



# UN Human Rights Committee 2019

A Year in Review

Centre for Civil and Political Rights





# | Introduction

The Centre for Civil and Political Rights is delighted to present our latest edition of the **Human Rights Committee Year in Review**, containing our analysis of the main areas of concern and findings of the UN Human Rights Committee throughout 2019.

This Yearbook explores the activity of the Human Rights Committee in 2019 by examining the State party reporting procedures and individual communication views by the Committee throughout the year.

- **Human Rights Committee activity**

In 2019, the Human Rights Committee examined the reports of Angola, Estonia, Niger, Viet Nam, Mauritania, Netherlands, Paraguay, Tajikistan, Belgium, Cabo Verde, Czech Republic, Mexico and Senegal during its 125<sup>th</sup>, 126<sup>th</sup> and 127<sup>th</sup> sessions, and adopted 13 corresponding Concluding Observations. The Committee also adopted views on 96 individual communications.

- **Expanded thematic analysis of periodic reviews**

As in previous years, this Yearbook examines key areas of concern emerging from the State party concluding observations. For 2019, the Centre decided to broaden its thematic focus by separately expanding on specific issues frequently identified during state party reviews. We focussed our analysis on torture and ill-treatment, discrimination and treatment of minorities, violence against women and concerns relating to refugees and asylum seekers (section 2.2)

- **New focus areas: Analysis of violations, notable jurisprudence and follow up monitoring**

The Centre also introduced three new focus areas to our Yearbook in 2019. Firstly, we developed thematic analysis of violations of the Covenant in order to identify hotspots of concern in individual communications (section 2.3). Secondly, we provided a comprehensive analysis of landmark or notable Views adopted by the Committee and inspect their effect on the jurisprudence (section 2.4).

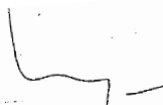
Finally, we introduced detailed reporting on follow up procedures and reporting of the Follow-up Rapporteur in order to monitor the implementation of recommendations and provide a clearer picture of State party compliance (section 2.5, 3.2).

- **General Comment No. 37**

This Yearbook also briefly details the introduction of General Comment 39 regarding the right to peaceful assembly, which concluding its first reading during the 128<sup>th</sup> Session in October / November 2019.

Together, this analysis allows the CCPR Centre to present an improved holistic assessment of the activity of the Committee, understand key emerging issues of concern and trends in State compliance, and keep track of movements in the individual communication jurisprudence. The purpose of this Yearbook is to make the work and findings of the Committee more accessible to the general public, and especially for those involved in the promotion and protection of civil and political rights.

The Human Rights Committee Year in Review 2019 represents the continuation of research carried out since 2014, and this year has been completed in collaboration with the Geneva Academy of International Humanitarian Law and Human Rights. The CCPR Centre would like to thank Chris Caskey for his assistance in the drafting, design and publishing of the 2019 Yearbook.



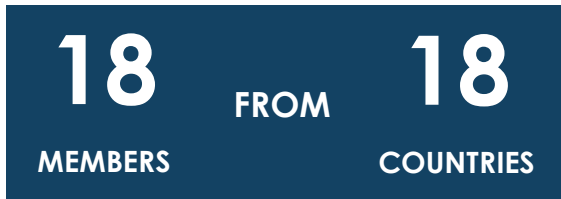
**Patrick Mutzenberg**

Director

Centre for Civil and Political Rights

# Facts and figures

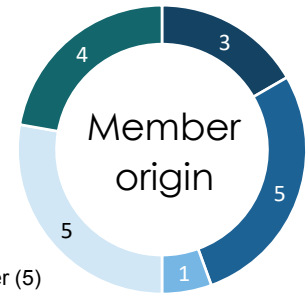
## Human Rights Committee in 2019



### MEMBERSHIP DISTRIBUTION



- Eastern Europe (3)
- Africa (5)
- Asia and the Pacific (1)
- Western Europe and Other (5)
- Latin America and the Caribbean (4)

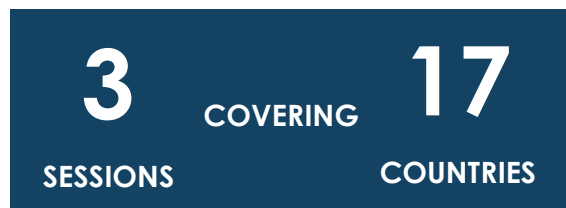


See page 4 for further detail on the **composition of the Committee**.

## State party reporting procedure

### KEY THEMES

- Prohibition of torture, ill-treatment
- Discrimination and treatment of minorities
- Violence against women
- Refugees and asylum seekers



See page 5 for further detail on the **State reporting procedure** in 2019.

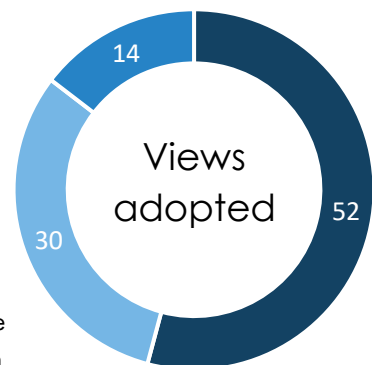
## Individual communication views adopted



### KEY THEMES

- Freedom of assembly
- Prohibition of torture, ill-treatment
- Freedom of expression
- The right to a fair trial, judicial independence and effective remedy

- Violation
- Inadmissible
- No Violation



See page 7 for further details on views on **individual communications** adopted by the Committee in 2019.

## 2019 Covenant ratification status

- Antigua and Barbuda ratified the ICCPR in 2019.
- No new ratifications of the Optional Protocol to the ICCPR (OP1), on the individual communications procedure. Only the countries party to this instrument can be reviewed by the Human Rights Committee.
- Armenia became a signatory to the Second Optional Protocol to the ICCPR (OP2), aimed at the abolition of the death penalty.

As of January 2020, the ICCPR has 173 signatories, OP1 116 and OP2 88.

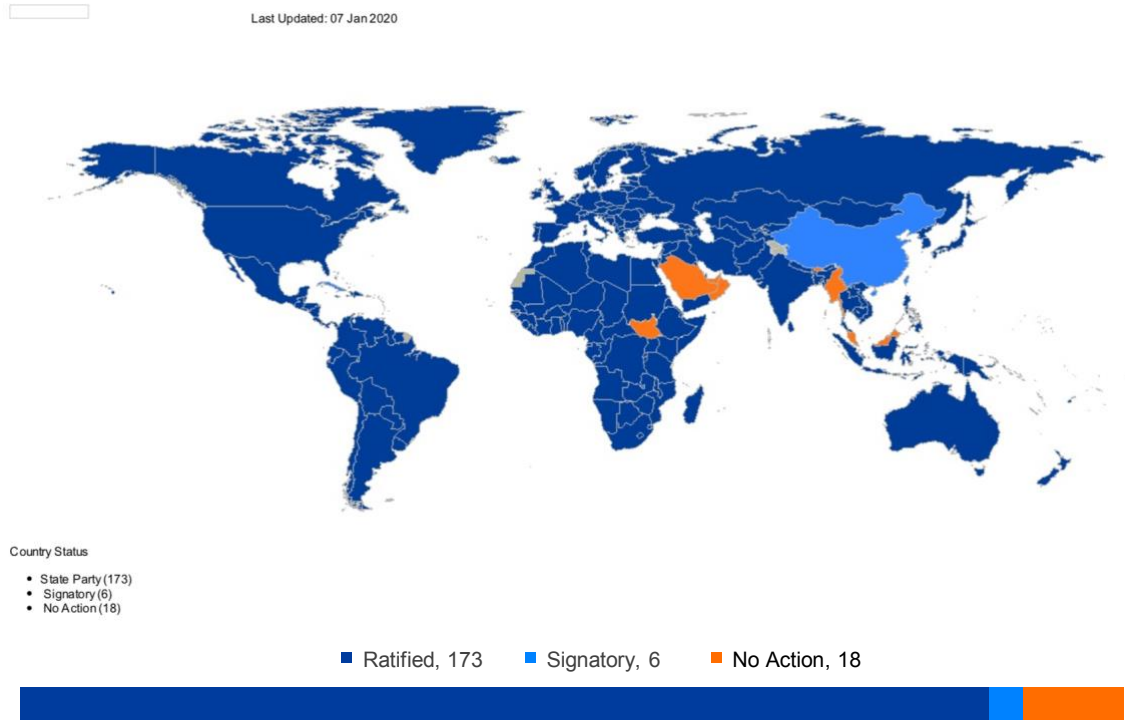


Figure 1: Map of ratification of the ICCPR (sourced Jan 2020)<sup>1</sup>

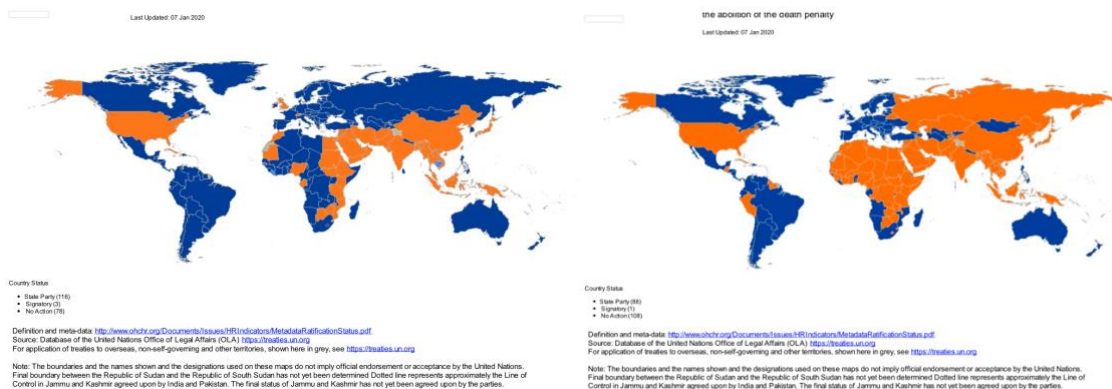


Figure 2: Maps detailing ratification of the ICCPR Optional Protocol 1 and Optional Protocol 2 (sourced Jan 2020)<sup>1</sup>

## 2019 Composition of the Committee

The Human Rights Committee is composed of 18 independent members who are appointed as persons of high moral character and recognized competence in the field of human rights.

Member	Country	Mandate	
		Start date	End date
Ms. Tania María ABDO ROCHOLL	Paraguay	2017	2020
Mr. Yadh BEN ACHOUR	Tunisia	2019	2022
Ms. Ilze BRANDS KEHRIS	Latvia	2017	2020
Mr. Christopher Arif BULKAN	Guyana	2019	2022
Mr. Ahmed Amin FATHALLA	Egypt	2017	2020
Mr. Shuichi FURUYA	Japan	2019	2022
Mr. Christof HEYNS	South Africa	2017	2020
Mr. Bamariam KOITA	Mauritania	2017	2020
Ms. Marcia V.J. KRAN	Canada	2017	2020
Mr. Duncan MUHUMUZA LAKI	Uganda	2019	2022
Ms. Photini PAZARTZIS	Greece	2019	2022
Mr. Hernán QUEZADA CABRERA	Chile	2019	2022
Ms. Vasilka SANCIN	Slovenia	2019	2022
Mr. José Manuel SANTOS PAIS	Portugal	2017	2020
Mr. Yuval SHANY	Israel	2017	2020
Ms. Hélène TIGROUDJA	France	2019	2022
Mr. Andreas ZIMMERMANN	Germany	2017	2020
Mr. Gentian ZYBERI	Albania	2019	2022

Figure 3: Members of the UN Human Rights Committee in 2019

## Elections in 2019

Members are elected for a term of four years by State parties in accordance with the processes detailed in Articles 28 to 39 of the Covenant. There were no elections for any new members during 2019, however elections took place in 2020.



# State party reviews

Thematic focus

## Breakdown of issues of concern in 2019 reviews

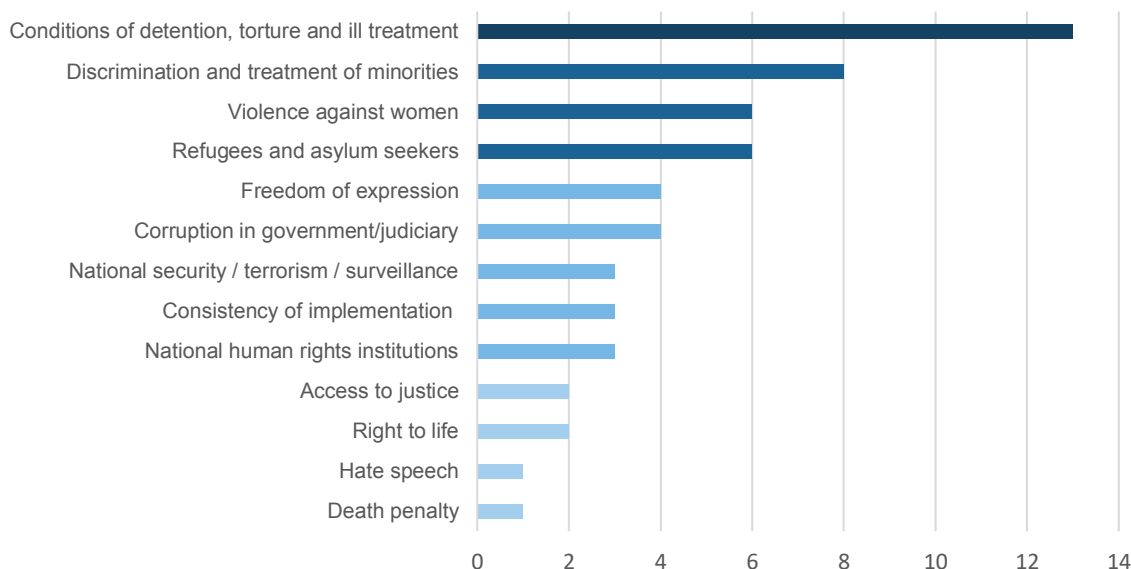


Figure 4: Quantitative thematic breakdown of Committee focusses during State party reviews in 2019.

In 2019, the Committee conducted reviews of 19 state parties and issued 19 corresponding Concluding Observations. Four issues of frequent concern identified in the reviews were conditions of detention, torture and ill-treatment, discrimination and treatment of minorities, gender-based violence including violence against women, and issues relating to refugees and asylum seekers.

### Conditions of detention, torture and ill treatment

The Committee raised concerns on conditions of detention in eight separate State party reviews, namely Niger, Viet Nam, Netherlands, Paraguay, Equatorial Guinea, Cabo Verde, Tajikistan and Senegal. In Viet Nam, concerns were raised by the Committee about detention of human rights defenders in Viet Nam, especially for measures taken in the name of national security. Stressing that the appropriate safeguards during pre-trial detention against those accused of crimes against national security must be in place, and appropriate legislation applied to any detention. The Committee also expressly raised the issue of deaths occurring in detention, especially those that occurred not long after the person was detained. In the review of Tajikistan, the Committee noted continued reports of overcrowding, of reported use of secret punishment cells where prisoners are subjected to ill-treatment, and harsh conditions imposed on those who have been sentenced to life imprisonment. In this regard, the Committee also reiterated concerns over repeated deaths caused in custody allegedly caused by torture and ill-treatment.

The Committee raised concerns relating to torture and ill treatment in six State party reviews, namely Niger, Viet Nam, Eritrea, Saint Vincent and the Grenadines, Paraguay and Tajikistan. In the review of Eritrea, the Committee raised allegations of torture in detention centres, including extensive use of force in both civilian and military detention centres for acts such as criticizing the government or practicing a non-state sanctioned religion. The Committee stressed that prompt, impartial and thorough investigations must be conducted into all extrajudicial kills and enforced disappearances, and ensure all perpetrators are punished. In the review of Tajikistan, the Committee noted the measures the state had already taken to combat torture including legislative amendments and increasing the penalty, the Committee remained concerned about continued reports of torture or ill-treatment of persons deprived of their liberty, particularly of human rights defenders and those whom the state party requires a confession. The Committee recommended that the state party provide adequate and complete training on the prevention of torture and humane treatment of detainees.

### Discrimination and treatment of minorities

Concerns relating to the treatment of minorities were raised in nearly half of all State party reviews (eight), namely, Angola, Estonia, Niger, Saint Vincent and the Grenadines, Mauritania, Paraguay, Equatorial Guinea, Nigeria and Belgium. In the review of Angola, the Committee raised concerns over discrimination against ethnic and indigenous minorities in access to food, health and water.

In the review of Niger, and Saint Vincent and the Grenadines, the Committee noted that the state was still yet to pass legislation that would define and criminalize acts of discrimination on the basis of gender identity, sexual orientation and disability. In Niger, the Committee further regretted the presence of legislation characterizing consensual sexual acts between two members of the same sex as “unnatural”.

In the concluding observations on the report of Mauritania, the Committee expressed similar concerns that consenting sexual acts between two members of the same sex carried the death penalty under the state party's domestic criminal code. The Committee also under highlighted issues of discrimination faced by refugees and asylum seekers in, noting that a comprehensive bill on asylum had yet to be adopted by the state party.

In the concluding observations of the report of Belgium, the Committee raised the issue of persistent discriminatory practices, such as the ethnic profiling for identity checks by the police, and obstacles to accessing housing or the enjoyment of social benefits. The Committee recommended that the state party put legislation in place to prohibit ethnic profiling and provide an adequate remedy for complaints of discrimination on the basis of language.

### Violence against women

Another recurring trend was the perpetration of violence against women. The Committee raised concerns relating to gender-based violence in six of 19 State party reports, namely those of Angola, Estonia, Niger, Saint Vincent and the Grenadines, Mauritania, and Equatorial Guinea.

High rates of domestic violence were a key focus of the Committee in the reviews of Angola and Estonia. With respect to Angola, the Committee complimented the State on its action plan to confront domestic violence however expressed concerns of the legality of polygamy and early marriages as key contributors.

Committee members were also concerned about the Saint Vincent and the Grenadines laws not recognising marital rape or workplace sexual harassment and lacking a comprehensive definition of gender-based violence. The delegation argued that rape is defined broadly under the Criminal Code.

In the concluding observations of Estonia, the Committee noted that the prosecution rate for domestic violence remains low in the country, especially in proportion to claims that are filed. The state party replied

that there are further amendments to criminal penal legislation in place to sanction domestic violence, and that protection and investigatory measures are effective.

For Mauritania, the Committee welcomed the adopted of a national action plan on gender-based violence, however expressed ongoing concern that violence against women continues to be prevalent and socially acceptable, and also expressed regret that a recent bill on gender-based violence was rejected in Parliament. The Committee recommended that the state party take a number of measures, including raising awareness among leaders, introduce comprehensive definitions of gender-based violence in the state's criminal code, as well as taking steps to ensure that women who pursue their attackers do not face prosecution for adultery.

### Refugees and asylum seekers

In a similar trend to previous years, compliance with the principle of *non-refoulement* was a key concern of the Committee in 2019 in both the state party review process, and individual communications. The Committee raised concerns relating to refugees and asylum seekers in 5 State party reports, namely Mauritania, Netherlands, Belgium, Cabo Verde and the Czech Republic.

