



International Covenant on Civil and Political Rights

Distr.: General
11 November 2016

Original: English

Human Rights Committee

118th session

Summary record of the 3328th meeting*

Held at the Palais Wilson, Geneva, on Monday, 31 October 2016, at 10 a.m.

Chair: Mr. Salvioli

Contents

Follow-up to concluding observations on State party reports

Follow-up to Views under the first Optional Protocol to the Covenant

Organizational and other matters, including the adoption of the report of the Working Group on Individual Communications (*continued*)

Methods of work

* No summary records were issued for the 3324th to 3327th meetings.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of the present document* to the English Translation Section, room E.6040, Palais des Nations, Geneva (trad_sec_eng@unog.ch).

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.16-19020 (E) 101116 111116



* 1 6 1 9 0 2 0 *

Please recycle 



The meeting was called to order at 10.10 a.m.

Follow-up to concluding observations on State party reports

Draft report of the Special Rapporteur for follow-up to concluding observations

1. **Ms. Cleveland** (Special Rapporteur for follow-up to concluding observations) said that her draft report covered seven countries, including Angola and Mozambique, both of which had been deferred to the current session owing to the word limit on the follow-up report of July 2016 and delays in the translation process. She had received civil society input for two countries only, Haiti and Mozambique, including important information on positive developments that had not been mentioned by the States parties themselves. She had held follow-up meetings with four countries: Burundi, Israel, Malta and Montenegro. Reports had since been received from two of those countries and reports from the other two were pending.

2. Drawing attention to the proposed evaluation of the follow-up to the Committee's concluding observations on the initial report of Angola (CCPR/C/AGO/CO/1), specifically paragraphs 7, 10 and 23, she proposed a rating of B2 for paragraph 7, noting that an initiative to modify the status of the Ombudsman had been put forward but that further information on the progress and content of the initiative, and its compliance with the Paris Principles, was required. With regard to paragraph 10, she proposed a B1 rating for the information provided on the legislative measures taken to protect women against violence; a B2 rating for the statistical information provided on cases of violence against women, since further disaggregated data was required; a C1 rating for the information provided on shelters and rehabilitation services, which required further clarification and updating; and a C1 rating for the awareness-raising campaigns carried out, as it was unclear what action had been taken since the adoption of the Committee's concluding observations. She felt that it would be useful to remind the States parties by letter that there was no need to repeat information that had already been provided and that any repetition should be indicated as such, in order to facilitate the evaluation process.

3. With regard to paragraph 23, she proposed a rating of B1 for the improvements made with regard to birth registrations. It was a shame that, due to the Committee's non-cumulative grading system, there was no further mention at that stage of the A rating awarded previously for the adoption of Presidential Decree No. 80/13 and Executive Decree No. 309/1 on free birth registration and free identification cards. Reiterating that grade would help to reflect the progress that had been made.

4. **Mr. Shany**, noting that the draft report covered only seven countries, said that he would appreciate updated information on the number of follow-up procedures still pending. He proposed clarifying in the report that the A rating awarded to Angola in the previous report remained valid and was not being replaced, but rather supplemented, by the B1 rating.

5. **Ms. Cleveland** said that she would work with the secretariat to incorporate a reference to the A rating awarded previously to Angola. In her report, she had adhered to the recent practice of presenting between six and eight countries per report. To date, 18 follow-up reports had been received, some of which were still being processed. The delays were due to the time required for translation, failure by States parties to provide information in the appropriate format, and late submission. As a general rule, she requested meetings with States parties that failed to submit a report after two reminders. She could provide the Committee with a chart that would clarify the situation.

