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|  | Advance Unedited Version | |  |

**Human Rights Committee**

Follow-up to the concluding observations of the Human Rights Committee

Report of the Special Rapporteur for follow-up to concluding observations[[1]](#footnote-2)\*

* + 1. The Human Rights Committee, in accordance with article 40 (4) of the International Covenant on Civil and Political Rights, may prepare follow-up reports based on the various articles and provisions of the Covenant with a view to assisting States parties in fulfilling their reporting obligations. The present draft report is prepared pursuant to that article.
    2. The report sets out the information received by the Special Rapporteur for follow-up to concluding observations, and the Committee’s evaluations and the decisions that it adopted during its 118th session. All the available information concerning the follow-up procedure used by the Committee since its one-hundred-and-fifth session, held in July 2012, is outlined in a table that can be accessed at the following link: <http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/INT_CCPR_UCS_118_25489_E.pdf>.

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| **Assessment of replies** | |
| *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 and measures required |
| *Reply/action not satisfactory* | |
| **C1** | Response received but actions taken do not implement the recommendation |
| **C2** | Response received but not relevant to the recommendation |
| *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) |
| *The measures taken are contrary to the Committee’s recommendations* | |
| **E** | Response indicates that the measures taken are contrary to the Committee’s recommendations |

107th session (March 2013)

| *Angola* |  |
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| Concluding observations: | CCPR/C/AGO/CO/1, 27 March 2013 |
| Follow-up paragraphs: | 7, 10 and 23 |
| First reply: | 24 June 2014 |
| Committee’s evaluation: | Paragraph 23[A]. Additional information required on paragraphs 7**[C1]**, 10**[B1][B2][C1][C1]**, and 23**[B1]**. |
| Second reply: | 23 November 2015 |
| Committee’s evaluation: | Paragraphs 7**[B2]**, 10**[B1][B2][C1][C1]**, and 23[A] (previously evaluated, see [CCPR/C/112/2](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/238/77/PDF/G1423877.pdf?OpenElement)) and **[B1]** |
| **Paragraph 7: The State party should revise the Ombudsman Law to ensure that it complies with the Paris Principles (General Assembly resolution 48/134, annex) or establish a new national human rights institution with a broad human rights mandate in line with the same principles.** | |
| **Follow-up question:** | |
| **[C1]:** Additional information is required regarding whether the State party intends to revise the law on the Ombudsman to ensure that it fully complies with the Paris Principles, or if the State party intends to establish a new national human rights institution that complies with the Paris Principles. | |
| **Summary of State party’s reply:** | |
| The State party repeated information provided in its first Follow-up report (CCPR/C/AGO/CO/1/Add.1 paras 9 and 11) on the Office of the Ombudsman being in conformity with the Paris Principles. It is studying the possibility of establishing an NHRI that complies with the Principles. A proposition to modify the status of the Ombudsman is currently being studied. | |
| **Committee’s evaluation:**  **[B2]:** The Committee notes the information provided by the State party on the initiative to modify the status of the Ombudsman, but requests additional information on the progress and content of the initiative and whether it is in line with the Paris Principles. The Committee reiterates its request in this regard. | |
| **Paragraph 10: The State party should adopt a national strategy to prevent and address gender-based violence in all its forms and manifestations. In this regard, the State party should collect data to establish the magnitude of the problem, its causes and consequences on women. The State party should also adopt measures to ensure the effective application of Law 25/11 of 14 July 2011 against domestic violence by domestic courts and law enforcement officials. The State party should further ensure that cases of domestic violence are thoroughly investigated, perpetrators prosecuted and, if convicted, punished with appropriate sanctions; victims should be adequately compensated. Furthermore, the State party should strengthen its measures of protection and prevention, in particular by increasing the number of shelters and providing rehabilitation to victims. It should pursue awareness-raising campaigns among the population on the issue of domestic violence and its negative effects on women and girls.** | |
| **Follow-up question:** | |
| **(a)[B1]:** The Committee commends Angola for adopting legislative measures to better protect women against violence, including the executive plan to fight against domestic violence and the presidential decree that regulates the Law 25/11 against domestic violence. It requires, however, information on the implementation and impact of such legislative measures.  **(b)[B2]:** The Committee notes the statistical information provided but requests updated statistical information on cases of violence against women, including domestic violence, and investigations, prosecution and punishment of perpetrators in the last three years (2012, 2013 and 2014). The Committee also requests additional information on the progress of the study currently being carried out to identify and examine the cultural, religious and social factors that favour violence against women. Please also provide information on the functioning and the impact of the department on domestic violence created within the National Directorate of Criminal Investigation.  **(c)[C1]:** On measures of protection and prevention, the Committee notes that no information was provided on measures taken after the adoption of the Committee’s concluding observations on 27 March 2013. It requires additional information on measures taken or envisaged to be taken to protect and prevent gender-based violence. Please report on the number of shelters created or envisaged to be created and measures taken to improve the services provided for the rehabilitation of victims.  **(d)[C1]:** Concerning the awareness-raising campaigns on the issue of domestic violence, the Committee notes that no information was provided on campaigns carried out after the adoption of the Committee’s concluding observations on 27 March 2013. Additional information is required on the UNITE initiative and on any other campaign carried out after 27 March 2013. | |
| **Summary of State party’s reply:** | |
| (a) The State party noted that a Multi-sectorial Technical Committee was established for the implementation, evaluation and monitoring of the Executive Plan to combat domestic violence. The committee has conducted several activities and trainings, as well as television and radio debates on domestic violence. As a result, the Executive Plan to combat domestic violence has enabled people to break the silence and to denounce cases of violence.  (b) The State party provided updated statistical information on cases of violence against women. In 2014, the department on domestic violence of the National Directorate of Criminal Investigations registered 3076 domestic violence cases. Most of the cases concern physical and psychological violence and abandoning the family, and victims are mostly women and children.  (c) The State party is conducting several projects for the construction of family counselling centres and is conducting training for family and legal advisers. Eight shelters are currently open and one shelter is under construction.  (d) Concerning awareness-raising campaigns, the State party mentioned the launching of several campaigns such as the UNITE initiative and the “Zero Tolerance” campaign aimed at raising awareness about domestic violence. | |
| **Committee’s evaluation:**  **[B1]**(a): The Committee appreciates the information provided by the State party on the implementation of legislative measures to better protect women against violence, but requests clarification on which measures were taken after the adoption of the Committee’s concluding observations, on 27 March 2013. The Committee also requests information on the financial and human resources allocated to the Multi-sectorial Technical Committee and whether they are sufficient to perform its functions.  **[B2]**(b): The Committee welcomes the updated statistical information provided by the State party on cases of violence against women. The Committee however reiterates its requests for statistics on the number of investigations, prosecution and punishment of perpetrators of domestic violence and compensation to victims in the last three years, and for information regarding the study to identify and examine the cultural, religious and social factors that favour violence against women. It also reiterates its request for information on the functioning and the impact of the department on domestic violence created within the National Directorate of Criminal Investigation.  **[C1]**(c): The Committee appreciates the information on the number of shelters, but requests information on the shelters created after the adoption of the Committee’s concluding observations, on 27 March 2013, and updated information on the shelter under construction, as well as information on measures taken to improve the services provided for the rehabilitation of victims.  **[C1]**(d): The Committee welcomes the information provided by the State party on the UNITE and Zero Tolerance initiatives, but reiterates its request for further information on awareness-raising campaigns carried out after 27 March 2013.  **Paragraph 23: The State party should finalize the adoption of the new decree on free birth registration for all children and adults, and improve its official system of birth registration. It should also conduct awareness-raising campaigns on birth registration procedures within communities, in particular in rural areas.**  **Follow-up question:**  **[A]:** The Committee welcomes the adoption of the Presidential Decree 80/13 and the Executive Decree 309/1 on free birth registration and free identification card for all children and adults and hopes that the measure will continue beyond 31 December 2016.  **[B1]:** Additional information is required on:  (a) Awareness-raising campaigns on birth registration procedures after the adoption of the Committee’s concluding observations;  (b) Measures taken to improve the official system of birth registration, since the adoption of the Committee’s concluding observations.  **Summary of the State party’s reply:**  In order to meet the objectives of the Presidential Order 80/13 and the Executive Decree 309/13 the State adopted a number of measures, such as distributing leaflets and creating TV and radio ads on civil registration. The number of registrations increased to five thousand in consuls in South Africa, Zambia and Namibia and specific campaigns for registrations were organized in consular missions.  19 new registration services opened and an information and statistics processing program was developed for birth registrations. The number of Angolans that hold a birth certificate increased more than 10% increase.  **Committee’s evaluation:**  **[A]:** See previous evaluation**,** [CCPR/C/112/2](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/238/77/PDF/G1423877.pdf?OpenElement)**.**  **[B1]:** The Committee welcomes the improvements achieved by the State party regarding birth registrations, but reiterates its request of information on measures adopted after the adoption of the Committee’s concluding observations. The State party should also indicate when the 19 new registration services where established. | |
| **Recommended action:** A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be included in the State party’s next periodic report. | |
| **Next periodic report:** 28 March 2017 | |