The Committee noted Angola's developing policy to accept larger numbers of asylum seekers within its territory and willingness to register children born to refugees from the Democratic Republic of the Congo, however, heavily criticised the state's implementation process, and expressed concern over numerous reports of mass expulsions of migrants and asylum seekers. In the concluding observations of the report of Mauritania, the Committee expressed concern that there is no clear registration and refugee determination process, and as such refugees face systemic discrimination in accessing basic social services. The Committee recommended that the state party swiftly pass legislation placing the asylum process into law and ensure that all obstacles for refugees and asylum seekers in accessing social security once they arrive in the country.

The Committee also noted that in Belgium immigration detention is still practiced at an alarming rate, and that the state party appears to be returning to the practice of detaining families, pregnant women and migrant children. The Committee recommended that Belgium adopt alternatives to detention, in conformity with its obligations under the Covenant and the principles of the best interests of the child, and family reunification. The Committee also recommended that in all instances, the state carry out all necessary measures to ensure that each asylum request, deportation or expulsion is carried out with full respect for the principle of non-refoulement.



# Individual communications

Thematic focus

## Overview of Views adopted by the Committee

The Human Rights Committee adopted Views on **96 individual communications** relating to **32 states** in 2019. The spread of geographical origin is as follows:

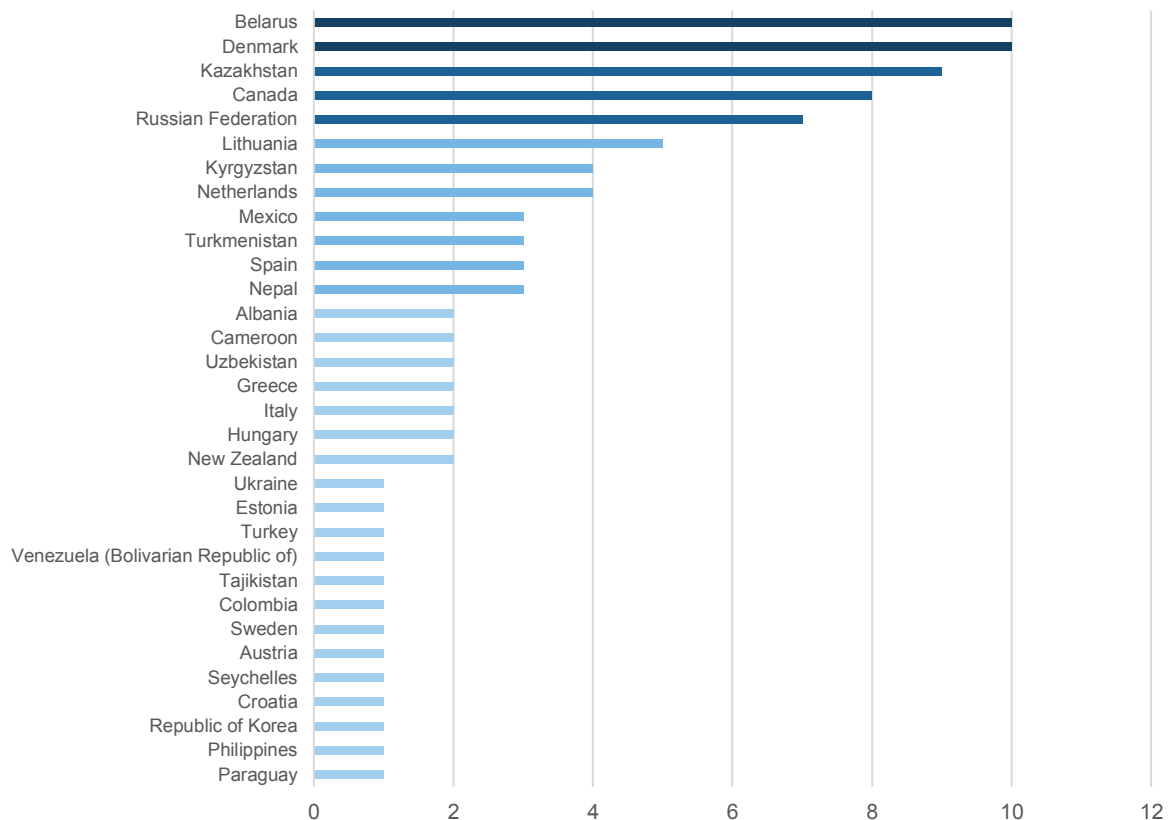


Figure 5: Geographical distribution of individual communication views adopted by the Committee in 2019.

## Initial commentary on Views adopted by the Committee in 2019

### Freedoms in Belarus and Kazakhstan

Communications raised against Belarus were frequent in 2019 (10), all of which revealed violations of the Covenant. Of these, four related to fines imposed on an author for imparting information, and a fifth related to the imposition of a fine for participating in a peaceful meeting. Others related to mistreatment in detention and unlawful detention (2), refusal to allow an author to hold a peaceful assembly, (1) and the imposition of a death sentence (1). Similarly, all communications raised against Kazakhstan also revealed violations of the Covenant (9). These included unlawful restrictions on freedom of religion (1), association (2) and expression (1), as well as unlawful and arbitrary detention (3) including the forced hospitalisation of a human rights defender.

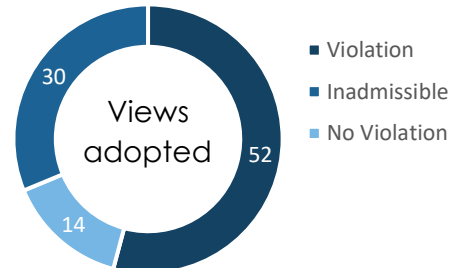
### Asylum seekers at risk of deportation

Notably, communications relating to asylum seekers (22) made up nearly 25% of all views adopted by the Committee in 2019. Additionally, communications raised against Canada (8) and Denmark (10) all related to asylum seekers bar one, however claims were also raised against Hungary, Austria, Sweden and New Zealand. These involved an author's deportation to states such as Afghanistan, Bulgaria, India, Iran and Belarus. However, of all 22 communications relating to asylum seekers at risk of deportation or a violation of the principle of non-refoulement, the Committee only identified three that contained violations, all involving Afghan nationals in Europe facing removal to Afghanistan (two in Denmark and a third from Sweden).

## Violations of the Covenant

Of the **96** views on individual communications issued by the Human Rights Committee in 2019, **52** were found to contain violations of the Covenant. **30** were found to be inadmissible, and the remaining **14** were found to contain no violation. Communications containing the below themes were found to contain violations most often:

- Conditions of detention, prohibition on torture and ill treatment
- Freedom of expression
- Freedom of assembly
- Right to a fair trial, effective remedy



## Thematic trends within violations

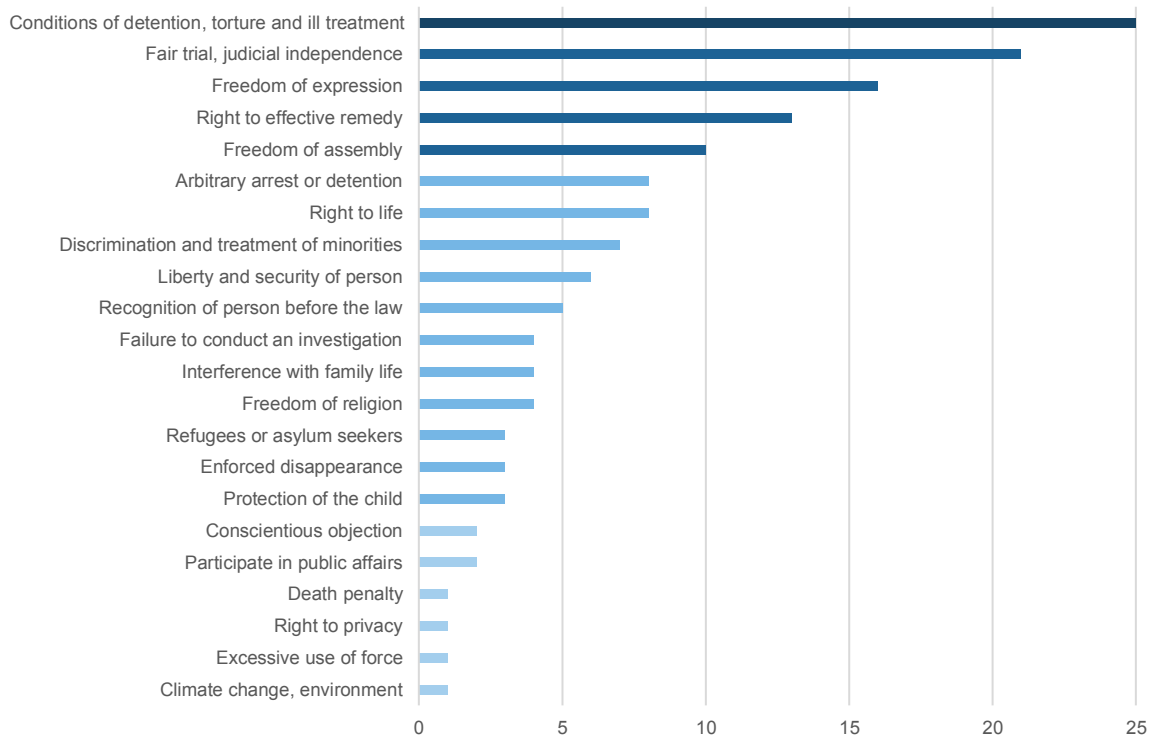


Figure 6: Quantitative thematic breakdown of themes identified in individual communication Views revealing a violation of the Covenant, adopted by the Human Rights Committee in 2019. Note individual communications generally contain more than one theme.

### Conditions of detention, torture and ill-treatment

Individual communications alleging a violation of the author's rights relating to detention, torture or ill-treatment were most frequently found to contain a violation of the Covenant (25). Three of which involved an author in Belarus, alleging violations of article 7 at the hands of law enforcement or mistreatment during judicial processes. Four violations involved treatment by Russian law enforcement when arresting suspects, including the eliciting of forced confessions. Five violations related to enforced disappearances, including three perpetrated in Mexico and two in Nepal, as detailed below.

### The right to a fair trial

Similarly, there was a substantial crossover in communications alleging ill-treatment and those related to deficiencies in trial procedures. Judicial independence was found to be an issue in 21 individual communications during 2019, against Kyrgyzstan, Nepal, Belarus, the Philippines, Turkey, Turkmenistan, Uzbekistan, Venezuela, Belarus, Kazakhstan, Lithuania and Tajikistan. One violation involved an imposition of a death sentence in Belarus where the accused did not enjoy the right to be presumed innocent, leading to the arbitrary deprivation of life as ill-treatment in detention.

### Asylum seekers at risk of refoulement

As detailed earlier, only three individual communications relating to an author's removal revealed violations of the Covenant, all concerning Afghan nationals in Europe facing removal to Afghanistan (two in Denmark and a third from Sweden). The first involved an author fearing he would be subject to torture by Afghan and United States forces and noted that domestic remedies had "failed to properly assess the real, personal and foreseeable risk of ill-treatment". In the second, the Committee also noted that domestic remedies had failed to assess whether the authors' extramarital relationship could have serious adverse consequences in their country of origin. In the third communication, the Committee found that Sweden had failed to take into account the authors' personal situation and requested they revisit his application for asylum.

### Freedom of expression

Issues relating to freedom of expression arose in 17 communications in 2019: seven of which were raised against Kazakhstan, six against Belarus, with the remainder being made up by Uzbekistan, Turkmenistan, Lithuania, and Canada with one each respectively. The Committee found violations in all cases except that raised against Canada, which was determined inadmissible.

### Inadmissible communications

Communications that were found to be inadmissible most frequently alleged violations of the principle of non-refoulement, alleging that the author would risk torture or ill treatment if returned to the country of origin (8).

## Key developments in the jurisprudence

In 2019, the Centre identified the following communications as notable due to their subject matter or movement in the jurisprudence of the Committee.

### Extra-judicial killings by members of the military in the Philippines

In the 125<sup>th</sup> session, the Committee found a violation of the right to life and the right to an effective remedy in a communication filed by an author on behalf of his deceased brother and sister in law (**Hadji Hamid Japalali v. The Philippines, communication no. 2536/2015**). The communication concerned an attack on the author's family members while they were sleeping, in the context of an armed occupation in a non-international armed conflict. The Committee clarified that in the context of a law enforcement operation, the potentially lethal use of force must be only used when strictly necessary to protect life from an imminent attack. The Committee considered that international human rights law and international humanitarian law both apply, and where the State party did not undertake any effort to ascertain whether the use of force was proportionate or necessary, this constituted an arbitrary deprivation of life. The further failure of the state party to conduct a prompt, independent and impartial investigation to the killings to ascertain their legality further constituted a violation of the author's right to an effective remedy.

### Committee recognises rape and sexual violation as a violation of the right to privacy and to family life under article 17 and 23(1)

In the 125<sup>th</sup> session, the Committee considered a communication in which the author was abducted by Nepali police and subjected to sexual violence and ill-treatment (**Fulmati Nyaya v. Nepal, communication no. 2556/2015**). The complaint concerned an author of the indigenous Tharu community and national of Nepal who was abducted owing to her suspected Maoist affiliation when she was 14. The author was abducted,

and held in incommunicado detention, where she was interrogated numerous times per day, as well as raped and subjected to other forms of sexual violence, including forced nudity, insertion of objects into her vagina and other sexual assaults. She was also subject to beatings, kicking, punching, and prolonged blindfolding. The author's father petitioned her release in 2002, paying NPR 50,000 to secure her release. Upon her return, she was considered a social outcast owing to the cultural attitudes and stigma around women who have been raped, often referred to as "impure girl". The author was married seven years later, however upon her husband learning of her history and the sexual assault in detention, he and her in-laws rejected her. Among the numerous violations, the Committee found that the rape and sexual violence that the author was subjected to constituted an arbitrary interference with her privacy and sexual autonomy as a woman, in violation of article 17 of the Covenant. Further, on the basis of the consequential shame and stigma felt by the author as a result of the violation, the Committee also found a violation of article 23(1). The Committee recommended that the state party conduct a thorough and effective investigation into the facts, prosecute and punish those responsible, as well as review its legislation to criminalise all acts of torture and sexual violence in accordance with international standards.

Committee member Mr. José Santos Pais issued a partly concurring opinion, noting that he could not fully concur with the majority as he failed to see how these articles could engage the responsibility of the state, especially years after the initial violations occurred.

### Extraordinary rendition of Turkish nationals from Malaysia to Turkey

In the 125<sup>th</sup> session, the Committee concluded views on the extraordinary rendition of three Turkish nationals from Malaysia to Turkey due to their suspected involvement with the Gülen movement (**Ismet Özçelik, Turgay Karaman and I.A. v. Turkey, communication no. 2980/2017**). The complaint was filed by family members on behalf of three men, claiming that they were being held incommunicado detention at an unknown facility in Turkey, and as such at a high risk of being subjected to torture, and cruel, inhuman or degrading treatment.

The Committee found that the authors had not exhausted domestic remedies on a number of their complaints, and additionally found that their detention in Malaysia could not be connected to the Turkish authorities, rendering a portion of their complaint under article 9 inadmissible. On the remainder of the complaint under article 9, the Committee found that the delay and lack of re-examination of the author's continued detention could not be considered as strictly necessary, even in the exigencies of the situation. Accordingly, they found a violation of the right to safety and security of person under article 9 of the Covenant. Committee member Gentian Zyberi issued an individual opinion noting that given the authors were victims of abduction in Malaysia at the direction of Turkish authorities, Turkey could not be absolved of its active role in their being placed outside the law. Further, Committee member Zyberi argued that on the basis that the authors challenged their detention with no success, the Committee should have placed more emphasis of justifying the non-exhaustion of domestic remedies where their application is unreasonably prolonged.

#### **Demolition of temporary housing of Roma persons in Greece, definition of a "home"**

In the 126<sup>th</sup> session, the Committee found an individual communication relating to forced evictions of Albanian Roma in Greece inadmissible on the basis that the complaint by the author was insufficiently substantiated (**G.I. v. Greece, communication no. 2582/2015**). The complaint concerned a national of Albania of Roma origin, who was forcibly evicted from temporary housing in Patras, Greece. Following the demolition, the municipal authorities had publicised the removal as a "cleaning operation" on domestic media, leading to a discrimination lawsuit filed by the author. However, the authorities were acquitted on the basis that the author had indicated a different address on his residence application, could not establish a legal interest in the temporary housing and had in fact been absent from the housing for a number of months. The Committee considered the authors complaint of a violation of Article 17 (the right to privacy and to family life) and recalled their jurisprudence, whereby the concept of a "home" within the meaning of the Covenant refers to a place where a person resides or carries out her or his occupation. The Committee elaborated that this does not require "daily physical presence", however the individual must be able to demonstrate credible evidence of occupation of the location. On the totality of the evidence supplied, the Committee considered that the communication was insufficiently substantiated and therefore inadmissible.

#### **Forced labour and torture of a minor in Nepal, dissent on issue of whether the state party should provide an apology**

In the 126<sup>th</sup> session, the Committee considered a communication by a Nepali child who was forced into labour by a member of the Nepali armed forces (**Bholi Pharaka v. Nepal, communication no. 2773/2016**). The communication concerned a member of the indigenous Tharu community, who was sent to work in Kathmandu as a domestic worker in 2007, when he was 14. The author was moved in 2010 to work for the family of a Nepalese Army Officer, where he was removed from school and forced to work from 4am to 10pm without any remuneration. When the author escaped, the family filed charges against the author for theft, and then abducted his maternal uncle in order to force his return. Upon his return, the author was subjected to torture while in pre-trial detention, and later formally sentenced to one-month imprisonment. The Committee found that the conduct of the state party in subjecting the minor to torture amounted to a violation of article 7, as well as procedural deficiencies in his detention amounting to a violation of article 9. Additionally, the Committee considered that the state party's failure to protect the author, who was 14 years old at the time, from such grave abuse and its failure to conduct any investigation into his allegations, was also in violation of his rights under article 8(3).

Committee members Tania María Abdo Rocholl, Arif Bulkan, Hernán Quezada and Héléne Trigroudja issued a separate joint opinion disagreeing with the majority for failing to recommend that the state party apologise to the author. The members referred to the guidelines on measures of reparation in the Optional Protocol, which provides that apologies are warranted in cases of grave of systemic violations where the injury cannot be fully redressed by restriction of compensation alone. The members argued that in the circumstances, a formal apology was entirely suitable.