6. **Mr. Shany** proposed annexing to the report a list of the States parties that had not submitted their follow-up report on time, because it was important to highlight cases where there was a lack of cooperation with the Committee.
7. **Ms. Fox** (Secretary of the Committee) said that the secretariat had already considered and was in favour of including such a list.
8. **Mr. Iwasawa** said that he too was in favour of listing uncooperative countries and that he would appreciate receiving a chart on the status of follow-up procedures, as proposed by the Special Rapporteur, by the end of the session.
9. **The Chair** said that he took it that the Committee wished to adopt the proposals made by the Special Rapporteur with regard to Angola.
10. *It was so decided.*
11. **Ms. Cleveland** said that she welcomed the proposal to list non-reporting States. She had previously suggested including an annex of such States and assigning them a D grade. Drawing attention to the proposed evaluation of the follow-up to the Committee's concluding observations on the third periodic report of Croatia (CCPR/C/HRV/CO/3), specifically paragraphs 11, 13 and 23, she proposed a rating of C1 for the first part of paragraph 11, on the prosecution of war crimes, because the Committee required further information on the measures taken after the adoption of the Committee's concluding observations and clarification of the statistics provided, and a B2 rating with regard to reparation for war crime victims.
12. Turning to paragraph 13, she proposed a B2 grade for the information provided on the current number of returnees in Croatia and a B1 grade for the efforts to provide housing for former tenancy holders; the Committee required more extensive and updated information on those issues, including on the concrete measures to facilitate the resettlement and return of refugees, returnees and internally displaced persons and the closure of organized facilities. With regard to paragraph 23, she proposed a B2 grade for the revision of the Criminal Code to reduce the sanction for criminal offences against honour and reputation, noting that further information was required on whether the State party had envisaged decriminalizing defamation and on the interpretation of the term "public interest" in that context. She proposed a C2 rating for the investigation and prosecution of attacks on journalists, since the State party had provided no relevant information in that regard.
13. **Mr. Shany** said that he would appreciate clarification of the term "unauthorized investments" used in the summary of the State party's reply on page 7.
14. **Ms. Cleveland** said that the term had been used in the disaggregated data provided by the State party. She would research the matter further in order to clarify the statement.
15. **The Chair** said that he took it that the Committee wished to adopt the proposals made by the Special Rapporteur with regard to Croatia.
16. *It was so decided.*
17. **Ms. Cleveland**, drawing attention to the proposed evaluation of the follow-up to the Committee's concluding observations on the fourth periodic report of Cyprus (CCPR/C/CYP/CO/4), specifically paragraphs 5, 10 and 23, proposed a B2 grade for paragraph 5 in light of the State party's efforts to accredit the Office of the Ombudsman. The State party's failure to allow the Ombudsman to appoint its own staff and to include Turkish speakers among its staff remained a source of concern. For paragraph 10 on cases of missing persons and redress for the families of victims, she proposed a C1 rating, as the Committee required clarification on the measures taken since the adoption of its concluding observations. For paragraph 23, she proposed a C1 grade for the measures taken by the

State party with respect to the economic, linguistic and cultural barriers facing minorities; further information was required on issues such as the adoption of temporary special measures and the easing of language requirements for entry to the civil service. For the recommendation on establishing a Turkish school in Limassol, she proposed a C2 rating, noting that additional information was required on the measures taken since the adoption of the concluding observations.

18. **The Chair** said that he took it that the Committee wished to adopt the proposals made by the Special Rapporteur with regard to Cyprus.

19. *It was so decided.*

20. **Ms. Cleveland**, drawing attention to the revised proposed evaluation of the follow-up to the Committee's concluding observations on the initial report of Haiti, specifically paragraphs 7, 10, 19 and 20, said that in the light of information provided by civil society, she had made a few changes to the proposed ratings. For paragraph 7, she proposed a C1 grade, noting that the State party had, in its reply, simply reiterated the measures taken before the adoption of the Committee's concluding observations. Civil society had indicated that since the death of Jean-Claude Duvalier, the former president of Haiti, no investigation had taken place and there had been no trials for serious human rights violations committed between 1991 and 1994 following the recommendations of the National Commission on Truth and Justice. The Committee required specific information on a number of issues, including efforts to bring to justice all those responsible for serious violations committed during the Duvalier presidency.