113th Session (March 2015)

| *Croatia* |  |
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| Concluding observations: | CCPR/C/HRV/CO/3, 30 April 2015 |
| Follow-up paragraphs: | 11, 13 and 23 |
| First reply: | 20/04/2016 |
| Committee’s evaluation: | Additional information required on paragraphs 11**[C1][B2]**, 13**[B2][B1]**, and 23**[B2][C2]**. |
| **Paragraph 11: The State party should expedite the prosecution of cases of war crimes and crimes against humanity and ensure that all such cases are prosecuted in a non-discriminatory manner, regardless of the perpetrator’s ethnicity. The State party should also ensure that all victims and their families receive adequate reparation for such violations.** | |
| **Summary of State party’s reply:**  (a) With respect to the Committee’s concern about the selection of cases being disproportionally directed at ethnic Serbs, the State party noted that the Attorney’s Office does not keep statistics on war crimes according to the nationality of either the perpetrators or the victims. Since 1991, proceedings have been initiated against 3553 persons, of whom 2002 persons have been indicted, 589 have been convicted and first instance criminal proceedings against 642 persons are underway. The prosecution of war crimes are undertaken on the basis of clear and objective criteria, exclusively according to the principle of legality and impartiality which is ensured by the legislative framework that establishes four specialized war crime chambers.  The State party elaborated on information provided in its Replies to the List of Issues (CCPR/C/HRV/3 para 159) on specific guidelines given to State attorneys to ensure a uniform application of standards for the prosecution of war crimes. The State party elaborated on information provided in its Replies to the List of Issues (CCPR/C/HRV/3 para 142) on the strategy adopted by the Ministry of Justice concerning the obligations of certain authorities in investigating and prosecuting war crimes committed during the period from 1991 to 1995. This strategy defines priorities, capacities and future activities.  (b) Regarding compensation for victims of human rights violations during the conflict, special protection has been provided to victims of sexual violence in war and compensation and other forms of care are ensured by the Act of the Rights of Victims of Sexual Violence during the Armed Aggression on the Republic of Croatia during the Homeland War. Housing care is ensured and buildings are being constructed.  The State party repeated information provided in its Replies to the List of Issues (CCPR/C/HRV/3, para. 157) that compensation is provided in accordance to the Act on the Protection of Military and Civilian Invalids and the Act on the Responsibility of the Republic of Croatia for Damages Caused by the Members of the Croatian Armed Forces during the Homeland War. | |
| **Committee’s evaluation:**  (a) **[C1]**: The Committee notes the information provided by the State party on the measures taken to prosecute cases of war crimes, but requests information on measures taken after the adoption of the Committee’s concluding observations on 31 March 2015 to expedite the prosecution of cases of war crimes and crimes against humanity and to ensure that prosecutions are conducted in a non-discriminatory manner The Committee also requests clarification on the statistics provided by the State party on investigation and prosecutions and what “specified date” refers to. In particular, the Committee requests information on the number of prosecutions initiated or concluded after the adoption of the Committee’s concluding observations.  (b)**[B2]:** The Committee welcomes the adoption of the Act of the Rights of Victims of Sexual Violence during the Armed Aggression on the Republic of Croatia during the Homeland War. The Committee however requests further information on measures taken since the adoption of the concluding observations ensure that other victims and their families receive adequate reparation, including information on housing care and the construction of buildings allocated to war crime victims. | |
| **Paragraph 13: The Committee reiterates its previous recommendations (see CCPR/C/HRV/CO/2, para. 6) and recommends that the State party expedite efforts towards the resettlement and return of refugees, returnees and internally displaced persons.** | |
| **Summary of State party’s reply:**  At the end of 2015, there were 238 displaced persons, 140 refugees and 51 returnees, totaling 429 persons. Of these, 323 are the beneficiaries of organized accommodation.  Regarding housing care for former tenancy rights holders, out of 4375 applications submitted until 2015, 1077 requests were resolved in 2015, including 236 positively. In 2015, the State Office for Reconstruction and Housing Care moved 121 families of former tenancy rights holders in the housing units inside and outside the areas of special state concern.  Regarding cases of so-called false purchases, return of property and unauthorized investments, under Article 5 of the Act on the Amendments to the Act on Areas of Special State Concern, which enables settlements with the owner to whom the building has been returned according to the Program of return and care for displaced persons and refugees, in a reasonable, appropriate and proportionate manner: in 2015, in cases of unauthorized investments, 4 settlements were concluded with the owners of immovable properties in accordance with the Act. Six cases are planned to be terminated in 2016.  The State party reiterated information provided in its State party report under LoIPR (CCPR/C/HV/3 para 201) concerning reconstruction procedures and regarding regional cooperation and the Regional Housing Program (para. 215). It also provided detailed information on the implementation of the Regional Housing Program. It noted that 28 families of former tenancy rights holders were provided housing care in 2015 in Korenica, the construction works for the two apartment buildings in Knin started in November 2015, the reconstruction of the House for the elderly in Glina started in September 2015, and 54 housing units were purchased among the 101 foreseen to provide housing care for former tenancy rights holders and people from organized accommodations. The purchase of the remaining 43 apartments is foreseen for 2016. The grant agreement for the construction of an apartment building in Benkovac was signed in 2015.  Regarding persons in organized accommodation, the State Office for Reconstruction and Housing Care gives priority to housing care for persons placed in the organized accommodation facilities and works intensively on the preparation for the closure of all organized accommodation facilities. The facility “Strmica” was closed in 2015 and the number of beneficiaries in other facilities has decreased. The settlement of displaced person Mala Gorica has been delayed because of the lengthy process of issuing a certificate of occupancy for the settlement of Dumace.  All organized accommodation facilities are expected to be closed in 2016 and upon completion of the construction projects of the Regional Housing Program in Glina and Knin. | |
| **Committee’s evaluation:**  (a) **[B2]:** The Committee welcomes the updated information on the current number of returnees in Croatia, however it requests further information on concrete measures taken to facilitate the resettlement and return of refugees, returnees and internally displaced persons.  (b) **[B1]:** The Committee appreciates the efforts of the State party to expedite the provision of adequate housing for former tenancy holders and welcomes the updated information provided by the State party regarding reconstruction projects. The Committee requests information on the number of applicants who have received housing care since the adoption of the concluding observations, including an update on the six cases to be terminated in 2016. The State party should also provide updated information on the closure of organized facilities and on the completion of construction projects. | |
| **Paragraph 23:** **The State party should guarantee freedom of expression and freedom of the press, as enshrined in article 19 of the Covenant and elaborated on in the Committee’s general comment No. 34 (2011) on the freedoms of opinion and expression. It should also consider decriminalizing defamation and should restrict the application of criminal law to the most serious cases, bearing in mind that imprisonment is never an appropriate punishment in such cases. Furthermore, the State party should investigate incidents of attacks on journalists and the media, and bring those responsible to justice.** | |
| **Summary of State party’s reply:**  (a) The State party noted that the Constitution of the Republic of Croatia guarantees freedom of thought and expression, including freedom of the press, and discussed the legal framework for defamation.  The Act on the Amendments to the Criminal Code from 2015 defines three criminal offenses against honour and reputation: insult, serious defamation and defamation. The Act introduced some amendments, such as more clearly defining the preconditions in which the court may acquit a defendant who asserted defamatory claims in the public interest. The concept of public interest is not defined in detail. When it relates to journalists, the information on relevant social events or investigative journalism is in the public interest, thus serious defamation shall be unlawful only when there is no public interest or another reasonable ground. The 2011 Criminal Code, as well as the 2015 Act on the Amendments to the Criminal Code only envisage fines as criminal sanctions for committing criminal offenses against honour and reputation.  (b) Investigations of cases of intimidation and attacks on journalists have been thorough, with monitoring by the State Attorney’s Office. Where perpetrators were discovered, the competent courts have rendered judgements. | |
| **Committee’s evaluation:**  (a) **[B2]:** The Committee notes the information provided by the State party and welcomes the clarification that both the Criminal Code from 2011 and the Act on the Amendments to the Criminal Code from 2015 only envisage fines as the criminal sanction for criminal offenses against honour and reputation. The Committee requests information on whether the State party has considered decriminalizing defamation. The Committee also requests information on the interpretation of the term “public interest”, in light of the Act on Amendments to the Criminal Code from 2015, particularly when it relates to information published in the media and by journalists.  (b) **[C2]:** The Committee requests information on measures taken, since the adoption of the Committee’s concluding observations on 31 March 2015, to investigate incidents of attacks on journalists and the media and to bring those responsible to justice**,** including specific examples of cases where perpetrators were brought to justice, and the penalties imposed. | |
| **Recommended action:** A letter should be sent reflecting the analysis of the Committee. | |
| **Next periodic report:** 2 April 2020 | |