#### **Environmental degradation caused by crop fumigation in Paraguay, duty of the State to protect**

In the 126<sup>th</sup> session, the Committee adopted views on an individual communication against Paraguay, in which the authors claimed a violation due to the State party failing to take action to protect them from environmental degradation caused by a nearby plantation (**Norma Portillo Cáceres et al. v. Paraguay, communication no. 2751/2016**). Following an agribusiness boom at a plantation bordering the authors' residences, agribusiness companies began increasingly spraying toxic agrochemicals in order to keep their plantations free of pests. As a result, the authors began to experience increasingly frequent symptoms of pesticide and chemical poisoning, including nausea dizziness, headaches, fever, stomach pains, vomiting, diarrhoea, coughing and skin lesions. One of the authors, Mr. Portillo Cáceres, passed away while experiencing symptoms. The authors claimed a violation of the right to life, to torture and ill-treatment, of arbitrary interference with their home and family, and their right to an effective remedy. The Committee found that the consistent failure

of the State party to enforce the environmental regulations, leading to the death of one of the authors, was in clear violation of the state duty to take positive steps to protect human rights. Further, the Committee considered that the crops, fruit trees and water resources all impacted by the fumigation spill onto the authors property constituted the authors' home for the purposes of article 17, and therefore the damage constituted arbitrary interference with the authors' right to family and home. Finally, the Committee considered that the failure of the state party to enforce orders by local courts for the companies to comply with environmental regulations revealed a violation of the right to effective remedy.

#### Sea level rise and climate change, impact on the right to life

By way of contrast, in the 127<sup>th</sup> session, the Committee adopted views on an individual communication against New Zealand regarding an allegation of the violation of the right to life owing to the effects of oceanic climate change (**Ioane Teitiota v. New Zealand, communication no. 2728/2016**). The complaint concerned a national of the Republic of Kiribati who sought asylum in New Zealand and was forced to return to the island upon asylum being refused by the state party. While on the merits the Committee noted that the required threshold for a violation of Article 6 of the Covenant had not been established to the level required for the principle of *non-refoulement*, namely a real, foreseeable personal risk to the author, the Committee noted "that without robust national and international efforts, the effects of climate change in receiving states may expose individuals to a violation of their rights under articles 6 or 7 of the Covenant, thereby triggering the *non-refoulement* obligations of sending states." Although an obiter statement, the Committee signaled the potential for a violation of Article 6 where persons are returned to states where environmental shifts impact the conditions necessary for life. Committee Members Vasilka Sancin and Duncan Laki Muhumuza offered dissenting opinions, arguing that the aforementioned conditions necessary for life were impacted on the facts established. The Committee views build upon General Comment No. 36 regarding the right to life finalized by the Committee in 2018, in which the Committee also stressed the link between climate change and the right to life.

While the decision does not yet set any precedent for non-refoulement obligations of receiving States in situations of environmental degradation, it signals a willingness for the Committee to consider the relationship between the right to life and a changing climate, which is likely to be explored further as conditions worsen. It is important to note in comparing **Ioane Teitiota v. New Zealand** and **Norma Portillo Cáceres et al. v. Paraguay**, the former concerned the engaging of the principle of non-refoulement which requires a real, foreseeable and personal risk to the author. Further in the latter, the environmental degradation revealed a direct causal link between the actions of the state party and the failure of the authors to enjoy the right to life.

#### Italian referendum processes constitute an arbitrary procedural violation of the right to participate in public affairs

In the 127<sup>th</sup> session, the Committee found a violation of the right to take part in the conduct of public affairs in a communication alleging Italy's referendum procedures are unduly restrictive, arbitrary and unreasonable (**Mario Staderini and Michele De Lucia v. Italy, communication no. 2656/2015**). As part of the Italian domestic referendum initiation process, the state party required a significant number of signatures to be witnessed by public officials in order to initiate a referendum, in an effort to maintain electoral and process integrity. The authors alleged that this requirement was unreasonable and that the public processes were not in place to facilitate such a large exercise. They further alleged that the requirement to compensate public officials resulted in discrimination against those who cannot afford to do so. The Committee considered that this procedural limitation pursued a legitimate aim, however in the absence of an effective process to make such state officials available, the restriction constituted an unreasonable limitation on the authors rights under article 25 of the Covenant. The Committee recommended the state party to review its legislation to ensure further violations do not occur in the future, and further to provide adequate avenues for promoters of future referendums to access the public services they need.

#### Forced hospitalisation of a human rights defender in Kazakhstan

In the 127<sup>th</sup> session, the Committee adopted views on a communication submitted by a lawyer and human rights defender from Kazakhstan (**Zinaida Mukhortova v. Kazakhstan, communication no. 2920/2016**). Following the author making a claim relating to the lower chamber of the Parliament of Kazakhstan during the defence of one of her clients, the author was charged with 'knowing false denunciation' under the domestic criminal code and an order was issued for her arrest. The author was arrested in 2010, and a court issued an order declaring that the author must undergo a compulsory psychiatric examination. Following this, the author was forcibly hospitalised five times and subjected to involuntary medical treatment over the coming years, for up to 15 months in total, despite six medical opinions being issued that the author was mentally fit and posed no risk to herself or to others. The state party reportedly ignored these reports, despite numerous NGOs and members of the international community calling for an investigation into the matter. The Committee found that on the evidence provided, the facts showed that the author was forcibly admitted to a psychiatric hospital several times without posing any threats to herself or to others. The Committee noted that while the right to liberty is not absolute, detention of an individual is such a severe measure that can only be justified when other, less severe measures have been considered, implemented, and found to be insufficient to safeguard against the public interest. On this basis, the Committee found a violation of article 9 with respect to the authors involuntary and arbitrary deprivation of liberty.

# Follow up procedure

## Thematic focus

During the 125<sup>th</sup>, 126<sup>th</sup> and 127<sup>th</sup> sessions of the Human Rights Committee, the Follow-up Rapporteur presented their analysis of reports from the following countries.

Session	Country	Action / Reply Rating	Report
<b>125<sup>th</sup> Session</b> March 2019	Austria	C / B / C	<a href="#">Open Report</a>
	Denmark	A / C / B / B / C / E	<a href="#">Open Report</a>
	Kuwait	E / C / B / C / E / E / C / B / C / B	<a href="#">Open Report</a>
	South Africa	B / B / C / B	<a href="#">Open Report</a>
	Sweden	A / B / C	<a href="#">Open Report</a>
<b>126<sup>th</sup> Session</b> July 2019	Argentina	C / A / C / B / B	<a href="#">Open Report</a>
	Burkina Faso	C / B / B / A / B / C	<a href="#">Open Report</a>
	Ecuador	B / B / B	<a href="#">Open Report</a>
	Namibia	C / C / B / C / C / B	<a href="#">Open Report</a>
	Turkmenistan	C / C / C / B	<a href="#">Open Report</a>
<b>127<sup>th</sup> Session</b> October / November 2019	Azerbaijan	C / C / C	<a href="#">Open Report</a>
	Ghana	B / C / C / B / B	<a href="#">Open Report</a>
	Pakistan	B / C / C / C / B	<a href="#">Open Report</a>
	Morocco	C / C / A / C	<a href="#">Open Report</a>

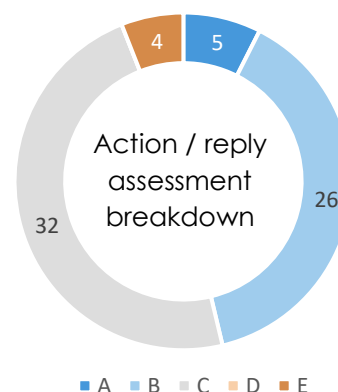
Figure 7: State parties that had reviews of the follow up to their concluding observations presented during sessions in 2019

## Overview of findings of the Follow-up Rapporteur

Of the **14** countries where Follow-up reports were completed by the Rapporteur, only **five** actions or replies were considered largely satisfactory (A). The majority of the assessments fell within partially satisfactory (26, B) and not satisfactory (32, C). There were no instances where a state party did not cooperate with the Committee (D) on a particular recommendation, however there were **four** instances where actions that were taken were contrary to the recommendations outlined in concluding observations adopted.

### Key

- A** Reply / action largely satisfactory
- B** Reply / action partially satisfactory
- C** Reply / action not satisfactory
- D** No cooperation with the Committee
- E** Reply / action contrary to recommendations



## Thematic breakdown of findings of the Follow-up Rapporteur

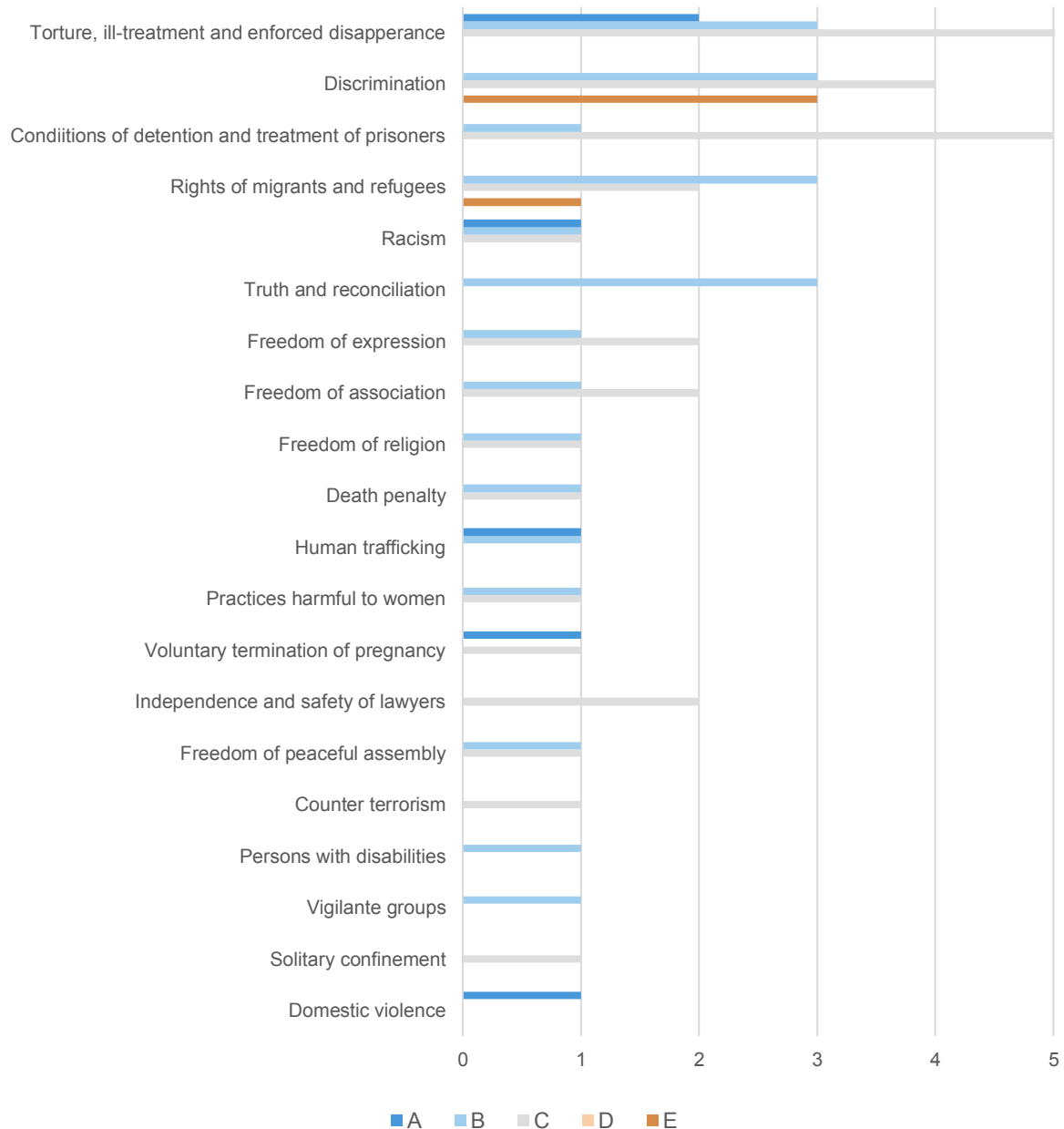


Figure 8: Quantitative thematic breakdown of assessments of state replies / actions to concluding observations adopted by the Committee, as reported by the Follow-up Rapporteur during 2019 sessions of the Committee.

### Action / reply assessments – largely satisfactory (Rating A)

Country	Topic	Summary	Committee Evaluation
Denmark	Domestic violence	<p><b>Paragraph 20</b></p> <ul style="list-style-type: none"> <li>The Committee requested that the state party continue its efforts to combat domestic violence effectively and requested that the state party ensure that guidelines on the application of its legislation are</li> </ul>	The Committee welcomed the various legislative and policy measures taken to prevent and combat domestic violence in Denmark, Greenland and the Faroe Islands, including updating the guidelines on inter-relational violent crimes, and the operationalisation of the

		enforced by all police districts in a uniform manner.	national unit to combat violence in family and intimate relations.
Sweden	Racism and hate speech	<p><b>Paragraph 17</b></p> <ul style="list-style-type: none"> <li>The Committee recommended that the state party redouble its efforts, both through law enforcement and through awareness raising, to combat hate speech. This includes on the internet, through racist and xenophobic violence against and negative stereotyping of ethnic minorities, in accordance with articles 19 and 20 of the Covenant.</li> </ul>	<p>The Committee noted the significant actions taken by the State party to prevent and combat racism and xenophobia, particularly through awareness raising, research and training plans adopted in Sweden. However, it required further information on the impact of these measures, including clarification substantiated by relevant data as to whether implementation actually decreased instances of racism and intolerance.</p> <p>The Committee also welcomed measures adopted by the state party to reduce hate crimes, including the establishment of a national contact point and specific hate crime investigation units.</p>
Argentina	Voluntary termination of pregnancy	<p><b>Paragraph 12:</b></p> <ul style="list-style-type: none"> <li>The Committee recommended that the state party revise its legislation on abortion laws, including by introducing exceptions to criminal prohibitions. In light of the Belén case, the Committee recommended that the state party should consider decriminalisation of abortion and review the case in light of international standards.</li> </ul> <p><b>Note:</b> The Belén case involved an Argentinian woman who arrived at a hospital to treat unknown stomach pain. The medical professionals treated her for an incomplete spontaneous miscarriage without complications. Following this, she was taken to prison and held in preventative detention for 24 months. She was later sentenced to eight years imprisonment for “aggravated homicide due to family relationship” owing to Argentina’s criminal prohibition on abortion.</p>	<p>The Committee welcomed the judicial decisions to release and acquit Belén, which were handed down in August 2016 and March 2017 respectively.</p>
Burkina Faso	Human trafficking and child labour	<p><b>Paragraph 36</b></p> <ul style="list-style-type: none"> <li>The Committee recommended that the state party continue its efforts to make the general public and those who work in the criminal justice system aware of the problem of human trafficking and risks of exploitation.</li> </ul>	<p>The Committee welcomed the state party’s information on awareness-raising activities to combat the economic and sexual exploitation of children and encourages the continuation of these activities.</p>
Morocco	Prohibition of torture and ill-treatment	<p><b>Paragraph 24</b></p> <ul style="list-style-type: none"> <li>The Committee recommended that Morocco expedite the process of adopting a law establishing a national preventative mechanism.</li> </ul>	<p>The Committee welcomed the adoption of a law which established a national mechanism for the prevention of torture.</p>



## Action / reply assessments – contrary to recommendations (E)

Country	Topic	Summary	Committee Evaluation
Denmark	Rights of aliens, migrants, refugees and asylum seekers	<p><b>Paragraph 32</b></p> <ul style="list-style-type: none"> <li>The Committee recommended that the state party repeal legislation which strips migrants and asylum seekers of access to their assets.</li> </ul>	The Committee regretted that Denmark took no action on implementing the recommendation to repeal the Aliens Act.
Kuwait	Discrimination against the Bidoon people	<p><b>Paragraph 11</b></p> <ul style="list-style-type: none"> <li>The Committee recommended that Kuwait speed up the process of granting Kuwaiti citizenship to Bidoon people, where appropriate.</li> </ul>	While acknowledging the state party's sovereign rights regarding citizenship, the Committee regretted Kuwait's decision to deny the existence of stateless Bidoon and to treat all of them as illegal residents, regardless of their entry point to the state. The Committee reiterated its recommendations.
Kuwait	Discrimination against the Bidoon people	<p><b>Paragraph 11</b></p> <ul style="list-style-type: none"> <li>The Committee requested that Kuwait set aside plans to offer Bidoon people 'economic citizenship' of another country exchange for permanent residence in Kuwait.</li> </ul>	The Committee regretted that the state party had not abandoned such plans and requested further information on any relevant developments. The Committee also reiterated its recommendation.
Kuwait	Discrimination against the Bidoon people	<p><b>Paragraph 11</b></p> <ul style="list-style-type: none"> <li>The Committee requested that Kuwait consider acceding to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness and implementing the obligations in domestic law.</li> </ul>	Similarly, the Committee regretted the State party's response to the recommendation, namely the argument that acceding to the mentioned Conventions was legally irrelevant. The Committee reiterated its recommendation.

# State party reporting

## Comprehensive state party reviews in 2019

During the 125<sup>th</sup>, 126<sup>th</sup> and 127<sup>th</sup> sessions of the Human Rights Committee in 2019, the following countries were reviewed:

Session	State Party Review	List of Issues	List of Issues Prior to Reporting
<b>125<sup>th</sup> Session</b> March 2019	<ul style="list-style-type: none"> <li>• Angola</li> <li>• Estonia</li> <li>• Niger</li> <li>• Viet Nam</li> <li>• Eritrea (reviewed in absence of report)</li> <li>• Saint Vincent and the Grenadines (reviewed in absence of report)</li> </ul>	<ul style="list-style-type: none"> <li>• Cabo Verde</li> <li>• Central African Republic</li> <li>• Senegal</li> <li>• Dominica</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Finland</li> <li>• Lesotho</li> <li>• United States of America</li> </ul>
<b>126<sup>th</sup> Session</b> July 2019	<ul style="list-style-type: none"> <li>• Mauritania</li> <li>• Netherlands</li> <li>• Paraguay</li> <li>• Tajikistan</li> <li>• Equatorial Guinea (reviewed in absence of report)</li> <li>• Nigeria (reviewed in absence of report)</li> </ul>	<ul style="list-style-type: none"> <li>• Portugal</li> <li>• Uzbekistan</li> </ul>	<ul style="list-style-type: none"> <li>• Chile</li> <li>• Cyprus</li> <li>• India</li> <li>• Republic of Korea</li> </ul>
<b>127<sup>th</sup> Session</b> October / November 2019	<ul style="list-style-type: none"> <li>• Belgium</li> <li>• Cabo Verde</li> <li>• Czech Republic</li> <li>• Mexico</li> <li>• Senegal</li> </ul>	<ul style="list-style-type: none"> <li>• Bolivia (Plurinational State of)</li> <li>• Nicaragua</li> <li>• Ukraine</li> </ul>	<ul style="list-style-type: none"> <li>• Afghanistan</li> <li>• Croatia</li> <li>• Spain</li> </ul>

Figure 9: Schedule of State party reviews during 2019 sessions of the Human Rights Committee.