21. For paragraph 10 on cases of firearm deaths caused by the forces of law and order, she now proposed a B2 grade rather than a C1 grade, in the light of civil society reports that the State party had implemented the Committee's recommendations to a certain extent, by conducting investigations into some cases of police misconduct, making some investigation reports public, imposing sanctions on those responsible and providing training. However, the Committee required updated statistics on complaints and resulting convictions, as well as specific information on training and steps taken to ensure that the General Inspectorate of the National Police was sufficiently independent. With regard to paragraph 19, civil society had indicated that no specific measures had been taken to protect human rights defenders and journalists but that there had been a decrease in the number of targeted attacks by the Government since the Committee had considered the State party's report. She proposed a C1 rating, noting that additional information was required on complaints that had been lodged by human rights defenders but remained unaddressed and on the measures taken since the adoption of the Committee's concluding observations to investigate all attacks, including the assassination of the Dorsainvil couple in February 2014. For paragraph 20, in the light of civil society reports of electoral irregularities in municipal and legislative elections, and elections not being held as scheduled, she now proposed a B2 grade rather than a B1 grade.

22. **Mr. Shany** said that the section of the report setting out the Committee's evaluation regarding paragraph 20 should be corrected to indicate that municipal elections had in fact taken place in Haiti on 25 October 2015.

23. *It was so decided.*

24. **Ms. Cleveland** said that civil society organizations had mentioned that municipal elections had been held, though the State party itself had not. That was not the only instance in which civil society had provided more clarity than States about the progress made in implementing the Committee's recommendations. It would be useful if some assistance could be provided to States to help them improve the quality of their reports in that regard.

25. **The Chair** said that he took it that the Committee wished to adopt the proposals made by the Special Rapporteur with regard to Haiti.
26. *It was so decided.*
27. **Ms. Cleveland** drew attention to the proposed evaluation of the follow-up to the Committee's concluding observations on the initial report of Macao, China (CCPR/C/CHN-MAC/CO/1), specifically paragraphs 7, 11 and 17 of the concluding observations.
28. **The Chair** said that, while China had not ratified the Convention, it had taken on a legal commitment to be held accountable for the implementation of the Convention in Macao and Hong Kong.
29. **Ms. Cleveland**, referring to paragraph 7, said that she recommended a C2 evaluation, given that the State party had not offered a relevant response and had merely repeated its previous statement that the recommendation did not conform to the current political system in Macao, China. With regard to paragraph 11, she proposed a B2 evaluation and recommended requesting further information on the status of the bill on interregional assistance in criminal matters and on the content of the arrangement for the surrender of fugitive offenders.
30. Turning to paragraph 17, she proposed a cumulative B2 evaluation. While the State party had made an effort to provide detailed information, including statistics, the Committee should request additional information on measures taken since the adoption of the concluding observations, including disaggregated statistics for each type of case. She proposed sending a letter to the State party reflecting the Committee's analysis.
31. **Mr. Shany**, supported by **Mr. Rodríguez Rescia**, said that he would prefer to give an E evaluation with regard to paragraph 7, in the light of the State party's indication that it had no intention to implement the recommendation. He also suggested replacing the word "requires" with the word "requests" in the first sentence of the Committee's evaluation of the follow-up given to paragraph 11 of the concluding observations.
32. **Mr. Iwasawa** said that, according to the assessment criteria, an E evaluation was given when the measures taken were contrary to the Committee's recommendations. He wondered whether it might be appropriate to create a new category for cases where the State party rejected the recommendation, as was the case with Macao, China.
33. **Ms. Cleveland** said that the proposed revision of the assessment criteria aimed to make it clear that an E evaluation could encompass cases where a State party flatly rejected a recommendation. She would not be in favour of creating a new category, but she did support the proposal to give an E, rather than a C2, evaluation in the case at hand.
34. *It was so decided.*
35. **Ms. Cleveland** drew attention to the proposed evaluation of the follow-up to the Committee's concluding observations on the initial report of Mozambique (CCPR/C/MOZ/CO/1), specifically paragraphs 13, 14 and 15 of the concluding observations. She said that both the State party and civil society organizations had provided helpful information about follow-up actions in Mozambique.
36. With regard to paragraph 13 of the concluding observations, she proposed a B2 evaluation in the light of the Constitutional Council's judgment No. 4/CC/2013 and the enactment of the Criminal Code and suggested that the Committee should request further information about the impact of those measures. With respect to the educational programmes conducted in detention facilities and the training provided to police and prison staff, she proposed giving a C1 evaluation and reiterating the Committee's recommendation in that regard.