113th Session (March 2015)

| *Cyprus* |  |
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| Concluding observations: | CCPR/C/CYP/CO/4, 31 March 2015 |
| Follow-up paragraphs: | 5, 10 and 23 |
| First reply: | 29 April 2016 |
| Committee’s evaluation: | Additional information required on paragraphs 5 **[B2]**, 10 **[C1]** and 23**[C1][C2]** |
| **Paragraph 5:**  The Committee is concerned that the Office of the Commissioner of Administration (the Ombudsman) lacks the necessary financial, technical and human resources to fulfil its very broad mandate, that it cannot appoint its own staff and it lacks financial autonomy. In addition, the Committee is concerned about the absence of Turkish-speaking staff and that the reports generated by the Office are not published in Turkish (art.2).  **The State party should ensure that the Ombudsman has the financial and technical resources and personnel necessary to perform its task effectively on a fully independent basis, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) (General Assembly resolution, 48/134, annex).** | |
| **Summary of State party’s reply:**  The State party recognized that the Office of the Ombudsman lacks financial and human resources and repeated information provided in its Replies to the List of Issues (CCPR/C/CYP/Q/4/Add.1, para. 4) on budget restrictions due to the financial crisis.  It also repeated information from its Replies to List of Issues (CCPR/C/CYP/Q/4/Add.1, para. 4) that the Ombudsman requested additional staff and the ability to appoint his/her own staff. In this respect, the State party clarified that, pursuant to article 122 of the Cyprus Constitution, the staffs of the Ombudsman, the Judiciary and the Legislature are deemed to be “civil servants” who are appointed, promoted and dismissed by the Public Service Commission and, as such, are subject to the provisions of the Public Service Law (L.1/1990, as amended).  The State party elaborated on the information provided in its Replies to List of Issues (CCPR/C/CYP/Q/4/Add.1, para. 4) regarding accreditation. Furthermore, in July 2015, the Office of the Ombudsman submitted an application to the ICC Sub-Committee on Accreditation (SCA) for accreditation as NHRI under the Paris Principles. The Ombudsman has been informed that the SCA considered the application during its session from 16 to 20 November 2015 and recommended that the Office be accredited with B Status.  Regarding the absence of Turkish speaking staff in the Office of the Ombudsman, the State party replied that the Public Service Law (L.1/1990, as amended) requires the knowledge of Greek. Reports are only translated into Turkish when they evolve around an issue that concerns the Turkish Cypriot community. Finally, the State party mentioned that the website has been updated and now includes all relevant information in Turkish, Greek and English. | |
| **Committee’s evaluation:**  **[B2]:** The Committee welcomes the State party’s efforts to accredit the Office of the Ombudsman, as well as the updating of the website. It notes that the Office of the Ombudsman was accredited by the ICC Sub-Committee on Accreditation (SCA) with B status in November 2015 (see <http://nhri.ohchr.org/EN/AboutUs/ICCAccreditation/Documents/SCA%20FINAL%20REPORT%20-%20NOVEMBER%202015-English.pdf>, p. 7-10). However, the Committee regrets the State party’s failure to allow the Ombudsman to appoint its own staff and to include Turkish speakers among its staff and requests further information on concrete measures to deal with the lack of financial and human resources. The Committee reiterates its recommendations in this regard. | |
| **Paragraph 10: The State party should continue to provide support to the Committee on Missing Persons and take immediate steps to investigate all outstanding cases of missing persons from both the Greek and Turkish communities in an effective, transparent, independent and impartial manner. It should also ensure that the families of the victims obtain appropriate redress, including adequate compensation and psychological rehabilitation, and that the perpetrators are prosecuted and punished as appropriate.** | |
| **Summary of State party’s reply:** | |
| The Republic of Cyprus is the major donor to the Committee on Missing Persons (CMP) programme (after the EU collective contribution). The State party repeated information provided in its replies to List of Issues (CCPR/C/CYP/Q/4/Add.1, paras. 38-39) on the steps it has taken to support the CMP, and regarding the way in which the CMP identifies missing persons before informing the Attorney General who then investigates each case (para. 40).  The State party replied that the reports stating that investigations of missing persons of Greek Cypriot nationality are prioritized over those relating to missing Turkish Cypriots are unfounded. It communicated that, according to the latest data issued by the CMP, out of a total of 2001 missing persons on the CMP’s official list, there were 1428 persons whose whereabouts had yet to be determined, of which 1073 were Greek Cypriots and 355 Turkish Cypriots and that such data clearly indicated that there was no discrimination in favour of Greek Cypriot missing persons.  Regarding the families of victims, the Government continues to pay salaries and/or pensions of the Greek-Cypriot missing persons to their families. A stipend is also granted to the families towards the expenses of the burial of the missing persons once they have been identified. | |
| **Committee’s evaluation:**  **[C1]:** The Committee notes the information provided by the State party, but requests specific information on measures taken after the adoption of the Committee’s concluding observations (CCPR/C/CYP/CO/4): (a) to support the Committee on Missing Persons; (b) to investigate cases of missing persons from both the Greek and Turkish communities in an effective, transparent, independent and impartial manner; and (c) to ensure that the families of the victims obtain appropriate redress, including adequate compensation and psychological rehabilitation, and that the perpetrators are prosecuted and punished as appropriate. The Committee reiterates its recommendation. | |
| **Paragraph 23: The State party should continue its efforts to eradicate the economic, linguistic and cultural barriers facing Turkish Cypriots and other minorities. In that regard, it should intensify its efforts to integrate Turkish Cypriots into the civil service and the judiciary, including through the introduction of temporary special measures, and consider easing the language requirements for entering the civil service. It should also consider establishing a Turkish school in Limassol.** | |
| **Summary of State party’ reply:**  (a) The State party replied that the provisions of the Constitution pertaining to the participation of the Turkish Cypriots in State institutions have been suspended because the Turkish Cypriot community withdrew its participation from the State institutions in 1963. It mentions, however, that relevant positions remain vacant for their return (e.g. Vice President of the Republic, Vice President of the Parliament, members of Parliament) and that they are free to participate in procedures for any post in the civil service as the language requirements have been eased and measures are taken to facilitate participation for those wishing to do so.  The State party notes that the Police is not a part of the Civil Service but of the Security Forces and thus is subject to different regulations in each Community.  Although the Ministry of Education and Culture (MOEC) is taking all necessary measures to guarantee equal access to education, the number of Turkish Cypriot pupils attending the Agios Antonios Primary School has seen a 51% decrease since 2007. Despite this drop, the number of Turkish-speaking teachers and interpreters remains sufficient and two additional teaching assistants were placed at the school during the 2014-2015 school year.  The State party also mentioned free, special courses for Roma children organized by the Adult Education Centres, to teach history and other elements of their cultural heritage in 2013-2014 and 2014-2015. Since January 2016, the school participates in a European funded programme titled “Schools as Learning Communities in Europe: Successful Educational Actions for All (SEAS4ALL).  Finally, the State party elaborated on information provided in its Replies to the List of Issues (CCPR/C/CYP/Q/4/Add.1, para. 196) on the programme “Zones of Educational Priority” that had been implemented fully by MOEC and that has been replaced by the “School and Social Inclusion Actions” programme providing for additional measures of support to pupils in language and mathematics, teaching assistants in all classes, and additional extra-curricular activities. The MOEC also provides extra psychological assistance to the school with a school psychologist.  (b) The State party repeated information provided in its Replies to the List of Issues (CCPR/C/CYP/Q/4/Add.1, para. 194) that, although the Council of Ministers had decided in principle to establish a school in Limassol with Turkish as the language of instruction, a survey conducted in 2005 among Turkish Cypriot parents indicated that parents favoured attendance at the public school in their area. | |
| **Committee’s evaluation:**  (a) **[C1]:** The Committee notes the measures taken by the State party, but expresses regret at the lack of information regarding adoption of temporary special measures. It requests information on measures taken to address the language requirements for entering the civil service since the adoption of the concluding observations, and whether this has resulted in an increase in participation of Turkish Cypriots in the civil service, as well as additional information on the reasons for the sharp drop in Turkish Cypriot pupils attending the Agios Antonios Primary School.  (b) **[C2]:** The Committee takes note of the information provided by the State party, but requests information on measures taken to establish a Turkish school in Limassol since the adoption of the concluding observations, as well as information on whether additional surveys have been conducted since 2005. The Committee reiterates its recommendations. | |
| **Recommended action:** A letter should be sent reflecting the analysis of the Committee. | |
| **Next periodic report:** 2 April 2020 | |

112th Session (October 2014)