## Thematic breakdown of priority recommendations

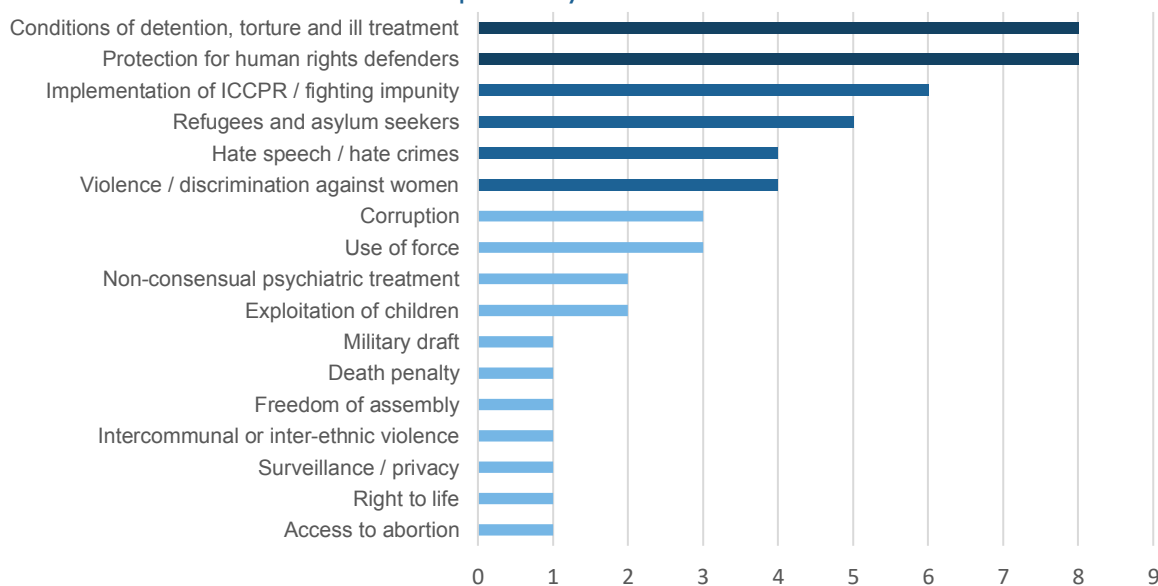


Figure 10: Quantitative thematic breakdown of Priority Recommendations of the Committee for follow up procedure in Concluding Observations in 2019.

# Angola



- 2<sup>nd</sup> periodic report
- 125<sup>th</sup> Session – March 2019
- 3 NGO reports for the session
- 3 NGO reports for the LOI

## State party review

The Committee examined the second periodic report of Angola on the 7<sup>th</sup> and 8<sup>th</sup> of March 2019. The State delegation emphasised their fight against corruption, nepotism, and organised crime. The Committee's concerns included corruption within the government, the right to life and violence against women. Specific attention was paid to early marriage, polygamy and domestic violence. Other issues that also received attention included the codification of the Covenant into domestic law, torture and ill-treatment by police, and the financing of the state's Office of the Ombudsman.

### • Corruption

The Committee urged the delegation to present data on prosecutions of politicians for corruption, and comment on how the state intends to address corruption among law enforcement and in the health sector. The delegation responded that they are approaching corruption in an innovative way and presented several government officials who have been sentenced for corruption. Angola is also hoping to have their former president extradited from Portugal on corruption charges. According to the delegation, hundreds of investigations have been opened into different corruption cases with trials for high-level officials beginning soon.

The delegation was requested to inform the Committee on the consideration of a law protecting whistleblowers, and whether new prosecutors were hired by the State to cover corruption cases, as well as how prosecutors were linked to anti-corruption police units. The State's plan to combat corruption, created with help from the UN Development Programme, includes a dedicated hotline to anonymously report cases of corruption. Prosecutors are independent and work in every province but there are also departments within government offices to confront corruption and raise awareness on the issue. The unit within the Public Prosecutor's Office investigates the highest levels of corruption, while Criminal Investigation Services explore lower-tiered cases.

In their second round of questions, the Committee expressed concern over prosecuting corruption in the judiciary and actions the State has taken with the aim of reinforcing an independent judiciary. The State is not aware of extensive corruption within the courts though they investigated all complaints, some followed by prosecutions. All Angolan judges and prosecutors are periodically updated on corruption

cases. The delegation noted that the public prosecution service is headed by the Attorney General but is not connected to the government. The country has yet to revamp its court system, citing a lack of resources and different priorities as their reasoning.

### • Domestic violence, early marriages and polygamy

The Committee complimented the State's national action plan to confront domestic violence and inquired about its effectiveness and sustainability. The Committee also requested information on investigations and prosecutions into violence against women. The State delegation replied that Angola has no intention of ending their action plan and presented cases where perpetrators were sanctioned and victim protection programmes for those in need.

The Committee was concerned about the legality of polygamy and early marriage in the country as pertaining to their very old legal system combining customary and civil law. They inquired on progress made by the State's campaign against early marriages. The State presented statistics on early marriage in Angola, adding that the government is currently debating a change to the law to raise the age of legal marriage from 15 for girls and 16 for boys to 18 years of age for both. The awareness campaigns throughout the country intend to dissuade parents from permitting early marriage. The delegation did not mention the practice of polygamy in their answers.

## Priority recommendations

By 29 March 2021, the State party should provide information on the following recommendations from the Committee's [Concluding Observations](#):

### Voluntary termination of pregnancy and maternal mortality

- Ensure that criminal sanctions are not applied against women undergoing abortion or against medical service providers assisting them in doing so, to remove any existing barriers that compel resort to clandestine abortions that may endanger the lives and health of women
- Ensure effective access to quality pre-natal and post-abortion health care for women and girls throughout the territory of the State party, so that women and girls do not have to undertake unsafe abortion

- Ensure access for women and men and, especially, girls and boys to quality and evidence-based information and education about sexual and reproductive health and to a wide range of affordable contraceptive methods

#### **Excessive use of force and conduct of law enforcement officers**

- Ensure that the principles of necessity and proportionality in the use of force are adequately reflected in the State party's legislation and policies as well as complied with in practice, in line with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials
- Intensify the provision of training on international use of force standards to law enforcement personnel and raise awareness among judges, prosecutors and lawyers
- Ensure that all instances of excessive use of force by security forces are promptly, impartially and effectively investigated and that those responsible are brought to justice and punished with appropriate penalties and that victims are provided with effective remedies

#### **Freedom of Assembly**

- Ensure that, with regard to peaceful demonstrations, all restrictions that are not strictly necessary and proportional within the meaning of article 21 of the Covenant are lifted
- Investigate all allegations of use of excessive force, intimidation and arbitrary detention against peaceful protesters, and ensure that perpetrators are duly prosecuted and convicted, and that victims are adequately compensated

The next report of Angola is expected by **29 March 2023**.

The webcast is available here: [part 1](#) and [part 2](#).

## Estonia



- 4<sup>th</sup> periodic report
- 125<sup>th</sup> Session – March 2019
- 1 NGO reports for the session

### State party review

On 4 and 5 March 2019, the Human Rights Committee reviewed Estonia's fourth periodic report on actions the State has taken to implement the ICCPR. The State's delegation began the review citing improvements the government has made on gender equality and addressing violence against women. The Committee was most concerned about discrimination in Estonia, in particular against LGBTI persons and the Russian-speaking minority. The Committee also discussed the rights of persons with disabilities, conditions within detention facilities, juvenile justice, corruption and trafficking.

#### • Treatment of minorities

The Committee expressed concern about discrimination and stigmatisation of minorities, including racist and xenophobic remarks made publicly by State officials. The Committee inquired into the status of the implementation of their previous recommendations to fully integrate the Russian-speaking minority, noting that they have low participation in the labour market.

Estonia expressed that the biggest challenge for minorities to integrate into the labour market is the language barrier. Therefore the State aids people from linguistic minorities in language learning and helps to create jobs in regions where Estonian is not widely spoken. There are also campaigns for employers about polylingual and multicultural workspaces to increase the employment of residents who do not speak Estonian. Mobility support was also established to increase employment opportunities and is free to new employees.

#### • Hate speech and hate crimes

The Committee expressed concern about the lack of a comprehensive legal framework to provide protection against hate speech and hate crimes, in particular on the grounds of sexual orientation and gender identity. The Committee also expressed concern that other acts such as the public denial, justification or condoning of crimes of genocide, crimes against humanity or war crimes or hate propaganda that is racist or otherwise inciting to discrimination, are not prohibited by law. While welcoming the measures taken to combat hate speech and hate crimes, including the creation of web constables to identify and react to online hate

speech, the Committee remained concerned about reports of hate speech, including by opinion makers and politicians, and hate crimes. While noting that data on hate crimes has been collected since autumn 2016 and that IT support was introduced to better categorise incidents motivated by hatred while registering criminal complaints, the Committee regretted the lack of specific data on the number of complaints regarding hate speech and hate crimes, including on the basis of sexual orientation and gender identity, and on their effective investigation and prosecution.

#### • Gender-based violence and gender equality

The Committee expressed concerns about the prevalence of violence against women, including domestic and sexual violence. It also raised that the prosecution rate remains low and underreporting is high due to safety concerns associated with the lengthy process for obtaining restraining orders against perpetrators and the unavailability of emergency restraining orders. The Committee demanded information on measures the government has taken to encourage victims of domestic violence to file complaints.

The State delegation replied that the Criminal Code was amended in 2015 to address violence against women, information campaigns have been organised under the National Strategy for Preventing Violence programme for the period 2015–2020, and the police and medical staff have received thematic training. Victims are also afforded access to support services. Four hospitals provide medical and psychological help to victims of sexual abuse. It was the opinion of the State that their domestic violence laws and awareness-raising campaigns are effective.

*The Committee expressed concern about discrimination and stigmatisation of minorities, including racist and xenophobic remarks made publicly by State officials.*

### Priority recommendations

By 29 March 2021, the State party should provide information on the following recommendations from the Committee's [Concluding Observations](#):

#### Hate speech and hate crimes

- Ensure effective protection against hate speech and hate crimes, both in law and in practice, in accordance with articles 19 and 20 of the Covenant and the Committee's general comment No. 34 (2011) on freedoms of opinion and expression
- Revise the penalties and the threshold for the offence of incitement to hatred, violence or discrimination under article 151 of the Criminal Code

- Include gender identity among the prohibited grounds for hatred motivated offences provided for in articles 151 and 152 of the Criminal Code
  - Recognise hate motives, including on the basis of sexual orientation and gender identity, as aggravating circumstances for all offences
  - Prohibit by law the public denial, justification or condoning of crimes of genocide, crimes against humanity or war crimes or hate propaganda that is racist or otherwise inciting to discrimination
  - Conduct regular awareness-raising activities among the public at large aimed at promoting mutual tolerance, respect for diversity and countering hatred; ensure continuous training on hate crimes for law enforcement officials, border guards, prosecutors and judges; and expanding the number of web constables as planned
  - Investigate hate crimes effectively, prosecuting suspected perpetrators where appropriate and, if convicted, punishing them with appropriate sanctions; and providing victims with adequate remedies
- Enhance the training of border guard officials and immigration personnel to ensure full respect of the rights of asylum-seekers and refugees under the Covenant and other applicable international standards

The webcast is available here: [part 1](#) and [part 2](#).

The next report of Estonia is expected by **29 March 2025**.

#### Non-consensual psychiatric treatment

- Put in place comprehensive procedures for seeking consent for the administration of psychiatric treatment and ensure that non-consensual psychiatric treatment may only be applied, if at all, in exceptional cases as a measure of last resort and when absolutely necessary to protect the health or the life of the person concerned or to prevent injury to others, provided that he or she is unable to give consent, and for the shortest possible time under regular independent review
- Guarantee effective access to judicial review of decisions related to non-consensual treatment, consistent with articles 9 and 14 of the Covenant, including by ensuring that relatives and any other legal representatives of the patients are sufficiently informed about the procedure for requesting the termination of coercive treatment pursuant to section 403 of the Code of Criminal Procedure

#### Refugees and asylum seekers

- Fully respect the principle of non-refoulement by ensuring the right of asylum seekers to lodge asylum applications at border-crossing points or in transit zones is effectively guaranteed in practice and consider in that regard establishing an independent monitoring system at border crossings in cooperation with UNCHR, as appropriate
- Provide for free legal aid, in suitable cases, to applicants for asylum at the border to ensure the exercise of their right to appeal in practice
- Consider including adequate safeguards in the Criminal Code to ensure that individuals exercising their right to seek asylum are released from any criminal liability for illegal entry or stay
- Ensure that any legislation adopted following the further consideration of draft law 472 SE or similar legislation clarifies the term “danger to the community of Estonia” in accordance with the principle of legal certainty and complies fully with the Covenant, particularly with the principle of non-refoulement

# Niger



- 2<sup>nd</sup> periodic report
- 125<sup>th</sup> Session – March 2019
- 3 NGO reports for the session
- 2 NGO reports for the LIOs

## State party review

Meeting in Geneva as part of its 125th session, the Human Rights Committee examined the 2nd periodic report of Niger in the presence of Mr. Marou Amadou, Minister of Justice. The Committee expressed general concerns related to the implementation of the ICCPR such as prison overcrowding, insufficient human, material and financial resources devoted to the administration of justice and to the National Human Rights Commission. " Man (CNDH), the weak representation of women in decision-making bodies, etc. The examination of the Niger report related to the following specific challenges:

- **Respect for women's rights and the abolition of the death penalty in the context of a country with a strong Islamic tradition**

The Committee sought to know the current efforts made by the State to combat discrimination against women and abolish the death penalty despite the apparent reluctance of a section of opinion influenced by an interpretation of the precepts of Islam. In response to questions from the Committee, the Minister clarified that the sociological realities of Niger justify that the State exercise patience and heighten awareness before adopting certain measures such as the adoption of a family code guaranteeing more rights women and the abolition of the death penalty. On this last point, the delegation recalled that, even within the government, the subject was the subject of intense debates before the adoption of the bill authorizing the country's accession to the 2nd Optional Protocol relating to abolition of the death penalty ; and for good reason, there were 20 people for the maintenance of the death penalty, 40 were for its abolition and there were 4 abstentions. Following this, the bill was submitted to Parliament and it was there that it was rejected. The minister assured that in all cases, the government of Niger will not carry out the death penalty.

- **The fight against corruption and the transparent management of mineral resources**

Niger has significant mineral resources, notably uranium which is exploited by multinational companies. However, the country is among the poorest countries in the world. There follows a particular attention paid by the Committee to the contents of the contracts binding the State to the multinationals exploiting the resources of the country. The Committee asked for clarification on the transparency measures taken by the State to inform

public opinion on the content of the agreements signed with the multinationals, particularly in the context of the exploitation of uranium. In this regard, the minister replied that the state is making efforts for more transparency. He stressed that in this regard, in Africa, we can consider Niger as an exemplary country in the fight against corruption, taking example from the fact that despite a fairly difficult context, the government has successfully renegotiated the contracts with AREVA.

- **Respect for fundamental rights in the context of terrorism**

The Committee asked Niger for clarification on the amnesty measures in favor of those arrested for terrorist acts to the detriment of the victims. The Committee also sought clarification that the measures taken to restrict freedom of movement and freedom of demonstration, for example in Tilabéri by the local authorities, would disproportionately infringe the rights of the people. In response, the state delegation acknowledged that, "to get out of very violent conflicts, no country is, a priori, morally comfortable when it grants amnesty. But if this is the price to pay for lasting peace, the state stands by that," he said. And added, "We know that for the victims, it is a bad thing. But we have said that amnesty does not prevent reparation. " On the measures linked to the state of emergency, the Minister clarified that the government is making sure that they do not give way to violations of fundamental rights or acts of torture.

## Priority recommendations

The Committee adopted its Concluding Observations, which included 20 recommendations. The following recommendations were given priority, and must be the subject of a follow-up report by the Niger authorities within two years, that is, on March 29, 2021:

### Fight against corruption

- Redouble efforts in its fight against corruption and related impunity
- Ensure that all corruption cases are the subject of independent and impartial investigations and, if necessary, adequate judicial sanctions
- Take the necessary measures to ensure transparent management of contracts with international mining companies, as well as of the revenues derived therefrom.

### Conditions of detention

- Continue its efforts to improve living conditions and the treatment of detainees
- Address the problem of prison overcrowding in the civil prison of Niamey, in particular by transferring detainees to establishments that are not aware of prison overcrowding, and by continuing its efforts to favor measures replacing substitution of deprivation of liberty
- Undertake renovations to all places of detention
- Continue to guarantee unrestricted access to the CNDH to all places of deprivation of liberty.

**Freedom of expression and assembly, protection of journalists and human rights defenders**

- Ensure that any restrictions imposed on the activities of the press and the media are strictly in accordance with the provisions of article 19, paragraph 3, of the Covenant
- Ensure that its agents avoid any unjustified or disproportionate interference with the freedom of expression of the media, and protect journalists from any form of ill-treatment and investigate, prosecute and convict those responsible for such acts
- Take all necessary measures to guarantee the protection of human rights defenders against threats and intimidation, and investigate, prosecute and convict those responsible for such acts
- Speed up the adoption process of the draft law on the protection of human rights defenders
- Lift any unnecessary restrictions on freedom of assembly and demonstration
- Promptly carry out impartial and effective investigations and bring those responsible to justice, in all cases where there has been excessive use of force to disperse demonstrations
- Clarify and, if necessary, revise its regulatory and legislative framework concerning the authorization of demonstrations, as well as the role and attributions of the Superior Council of Communication, ensuring their compliance with article 19 of the Covenant.

Recordings of the webcast can be found [here](#) and [here](#).

Niger's next report is expected by March 29, 2023.



## Viet Nam



- 3<sup>rd</sup> periodic report
- 125<sup>th</sup> Session – March 2019
- 20 NGO reports for the session
- 10 NGO reports for the LIOs

### State party review

On 11 and 12 March 2019, the Human Rights Committee reviewed the 3<sup>rd</sup> periodic report of Viet Nam on its implementation of the ICCPR, which was submitted with more than 13 years of delay. The State delegation of Viet Nam, when presenting its report, stressed that protection and promotion of human rights are well reflected in the national development process as well as in various domestic laws including the Constitution. However, the Committee noted that the reply of the delegation mainly focused on the explanation of existing laws, but less information was provided on the actual implementation of ICCPR and application of domestic laws in practice, where concrete data was crucially lacking.

#### • National security and restriction of fundamental freedoms

Concerns were raised by the Committee about the concept of “national security” used with vague definition and broad notion, which seemed to significantly restrict the realization of the rights and fundamental freedoms, especially that of expression, association, religion and peaceful assembly, enshrined in the ICCPR, in particular those of minority groups, HRDs as well as those who have different political views. Referring to various laws in which national security was mentioned, the Committee raised questions about the compatibility of measures taken in the name of national security with the Covenant, safeguards in place, and frequent usage of pre-trial detention against those accused of crimes against national security.

The Committee further asked about precise definition of national security used in domestic legislation including in the Constitution; clarification on the usage of two different types of “terrorism”, one against the State and another more generally; and details on the number of persons detained on the charges of crimes against national security and sentences given. In reply, the State delegation explained that there were 7 distinct acts that were regarded as threats to national security and thus prohibited. However, most of the questions raised by the Committee were not directly answered.