37. Turning to paragraph 14, she recommended a B1 evaluation with respect to the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the designation of a national preventive mechanism, and a B2 evaluation with regard to conditions of detention and overcrowding as well as disciplinary offences and investigations into cases of death in custody. As for the issues of individuals being detained beyond the end of their sentence and the separation of juveniles from adults, she recommended C1 and D evaluations respectively. With regard to paragraph 15, she proposed a C1 evaluation concerning the reform of the judicial system and the amendment of the national Code on Court Fees but a D evaluation concerning the operation of community courts and an increase in the number of members of the judiciary. A letter should be sent to the State party reflecting the Committee's analysis.

38. **Mr. Shany**, supported by **Mr. Iwasawa**, suggested that, since the State party's next periodic report was due within a year, the Committee might ask for the requested information to be included in that report, as it had done in the case of Angola.

39. *It was so decided.*

40. **The Chair** said that he took it that the Committee wished to adopt the proposals made by the Special Rapporteur with regard to Mozambique.

41. *It was so decided.*

The meeting was suspended at 11.15 a.m. and resumed at 11.25 a.m.

Follow-up to Views under the first Optional Protocol to the Covenant

Progress report by the Special Rapporteur for follow-up to Views (CCPR/C/118/3)

42. **The Chair** said that it was regrettable that the progress report was available in English only and had not been translated into the Committee's other working languages.

43. **Mr. Rodríguez Rescia** (Special Rapporteur for follow-up to Views), introducing his report, said that he supported the proposal to simplify the assessment criteria used in such reports, and that the criteria should be standardized across all treaty bodies. The draft report covered the period between December 2015 and July 2016, during which 19 countries had been evaluated. A total of 43 communications had been received. The main subjects dealt with in the communications included enforced disappearance, asylum seekers and refugees, arbitrary detention, due process, conscientious objectors, freedom of assembly and opinion, and abortion.

44. The Committee had held follow-up meetings with representatives of a number of countries. Denmark in particular had shown a very positive attitude in dealing with the asylum cases, and the Netherlands and Peru had also been cooperative. Some other States, however, had failed to provide information or had claimed that systemic problems prevented implementation of the Views, as was the case with Sri Lanka and the Philippines.

45. **Mr. Shany** said that, while he appreciated the inclusion of a short summary of each case, the report was, as a result, too lengthy and repetitive in parts. He would like to know how the Committee dealt with States parties that had not replied to the Committee's requests for follow-up information. He also wished to know the Special Rapporteur's policy with regard to closing follow-up cases with unsatisfactory findings when there was little hope of further progress. Closing such cases would allow the Committee to include them as an issue during its consideration of periodic reports. Like the Chair, he wished to express his disappointment that the document had not been translated into the other working languages.

46. **Mr. Petrov** (Office of the United Nations High Commissioner for Human Rights) said that, previously, the Committee had decided to include in the report only new information not already contained in earlier reports. Subsequently, a maximum length of 10,700 words had been imposed, and documents that exceeded that length were no longer accepted for translation. If the Committee wished to have the progress reports translated into all working languages, it would have to produce shorter reports.

47. **Mr. Iwasawa** said that, at an informal meeting on working methods held in The Hague in 2013, the Committee members had firmly stated that the follow-up report should be translated. Following the imposition of a limit on the maximum length of documents eligible for translation, however, it had become necessary to strike a balance between the information included in such documents and the possibility of having them translated.

48. **Mr. de Frouville** was concerned about the fact that the follow-up progress report had not been translated into languages other than English. He recalled the Committee's decision, as set out in its annual report, that "[a]ny draft document relating to the Committee's activities under the Covenant [...] must be translated into the working languages of the Committee" (A/71/40, para. 45). It was also a matter of concern that an essential document that had previously formed part of the annual report, the summary of the jurisprudence of the Committee, was now published in a separate document that was available only in English.

49. **The Chair** said that he had raised the issue of word limits, emphasizing the importance of follow-up procedures to the work of the Committee, before the Third Committee of the General Assembly.

50. **Mr. Iwasawa** said that, in the past, follow-up procedures had been suspended when it had been clear that the State party had no intention of implementing the Views of the Committee. In such cases, a note had been made in the report that no satisfactory implementation had taken place.