| *Haiti* |  |
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| Concluding observations: | CCPR/C/HTI/CO/1, 27 October 2014 |
| Follow-up paragraphs: | 7, 10, 19 and 20 |
| First reply: | 4 February 2016 |
| Committee’s evaluation: | Additional information required on paragraphs 7 **[C1]**, 10 **[B2]**,19 **[C1]** and 20**[B2]** |
| Non-governmental organization : La Coalition des Organisations Haïtiennes des Droits Humains sous la Coordination des Défenseurs Plus  **Paragraph 7: In order to effectively combat the impunity that prevents advances in the rule of law in Haiti, the State party should pursue its investigations in the Duvalier case and bring to justice all those responsible for serious violations committed during that presidency and give victims fair and equitable reparation. The State should implement the recommendations of the National Commission on Truth and Justice in respect of the serious violations committed between 1991 and 1994. The Committee recalls the State party’s obligation to bring criminal proceedings for any serious violation of human rights.** | |
| **Summary of State party’s reply:** | |
| Regarding the Duvalier case, the State party explains that the investigating judge of the Port-au-Prince Court of First Instance, by order dated 30 January 2012, referred the case against Mr Duvalier to the correctional court for charges of embezzlement and rejected the accusation of crimes against humanity. Following this decision, an appeal was filed by the civil party and on 20 February 2014, the Court of Appeal upheld the decision regarding the accusation of financial crimes and declared admissible the accusation of crimes against humanity against Mr Duvalier and a judge was designated to reexamine the case.  The civil party then brought a claim in front of the Cassation Court for the recusal of the designated judge. While the appeal in front of the Cassation Court was still pending, Mr Duvalier died on 4 October 2014. All implicated persons were questioned. The concerned judge did not reveal any information on the progress of the inquiry by invoking the confidentiality of the investigations.  As regards the Raboteau proceedings, the judgment on the case was set aside by the Cassation Court. The State party submits that it is fully conscious of the need to secure justice for victims; however, this case poses certain difficulties due to the long elapsed period of time and the current weakness of judicial means to restart the proceedings. It further submits that the legal system is currently undergoing reform and that the government hopes to be in a position to address this issue once the reform process has achieved a certain level of maturity. Meanwhile, the State party focuses all its energy on creating mechanisms to prevent the repetition of such massive human rights violations.  **NGO Information:**  Since the death of Jean-Claude Duvalier, no investigation has taken place. Haiti should provide appropriate means for the judge to pursue the investigation, speed up the process and, finally, set up legal, material, psychological and protection support for victims.  There have been no trials for serious violations committed between 1991 and 1994 following the recommendations of the National Commission on Truth and Justice. The lack of determination to fight against impunity for serious violations continues to prevail. | |
| **Committee’s evaluation:** | |
| **[C1]** The Committee notes the information provided by the State party and NGO information, according to which no investigations have been initiated since the death of Jean-Claude Duvalier. The Committee requests further and specific information on investigations initiated and efforts to bring to justice all those responsible for serious violations committed during the Duvalier presidency and to give victims fair and equitable reparation and the progress thereof since the concluding observations were adopted. The Committee also requests information on the ongoing reform of the legal system, including the timeline for adoption and the content of any reforms intended to combat impunity and to ensure that criminal proceedings are effectively pursued for any serious violation of human rights. The Committee requests information on measures taken to implement the recommendations of the National Commission on Truth and Justice in respect of the serious violations committed between 1991 and 1994. The Committee reiterates its recommendations. | |
| **Paragraph 10: The State party should, as a matter of urgency, look into these cases of firearm deaths caused by the forces of law and order and ensure that they are investigated in a prompt and effective manner, prosecute those thought to be responsible and, if they are found guilty, sentence them to penalties in proportion to the seriousness of the acts and grant appropriate compensation to the victims and their families. The State party should guarantee that the General Inspectorate of the National Police is able to carry out these investigations independently and to routinely maintain statistics on homicides committed by the forces of law and order and on the unlawful use of firearms, covering investigations carried out, prosecutions brought, penalties prescribed and reparation awarded. The Committee encourages the State party to continue its efforts to provide the forces of law and order with human rights training in accordance with its obligations under the Covenant and in line with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, in order to reduce the incidence of homicide and serious injury caused by firearms.** | |
| **Summary of State party’s reply:**  The General Inspectorate of the National Police of Haiti has increased substantially the number of inquiries against the members of law enforcement. The State party provided statistical information on the number of cases against police officers processed and referred to prosecutors during the period from 2013 to July 2015.  The Government continues to provide the members of law enforcement with appropriate training at the police academy and during training sessions conducted by the General Inspectorate of the police.  **NGO Information:**  Some investigations into cases of police misconduct were undertaken by the General Inspectorate of the National Police of Haiti and, in some cases, investigation reports were made public. However, most of these cases resulted in disciplinary and not criminal sanctions.  Investigations into police misconduct are not sufficiently transparent. The General Inspectorate of the National Police of Haiti is not a body independent of the police. This is a major obstacle in bringing to justice police officers responsible for abuses resulting in no reparation being provided to victims.  Training sessions have been provided to law enforcement personnel, thus it can be affirmed that Haiti has implemented the Committee’s recommendation in this regard. However, Haiti should step up its efforts in this area. Training sessions on human rights are not conducted regularly. | |