#### • Attacks against Human Rights Defenders (HRDs)

Grave concern was raised over the reports of attacks against HRDs including incommunicado detention

and ill-treatment, whereby complaints made to the police were not properly investigated, as well as hate speech and violence against religious minorities met by impunity of perpetrators.

Questions were also raised about: restriction on the registration of civil society organisations and genuine space for their activity, measures taken to protect HRDs and religious minorities, as well as about the intimidation and harassment of lawyers defending political activists and working on sensitive cases, who are obliged to report on the crimes committed by their clients.

In reply, the State delegation stated that Viet Nam did not have any concept of HRDs and, as such, there was no specific laws or measures to protect HRDs, while also stressing that lawyers were not put under pressure and were protected as citizens and as law practitioners.

#### • Discrimination

Referring to reports of discrimination based on different grounds, the Committee asked about the reasons of delay in the adoption of comprehensive anti-discrimination law as well as the status of the draft bill on transgender persons. The Committee also raised concerns over persisting discrimination against women, persons with disabilities and religious minorities in practice in different spheres, despite the existence of specific laws protecting their rights and equality. Questions were also asked about measures taken to end gender-stereotyping, stigmatization, and hate speech.

Although Viet Nam does not have any comprehensive anti-discrimination law, the State delegation stressed that the Constitution guarantees equality and non-discrimination in general and there are specific laws dealing with various types of discrimination. The delegation also reiterated that there was no discrimination based on religion in Viet Nam.

#### • Death in custody

Referring to the allegations of widespread torture, the Committee raised concerns about cases of death in custody, in particular the deaths occurred in pre-trial detention and those which happened not long after detention. While the delegation stated that most cases of death in custody were due to disease and mental breakdown resulting in suicides, the Committee further asked questions about: number of

*“Development of our legal system has improved significantly, and it's completely different compared to the allegations or information that you received from various different sources” - delegation of Viet Nam*

complaints made, investigations carried out and procedure and results of autopsies. The Committee also requested detailed information about the conditions of detention as well as medical services available to detainees.

The State delegation replied that there were enough laws that prohibit any acts of torture and punish perpetrators and stressed that all deaths in custody were properly investigated in a transparent and independent manner in accordance with the law.

## Priority recommendations

By 29 March 2021, the State party should provide information on the following recommendations from the Committee's [Concluding Observations](#):

### Death penalty

- Consider introducing a moratorium on the application of capital punishment, and ratifying or acceding to the second Optional Protocol to the Covenant, aiming at the abolition of the death penalty
- Amend the Penal Code to further reduce the number of crimes subject to death penalty, and ensure that such punishment is retained only for the most serious crimes that is, for crimes of extreme gravity involving intentional killing
- Ensure that death penalty is not mandatory and, if imposed, is never in violation of the Covenant including of fair trial procedures; and give reasonable advance notice of the scheduled date and time of execution to the affected death row inmates and their families
- Ensure that pardons or commutations of death penalty sentences are effectively available in all cases, and regardless to the crimes committed
- Publish official figures regarding death sentences and executions, disaggregated by sex, age, ethnicity, religion and crime

### Freedom of expression

- As a matter of urgency, take all necessary steps, including revising legislation, to end violations of the right to freedom of expression offline and online, and ensure that restrictions do not go beyond the strictly defined limitations set forth in article 19 of the Covenant, taking into account Committee's general comment No. 34 (2011) on the freedoms of opinion and expression
- Promote pluralistic media that can operate free from undue State interference

### Human Rights Defenders

- Ensure human rights defenders and other civil society actors are protected against threats, intimidation and physical attacks and investigate, prosecute and convict perpetrators of such acts
- Allow HRDs the necessary latitude to carry out their activities, including engaging with the United Nations, without fear of restrictions or reprisal.

The next report of Viet Nam is expected by 29 March 2023. The webcast can be found here: [part 1](#) and [part 2](#).

## Eritrea



- Examined in absence of State party report
- 125<sup>th</sup> Session – March 2019
- 3 NGO reports for the session
- 5 NGO reports for the LIOs

### State party review

In the absence of the initial report by the State party, the Committee considered the situation of civil and political rights in Eritrea after 16 years of delay in the submission of the State report under the ICCPR. The review by the Committee took place on 12 and 13 March 2019.

The Committee expressed concerns about the fact that there is no Constitution in force since the 1997 Constitution was never adopted. While noting the plans of the State party to draft a new constitution, the Committee regretted lack of clarity about time frame and modalities of such drafting process. The Committee also expressed concerns about the suspension of the National Assembly since 2002, the lack of a national human rights institution, lack of independence of the judiciary and a general climate of impunity.

The State delegation replied that the priority for the country now is to consolidate the peace and trust, national development and political stability.

#### • Torture, detention and extrajudicial killings

The Committee referred to the allegations of extensive use of torture in civilian and military detention centres, including reports of torture to punish criticism of the government, practising of religions non-recognised by the government, attempting to leave the State party or failing to perform duties during national military service. The Committee also raised the reports of widespread arbitrary arrest and detention, including incommunicado detention, failing to meet basic minimum legal safeguards. The Committee was also concerned about the reports that some unlawfully detained persons have died in detention and about the reports of underground cells, ship containers and other places used as unofficial centres of detention. The State delegation denied the allegations raised by the Committee. However, it was unable to provide the number of persons in detention and did not provide a clear reply on the whereabouts of persons detained since 2001.

#### • Military and national service programme

The Committee expressed concern regarding the length of the national service, which has been extended for an indefinite period. It expressed further concern that indefinite duration of

national service reportedly remains one of the main causes for the departure of Eritreans from the State party. The Committee was also concerned about allegations that national service conscripts are forced to work in mining and construction plants owned by private companies, while receiving no or very little salary. The Committee also raised the fact

that the State party does not recognise a right to conscientious objection to military service and does not provide for alternative military service.

The State delegation replied that a new remuneration system for civil service was declared in 2017 and there are

plans to limit the duration of the national service, but it will take time to implement them.

*"Could the State at least inform the families of the incommunicado detainees about the whereabouts of their relatives? Are they still alive? Where are they?"*

*- Human Rights Committee member*

### Priority recommendations

By 26 March 2021, the State party should provide information on the following recommendations from the Committee's [Concluding Observations](#):

#### Constitutional and legal framework within which the Covenant is implemented

- Ensure that the 1997 Constitution is put into effect pending its replacement by the new constitution
- Expedite the constitutional review process, within a clear time frame, and in a transparent and participatory manner reconvene the National Assembly so that it may take necessary steps regarding implementation of the Covenant
- Ensure that the rights enshrined in the Covenant are fully incorporated into the Constitution and other relevant domestic legislation
- Take all measures necessary to ensure that all laws are interpreted and applied in full compliance with the Covenant and are enforceable in national courts
- Make efforts to train all legal professionals, including public officials and the public on the rights enshrined in the Covenant and their application

#### Enforced disappearances, extrajudicial killings, arbitrary arrest and detention

- Ensure prompt, impartial and thorough investigations of all allegations and complaints concerning enforced disappearances and extrajudicial killings.
- Ensure that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions and ensure that the victims are provided with full

reparation, including satisfaction and guarantees of non-repetition.

- Clarify the fate or whereabouts of disappeared persons and ensure that their relatives are informed about the progress and the results of investigations
- Promptly make public the whereabouts of the 18 journalists detained since 19 September 2001, 11 former top officials of the People's Front for Democracy and Justice (PFDJ), known as "the G15", detained since 18 September 2001, and former Minister of Finance, Berhane Abrehe, and his wife, Almaz Habtemariam, detained respectively since 17 September 2018 and January 2018.
- Ensure that all persons deprived of their liberty are only detained in official places of detention and are provided with all legal safeguards, including access to a lawyer, a medical doctor and a family member, and that they are brought promptly before a judge
- Ensure that allegations of unlawful detention are promptly investigated and that the perpetrators are brought to justice.
- Ensure that victims of arbitrary and unlawful detention are promptly released and provided with access to an effective remedy and full reparation
- Inform the relatives of the persons in detention about their whereabouts.

#### **Military and national service programme**

- Limit the length of mandatory military and national service to a maximum period of 18 months, in accordance with international standards
- Ensure the legal recognition of conscientious objection to military service and provide for alternative service of a civilian nature for conscientious objectors
- Refrain from subjecting persons in military service to activities that may amount to forced labour

The next report of Eritrea is expected by **26 March 2021**.

# Saint Vincent and the Grenadines



- Examined in absence of State party report
- 125<sup>th</sup> Session – March 2019
- 2 NGO reports for the session

## State party review

On 5 and 6 March 2019, the Human Rights Committee reviewed Saint Vincent and the Grenadines in the absence of a report. The State delegation opened the session by recognising the challenges the country faces in complying with its reporting obligations to a number of treaty bodies, noting their limited human and financial resources.

Some concerns of the Committee were high levels of violence (especially against women and children), lack of comprehensive anti-discrimination legislation (including on the grounds of sexual orientation and gender identity), obstacles in the access to reproductive health services and corporal punishment of children.

Other issues from the examination included lack of criminalisation of torture, restrictions on the right to freedom of assembly, rights of victims of trafficking, corruption, rights of asylum seekers and refugees, the legality of capital punishment, establishment of a national human rights institution and implementation of the Cybercrime Act.

- **High levels of violence, especially against women and children**

Committee members were concerned about the State's laws not recognising marital rape or workplace sexual harassment and lacking a comprehensive definition of gender-based violence. The delegation answered that rape is defined broadly under the Criminal Code.

The Committee twice asked about how the country systematically collects and analyzes comprehensive and disaggregated data on violence, as well as resources allocated to provide protection and remedies to victims of domestic violence and sexual abuse, including to child victims. The State delegation announced the creation of the Sexual Offence Unit to address this issue and detailed the government's plan regarding the assistance to victims of domestic violence, including shelters to place victims in emergency cases.

The Committee also expressed concern about how domestic violence seems to go unpunished, unreported cases of abuse and violence and inquired as to how laws currently on the books directly address sexual abuse of children. The State delegation replied that law enforcement agents, judicial authorities, and medical professionals are trained on how to recognise and report abuse. State-sponsored programmes encourage everybody to report possible cases and there is a law mandating anybody working with children to report potential domestic violence or face imprisonment.

- **Anti-discrimination legislation**

The Committee questioned the delegation on what their plans were to pass comprehensive anti-discrimination legislation, including on the grounds of sexual orientation. According to the delegation, the Constitution outlaws all types of discrimination, but the State has no intention to change its law criminalising same-sex sexual conduct. Criminalisation of same-sex sexual conduct is popular within the State.

The Committee was worried about the accessibility of the State's public buildings, access to education of children with disabilities and the role of persons with disabilities in decision-making processes. The State replied that domestic legislation prohibits discriminating against persons with disabilities, and public building codes have been updated to be completely accessible.

On questions pertaining to the social stigma surrounding people living with HIV/AIDS and access to legal and safe abortion, the State said that they have a programme in place to increase HIV/AIDS awareness, and that abortion is limited to instances of rape and incest and can only be performed in licensed institutions.

Access to reproductive health services and abortion On the high rate of maternal mortality in the country and actions the State has taken to improve the situation, the delegation claimed that the rates listed in the State's response to the Committee's List of Issues are incorrect and in fact are lower than ever before.

On access to reproductive health services for pregnant teenagers, the State said that the law dictating teenagers have parental consent before receiving this kind of attention is under review. The State gave no answers to the Committee's questions regarding equal access to the labour market and equal pay for equal work to all genders.

- **Corporal punishment of children**

The Committee expressed concern about the prevalence of corporal punishment of children both in law and in practice within Saint Vincent and the Grenadines. To answer the Committee's questions on its, the State delegation made note that the law allowing this form of discipline regulates who can and cannot punish the child in such a manner. The law also places limits on what is considered corporal punishment and what is considered child abuse. The State delegation also said that Parliament is considering a bill that would repeal the old law on corporal punishment. The delegation did not answer the Committee's questions about how the State determines children to be "fit" for beating.

- **Juvenile justice**

The Committee wanted to learn about different measures the State has taken or plans to take on juvenile justice reform. Additionally, the same bill that would change the law on corporal punishment would also raise the age of criminal responsibility from 8 to 12 years old. When asked about detaining children in conflict with the law, the delegation emphasized that detention is the government's last resort of punishment for juveniles in conflict with the law, though detained juveniles are held separately from adults.

- establish a mechanism for the systematic collection and publication of comprehensive and disaggregated data on child exploitation and abuse in all settings

The next report of Saint Vincent and the Grenadines is expected by **29 March 2024**. The webcast is available here: [part 1](#) and [part 2](#).

## Priority recommendations

By 21 March 2021, the State party should provide information on the following recommendations from the Committee's [Concluding Observations](#):

### Violence against women and domestic violence

- Promptly amend its laws so as to afford adequate protection against gender-based violence including sexual violence and abuse such as rape, incest, and sexual harassment
- Strengthen its efforts to raise public awareness of the adverse impact of domestic and gender-based violence, as well as on changing societal attitudes towards women and cultural gender norms
- Encourage reporting of incidents of domestic and gender-based violence
- Ensure that allegations are thoroughly investigated, that perpetrators are prosecuted and, if convicted, punished with sanctions commensurate with the severity of the crime
- Improve victim support facilities and mechanisms and ensure that victims of domestic and gender-based violence receive proper legal, medical and psychological assistance

### Torture and ill-treatment

- Review the Criminal Code with a view to including torture as a criminal offence
- Establish an independent body to investigate complaints and prevent abuse and ill-treatment by law enforcement officials
- Ensure that all allegations of torture and ill-treatment are investigated promptly, impartially and thoroughly, that the perpetrators are prosecuted and, if convicted, sentenced to punishment commensurate with the gravity of the crime and that victims are provided with effective remedies

### Sexual exploitation and abuse of children

- Improve mechanisms for early detection and intervention in cases of child sexual abuse
- encourage reporting of suspected and actual abuse of children, including through taking measures to address societal attitudes regarding reporting
- ensure that cases of child sexual abuse are thoroughly investigated, perpetrators are prosecuted, and if convicted, punished with appropriate sanctions, and that victims are provided with an effective remedy, including rehabilitation
- provide child complainants with guaranteed legal assistance or a state-appointed children's lawyer

## Mauritania



- 2<sup>nd</sup> periodic report
- 126<sup>th</sup> Session – July 2019
- 18 NGO reports for the session
- 3 NGO reports for the LOI
- 1 NHRI reports for the session

### State party review

The Human Rights Committee examined the 2nd periodic report submitted by Mauritania as part of its 126<sup>th</sup> Session. Members of the Committee expressed concerns related in particular to the application of the Covenant by national courts, the relationship between sharia and the rule of law, the law of apostasy and torture. Members also raised the crime of blasphemy and sacrilege which entail the death penalty and enforced disappearance, among other subjects.

The Committee also stressed the importance of providing full justice and reparation to the victims of humanitarian liabilities by repealing the amnesty laws which protect those responsible for previously committed violations.

#### • Gender equality and women's rights

Members of the Committee asked questions relating to equality between women and men, and the delegation noted that the presence of women in positions in public administration had increased. However, the Committee noted that the participation of women in public life remained relatively low, and that this needed to be further improved.

Next, the members of the Committee highlighted their concern about the practice of female genital mutilation (FGM) at an early age. The delegation then clarified that this practice has decreased to a rate of 53% of girls and women still being subjected to FGM. Again, the Committee stressed that, despite this downward trend compared to previous years, the figures are still too high.

In addition, the members of the Committee asked questions relating to the abortion law in Mauritania, on the one hand, on the fact that abortion is still criminalized, on the other hand, because in 2018, a national law on sexual and reproductive rights allows access to abortion the first three months of gestation. The state needed to provide more information to indicate what the applicable regime was.

Finally, the members of the Committee highlighted the situation of groups of women suffering from exclusion, especially Haratine and Negro-African women. The Committee noted the importance of the representation of these groups in senior administration, and the need to include in the training of judges content to reduce acts of stigma and violence against these groups.

#### • Freedom of expression and protection of human rights defenders

The Committee has expressed its concern over the existence of a number of provisions setting excessive limits on the content of speeches, in particular in the law on the criminalization of discrimination, the law on cybercrime, the law on the fight against terrorism and the law on freedom of the press, and is concerned that the vagueness of these standards does not disproportionately affect the provisions of article 19 of the Covenant.

The Committee was also concerned about a few articles of the Criminal Code which criminalize activities related to the exercise of freedom of expression, such as apostasy, profanity or defamation. The Committee expressed concern about the allegations of the use of these criminal provisions for the purpose of obstructing the activities of journalists or human rights defenders. It is also concerned about reports of intimidation, harassment and the arbitrary detention of human rights defenders.

The famous case of blogger Mohamed Ould Cheikh M'Kheir was noted: he was sentenced to death for apostasy in 2014, after having published a forum on the website of the Mauritanian newspaper Aglame. The blogger had indeed criticized the role of religion which is used to justify racial discrimination and slavery in Mauritania, and relied on texts from the time of the Prophet Muhammad. The Mauritanian authorities have indicated that he is still being held in administrative detention for his own safety, but the Committee has emphasized that administrative detention can only be justified when the person constitutes a danger to society, and never to protect security of the person.

#### • Refugees seeking asylum and the principle of non-refoulement

The absence of the country's emblem on the identification card of the UNHCR (United Nations High Commissioner for Refugees) was noted. Failure to be recognized by the authorities and the police in Mauritania could result in non-respect of the refugees' right to access services and jobs. Finally, another problem was raised: the refoulement of refugees, asylum seekers and migrants. Although the State party's review sought to show that cases of refoulement were limited, members of the Committee expressed concern about the frequency of this practice in Mauritania, especially on its border with Senegal.

## Priority recommendations

The Committee adopted its Concluding Observations, which include several recommendations. The following recommendations are priority and should be subject to a follow-up report from the authorities within two years, that is, on July 26, 2021.

### **Fight against impunity and past violations of human rights**

- Take all necessary measures to finalize the humanitarian liabilities resulting from the events which took place from 1989 to 1991
- Repeal the 1993 amnesty law in order to establish the truth about the crimes committed
- Prosecute and punish those responsible
- Repair all victims and their dependents

### **Harmful practices against women and girls**

- Amend legislation to ban the practice of female genital mutilation
- Investigate and prosecute all cases of female genital mutilation and provide social and medical services to victims
- Strengthen awareness and education programs to eradicate this practice
- amend the Personal Status Code to prohibit, without exception, the marriage of persons under the age of 18 and eliminate child marriages

### **Freedom of expression and protection of human rights defenders**

- Revise laws that do not comply with articles 18 and 19 of the Covenant (the Law on the Criminalization of Discrimination, the Law on Cybercrime, the Law on Combating Terrorism and the Law on Freedom of the press)
- Refrain from intimidating, harassing, arresting, detaining and prosecuting for vaguely defined crimes by human rights defenders
- Unconditionally release all human rights defenders who are in arbitrary detention, including Mohamed Cheikh Ould Mkhaitir
- Ensure that all violations committed against human rights defenders are promptly and thoroughly investigated.

The next Mauritania report is expected on July 26, 2025.