51. **Mr. Rodríguez Rescia** (Special Rapporteur for follow-up to Views) said that States parties which did not comply with the Views of the Committee, such as Colombia, should not be rewarded for their lack of compliance by having their dialogues closed as that would not help the victims. In such cases, a public record of the State party's failure to comply should be published.

52. The cases involving Australia concerned, inter alia, the indefinite detention of several refugees, who had subsequently been released, and eight cases of deportation. In all cases, it had been decided that the dialogue with the State party would continue.

53. **The Chair** said that he took it that the Committee wished to adopt the Special Rapporteur's proposals with regard to the cases concerning Australia.

54. *It was so decided.*

55. **Mr. Rodríguez Rescia** said that a reminder would be sent to the Government of Belarus as it had not yet responded to the Committee's Views on case No. 2165/2012 (*Pinchuk v. Belarus*), which concerned the failure of an association to register itself and the violation of the rights of an individual who had been working on behalf of it.

56. **The Chair** said that he took it that the Committee wished to adopt the Special Rapporteur's proposals regarding case No. 2165/2012.

57. *It was so decided.*

58. **Mr. Rodríguez Rescia** said that the cases involving Bosnia and Herzegovina concerned the failure to investigate forced disappearances and one case of deportation to Iraq. In its response to the Committee, the Government of that State party had referred,

inter alia, to a bill on compensation in cases of torture, which had not yet been adopted, and to plans to implement a victim support fund which, owing to a disagreement between the Government and the authorities of the district of Brcko, had not yet been realized. The State party had shown a positive attitude to the Views of the Committee but, owing to its failure to comply with those Views, the cases could not be evaluated and must remain open.

59. **Mr. Shany** said that the Committee should seek to avoid replicating identical replies given by a State party in response to a particular communication. With regard to cases Nos. 1917/2009, 1918/2009, 1925/2009 and 1953/2010 (*Prutina et al. v. Bosnia and Herzegovina*), he suggested replacing the C1 rating on the issue of ensuring adequate compensation to a D rating, since the summary did not mention compensation or reparation.

60. *It was so decided.*

61. Noting that the same remedy — “ensuring adequate compensation” — appeared in subparagraphs (c) and (e) of the assessment of case No. 2003/2010 (*Selimović et al. v. Bosnia and Herzegovina*), he asked whether a correction was needed. The State party’s claim that it had been prevented from setting up a victim support fund by a dispute with the authorities of the district of Brcko was unconvincing and irrelevant. A C2 rating would more accurately reflect the degree of displeasure felt by the Committee.

62. **Mr. Rodríguez Rescia** said that he agreed that the Government of Bosnia and Herzegovina had not given a credible explanation of its inability to set up a victim support fund. The rating granted in the cases concerned would be changed from C1 to C2 in order to apply political pressure to the State party to establish the necessary agreement.

63. **The Chair** said that he took it that the Committee wished to adopt the Special Rapporteur’s proposals, as amended, with regard to the cases concerning Bosnia and Herzegovina.

64. *It was so decided.*

65. **Mr. Rodríguez Rescia**, referring to case No. 2091/2011 (*A.H.G v. Canada*), said that the State party had provided a very long response in which it had expressed disagreement with the Committee’s conclusions and recommendations. For that reason, it had been granted an E rating for the categories of effective remedy and non-repetition and the dialogue concerning the case would have to continue.

66. **The Chair** said that he would welcome more detailed information about the situation of the individual concerned in case No. 2091/2011.

67. **Mr. Shany** said that the individual had been in Jamaica when the case had been discussed. The State party had apparently not understood the Views of the Committee as it had repeatedly mentioned the treatment of the individual in Jamaica whereas the Committee was interested in his treatment in Canada. Consequently, he agreed that the dialogue with the Government of Canada should continue.

68. **The Chair** said that he took it that the Committee wished to adopt the Special Rapporteur’s proposals regarding case No. 2091/2011.

69. *It was so decided.*

70. **Mr. Rodríguez Rescia** said that the Government of Colombia did not intend to comply with the Committee’s recommendations on compensation or non-repetition in case No. 1623/2007 (*Guerra de la Espriella v. Colombia*). Consequently, an E rating had been assigned and the dialogue would be ongoing. It was necessary for the Committee to keep publishing its Views on the case to ensure that the victims would not be forgotten.