| **Committee’s evaluation:**  **[B2]:** The Committee notes the information provided but requests specific information on measures taken since the adoption of the Committee’s concluding observations on 27 October 2014, including: (a) updated statistics on the number of complaints received against the members of law enforcement and security forces and any resulting investigations, prosecutions, convictions and compensation to victims; and (b) trainings conducted by the General Inspectorate of the police, including information on the content of the training, the number of persons trained and whether the training addresses obligations under the Covenant and is in line with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. The Committee also requests information on measures taken to ensure that the General Inspectorate of the National Police is able to carry out investigations into police misconduct independently. The Committee reiterates its recommendations. | |
| **Paragraph 19: The State party should take the necessary steps to protect human rights defenders and journalists so as to enable them to carry out their activities with complete freedom and no restrictions. The State party should, as a matter of priority, investigate all attacks on the life and dignity of these persons and bring the perpetrators to justice.** | |
| **Summary of State party’s reply:** | |
| The Minister of Justice and of Public Security has asked the prosecutor’s office of the Port-au-Prince Court of First Instance, as well as the Director General of the National Police of Haiti, to take the measures necessary to guarantee the safety of human rights defenders, including the lawyer Mario Joseph who claimed to be a victim of threats in the media. Between November 2014 and 2015, no complaint was recorded against the forces of law and order and against political authorities for threats, harassment or intimidation against advocates of human rights, journalists and members of the opposition.  **NGO Information:**  No specific measures have been taken to protect human rights defenders and journalists. However, there has been a reduction in targeted attacks by the government against them since the consideration of the State party report by the Committee.  Some investigations had been launched, notably in relation to the assassination of the Dorsainvil couple in February 2014, but they did not succeed. Those responsible for their assassination have not yet been tried or sentenced and no form of support has been provided to the family of the victims.  Some government sympathizers continued to verbally attack journalists and human rights defenders. For instance, President Martelly had verbally abused journalist Liliane Pierre Paul before the armed attack on Radio Kiskeya that took place during the night from 30 November to 1 December 2015.  To date, there has been no follow-up by judicial authorities on complaints filed by human rights defenders. | |
| **Committee’s evaluation:**  **[C1]:** The Committee notes the information provided both by the State party and NGOs, and requests further and specific information regarding the measures taken after the adoption of the Committee’s concluding observations on 27 October 2014 to protect human rights defenders and journalists. The Committee further notes the State party’s information that no complaint has been recorded against the forces of law between November 2014 and 2015. However, it also notes that complaints lodged by human rights defenders remain unaddressed, as indicated by NGOs. The Committee therefore requests information on all measures taken since the concluding observations were adopted to investigate all attacks on the life and dignity of human rights defenders and journalists, including the assassination of the Dorsainvil couple in February 2014, and to bring the perpetrators to justice. The Committee reiterates its recommendations. | |
| **Paragraph 20: The State party should, as a matter of urgency, take the necessary steps to organize the legislative and municipal elections due to have been held in 2011, in order to ensure that citizens have effective access to their rights under article 25 of the Covenant.** | |
| **Summary of State party’s reply:** | |
| The State party indicates that, on 23 January 2015, a Provisional Electoral Council was installed after a consensus was reached between the major political forces of the country. On 13 March 2015, an electoral decree was published. On 14 May 2015, the list of approved candidates for the legislative elections was made public.  A budget of $38 million was envisaged for organisation of the elections. On 9 August 2015, the first round of legislative elections took place. On 28 September 2015, the results were published.  In a decree dated 3 March 2015, the President authorised all persons holding an expired voter’s card to vote in order to allow maximum participation in the elections. Furthermore, political parties were given an allowance to equalize participation in the elections.  For reasons of public security, measures were taken to increase the police personnel in all municipalities and especially in sensitive areas. Exceptional measures were put in place for the day of the election.  The presidential elections, the second round of the legislative elections and the rerun of the first round of the legislative elections in areas where it was cancelled due to irregularities had not yet taken place. They were scheduled for 25 October 2015 and the electoral period would end on 27 December 2015 with a second round of the Presidential elections if needed.  **NGO Information:**  The electoral process started in 2015 is still ongoing. Municipal and legislative elections were conducted in 2015 with major irregularities and cases of fraud were reported.  Despite the announcement of an electoral calendar revised regularly, local and presidential elections have not been conducted as of 20 September 2016. According to the new electoral calendar local elections, elections for one-third of the Senate membership, presidential elections as well as elections in regions where it had been cancelled on 25 October 2015 due to massive fraud and serious irregularities, are planned.  There is no organic law regulating the Provisional Electoral Council. The Permanent Electoral Council mandated by the Haitian Constitution has still not been established. | |
| **Committee’s evaluation:**  **B2]:** The Committee notes that municipal elections and the first round of legislative elections were held and that other steps have been taken, but that presidential and legislative elections planned for October and December 2015 have not yet been held. The Committee requests further and updated information regarding the presidential elections, the second round of legislative elections and the rerun of the first round of legislative elections, as well as regarding the specific reasons that prevented the first round of the legislative elections to be conducted in some areas. The Committee additionally requests information on measures that were taken to address reports of violence and electoral irregularities in the recent elections, and what measures will be implemented by the State party in order to prevent electoral irregularities and violence in future elections. Finally, the Committee requests information on plans, if any, to establish a constitutionally-mandated Permanent Electoral Council. | |
| **Recommended action:** A letter should be sent reflecting the analysis of the Committee. | |
| **Next periodic report:** 31 October 2018 | |