# Netherlands



- 7<sup>th</sup> periodic report
- 126<sup>th</sup> Session – July 2019
- 6 NGO reports for the session
- 1 NHRI reports for the session
- 4 NGO reports for the LOIPR
- 1 NHRI reports for the LOIPR

## State party review

On 1 and 2 July 2019, the Human Rights Committee reviewed Netherlands' fifth periodic report on actions the State has taken to implement the ICCPR. The Committee was mostly concerned about the treatment towards refugees in Netherlands, threats against unaccompanied children in detention camps and inadequate shelters for undocumented women. The Committee also discussed racial discrimination issues and hate speech. In general, the constitutional and legal differences between the four countries' regulations was a main point of concern when discussing different rights.

- **ICCPR Implementation in the four countries of the Kingdom of the Netherlands**

The Committee raised questions with regard to the legislative, policy and institutional framework to ensure equal protection of human rights in the four constituent countries of the Kingdom of the Netherlands. The State responded that there are no legal differences between the countries.

However, the extent of protection offered by those States, depends on their economic reality. The countries have to make sure that their protection policies are in line with the ones of the Kingdom. They

may not be parties to the same treaties, but they have to guarantee that they all apply the same regulations.

- **Gas extraction operations in Groningen**

The Committee requested more information regarding the steps taken by the State after multiple earthquakes took place in Groningen caused by gas extraction. The regular earthquakes have a considerable impact on the enjoyment of numerous rights by individuals, including safety, right to privacy and family life, right to life and the rights of the child. The Committee asked whether the State had plans to decrease or stop the gas extractions that cause the earthquakes. Taking into account the long period of time that has passed since the earthquakes, the delegation mentioned that they will work harder to stop the gas extraction in east Groningen. They also specified that they are going to restore houses,

*"The Kingdom of the Netherlands consists of four independent countries: The Netherlands, Aruba, Curacao and Sint Maarten. Each country is autonomous in implementing the Covenant and faces its own difficulties."*

*- Member of the Delegation of The Netherlands*

schools and public facilities that were damaged by the quakes. They would also construct hospitals and other facilities based on earthquake proof standards in order to prevent future damages. It is worth mentioning that [a recommendation](#) has also been made by the Committee on Economic, Social and Cultural Rights in 2017 on the issue that, according to civil society, has not been implemented by the State yet. According to civil society, even though the earthquakes have been happening for many years, the State has not taken the necessary measures about it and it has been negligent about the situation.

- **Refugee Rights and Asylum Seekers**

The Committee acknowledged the progress that has been made with regard to refugee rights by the State, but serious concerns still remain. The Committee asked the State to provide more data on the number of asylum seekers that have been granted international protection. The Committee was concerned about reports of forced returns of asylum seekers, whose application has been rejected, to

countries where they might be subjected to torture, in breach of the principle of non-refoulement. It was also concerned by the substantial numbers of asylum cases and family reunification cases pending decisions.

The Committee also inquired about the legal definition of a safe third country and whether legal assistance is provided to individuals whose asylum applications have been rejected.

Other questions were asked relating to the low number of individuals who challenge these rejections in court, since many are not able to afford the costs, and are not familiar with the legal procedures.

The delegation with respect to refugee rights, replied that even individuals who have been rejected, have the right to a temporary stay, in order to provide them with an opportunity to challenge this decision. It was also mentioned that the notion of safe third country and its criteria are applied on a case-by-case basis, and the applicants can challenge the State's decision in this regard. The delegation also mentioned that more resources are allocated to reduce the time for processing asylum applications. In follow up questions members of the Committee asked for more specific information, since the main

challenges arise during the implementation of such regulations. Moreover, since the State has also ratified Second Optional Protocol to the ICCPR, the Committee inquired about the implementation of its decisions on different cases involving asylum seekers.

• **Pretrial detention**

The Committee raised concerns with regard to pretrial detention of suspected terrorists. The Committee inquired about the criteria that constitute “reasonable suspicion” and expressed its concern in particular with regard to juveniles, as the number of juveniles held in pretrial detention for lengthy periods is increasing. The Committee also asked about the alternatives to detention, and whether they are implemented in practice.

Members of the delegation addressed this issue separately for each specific country. In Curacao, the delegation mentioned that they are trying to decrease the length of pretrial detention, and that they are providing more funds to improve the facilities and conditions. It was mentioned that according to the regulations, detention should be used as a last resort. Regarding the situation in Aruba, the delegation mentioned that the system is similar to the one in Curacao. In the Netherlands, pretrial detention can only be used when there are compelling reasons to do so. The delegation from Sint-Maarten did not address this question.

## Priority recommendations

The State party is requested to provide, by **26 July 2021**, information on the following recommendations from the Committee's [Concluding Observations](#):

**Racial discrimination, hate speech and hate crimes**

- Intensify its efforts to prevent hate speech, particularly by politicians and high-level public officials;
- Develop an effective strategy, in cooperation with digital technology companies, to reduce online hate speech and at public events, including football matches;
- Investigate hate crimes thoroughly, prosecute suspected perpetrators where appropriate and, if they are convicted, punish them and provide victims with adequate remedies;
- Provide adequate training to law enforcement officials, judges and prosecutors on the issue;
- Intensify its efforts to effectively implement the Action plan against labour market discrimination (2018) and the National Action Programme to combat discrimination (2016) with a view to increasing the actual participation of target groups in the labour market;
- Continue its efforts to bring about the end or transform the nature of parades involving the character of ‘Black Pete’;
- Collect disaggregated data relating to the investigation and prosecution of hate crimes.

**Refugees and asylum seekers**

- Continue its efforts relating to the family reunification policy and the provision of free legal aid;
- Introduce legislation governing asylum in line with international human rights and refugee laws, in particular in the Caribbean constituent countries and consider the ratification of the 1951 Convention relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees by all constituent countries;
- Ensure that the non-refoulement principle is secured in law;
- Ensure that investigations are carried out into the cases of breach of the principle of non-refoulement;
- Intensify its efforts to reduce the backlogs in the asylum application process and the family reunification process.

**Gas extraction operations in Groningen**

- Take necessary measures to ensure the physical safety and mental wellbeing of people residing in the area of gas extraction in Groningen and the security and safety of their homes;
- Provide adequate compensation to the victims and prevent future occurrences of damages related to gas extraction;
- Ensure the meaningful participation of, and consultation with, inhabitants of Groningen in designing and implementing the phase-out plan.

The webcast is available here: [part one](#) and [part two](#).

The next report of the Kingdom of the Netherlands is expected by **26 July 2025**.

# Paraguay



- 4th periodic report
- 126<sup>th</sup> Session – July 2019
- 5 NGO reports for the session
- 2 NGO reports for the LOIPR

## State party review

The fourth periodic report of Paraguay was reviewed by the Committee on July 9 and 10, 2019. The members of the Committee welcomed the efforts and wishes of the State to establish a dialogue on human rights. Among the many issues that were discussed before the Committee, violence and discrimination against women, inadequate detention conditions and excessive use of pretrial detention, the vulnerabilities of children and adolescents in relation to lack of birth records and street situation of children belonging to indigenous communities.

Issues such as discrimination against LGBTI persons, lack of judicial independence and corruption and lack of recognition of land to indigenous peoples, among other issues, were also discussed.

### • Gender equality and reproductive rights

The members of the Human Rights Committee emphasized the limited participation of women in political and public life, particularly under-representation in decision-making positions. According to the information available, only 16% of the parliamentary representation in Paraguay is made up of women.

The Committee also requested information regarding allegations that the Ministry of Education and Science of Paraguay prohibited the dissemination of materials on comprehensive sexuality education.

Additionally, the Committee consulted the State about whether there were intentions to modify the applicable regime for the voluntary termination of pregnancy. The Committee noted that the legislation referring to abortion in Paraguay is extremely restrictive and recommended that it be in line with General Comment No. 36 issued by the Committee, in order to provide access to safe abortion for certain cases and to carry out legislative steps necessary for decriminalization.

Finally, members of the Committee consulted on the measures it will take to reduce the wage gap between men and women, which reaches 22% in Paraguay. On this, the delegation referred to measures to raise awareness, empowerment and employability of women aimed at reducing the gap.

### • Children and adolescents (NNyA)

The Committee consulted the State regarding the registration of children after their birth because the latter received information stating that 25% were not registered. The Committee also consulted the State on the measures aimed at reversing these high rates of non-registration, which have a particular impact on indigenous NNyA. In relation to the latter group, the delegation informed that 80% of the NNyA belonging to native peoples are in a street situation, and that different social programs are being developed in order to modify the situation.

Another of the topics discussed was that of migrant children and adolescents. In this regard, the Committee inquired about whether there were cases of migrant NNyA in immigration detention centers. Likewise, if measures were taken to prevent the exploitation of migrant NNyA, because their vulnerability exposes them to this type of situation. On the other hand, the Committee asked whether their right of access to education and decent housing was respected, considering the best interests of the NNyA, regardless of whether they are migrants in an irregular situation. Finally, the Committee also consulted for those NNyA who submit an asylum application, in relation to whether they have the possibility of having adequate legal representation that can ensure their interest before the courts.

### • Indigenous Peoples Law

The members of the Committee, based on the 2015 report of the Special Rapporteur on the rights of indigenous peoples, pointed out that racism, xenophobia and discrimination are the biggest problems that Paraguay presents in relation to this issue. In that regard, the Committee indicated that there are endemic problems of access to health, food and education, and that the lack of recognition of land, resources and property are among the structural problems that explain this situation. In view of this, the

Committee indicated the importance of promoting access to justice for communities, so that they can make the necessary claims, particularly regarding their rights to traditional lands, and that they can materialize judicially.

On the other hand, the Committee raised its concern regarding the lack of full implementation of three cases of the Inter-American Court of Human Rights that involved issues related to indigenous peoples.

*"The registration of children is essential for the exercise of the right to legal personality. There is concern about the high rates of children without registering."*

*- Member of the Human Rights Committee*

Despite the urgency of the cases, this one They were not fully implemented, so the Committee consulted the State how it considered that it could deal with this situation. In response, the State indicated that it was making progress in complying with these cases.

Finally, the Committee emphasized the importance of prior, free and informed consultation of native peoples on issues that may affect their communities and their involvement in public life.

#### • **Detention conditions**

The members of the Committee referred to different aspects related to the conditions of deprivation of liberty. The lack of natural light, poor food quality, lack of space and medical care, among others, were mentioned as everyday issues suffered by detainees. Based on this, the Committee consulted on what measures the State is taking in this regard to significantly modify these problems.

The Committee received information indicating that 52% of the prison population is being held in a district other than those of their judicial constituencies, impeding family and intimate visits. On the other hand, the delegation indicated that 78% of the detainees are in pretrial detention and this worried the Committee, which consulted about the use of alternative measures to prison without conviction.

The Committee also consulted the State for solitary isolation that may last up to 30 consecutive days and the use of arbitrary transfers, both as punishment or disciplinary measures, according to the information received by the Committee. Additionally, it was indicated that the cases of deaths of persons deprived of liberty present a high level of impunity. The death of 4 teenagers was named followed by the lack of reparation for the relatives of the victims, investigations and effective convictions. Following these problems, the delegation of Paraguay acknowledged there was a public crisis within the prison system.

#### **Preventive prison and fundamental guarantees**

- Continue with its reforms and significantly reduce the use of pretrial detention and ensure that the possibility of resorting to alternative measures to deprivation of liberty, including bail or electronic bracelet, is always taken into account and ensure that preventive detention is exceptional, reasonable, necessary in all circumstances and as brief as possible, including for adolescents in conflict with the law;
- Ensure that all persons deprived of liberty are informed of the reason for their detention and their rights, have effective access to a lawyer and can communicate with a relative or trusted person from the first moment of their detention;

#### **Independence of the Judiciary**

- Intensify its efforts to combat corruption in the Judiciary, including through the sensitization of judges, prosecutors and the police about the most effective ways to fight corruption;
- Eradicate all forms of interference of the other powers in the judiciary and ensure prompt, thorough, independent and impartial investigation of all allegations of interference and corruption, and prosecute and punish the guilty;
- Review the laws and operation of the institutions responsible for the administration of justice, selection of judges and prosecutors and judicial ethics to ensure, in law and practice, that the existing system protects judicial independence and impartiality and the autonomy of the prosecution, as well as transparency and public scrutiny.
- Paraguay's first follow-up report must be submitted no later than July 26, 2025.

The videos of the session are available online: [part 1](#) and [part 2](#).

## Priority recommendations

The Committee requested that, Paraguay should report on the implementation of the following recommendations provided in its concluding observations no later than July 26, 2021.

#### **Human rights violations during the period of the dictatorship**

- Ensure that all cases of serious human rights violations that occurred during the dictatorship (1954-1989) and the transition period until 2003 are duly investigated, that those responsible are tried without delay and, where appropriate, punished;
- Guarantee the prompt, fair and effective access of all victims and their families to compensation and comprehensive reparation, regardless of when the claim was initiated;
- Accelerate the search of missing persons and identification of remains found in the context of the investigation of cases of forced disappearance and ensure that the necessary human, technical and financial resources are provided for this purpose.

# Tajikistan



- 7<sup>th</sup> periodic report
- 126<sup>th</sup> Session – July 2019
- 12 NGO reports for the session
- 7 NGO reports for the LOI

## State party review

On 2 and 3 July 2019, the Human Rights Committee reviewed the third periodic report of Tajikistan on its implementation of the ICCPR. The State Delegation in its opening statement flagged the measures taken by the State to prevent, investigate and sanction torture, and the efforts taken to limit the interference with NGOs' activities.

The Committee asked about respect of freedom of expression by the State, in particular derogations to this right during states of emergency. The Committee also raised questions about counter-terrorism measures, pre-trial detention and deaths in custody, LGBT rights and refugee rights. Since Tajikistan has ratified Second Optional Protocol to the ICCPR, the Committee also asked for a follow-up on the implementation of its decisions, since there have been reports about poor application of the Committee's views on many of the individual cases.

### • Corruption

While noting the measures taken to combat corruption, including the Decree No. 465 of 28 October 2016 to analyse corruption risks in organizations, and the Plan of Action to implement the recommendations made by the OECD in the framework of the 2018–2019 Istanbul Action Plan, the Committee expressed concern about reports that corruption in the country is still widespread. The Committee also asked questions about the definition of corruption in the national legislation, which is not yet in accordance with international standards. The Committee is also concerned that the main specialized body in charge of detecting and investigating corruption offences, namely the Agency for state financial control and combating corruption, is not sufficiently independent from the executive branch.

The delegation in this regard mentioned that relevant measures have been taken by the government to honour its commitments, including full criminalization of corruption. The government has toughened the sanctions in this regard and has expanded the criteria for this crime. Such sanctions also include confiscation of property. The delegation also mentioned the difficulties the State faces, due to the historical mindset of the people in Tajikistan, which creates obstacles in fully implementing measures to combat corruption. The delegation did not provide specific information on possible cases where the above-mentioned regulations have actually resulted in trying a state official. The safeguards provided for whistle-blowers also remained unanswered.

### • Torture

The Committee raised serious concerns regarding the continued reports of torture or ill-treatment of persons deprived of their liberty, particularly for the purposes of extracting confessions, including against human rights defenders and political opponents. The Committee asked about the availability of independent mechanisms to prevent such acts, to investigate and sanction them and to provide compensation to the victims. The Committee inquired about training sessions for officials in this regard. The Committee also expressed concerns regarding alleged reconciliations between prosecutors and victims of torture.

The delegation replied that the punishment for torture has been toughened, and an independent mechanism has been put in place, where reports of torture are thoroughly investigated. According to the delegation, there were 16 complaints of torture in 2013, 13 in 2014, 21 in 2015, 10 in 2016, 23 in 2017 and 54 in 2018. Out of all these cases, only 10 were substantiated. However, the delegation did not mention the results of these cases. They did not address the factuality of questions about deaths in custody, and whether possible perpetrators of torture have been punished or whether victims have received compensation.

### • Freedom of Associations and NGOs

The Committee raised concerns with regard to a shrinking space for civil society organizations, due to recent amendments to the Public Associations Act. Based on these amendments, NGOs now have to inform the Ministry of Justice about their financial resources and funds and publish their incomes and expenses. The Committee is concerned that these are very stringent measures that have a chilling effect on the work of NGOs and have even resulted in the closure of some of these organizations.

The delegation responded that the new amendments have been made as part of their counter terrorism policies, in order to prevent organizations to be used for money laundering and finance terrorism, and that these measures are considered as notifications to the State and not authorizations. However, it should be mentioned that this issue was one of the main concerns raised by the NGOs who were present at the session, moreover, the Committee reminded the delegation that counter-terrorism measures should be in compliance with the ICCPR regulations, and should not be misused to restrict civil society's freedoms. The delegation also mentioned that there are more than 2000 active NGOs in Tajikistan, out of which 70 work in the field of human rights. According to reports by the civil society, this number in reality is lower.

## Priority recommendations

By 26 July 2021, the State party should provide information on the following recommendations from the Committee's [Concluding Observations](#):

### Surveillance and interception of private communications

- All types of surveillance activities and interference with privacy, including online surveillance, interception of communications and communications data (metadata) and retrieval of data, are governed by appropriate legislation that is in full conformity with the Covenant, in particular articles 17 and 19, including with the principles of legality, proportionality and necessity, and that State practice conforms thereto.
- Surveillance and interception is conducted subject to judicial authorization as well as effective and independent oversight mechanisms.
- Affected persons have proper access to effective remedies in cases of abuse.

### Freedom of Expression

The State party should revise its laws and practices with a view to guaranteeing the full enjoyment of freedom of expression and peaceful assembly by everyone, taking into account the Committee's general comment No. 34 (2011) on freedoms of opinion and expression. It should, inter alia:

- Consider decriminalizing insult or libel against the President/Leader of the Nation and insult against other State officials;
- Promote plurality of opinions in the media, and ensure that the media and media workers can operate free from undue State interference;
- Repeal or otherwise amend the laws and regulations providing for the restrictions referred to above with a view to bringing them into full compliance with the State party's obligations under the Covenant;
- Lift all other undue restrictions on the exercise of freedom of expression and ensure that any restrictions comply with the strict requirements of article 19 (3) of the Covenant;
- Ensure that the right of access to information held by public bodies can be effectively exercised in practice, including by addressing any practical or administrative obstacles in processing information requests and by ensuring timely responses to such requests;
- Take all measures necessary to ensure the independence of the broadcasting and licensing authority;
- Ensure the effective protection of independent journalists and media workers against any form of intimidation and refrain from using civil and criminal provisions, including the provisions on extremism, as well as other regulations, as a tool to suppress critical reporting on matters of public interest.

### Participation in public affairs

The State party should bring its electoral regulations and practices into full compliance with the Covenant, including its article 25, inter alia by:

Giving full effect to the right of every citizen to genuinely take part in the conduct of public affairs; and fostering a culture of genuine political pluralism;

Refraining from using criminal laws as a tool to harass and exclude opposition members from meaningful participation in public life and electoral processes; and conducting a thorough, credible and impartial investigation into the alleged enforced disappearance of Ehson Odinaev;

Revising the limitations on the right to stand for election with a view to ensuring their compatibility with the Covenant;

Revising legislation providing for a blanket denial of the right to vote to all convicted prisoners which does not meet the requirements of article 10 (3), read in conjunction with article 25 of the Covenant; and for denial of the right to vote to any person declared incompetent by a court;

Ensuring the full independence of the Central Commission for Elections and Referenda;

Implementing equal electoral campaigning conditions for all, including equal access to State-run television.

