under the Covenant

4. The Committee has over the years created a space for NGOs to play a constructive role in relation to the reporting process and the review by the Committee of States parties’ compliance with their obligations under the Covenant.

5. Taking note of the fact that consideration of State parties’ reports by the Committee is based on a constructive dialogue with States parties, the Committee considers it necessary that this dialogue is based on information received not only from States parties, United Nations entities and national human rights institutions, but also from NGOs, to ensure a well-informed and constructive dialogue.

6. NGOs have therefore a key role to play in informing the reporting process, at all stages, including for the preparation of the list of issues and for the follow-up to the concluding observations of the Committee.

7. NGOs are encouraged to provide alternative reports that contain information on the implementation of some or all of the provisions of the Covenant; comments on the reports of State parties and their written replies to the list of issues; and information on the implementation by the State party of the previous concluding observations of the Committee. NGOs are encouraged to ensure that any reports are provided well in advance of the deadlines provided by the Secretariat.

1. Consultations and inputs to the State party report

8. NGOs often provide useful input to State party reports. However, the report should always remain the State party’s report. Furthermore, the role played by NGOs in providing

information for the State party's report should not exclude the possibility of submitting an alternative report.

2. Submission of NGO reports and presentation of oral information for the list of issues

9. The Committee emphasizes that it is highly desirable to receive input from NGOs at an early stage of the reporting process. For this purpose, the Committee gives advance notice of its reporting schedules. The Committee further welcomes the organization of NGO briefings prior to the adoption of lists of issues.

3. NGO reports and presentation of oral information

10. The Committee welcomes the submission of alternative reports, oral presentations by NGOs during the session, and the presence of NGOs as observers during the examination of the State party's report. The Committee recalls that since its 103rd session time is now given to NGOs to engage with the members during a formal closed meeting preceding the examination of the State party's report. This allows NGOs to present their main issues of concern orally with interpretation and to reply to questions from the members. There are additional opportunities for NGOs to provide the Committee with detailed information during informal briefings.

4. NGO reports under the Committee's follow-up procedure to concluding observations

11. The Committee encourages NGOs to contribute to its follow-up procedure to concluding observations. NGOs can provide the Committee with written information, including an evaluation of the measures taken by the State party to implement the concluding observations that were selected by the Committee for the follow-up procedure. This information should be submitted at the time the follow-up report of the State party is due (namely one year after the adoption of the concluding observations), or once the State party's follow-up report is made public. Such information should concern only the implementation of recommendations highlighted in the concluding observations for consideration under the follow-up procedure.

5. NGO reports under the review procedure (examination in the absence of a State report)

12. The Committee encourages NGOs to submit alternative reports in cases in which the Committee has decided to prepare a list of issues and examine a State party in the absence of a State report. NGOs will have the same opportunity to brief the Committee orally as under the regular reporting procedure. NGOs should note that the examination of a State party in the absence of a report is heard in public session (see arts. 68 to 71 of the Committee's rules of procedure, CCPR/C/3/Rev.10).

B. Role of non-governmental organizations in relation to the individual communications procedure under the Optional Protocol

13. NGOs play an important role in providing assistance to alleged victims of human rights violations under the Covenant in submitting individual communications to the Committee under the Optional Protocol. NGOs are encouraged to submit follow-up information on the implementation of the Committee's Views.

C. Input to the drafting and use of the Committee's general comments

14. The Committee encourages NGOs, together with other stakeholders, to provide inputs on general comments under consideration, including during any days of general discussion. NGOs are also encouraged to make use of the Committee's general comments in their advocacy efforts.

D. Enhancing global outreach

15. The Committee welcomes the cooperation and inputs of domestic and international NGOs and notes that logistical and financial constraints sometimes limit the possibility for NGOs to attend its sessions in Geneva or New York. The Committee therefore welcomes the use of new technology to enhance contributions from all regions during its sessions, such as video or telephone conference links and webcasting.

16. The Committee further encourages NGOs to make independent efforts to translate the Committee's documents into local languages.

17. Finally, the Committee welcomes and encourages the efforts of NGOs to enhance outreach and awareness of the Covenant and its Optional Protocols, and of its concluding observations, Views and general comments. A good-practice example of raising awareness of and increasing publicity for the Committee's activities is the webcasting of the Committee's sessions by the Centre for Civil and Political Rights (CCPR Centre).