71. **Mr. Shany** said that the cumulative effect of the ongoing dialogue and the concluding observations might make the State party reconsider its position. However, if it

continued to reject the Views of the Committee, it would be necessary to suspend the dialogue in order not to waste the Committee's limited resources.

72. **The Chair** said that he took it that the Committee wished to adopt the Special Rapporteur's proposals regarding case No. 1623/2007.

73. *It was so decided.*

74. **Mr. Rodríguez Rescia** said that, as the Government of Denmark had adopted almost all the Committee's recommendations, the follow-up dialogues with that country should be closed.

75. **The Chair** said that, in cases Nos. 2288/2013 (*O.O.A v. Denmark*) and 2343/2014 (*H.E.A.K v. Denmark*), the dialogue should be ongoing.

76. **Mr. Seetulsingh** said that the Committee should indicate, in case No. 2243/2013 (*Husseini v. Denmark*), that the courts had rejected the author's appeal and had ordered him to leave Denmark.

77. *It was so decided.*

78. **Mr. Shany**, referring to case No. 2243/2013, said that he would like to know why the rating granted for the effective remedy was B1 rather than A. The obligation in question was a procedural one rather than an obligation of outcome. With regard to case No. 2370/2014 (*A.H. v. Denmark*), he said that the Committee should consider changing the rating regarding the issue of compensation from B2 to B1 because the State party was willing to consider awarding compensation but the author had not made a claim.

79. **Mr. Rodríguez Rescia** said that case No. 2370/2014 should remain open so that the author would continue to have the possibility of making a claim. With regard to case No. 2243/2013, although the court had ruled against the author, the State party had complied with the Committee's recommendation to review the case; a B1 rating was therefore appropriate.

80. **The Chair** said that he agreed with the Special Rapporteur in respect of the issue of compensation in case No. 2370/2014: a B2 rating was appropriate as the State party had not awarded compensation and therefore had not complied with the Committee's recommendations. With regard to the State party's review of case No. 2243/2013, he agreed that, although the outcome might not have been to the Committee's liking, the State party had complied with the Committee's recommendation and that a B1 rating was therefore appropriate.

81. **Mr. Shany** suggested that case No. 2288/2013 should also be closed with a satisfactory rating.

82. **Mr. Rodríguez Rescia** said that the Committee had recommended that the State party should review its policy on trafficked persons who had cooperated with the authorities. Although the review carried out by the State party had been somewhat generic, he believed that it had given an explanation that was sufficient to warrant closing the case; he therefore agreed that the case should be closed.

83. **The Chair** said that he took it that the Committee wished to adopt the Special Rapporteur's proposals with regard to the cases concerning Denmark.

84. *It was so decided.*

85. **Mr. Rodríguez Rescia**, drawing attention to case No. 2104/2011 (*Valetov v. Kazakhstan*), said that the State party had clearly rejected the Committee's recommendation to provide compensation to the victim. In cases Nos. 2131/2011 (*Leven v. Kazakhstan*) and

2137/2012 (*Toregozhina v. Kazakhstan*), reminders would have to be sent to the State party as no response had been received from it.

86. **Mr. Shany** said that, with regard to case No. 2104/2011, the Special Rapporteur had been correct to state that the State party had been unwilling to provide compensation. Since it had responded to the Committee's recommendation, however, it would be more appropriate to assign it a C2 or E rating rather than a D. With regard to subparagraph (c) of the Committee's assessment in that case, the State party had indicated that it had distributed the Committee's views to all the regional prosecutors' offices for use in their work. Although that measure had been insufficient, it constituted an initial step and warranted a B2 rating. It was also worth noting that the author of the complaint had been visited in detention; therefore, a B1 rather than a B2 rating should be assigned for subparagraph (b) of the Committee's assessment.

87. **Mr. Rodríguez Rescia** said that he agreed with Mr Shany's proposal that a B1 rating should be assigned for subparagraph (b) of the Committee's assessment of case No. 2104/2011. An E rating should be assigned for compensation in the same case.