The State is expected to submit its next report on 26 July 2025.

The webcast can be found here: [part one](#) and [part two](#).

# Equatorial Guinea



- Reviewed in absence of State report
- 126<sup>th</sup> Session – July 2019
- 6 NGO reports for the session
- 1 NGO report for the LOI

## State party review

The first periodic review of Equatorial Guinea was carried out by the Committee on July 10 and 11, 2019 in the absence of an initial report. The State ratified the Covenant in 1987 and its initial report was stipulated for 1998, but it was never sent. For this reason, in 2004 Equatorial Guinea was analyzed by the Committee in the absence of a report and of the delegation. Session N ° 126 was the first opportunity to have a dialogue with the State, therefore, the members of the Committee welcomed Equatorial Guinea to the period of periodic examinations and explained its operation, with a view to establishing an interactive dialogue, continuous and regular in human rights issues.

Among the many issues that were addressed before the Committee, violence and discrimination against women, the restriction of freedom of participation in public life, the lack of freedom of expression, the restriction on access to new technologies can be named, limitations on free movement, extrajudicial executions, the increase of persons deprived of liberty and conditions of detention, among other issues. It was also discussed that in Equatorial Guinea the moratorium is applied in cases of death penalty sentences, however, the Committee encourages the State to contemplate access to the Additional Protocol to the Covenant, with a view to the total abolition of the death penalty.

### • Lack of independence of the judiciary and fight against corruption

The independence of the judiciary was a relevant issue in the Equatorial Guinea exam. The Committee consulted what measures were taken to strengthen its independence and whether the principle of separation between the executive and judicial branches is respected. In particular, the fact that the appointment of judges is the exclusive competence of the executive branch (of the head of state) was specified. The Committee also consulted issues related to the budget allocated to the justice sector in recent years and to the training of the judiciary, as well as procedures for dismissal and the competent authorities to do so. The Committee indicated that the functioning of the judiciary must be guaranteed

in a manner consistent with the Covenant and General Comment No. 32.

On the other hand, the members of the Committee consulted whether corruption is a constitutional offense punishable in Equatorial Guinea. The Committee also asked whether legal actions have been brought against officials, if there have been convictions and if all officials can be investigated and sanctioned. In response to this, the delegation replied that its purpose is to prosecute all persons suspected of having committed acts of corruption and that, for such purposes, an anti-corruption Prosecutor's Office was created. The delegation mentioned three procedures that would be in progress and that would provide the data when they have the corresponding sentences.

### • Discrimination and violence against women

In the course of the Equatorial Guinea review, several issues related to women's rights were discussed. The members of the Committee consulted on action plans to combat discrimination between men and women. Another issue discussed was the participation of women in public life and in decision-making positions, with only 20% of women parliament members, in particular 10% in the Senate.

Additionally, the Committee consulted the delegation for different practices in force: polygamy, the dowry that women receive to marry and the return of the dowry in case the separation is by the will of the woman. In response, the delegation referred to these issues as cultural practices that society accepts and chooses.

Also, members of the Committee noted with concern the lack of criminalization of marital rape. Issues related to sexual violence were also invoked, such as sexual abuse of girls and cases of gender-based violence. In particular, the lack of law to investigate these scenarios was highlighted.

On the other hand, the issue of reproductive health was addressed. The Committee stressed the importance of having hospitals equipped on these issues, particularly in remote rural areas. Finally, the Committee referred to the voluntary termination of pregnancy, asked the State to provide more

*"What measures are going to be taken to fight patriarchal practices that undermine women's rights? This is not only an international discourse but a message that the African Commission on Human Rights also conveys, and it is important to remember it."*

*- Member of the Human Rights Committee*

information on what assumptions are allowed and if the husband's authorization is necessary for the woman to have access to abortion. Given this, the delegation indicated that, since at the end of colonization, Equatorial Guinea is a predominantly Catholic country (referring to 95% of the population), and as such, making access to abortion more flexible to new assumptions can be immoral within its cultural framework.

The Committee also referred to the commitments of Equatorial Guinea as a signatory of the Maputo Protocol to the African Charter on Human and Peoples' Rights, as it is an instrument that provides guarantees and rights to women.

- **Freedom of expression, association and peaceful assembly**

The Committee consulted on the conditions for registering journalists, licenses for the dissemination of various media and the possible existence of censorship. Regarding the internet, it was indicated that only 25% of the population has access, being very limited. The Committee also wanted to corroborate information that many websites are blocked. Because of this, the Committee indicated that the State should harmonize domestic legislative provisions under the Covenant. The delegation replied that there were few cases in which a license to a journalist was not given. Regarding internet access, the delegation claimed that access is limited throughout the country and for all people, that it is not a premeditated government action against certain groups.

On the other hand, the right to freedom of peaceful assembly was discussed, which is recognized by national law. This law, however, admits many restrictions. For this reason, the Committee requested that the regulations conform to international standards, in particular, that the restrictions on this right should be concrete, clear and based on legitimate reasons. In addition, the members of the Committee consulted on the protocols of action of law enforcement agencies (among them, the police) in the accompaniment of demonstrations and protests.

Finally, the Committee consulted on the requirements necessary to establish civil society organizations, which are difficult. Given this, the delegation replied that NGOs, civil society and human rights defenders stand in political parties and carry out attacks against the government, and that it should intervene.

- **Prison Conditions**

The Committee indicated that it is concerned about allegations of arbitrary detention and detention for more than 48 hours without charge, incommunicado detention and the use of detention as a means of intimidation. The Committee expressed concern about allegations that people have been detained for long periods without legal guarantees, such as, in particular, the appearance before a judge, access to a lawyer and the right to inform their family.

The Committee is also concerned about the large number of people in pretrial detention and the lack of clear information on the maximum duration of pretrial

detention as well as the lack of statistical data in this regard.

Also, given the increase in penitentiary units in the country and in the light of well-known cases such as Playa Negra, the Committee asked about the conditions of detention, its budget, among other consultations.

## Priority Recommendations

The Committee adopted the Concluding Observations and considered that the State Party should provide information on the implementation of the following priority recommendations of the Concluding Observations of the Committee no later than July 26, 2021.

### Fight against corruption and natural resources management

- intensify its efforts to combat corruption, including money laundering, review the legal framework, strengthen good governance practices
- strengthen the capacity of the Office of the Prosecutor and the agencies responsible for combating corruption
- ensure that all acts of corruption are investigated independently and impartially
- carry out more awareness campaigns on the economic and social costs of corruption
- adopt the necessary measures, even with the effective application of Decree No. 42/2007 that regulates the participation of civil society in the initiative of transparency of extractive industries

### Exception status

- Terminate the de facto application of the exception state
- Ensure that in all cases where the state of exception and the measures taken to make it effective are applied in its territory, the provisions of the Covenant are respected
- Enact legislation that contains clear provisions on states of exception

### Prohibition of torture and other cruel, inhuman or degrading treatment or punishment

- Ensure that all allegations of torture and ill-treatment are investigated without delay and in an exhaustive and effective manner and provide victims with effective remedies that include rehabilitation measures
- Take all necessary measures to prevent torture, reinforcing the training provided to judges,

The videos of the session are available online: [part 1](#) and [part 2](#).



# Nigeria



- Reviewed in absence of State party report
- 126<sup>th</sup> Session – July 2019
- 7 NGO reports for the session
- 6 NGO reports for the LOI

## State party review

On 3 and 4 July 2019, the Human Rights Committee conducted Nigeria's second periodic review in the absence of the State's report. The State delegation began the review by apologizing for Nigeria's inability to submit its report, but stressed the State's commitment to respect and implement human rights within its territory. The Committee was most concerned about the measures the State has taken as a response to the terrorist activities taking place on its territory. The Committee mentioned that even though such measures are necessary, they should be in compliance with the Covenant's provisions. The Committee also discussed the serious threats to maternal health in Nigeria. Moreover, the Committee raised concerns about corruption in Nigeria, in particular in oil and petroleum industries. In this regard, the Committee asked about the protection of whistle-blowers and required the State to provide detailed information and statistics on their fight against corruption.

### • Surveillance and Freedom of Expression

The Committee raised concerns regarding internet shutdowns and blocking of websites and mentioned that the current counter-terrorism provisions, such as the Terrorism (Prevention) Act and the Cybercrimes Act of 2015 provide for broad authority with respect to surveillance measures. The Committee also expressed its concerns regarding the sanctions imposed on individuals due to the contents they posted on social media. The Committee mentioned that these sanctions have created a chilling effect among the population, and journalists in particular. The delegation did not provide detailed information in this regard, and generally mentioned that freedom of expression is respected in Nigeria. Unfortunately, the delegation did not go through specific counter-terrorism measures in their provisions that allow for limitations on access to internet.

### • Non-discrimination

The Committee was concerned about a lack of comprehensive anti-discrimination legislation and the absence of a definition of discrimination in the State party's legislation. The Committee raised its concerns about discrimination due to the high

number of complaints, over a million, that were made to the National Human Rights Commission in this regard. The Committee asked for more information on the status of these complaints.

The Committee also flagged concerns on LGBT rights, as many acts, including the mere support of LGBT community, are criminalized and severely punished. In particular, after the adoption of the Same-Sex Marriage (Prohibition) Act, harassment and violence against LGBT persons has increased as well as the number of arrests and detention of young people based on their actual or

perceived sexual orientation and gender identity.

The Committee also expressed concerns about discriminatory legal provisions and practices against women, including with regard to the transmission of nationality, polygamy,

repudiation, adultery and inheritance rights in the states that apply sharia law, and discriminatory traditional practices.

The State delegation mentioned that LGBT issues are a "red line" for the Nigerian government. The delegation also mentioned that there are 250 ethnic groups in Nigeria, and if some customs deny inheritance to women, it should not be generalized to the whole population. Moreover, the delegation said that since Nigeria is a federation of states, the government cannot interfere with many domestic affairs, and impose obligations on them. Members of the Committee reminded the delegation of the country's legal obligations according to ICCPR as a whole, and the fact that domestic divisions within the State, does not justify their lack of compliance with the regulations.

### • Maternal mortality, reproductive rights and abortion

The Committee raised serious concerns with regard to reproductive health among women, since maternal mortality in Nigeria is one of the highest of the world, in particular in rural and poorer areas. The Committee mentioned that there have been some reports of women giving birth in detention, because they did not have sufficient financial resources to go to a hospital. The Committee asked the delegation to provide detailed statistics, and information on the funds allocated to combat these challenges and make sure that everyone has access to adequate

health services and contraceptives. As voluntary termination of pregnancy is considered as a crime, punishable by imprisonment in Nigeria; the Committee asked whether such punishments have actually taken place in practice, and whether there have been attempts to amend the regulations, at least when the health of the mother is at risk, or in cases of pregnancies resulting from incest or rape. The Committee also asked about the steps taken to prevent and eradicate sexual violence against women, forced marriages and female genital mutilation.

The delegation mentioned that they have designed some programs to deter violence against women, through life saving interventions, providing trainings to service providers and enhancing sanitation. They mentioned that health centres are being constructed in local areas, and some local states provide free medical care to women.

## Priority recommendations

The State party is requested to provide, by **26 July 2021**, information on the following recommendations from the Committee's [Concluding Observations](#):

### **Maternal mortality, reproductive rights and termination of pregnancy**

- Strengthen its efforts to ensure access to sexual and reproductive health services;
- Review its legislation to ensure safe, legal and effective access to abortion where the life and health of the pregnant woman or girl is at risk, in particular where the pregnancy is the result of rape or incest or where the pregnancy is not viable;
- Ensure that women and girls who have abortions, as well as the health-care practitioners assisting them, are not subject to criminal sanctions.

### **Intercommunal and inter-ethnic violence**

- Ensure safety and security in the region, including through providing safe shelters, especially for women and children;
- Ensure that all attacks and acts of inter-ethnic violence as well as allegations of excessive use of force by the Governmental actors are investigated, those responsible are brought to justice and victims provided with full reparations.

### **Conflict with Boko Haram and civilian protection**

- conduct prompt, impartial and effective investigations of allegations of human rights abuses committed in the context of the conflict with Boko Haram, both by non-state and state actors
- Take steps to increase the transparency of the investigations, including publishing their findings.
- Take measures to ensure the safety and security of the population affected by the conflict and to prevent violations of their human rights by any party of the conflict.

The next report of Nigeria is expected by **26 July 2025**.

The webcast is available here: [part one](#) and [part two](#).

# Belgium



- 127<sup>th</sup> Session – October/November 2019
- 7 NGO reports for the session
- 2 NGO reports for the LOIPR
- 1 NHRI reports for the session

## State party review

On 15 and 16 October 2019, Belgium was questioned by the UN Human Rights Committee on the implementation of the ICCPR, the International Covenant on Civil and Political Rights.

Several topical themes were discussed during the review: detention conditions, treatment of migrants and asylum seekers, sexual violence, the wage gap between women and men, the national human rights institution (NHRI) Unia, religious symbols, foreign fighters and their families in Syria and Iraq, the rights of intersex persons and police violence. Some of these issues are discussed below.

### • **Several concerns regarding migrants and asylum seekers**

In addition to recurring criticism of the structural problems in Belgian detention centers, linked to overcrowding and regular strikes, the Committee was particularly concerned for the treatment of migrants and asylum seekers. In addition to police violence during deportations and difficult procedures to appoint pro bono lawyers, it remains particularly worrying that a structural vision and solution is not forthcoming. A question about complaints of excessive use of force by the police in Maximilian park, was not answered. The question whether the Belgian state has a plan to tackle this problem in the long term also remained unanswered. In addition, both NGOs and the Committee expressed concern that Belgium is once again detaining children in closed centers simply because of their residence status. Despite recommendations from the UN Committee on the Rights of the Child, the Commissioner for Human Rights from the Council of Europe and from the Office of the United Nations High Commissioner for Refugees, Belgium maintains its position.

### • **Foreign fighters and their family members: no plan**

The (non-) approach of the so-called foreign fighters in Syria and Iraq also raised questions from the Committee. Belgium's position until now was to

allow them to go through a fair trial in an independent court in the countries where the crimes took place, without the death penalty being pronounced. However, this is not guaranteed since the death penalty is still legal in both Syria and Iraq. Moreover, after eight days and more than eight escapes of Belgians from Kurdish prisons, the situation becomes very pressing, but Belgium was unable to communicate an updated position with the Committee. With regard to the wives and children of the fighters, Belgium said the following: children up to 10 years old can be repatriated if they can prove a relationship of parenthood with a Belgian (and thus also obtain Belgian nationality). Children between 10 and 18 years old, according to the delegation, could have participated in ISIS operations, and therefore a case-by-case evaluation is carried out for them.

### • **Worrying developments regarding the National Human Rights Institution (NHRI)**

Another topical issue that the Belgian delegation could not clarify, was the NHRI Unia. The Committee had questions about the recent announcement by the Flemish government to "withdraw from Unia" and about the current mandate. The ICCPR requires every state to establish an independent human rights institution that must meet certain conditions. Unia's mandate is not broad enough to be considered as a fully-fledged NHRI. For example, Unia is not competent for situations where people are discriminated on the basis of their language - a frequent occurrence in a country like Belgium with different language communities. It is questionable whether a Flemish center that will replace Unia, will meet all the conditions. Moreover, the announced withdrawal which will result in significant budget cuts, is causing considerable concern for Unia.

### • **Police violence against protesters**

Finally, Belgium received several questions about police violence that took place in Brussels on 12 October. During a protest action of Extinction Rebellion, the police allegedly used excessive force against peaceful activists. Olivier de Schutter, former UN Special Rapporteur on the right to food and a

current member of the UN Committee on economic, social and cultural rights, also fell victim to pepper spray. More than 300 activists were arrested. In response, the Belgian state emphasized that officers on duty must be identifiable at all times, and that citizens have the right to film police actions. There is no ban on filming police actions: officers cannot check the identity of people filming or confiscate their phone. However, it was regrettable that the Belgian delegation superficially replied by citing existing legislation but did not delve deeper into the concrete events of 12 October.

## Priority recommendations

The Committee adopted its Concluding Observations, which include several recommendations. The following recommendations are priority and should be subject to a follow-up report from the authorities within two years, that is, on November 8, 2021.

### Refugees, asylum seekers and non-refoulement

- Prohibit the detention of migrants, especially families, pregnant women and children, and develop alternatives to detention in accordance with its obligations under the Covenant and the principles of the best interests of the child and family unity.
- Adopt statelessness legislation governing the granting of nationality or residence permits to persons recognized as stateless in the State party.

### Counter-terrorism measures

- Facilitate the repatriation of all children born to Belgian nationals who are in conflict zones, respecting the principle of the best interests of the child, and ensure their access to care and reintegration services during repatriation.
- Make the necessary efforts to ensure that nationals suspected of acts of terrorism or war crimes are prosecuted, in accordance with the rights contained in the Covenant.

### National human rights institution

The State party should speed up the establishment of the Federal Institute for the Protection and Promotion of Human Rights, in accordance with the Paris Principles, by giving it a global mandate and all the necessary means to fully fulfill its mandate, including the possibility of receiving complaints. The State party should also encourage the negotiation of cooperation agreements between the Federal Authority and the federated entities in order to increase collaboration between the Federal Institute and the sectoral institutions to ensure effective protection in accordance with its obligations under the Covenant.

The webcast is available [here](#) and [here](#).

# Cabo Verde



- 4<sup>th</sup> periodic report
- 127<sup>th</sup> Session – October/November 2019
- 9 NGO reports for the session (reported together)
- 1 NHRI report for the session

## State party review

On 22 and 23 October 2019, Cabo Verde underwent its first ever review before the Human Rights Committee on the implementation of the ICCPR. Having ratified the ICCPR in 1993, the First Optional Protocol in 2002 and the Second Optional Protocol in 2000, Cabo Verde waited until 2018 for the submission of its initial report, leading the Committee to remind the State Party of its reporting obligations.

The State delegation opened the review by listing a number of recent achievements, particularly in the areas of democracy and rule of law. However, they also acknowledged that many steps still need to be taken in order to ensure the comprehensive respect, promotion and fulfilment of civil and political rights. Among the concerns raised by the Committee during the discussion were the Cabo Verdean national human right institutions (NHRIs), the administration of justice and the non-discrimination legislation.

Preoccupations were also raised on climate change and the way public participation to decision-making is guaranteed, human trafficking, exploitation of migrant workers and children, especially in the informal sector. Finally, remarks

were made by the Committee on corruption, following allegations received by civil society. The Cabo Verdean delegation, however, argued that there is no unanimous political will to adopt a government bill against nepotism.