107th session (March 2013)

| *Macao, China* |  |
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| Concluding observations: | CCPR/C/CHN-MAC/CO/1, 26 March 2013 |
| Follow-up paragraphs: | 7, 11 and 17 |
| First reply: | 5 April 2014 |
| Committee’s evaluation: | Additional information required on paragraphs 7**[C1]**, 11**[C1]** and 17**[B2]**. |
| Second reply: | 1 February 2016 |
| Committee’s evaluation: | Additional information required on paragraphs 7**[E]**, 11**[B2]** and 17**[B2]**. |
| **Paragraph 7: Macao, China, should consider taking all preparatory measures with a view to introducing universal and equal suffrage in conformity with the Covenant, as a matter of priority. It should outline a clear and comprehensive plan of action and set timelines for the transition to an electoral system based on universal and equal suffrage that will ensure enjoyment by all its citizens of the right to vote and to stand for election in compliance with article 25 of the Covenant, taking due account of the Committee's general comment No. 25 (1996). The Committee recommends that Macao, China, consider steps leading to the withdrawal of the reservation to article 25 (b) of the Covenant.** | |
| **Follow-up question:** | |
| **[C1]:** The recommendation has not been implemented. The Committee reiterates it. | |
| **Summary of Macao, China’s reply:** | |
| Macao, China informed that there is no additional response to the Committee’s recommendation regarding the withdrawal of the reservation of Article 25(b) of the Covenant. It repeated information provided in its replies to the follow-up to the concluding observations, including reemphasizing that the Committee’s recommendation does not conform to the current political system of the Macao SAR (CCPR/C/CHN-MAC/CO/1/Add.1, para. 1). | |
| **Committee’s evaluation:** | |
| **[E]:** The Committee regrets that Macao, China has not considered taking action to implement the recommendations, including development of an action plan and timeline to institute universal and equal suffrage, and has not considered taking steps to withdraw the reservation to article 25(b). The Committee reiterates its recommendations. | |
| **Paragraph 11:** **The Committee reiterates its previous recommendation and urges Macao, China, to pursue negotiations with mainland China with a view to reaching a firm agreement on the transfer of offenders from Macao to the mainland, as a matter of priority. Macao, China, should ensure that the agreement is in line with its obligations under articles 6 and 7 of the Covenant.** | |
| **Follow-up question:** | |
| **[C1]:** Macao, China has not provided specific information on the current stand and results of the negotiations it has already conducted with mainland China on the arrangement of legal assistance in criminal cases. The recommendation has not been implemented. The Committee requests further information on the negotiations between Macao, China and mainland China on the transfer of offenders. | |
| **Summary of Macao, China’s reply:** | |
| The Macao SAR Government has submitted a draft law on Inter-regional Legal Assistance in Criminal Matters to the Legislative Assembly providing for general cooperation principles and legal procedures, including the surrender of fugitive offenders, the implementation of criminal judgements, the transfer of sentenced persons, the transfer of proceedings in criminal matters, and other legal cooperation in criminal matters. The draft law also establishes the legal basis for assistance in criminal matters between Macao SAR and other jurisdictions of Mainland China.  Macao SAR Government has held negotiations with the mainland Chinese delegation regarding the Arrangement for the Surrender of Fugitive Offenders and has reached a basic consensus. Both parties will sign the Arrangement when all the conditions are met. | |
| **Committee’s evaluation:**  **[B2]:** The Committee notes the information provided by Macao, China, but requests information on the status of the draft law on Inter-regional Assistance in Criminal Matters. Regarding the negotiations between Macao, China and mainland China on the transfer of offenders, the Committee welcomes the information provided on the Arrangement for the Surrender of Fugitive Offenders, but requests specific information on the content of the Arrangement, including whether it is in line with the obligations under articles 6 and 7 of the Covenant, and when Macao, China expects to conclude negotiations and sign the Arrangement. | |
| **Paragraph 17:** **Macao, China, should strengthen the protection of rights of migrant workers against abuses and exploitation and establish affordable and effective mechanisms to ensure that abusive employers or recruitment agencies are held accountable.** | |
| **Follow-up question:** | |
| **[B2]:** The Committee requests additional information on the following:  (a) Whether and how Macao, China provides free or affordable legal advice to non-resident workers and employers advising them of applicable rights, obligations and protections;  (b) Statistical information on the incidence of labour law violations committed against non-resident workers, particularly with respect to the absence of formal contracts, excessive fees requested by recruitment agencies and the payment of lower wages to local workers, and the investigation and pursuance thereof by Macao, China;  (c) Statistical information on complaints filed by non-resident workers with the Labour Affairs Bureau, and subsequent actions taken by the Bureau or other governmental agencies;  (d) The regulation of employment agencies and measures taken by Macao, China to ensure that those employment agencies do not exploit non-resident workers. | |
| **Summary of Macao, China’s reply:** | |
| (a) Macao, China noted that the Labour Affairs Bureau has been providing free consultation services to local workers, non-resident workers and employers to advise them about their rights, guarantees, and obligations. The Bureau also provides an “interactive voice response system” and a “consultation service hotline for Labour Relations Law” for the public to inquire through phone calls.  Macao, China also provided examples of how the Bureau has been using various media outlets and a special web page and email to promote knowledge about certain provisions of labour laws and address inquiries.  (b) Macao, China provided statistical information, covering the period from 2010 to November 2015, on the number of files opened, the number of workers involved, and the outcome for claims involving labour disputes, as well as specifically on violations of the obligation to conclude labour contracts with non-resident workers in writing, and on employment agencies charging fees involving non-resident workers (see [Second follow-up reply of Macao, China](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fFCO%2fMAC%2f24596&Lang=en), p. 4-5). It also provided statistical information on cases involving employer non-payment of wages from January to November 2015 (see [Second follow-up reply of Macao, China](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fFCO%2fMAC%2f24596&Lang=en), p. 6-7).  Macao, China repeated information provided in its replies to the follow-up on concluding observations (CCPR/C/CHN-MAC/CO/1/Add.1, para. 3) on regulations of labour contracts established with non-resident workers, the protection of non-residents and local workers and the principle of equal remuneration (paras. 5 and 6), and on the role of the Human Resources Office in endorsing applications of employment permissions, and the penalties faced by employers who fail to pay the full amount of the non-resident worker’s salary provided for in the employment permission (paras. 3 and 7).  (c) Macao, China provided statistical information on the Labour Affairs Bureau’s receipt of non-residents workers’ complaints from 2010 to November 2015 (see [Second follow-up reply of Macao, China](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fFCO%2fMAC%2f24596&Lang=en), p. 7) and elaborated on information provided in its replies to the follow up on concluding observations (CCPR/C/CHN-MAC/CO/1/Add.1, para. 7) on how the Bureau deals with complaint files from non-resident workers.  (d) Macao, China elaborated on information provided in its replies to the follow-up on the concluding observations (CCPR/C/CHN-MAC/CO/1/Add.1, para. 4) on the regulation of employment agencies. It noted that, pursuant to Decree-law no. 32/94/M, recruitment agencies must be licensed and the Labour Affairs Bureau can revoke the agency’s license if a violation is found and described the different provisions of the Decree-law no. 32/94/M for different service objects of employment agencies. Macao, China also noted that Article 16(c) of the Decree-law forbids employment agencies from serving as intermediaries and paying workers remunerations, punishable with a fine of MOP$10,000 to MOP$30,000 for every worker. | |
| **Committee’s evaluation:**  **[B2]:** The Committee appreciates the efforts made by Macao, China to provide detailed information on the protection of rights of migrant workers. The Committee requests specific information on measures taken to improve access to affordable legal assistance since the adoption of the concluding observations, including statistics regarding the number of workers assisted through the various measures described. The Committee welcomes the statistical information provided, but requests information for each type of case on the number of cases or complaints since the adoption of the concluding observations and on the investigation and resolution of such cases by Macao, China, as well as information on measures taken since the adoption of the concluding observations to ensure that employment agencies do not exploit non-resident workers. | |
| **Recommended action:** A letter should be sent reflecting the analysis of the Committee. | |
| **Next periodic report:** 30 March 2018 | |