88. **The Chair** said that he took it that the Committee wished to adopt the Special Rapporteur's proposals, as amended, with regard to the cases concerning Kazakhstan.

89. *It was so decided.*

90. **Mr. Rodríguez Rescia** said that reminders would have to be sent to the State party in respect of cases Nos. 1402/2005 (*Krasnov v. Kyrgyzstan*) and 1545/2007 (*Gunan v. Kyrgyzstan*) as no response had been received from it. The dialogue would be ongoing in case No. 2054/2011 (*Ernazarov v. Kyrgyzstan*).

91. **The Chair** said that the cases involving Kyrgyzstan highlighted the problem with the rating system, in that the Committee sometimes awarded a very harsh rating when information had been provided but no rating at all when there had been no information.

92. He took it that the Committee wished to adopt the Special Rapporteur's proposals with regard to the cases concerning Kyrgyzstan.

93. *It was so decided.*

94. **Mr. Rodríguez Rescia** said that, in the majority of the cases involving Nepal, reminders would have to be sent as the State party had not responded to the Committee's Views. The only two cases which it had been possible to assess were Nos. 2077/2011 (*Sherpa v. Nepal*) and 2038/2011 (*Tharu v. Nepal*). From the information that he had received, it was apparent that Nepal was confusing compliance with the Views of the Committee with the expectations of transitional justice. In some cases, it was mistakenly attempting to transfer the solutions of the cases that came before the Committee to a procedure of transitional justice. It would be necessary to raise that issue with the Government of Nepal.

95. **The Chair** said that he took it that the Committee wished to adopt the Special Rapporteur's proposals, as amended, with regard to the cases concerning Nepal.

96. *It was so decided.*

97. **Mr. Rodríguez Rescia**, drawing attention to the proposed assessment and decision of the Committee with regard to case No. 2097/2011 (*Timmer v. the Netherlands*), proposed that as the State party had complied with the recommendations of the Committee, the dialogue should be closed with a finding of satisfactory implementation.

98. **Mr. Shany** drew attention to the second paragraph relating to the State party's submission, the first sentence of which should be corrected to read "the State party

confirms that a proposal to abolish the system of leave to appeal, as set out in section 410 (a) of the Code of Criminal Procedure, is under way”.

99. **The Chair** said that he took it that the Committee wished to adopt the Special Rapporteur’s proposals, as amended, regarding case No. 2097/2011.

100. *It was so decided.*

101. **Mr. Rodríguez Rescia**, drawing attention to the proposed assessment and decision of the Committee with regard to case No. 1153/2003 (*K.I. v. Peru*), said that the authors had informed the Committee that the State party had complied fully with the Committee’s recommendations. He proposed that the case should be closed with a finding of satisfactory implementation.

102. *It was so decided.*

103. **Mr. Rodríguez Rescia**, drawing attention to the proposed assessment and decision of the Committee with regard to case No. 868/1999 (*Wilson v. Philippines*), said that, while he had met with representatives from the State party, there appeared to be systemic issues in the State party with regard to the implementation of the Committee’s decisions. He proposed that the Committee should consider the dialogue to be ongoing.

104. *It was so decided.*

105. **Mr. Rodríguez Rescia**, drawing attention to the proposed assessment and decision of the Committee with regard to cases Nos. 1786/2008 (*Jong-nam Kim et al. v. Republic of Korea*) and 2179/2012 (*Young-kwan Kim et al. v. Republic of Korea*), noted that the date of transmission to the State party should read 30 December 2015. Given that no information relating to the case had been received from the State party, he proposed that the Committee should consider the follow-up dialogue to be ongoing.

106. *It was so decided.*

107. **Mr. Rodríguez Rescia**, drawing attention to the proposed assessment and decision of the Committee with regard to case No. 2008/2010 (*Aarrass v. Spain*), said that he had met with the relevant authorities, who had made a verbal commitment and expressed concern for the victims in the case. He proposed that the Committee should consider the follow-up dialogue to be ongoing.

108. **Mr. Shany** said that the Committee should consider a B2 rating for adequate compensation, and a B1 or B2 rating for non-repetition.