109th session (October 2013)

| *Mozambique* |  |
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| Concluding observations: | CCPR/C/MOZ/CO/1, 19 November 2013 |
| Follow-up paragraphs: | 13, 14 and 15 |
| First reply: | 24 November 2015 |
| Committee’s evaluation: | Additional information required on paragraphs 13**[B2][C1]**, 14**[B1][B2][B2][C1][D]**, 15**[C1][C1][D]** |
| Non-governmental organizations: | Liga Moçambicana dos Direitos Humanos (LDH), Article 5 Initiative (T. Lorizzo), Centro de Estudos Moçambicanos e Internacionais (CEMO), Centro de Aprendizagem e Capacitação da Sociedade Civil (CESC), Centro de Estudos e Promoção de Cidadania, Direitos Humanos e Meio Ambiente (CODD), Centro de Estudos de Democracia e Desenvolvimento (CEDE), Associação Moçambicana para Defesa das Minorias Sexuais (LAMBDA), Ordem dos Advogados de Moçambique, Associação Centro de Direitos Humanos (ACDH), Fórum Mulher and Governance Development Institute (GDI) |
| **Paragraph 13: The State party should take appropriate measures to ensure that no one under its jurisdiction is subject to arbitrary arrest or detention and that detained persons enjoy all legal guarantees, in compliance with articles 9 and 14 of the Covenant. It should ensure that persons deprived of their liberty are adequately informed about their rights so as to enable them to exercise in practice their right to effective judicial redress and compensation, and that appropriate sanctions be imposed on those responsible.** | |
| **Summary of State party’s reply:** | |
| The State party repeated information in its Initial Report (CCPR/C/MOZ/1, para. 112) about police training and from its Replies to List of Issues (CCPR/C/MOZ/Q/1/Add.2, paras. 53-56) about the Institute for Legal Assistance and Representation (IPAJ) and its mandate. When violations do occur, appropriate corrective measures are taken and the IPAJ regularly provides legal assistance to detainees, but access to legal assistance remains an issue.  In partnership with civil society organizations, the Ministry of Justice, Constitutional and Religious Affairs (MJCR), the National Penitentiary Service (SERNAP), the National Directorate for Human Rights Citizenship (DNDHC) and the IPAJ conduct civil/legal educational programs in detention facilities. | |
| **NGO Information:**  In September 2013, the Constitutional Council adopted a judgment that introduced important changes related to arbitrary detention. A new Criminal Code entered into force in June 2015; it contains provisions against arbitrary arrest.  The State has increased its human rights trainings for police officers and prison staff.  Citizens continue to be arbitrarily arrested and detained, for instance due to inability to pay court fees. The current legislation does not provide a clear framework for compensation for unlawful detentions. Most people arrested or detained are not promptly and adequately informed of their rights or even of the charges against them.  **Committee’s evaluation:** | |
| **[B2]:** The Committee notes the Constitutional Council’s judgment 4/CC/2013 and the enactment of the Criminal Code, as indicated by civil society. It requests further information on the content and implementation of any new protections related to arbitrary arrests and detentions resulting from these measures since the adoption of the concluding observations of 30 October 2013 (CCPR/C/MOZ/CO/1).  **[C1]:** The Committee takes note of the civil/legal educational programs conducted in detention facilities and the trainings provided to police and prison staff, but requests information on the number and content of such trainings and the number of persons trained since the adoption of the concluding observations. The Committee also notes the State party’s acknowledgment that access to legal assistance remains an issue, and requests information on measures taken since the adoption of the concluding observations to ensure that all detainees have access to counsel. The Committee requests information on investigations carried out on arbitrary arrest or detention, prosecutions and sanctions imposed on those responsible since the adoption of the concluding observations, as well as compensation awarded to victims. The Committee reiterates its recommendation. | |
| **Paragraph 14: The State party should take urgent measures to establish a system of regular and independent monitoring of places of detention and to reduce overcrowding and improve conditions of detention, including for juvenile offenders, in line with the Covenant and the Standard Minimum Rules for the Treatment of Prisoners. In this regard, the State party should consider not only the construction of new prison facilities but also the application of alternative measures to pretrial detention, such as bail, home arrest, etc., and non-custodial sentences, such as suspended sentences, parole and community service. The State party should investigate promptly cases of death in custody, prosecute those responsible and provide appropriate compensation to families of victims. It should also ensure that the principle of separation of juvenile detainees from adults in detention facilities is respected and that prisoners who have completed their sentences are released without delay.** | |
| **Summary of State party’s reply:** | |
| Law 3/2013, establishing the National Penitentiary Service (SERNAP) was reinforced in December 2013 by Decrees 63 and 64, which approved SERNAP’s Organic Statute, Staff Regulations, and Internal Regulation.  In the first half of 2015, forty disciplinary offenses were recorded in correctional facilities. These offenses resulted in eight communications, twenty-five disciplinary proceedings and seven dismissals.  Alternatives to imprisonment have been introduced in the new Criminal Code adopted in December 2014, but its implementation depends on the approval of the Penal Procedure Code and the Correctional Execution Code. It is expected that overcrowding will be minimized with the construction of more prisons and the introduction of alternatives to imprisonment.  The State ratified the Optional Protocol of the Convention Against Torture (OPCAT) and identified the National Human Rights Commission (NHRC) as a monitoring mechanism. As a result, the situation in places of detention has improved considerably.  The State party has no record of any individuals detained beyond the end of their sentences. Any recorded cases are referred to the judiciary. | |
| **NGO Information:**  Mozambique ratified the OPCAT on 1 July 2014. The NHRC is not in a position to suitably fulfil the requirements of an effective NPM, as its access to police detention facilities is limited.  The December 2014 Criminal Code introduced alternatives to pretrial detention and non-prison sentences.  There has been some improvement in the conditions of detention, but overcrowding remains a problem. Projects to build new prisons have not been fully implemented.  Food quantity has increased and sanitation and access to water in prisons has improved but many detainees are held in prolonged pre-trial detention.  No notable changes have been made regarding the investigation of cases of death in custody.  There have been no notable changes regarding the separation of adults and juveniles in custody.  **Committee’s evaluation:**  **[B1]:** The Committee welcomes the ratification of the OPCAT and the designation of the NHRC as an NPM. The Committee requests further information on measures envisaged to ensure that the NHRC can undertake in full independence regular and unannounced visits to all places of detention in the State party, including police stations.  **[B2]:** The Committee welcomes the adoption of new legislation and measures to improve conditions of detention and reduce overcrowding, but requests information on the content and impact of those measures, including:  (a) current levels of overcrowding, disaggregated by facility;  (b) the content of the new legislation on alternative measures to detention and steps taken to implement those measures; and  (c) the plans for constructing new prison facilities and progress made in implementing those plans.  **[B2]:** The Committee welcomes the information on disciplinary offenses recorded, but requests further information on the types of offenses committed and the penalties imposed. It reiterates its request for information on investigations of cases of death in custody, and efforts to prosecute those responsible and provide appropriate compensation to families of victims.  **[C1]:** The Committee notes the Sate party’s statement that it has no record of individuals detained beyond the end of their sentence, and requests information on measures taken to prevent and remedy such detention.  **[D]:** The Committee regrets the absence of information on the separation of juveniles and adults and requests information in this regard. The Committee reiterates its recommendation.  **Paragraph 15: The State party should continue to increase the number of qualified and professionally trained judicial personnel, as a matter of urgency; continue efforts to decrease delays in proceedings, simplify and make transparent the procedure by which court fees are calculated and ensure that legal assistance is provided in all cases where the interest of justice so requires. The State party should also ensure that the system of community courts function in a manner consistent with article 14 and paragraph 24 of general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial, and decisions emanating from these bodies do not run counter the State party’s obligations under the Covenant.** | |
| **Summary of State party’s reply:**  The judiciary has gone through major reforms, including: the development of a legal and institutional framework, the judicial network expansion, and the creation and commissioning of Superior Courts of Appeal. These improvements will relieve the burden of other courts in enforcing verdicts. Regional administrative courts have also been expanded. The National Human Rights Commission is now operative (as mentioned in its Replies to List of Issues CCPR/C/MOZ/Q/1/Add.2, paras. 53-56) and Conflict Mediation and Arbitration Centres have been established.  The Court Fees Code was revised to improve court procedures.  The State party repeated information found in its Replies to List of Issues (CCPR/C/MOZ/Q/1/Add.2, paras. 54-55) about legal representation and the establishment of the Legal Assistance and Representation (IPAJ). The IPAJ has offices in all 11 provinces. Thanks to the IPAJ, in 2010-2014, 462,059 economically disadvantaged citizens benefited from legal aid and representation.  **NGO Information:**  There are plans to increase the training of new judges and prosecutors, but there are no plans to increase their number. There are only 288 active judges and 374 prosecutors in the country. The State’s single training centre for judges and prosecutors trains an average of 60 new students a year. Since the adoption of the concluding observations, NGOs have received numerous complaints from rights holders about the poor quality of the justice system.  The issue of court fees remains a problem despite the adoption of a decree in November 2014, which reformed three provisions of the national Code on Court Fees. The process of calculating court fees remains unclear. Furthermore, court fees are connected to the remuneration of judges and prosecutors, so judges have a personal interest in denying poverty certificates and requiring the payment of fees. There is a trend towards condemning individuals with resources since those who are acquitted do not have to pay court fees.  The State party has taken no steps to improve the functioning of Community Courts. Community Courts are sources of human rights violations—particularly, judgments may violate the rights of women and promote discrimination, and sentences sometimes involve corporal punishment and property burning or expulsion from the community.  Most Community Courts have no proper facilities. There is concern over the Community Courts’ political dependence.  **Committee’s evaluation:**  **[C1]:** The Committee acknowledges the information provided on measures aimed at reforming the judicial system, but requests information on which actions occurred after the adoption of the Committee’s concluding observations on Mozambique (CCPR/C/MOZ/CO/1), on 30 October 2013, including measures to increase the number of judicial personnel.  **[C1]:** The Committee notes the adoption of the decree No 67/2014 amending the national Code on Court Fees, as indicated by civil society, and requests information about: (a) the content of that decree, including changes made to the calculation of court fees and plans for systemic reform with a view to addressing abuses, simplifying procedures, and transparency; and (b) steps taken to ensure the provision of legal assistance since the adoption of the concluding observations.  **[D]:** The Committee regrets that the State party has not provided information regarding Community Courts and concrete measures taken and the mechanisms in place since the concluding observations to ensure Community Courts operate consistent with article 14 of the Covenant. The Committee also regrets the lack of any information on increasing the number of members of the judiciary. The Committee reiterates its recommendations in this regard.  **Recommended action:** A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be included in the State party’s next periodic report. | |
| **Next periodic report:** 1November 2017. | |

1. \* Adopted by the Committee at its 118th session (17 October – 4 November). [↑](#footnote-ref-2)