109. **The Chair** said that he took it that the Committee wished to adopt the Special Rapporteur’s proposals, as amended, regarding case No. 2008/2010.

110. *It was so decided.*

111. **Mr. Rodríguez Rescia**, drawing attention to the proposed assessment and decision of the Committee with regard to case No. 1376/2005 (*Bandaranayake v. Sri Lanka*), said that within the State party there was a debate about the legal weight of the Committee’s decisions. He proposed that the Committee should consider the follow-up dialogue to be ongoing.

112. *It was so decided.*

113. **Mr. Rodríguez Rescia**, drawing attention to the proposed assessment and decision of the Committee with regard to case No. 2149/2010 (*M.I. v. Sweden*), said that all aspects of the matter had been resolved satisfactorily. He proposed that the dialogue should be closed with a finding of satisfactory implementation.

114. *It was so decided.*

115. **Mr. Rodríguez Rescia**, drawing attention to the proposed assessment and decision of the Committee with regard to case No. 1765/2008 (*Torres Rodriguez v. Uruguay*), said that insufficient information had been received to permit an evaluation of the issue of compensation. He proposed that the Committee should continue the dialogue and send a reminder to the State party.

116. **Mr. Shany** proposed a B2 or C1 rating.

117. **Mr. Rodríguez Rescia** said that he accepted the proposal of a C1 rating, given that the proceedings regarding compensation were ongoing.

118. **The Chair** said that he took it that the Committee wished to adopt the Special Rapporteur's proposals, as amended, regarding case No. 1765/2008.

119. *It was so decided.*

120. **Mr. Rodríguez Rescia**, drawing attention to the proposed assessment and decision of the Committee with regard to cases Nos. 1418/2005 (*Iskiyaev v. Uzbekistan*) and 1914-1915-1916/2009 (*Musaev v. Uzbekistan*), said that in the first case no information had been received from the State party and it would be necessary to send a reminder. In the second case, the dialogue was still ongoing.

121. **Mr. Shany** said that in cases Nos. 1914-1915-1916/2009, the Committee should consider a B2 rating for the investigation.

122. **The Chair** said that he took it that the Committee wished to adopt the Special Rapporteur's proposals, as amended, with regard to the cases concerning Uzbekistan.

123. *It was so decided.*

Organizational and other matters, including the adoption of the report of the Working Group on Individual Communications (*continued*)

Methods of work

124. **Ms. Cleveland**, introducing a proposal for a new set of assessment criteria for the assessment of replies received from States parties under the follow-up procedure, said that the definition of an A rating remained unchanged. The B rating consolidated the previous B1 and B2 grades, thus eliminating the possibility of distinguishing between substantial and minimal action. The C rating merged the previous C1 and C2 grades, while the D rating combined the previous D1 and D2 grades. She proposed that the D rating should be applied after one reminder had been sent to the State party. If a State party submitted a report but did not provide information on a specific recommendation, then a C rating should be given. The E rating was intended to cover situations in which the information provided by the State party indicated that it had adopted measures which ran counter to the Committee's recommendations.

125. **The Chair** said that, while the proposal might require some fine-tuning, it adequately address the Committee's concerns about the need to reflect a combination of procedural and substantive criteria. It would be helpful to have more specific criteria against which to evaluate the issues of compensation and non-repetition. When considering concluding observations, it might be useful for rapporteurs to find out whether other treaty bodies had already made recommendations on the same issues.

126. The new Chair of the Committee should review the policy on the translation of documents. It appeared that some documents which had already been partially translated were considered new documents and consequently translations sometimes did not reach the Committee in a timely manner.

127. **Ms. Seibert-Fohr** said that, while the proposed grading system was simpler to apply, the Committee should be aware of the implications of eliminating the subcategories. The new grading system was largely procedural and might allow for a situation in which a State party could achieve a C grade simply by responding to the Committee's concerns, but without actually implementing measures to address those concerns. Additionally, it was not clear whether the new B grade could be awarded simply when some action had been taken, or only when actions had been taken which met certain criteria.

128. **Ms. Cleveland** said that the categories being eliminated were rarely used or difficult to apply. The D grade could be used to indicate that a State party had not submitted any form of response.

The meeting rose at 1 p.m.