### • **Crime, detention and juvenile justice**

Despite the recent adoption of a Security and Citizenship Plan, a new Code on the Execution of Prison Sentences and a number of social reinsertion programs, crime in Cabo Verde ramps up. This leads to prison overcrowding, also due to the lengthy and overloaded judicial system.

Four out of the five Cabo Verdean detention facilities remain overcrowded. The Committee raised questions on how effective those national plans are in practice and what (if any) measures are in place to encourage courts to hand down alternative sentences to detention. The State delegation affirmed that a national plan for social reintegration will be approved soon and other legislative measures have already been adopted (i.e. crime reform, 2015) to enhance the use of house arrest and electronic monitoring as alternative sentences.

Another significant problem touched upon during the review was juvenile detention. Only two prisons (Praia and São Vicente) are in line with the ICCPR standards and with the Beijing Rules, according to which juvenile detainees must be kept separated from adult detainees. The State Delegation argued that they are well aware of the international obligations, but due to the lack of resources and facilities they can either guarantee the juvenile-adults separation or combat overcrowding, in order to exacerbate at least one issue. The Committee insisted on the equal and utmost importance of the two obligations and instructed the State Party to provide a timeframe in which they are planning to comply with their obligations.

### • **Refugees and asylum seekers**

The Committee showed concerns on the current Cabo Verdean system of reception of immigrants and asylum seekers, and on the fact that Cabo Verde

has not yet ratified the 1951 Geneva Convention. The Committee indicated that the principle of *non-refoulement* is allegedly disregarded by the State Party, to the extent that “inadequate or

disrespectful treatments” have been recorded at its borders.

The State Party acknowledged the flaws that still exist in the refugee determination mechanism, however they justified their current system by claiming that their domestic legislation on entry and admission is sound, objective and it relies on the general principle that if someone shows to be eligible for protection, they will receive it.

### • **Budgetary constraints**

Throughout the dialogue with the Human Rights Committee, the delegation insistently kept referring to budgetary constraints. The lack of resources was invoked in almost every answer. According to the delegation, the lack of budget is a significant problem for a nation state, in particular if the state is a small, post-colonial archipelago whose economy has just begun a growing curve. This issue considerably affects Cabo Verde’s reporting obligations under international human rights law too. The Committee asked the State Party to provide data and statistics on a variety of subjects but such information was either insufficient or missing.

*"A significant economic growth would be the only propulsion factor for a more effective and comprehensive fulfilment of Cabo Verde's international human rights obligations."*

*- Head of Cabo Verde Delegation*

The delegation stressed a few times that significant economic growth would be the only propulsion factor for a more effective and comprehensive fulfilment of its international human rights obligations. However, the State committed, from now on, to a more timely and consistent participation in the UN Treaty Body system. On the other hand, the Committee acknowledged the difficulties encountered by Cabo Verde *vis à vis* its international obligations and invited it, as a general rule, to put in place progressive steps and measures towards a full and effective implementation of the ICCPR and human rights as a whole.

## Priority recommendations

The State party is requested to provide, by **8 November 2021**, information on the following recommendations from the Committee's [Concluding Observations](#).

### National Human Rights Institution (NHRI)

The State party shall reform the National Commission of Human Rights and Citizenship to ensure full compliance with the Paris Principles. In particular it should:

- Ensure a fully independent, transparent and participative process for the selection and appointment of the members of the Commission with a view to guaranteeing their independence.
- Increase the independence of the Commission, including removing any oversight by Governmental entities.
- Provide the Commission with the human and financial resources necessary to enable it to carry out its mandate effectively.
- Make sure that the Commission's geographical coverage is strengthened to disperse its functions across the State party's territory.

### Equality between men and women

- Ensure the passing into law of the Parity Bill and its effective implementation to increase women's participation in all spheres of public and private life
- Strengthen education and awareness-raising initiatives for the general public to eliminate gender stereotypes on the subordination of women and on the respective and equivalent roles and responsibilities of women and men in the family and society.
- Collect comprehensive data to monitor the efficacy of initiatives to achieve gender equality.

### Decentralization

- Take measures to ensure robust public participation in decision-making during the decentralization efforts

The next constructive dialogue with Cabo Verde will take place during 2027.

The webcast is available here: [part 1](#) and [part 2](#).

# Czech Republic



- 4<sup>th</sup> periodic report
- 127<sup>th</sup> Session – October/November 2019
- 3 NGO reports for the session
- 1 NGO reports for the LOIPR

## State party review

On 17 and 18 October, 2019, the Czech Republic was reviewed by the Human Rights Committee on its compliance with the International Covenant on Civil and Political Rights. The Committee addressed several topics during Czech Republic's review, particularly emphasizing its concerns on the lack of implementation of the views adopted by the Committee. Moreover, it stressed the importance that the Czech Republic adopts measures to uphold the rights of migrants within the Czech Republic. It also expressed concerns on the rights of people deprived from their liberty, rights of people with disabilities and the rights of the LGBTI community.

### • Compliance with international decisions

The Committee raised concerns on compliance with international decisions, particularly, the lack of compliance of the Committee's views concerning restitution of property after the fall of communism in the State, in 26 cases. Czech Republic has not provided restitution of land rights' violations occurred during communism.

Czech Republic questioned the binding nature of the Human Rights Committee's decisions and recommendations. Yuval

Shany stressed that compliance with the ICCPR and with the Committee's views has to be achieved in good faith, and good faith is an obligation under international law. Thus, the ICCPR is "just as" binding as the European Convention on Human Rights, and exhorted the State to comply with its decisions.

### • Rights of Migrants

Moreover, Human Rights Committee also noted that there were allegations of discrimination against migrants, asylum seekers and refugees. Hate Speech has been identified to be led against migrants, asylum seekers and refugees. Allegations of speeches by public authorities through media that led to hatred and fear against these groups were raised in the Committee.

Moreover, the detention of migrants was also a concern of the Committee. There is information that leads to conclude that migrant children have been detained in spite of a legal prohibition of that. Furthermore, there are elements to believe that there is a practice of detention of migrants to send a

message to other migrants not to come to the Czech Republic, based on the State's asylum law. The Czech Republic regretfully implied that its legislation would not be amended.

## Priority recommendations

On 7 November 2019, the Human Rights Committee published its [concluding observations](#) to the Czech Republic. The Committee required that, by 8 November 2021, the Czech Republic has to submit a follow up report on the following three priority recommendations:

### Racial Discrimination, Hate Speech and Hate Crimes

- The State party should redouble its efforts, both through law enforcement and awareness-raising activities, to combat racial discrimination, hate speech and incitement to discrimination or violence on racial, ethnic or religious grounds, in accordance with articles 19 and 20 of the Covenant and the Committee's general comment No. 34 (2011) on

freedoms of opinion and expression. It should, inter alia:

- Take effective measures to prevent hate speech, particularly by politicians and high-level public officials, and firmly and publicly condemn such speech; and intensify efforts aimed at

addressing online hate speech;

- Strengthen awareness-raising efforts, and conduct campaigns aimed at promoting respect for human rights and tolerance for diversity and targeted at revisiting and eradicating stereotypical prejudices based on ethnicity or religion;
- Investigate hate crimes thoroughly, prosecute suspected perpetrators where appropriate and, if they are convicted, punish them and provide victims with adequate remedies; and
- Ensure that adequate training on hate crimes continues to be provided to law enforcement officials, judges and prosecutors, and on the promotion of racial, ethnic and religious diversity to media workers.

### Restraint in psychiatric institutions

- The Committee reiterates its recommendations (see CCPR/C/CZE/CO/3, para. 14) that the State party take immediate measures to abolish the use of enclosed restraint beds in psychiatric and related institutions, as well as to establish an independent monitoring and reporting system and ensure that

*"Maybe we'll need to agree to disagree on the question whether [Czech Republic] is acting in good faith or not."*

*- Yuval Shany - Vice Chair of the Human Rights Committee, concerning compliance with Committee's views*

abuses are effectively investigated, prosecuted and sanctioned, and that redress is provided to the victims and their families.

#### **Detention under the Foreigners Act**

The Committee recommended that the state party should:

- Ensure that detention is only applied as a measure of last resort and is justified as reasonable, necessary and proportionate in the light of the individual's circumstances;
- Ensure effective implementation of alternatives to detention in practice;
- Move to end the detention of all children, including children with families; and
- Revise relevant regulations to ensure that the benefit of the doubt in age assessment cases is afforded to young persons, in accordance with international standards.
- Finally, the Committee indicated that the Czech Republic must submit its fifth periodical report by 2025. The Committee pointed out that the next constructive dialogue with the State party will take place during 2027 in Geneva.

The webcast is available [here](#) and [here](#).



## Mexico



- 4<sup>th</sup> periodic report
- 127<sup>th</sup> Session – October/November 2019
- 27 NGO reports for the session
- 2 NHRI reports for the session
- 24 NGO reports for the LOIPR
- 1 NHRI report for the LOIPR

### State party review

On October 16 and 17, 2019, the Human Rights Committee examined Mexico's sixth periodic report on the measures taken to comply with the International Covenant on Civil and Political Rights. Several issues were addressed, such as the few advances in the fight against impunity, violence against women, the rights of migrants and the situation of human rights defenders.

The State announced several commitments and advances, among which it is worth noting that the roots of the Constitution were eliminated, complying with several recommendations of United Nations human rights mechanisms, and that the Committee's recommendations in the National Plan will be taken into account of Human Rights 2019-2024.

#### • Impunity

The impunity of the human rights violations perpetrated in Mexico was one of the most highlighted points in the debate. Members of the Committee expressed concern about the lack of investigations, trials and convictions on cases of torture, extrajudicial executions, enforced disappearances, femicides and other human rights violations that remain in impunity. For example, civil society organizations denounced that in more than 75% of arrests in Mexico acts of torture occur, and that of more than 4000 cases of torture reported in Mexico, the tax authorities have only prosecuted in 2 cases, between 2018 and 2019.

#### • Militarization of the civil police function

Another point under discussion was the introduction of the National Guard in Mexico, created in 2019, to carry out police work throughout the territory of Mexico. The main concern of the members of the Committee was the militarization of this body of the State, which distances citizen security from the civil character it must maintain. Civil society organizations denounced that this contributes to the increase in violence and impunity.

The Committee questioned the measures that the State will adopt to ensure that the exercise of citizen security is carried out by civil servants, and that these are duly trained to respect and guarantee the human rights of the population.

#### • Independence of the Judiciary

Finally, the Committee referred to the importance of enhancing the independence of the Judiciary as the

basis for guaranteeing other rights. The Committee referred to several reports of attacks against the Judiciary, particularly through interference by the Executive Branch in the Judiciary, and more than 30 legislative projects that affect the independence of the Judiciary.

### Priority recommendations

On November 7, 2019, the Committee published its recommendations on Mexico's compliance with its international obligations established in the ICCPR. In this regard, he identified as priority recommendations, on which he required a follow-up report no later than November 8, 2021, the following:

#### Right to life and personal security

- The State party should move away from a militarized approach of law enforcement and move forward in the process of training the National Guard as a civil institution and establish a plan that guarantees the gradual and orderly withdrawal of the armed forces in citizen security functions. In this regard, the State party must ensure that the intervention of the armed forces is restricted to exceptional circumstances and for a limited duration, in accordance with clear and previously established protocols, under civil control mechanisms and accountability schemes.
- The State must continue its efforts to provide all the National Guard member officers with intensive training in international human rights standards and consider the introduction of periods of pause in the transition between service in the armed forces and in the National Guard. Likewise, it must ensure that all cases of alleged extrajudicial executions and human rights violations are investigated promptly, thoroughly and impartially, that those responsible are prosecuted and punished, and that victims receive comprehensive reparation.
- The State must also urgently adopt policies in order to effectively reduce extrajudicial killings and executions.

#### Impunity

- The State party should redouble its efforts so that all violent crimes and other serious crimes are promptly investigated promptly, thoroughly and impartially, including the case of the disappearance of the 43 students of Ayotzinapa in September 2014, so that those responsible are prosecuted and sanctioned, and ensure that victims receive full reparation. In this sense, it must strengthen the research capacity and independence of all the actors involved in the

investigation, including the as Prosecutors and experts, as well as ensuring the consolidation of the accusatory system and the autonomy of the institutions of law enforcement; For all of the above, international human rights standards must be taken into consideration, including the Manual for the effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment (Istanbul Protocol). The State party must also take the necessary measures to protect witnesses, victims and their families, and those who are carrying out investigations, threats, attacks and any act of reprisal.

#### Freedom of expression

- Strengthen the Protection Mechanism for Human Rights Defenders and Journalists and their State Protection Units, with the allocation of adequate financial and personal resources for their work, the incorporation of a gender perspective in their work, the execution of actions that affect the structural causes of risk, both reactively and preventively, and the carrying out of activities to sensitize the population about the legitimacy of their activities.
- Strengthen the institutions responsible for the administration and administration of justice, as well as the administrative instances of internal control, to ensure that all attacks are investigated promptly, thoroughly, independently and impartially, that the perpetrators be brought before the justice and that victims receive comprehensive reparation and adequate assistance.
- Ensure respect for due process guarantees in cases of defenders and journalists accused of crimes; Y
- Ensure that any restriction of the right to freedom of opinion and expression or of the right of assembly or association fully complies with the strict requirements set forth in articles 19, para. 3, 21 and 22, para. 2, of the Covenant.

Mexico must submit its next report on compliance with the Covenant no later than 2025. The next dialogue with the State party will take place in 2027 in Geneva.

The exam videos are available [here](#) and [here](#).

# Senegal



- 4<sup>th</sup> periodic report
- 127<sup>th</sup> Session – October/November 2019
- 6 NGO reports for the session
- 4 NGO reports for the LOIs

## State party review

Since ratifying the Covenant in 1978, Senegal has been subjected to four rounds of review during the 1980s and 1990s. However, during the fifth, the State did not submit the report on time: while the reporting should have taken place in 2000, the Senegalese State did not return it until 'in 2018. According to the Senegalese delegation, this delay is due to internal changes in the government and, consequently, to the adaptation of procedures for handling human rights issues. Today, according to the statement of the head of the delegation, respect for human rights and the active participation of Senegal in international mechanisms is an absolute priority for the country.

On October 14 and 15, the members of the Committee had a constructive dialogue with the Senegalese delegation. After an opening speech in which the head of the delegation praised the achievements in gender equality in public life and peace and stability in the Casamance region, several other aspects of human rights were discussed. In particular; birth registration, statelessness, the primacy of the ICCPR over national law, the right to information and freedom of the press, the protection of human rights defenders and journalists, as well as freedom of expression in general.

The Committee expressed concerns about the excessive use of force by the police and the death penalty, which in Senegal was officially abolished in 2004, however is still advocated for by certain segments of the population. In addition, issues such as discrimination based on sexual orientation, women's reproductive rights and marital rape were briefly addressed.

### • **Talibé children in Koranic schools**

The Committee expressed concern about the conditions of talibé children in Koranic schools (daaras) who are forced by their teachers to beg for money and food on the street for several hours a day, until they reach their quota. These children are often victims of physical, psychological and sexual violence. The situation is also worrying with regard to trafficking in human beings. The Senegalese government has adopted measures to deal with this widespread practice, by adopting in 2010 the Daara

Modernization Program (PAMOD); however, its sporadic implementation lacks consistency. In addition, the Committee asked for information on the measures taken to ensure that Law no. 2005-06 relating to the fight against trafficking in persons and similar practices is brought into force. On the side of the State Delegation, the responses provided were incomplete: mention was made of a mechanism for preventing child abuse which has just been set up at national level, and of the fact that the Senegal will ensure that cases where teachers of Koranic schools commit forms of violence, coercion or exploitation involving the talibés are investigated, prosecuted and convicted under criminal rather than criminal proceedings administrative.

### • **Number of lawyers**

With regard to judicial independence, the Committee addressed the issue of lawyers during the review of Senegal. Out of a national population of around 16 million people, Senegal has an extremely limited number of lawyers, the majority of whom are based and work in the capital, Dakar. According to statistics collected by civil society organizations, in 2018, there were only 30 lawyers who applied for the bar association. The NGOs proposed to the Committee to recommend widening access to the bar for members and students of universities in order to increase the capacities of legal bodies.

The Committee has expressed serious concerns about the possibility of respect by Senegal for the right to a fair procedure, as enshrined in the ICCPR and, therefore, at the high risk of impunity for acts of human rights violations, legal assistance being restricted. Following the Committee's requests for further information on this subject, Senegal responded in a rather unsatisfactory manner, claiming that the profession on lawyer is a liberal profession that operates on a competitive logic and that, therefore, the government has little room for maneuver. The only thing he intends to do is offer economic incentives to lawyers who decide to practice in more rural parts of the country.

### • **Detention**

Another important issue for the Human Rights Committee was the deprivation of liberty in Senegal,

in particular the following aspects: a) preventive detention, b) cases of death in prison, c) conditions of detention.

The Committee asked the Senegalese delegation to provide solutions to the structural problem of prison overcrowding due to the long duration of preventive detention. The Delegation stated that measures are being adopted to resolve this problem, such as, for example, the opening of a prison institute in Dakar (planned for November 2020). The national debate on alternative sentences to prison (such as the use of electronic bracelets) is still underdeveloped, due to a lack of an appropriate legal framework and concerns about the "electronic dictatorship".

Regarding the various allegations made by civil society regarding the suspected death toll in Senegalese prisons, the State Delegation did not provide clear explanations for the root causes of the problem. The Committee underlined that investigations into the subject are currently not public, and therefore cannot corroborate the state's theory that cases of death in prison are due to natural causes.

The state said prison conditions have improved significantly in recent years. The Delegation said that the level of care, food and hygiene has increased, especially for women and children.

#### • **National Human Rights Institutions (NHRIs)**

Finally, the Committee asked the State to provide some clarifications on the current situation of the Senegalese Human Rights Committee (CSDH), which in 2012 lost "A" status under the Paris Principles due to its lack of transparency in the process of appointing members and in allocating resources. The Senegalese Delegation shares the same concerns and communicated that the government is currently discussing a new decree concerning three questions: a) independence and the budgetary increase, b) transparency in the appointment of members, and c) appropriate facilities throughout the territory.

## Priority recommendations

The Committee adopted its Concluding Observations, which include several recommendations. The following recommendations have priority and must be the subject of a follow-up report by the authorities within two years, that is to say on November 8, 2021.

#### **Deaths in detention**

- Take urgent steps to ensure that all deaths in custody are fully and impartially investigated
- Take the necessary measures to ensure that victims' rights holders obtain reparation.
- Take the necessary measures to ensure that those responsible are prosecuted and punished in proportion to the gravity of their acts.

#### **Refugees and asylum seekers**

- Amend the necessary legislation to make it compatible with the Covenant and the 1951 Geneva Convention relating to the Status of Refugees.

- Increase the financial and human resources of the National Eligibility Commission in order to make it more efficient
- Reduce the time taken to respond to requests for recognition of refugee status.
- Revise law nr 61-70 of 7 March 1961 determining Senegalese nationality, in order to avoid the risks of statelessness, in particular for children found on Senegalese territory regardless of their age and children born to foreign parents.

#### **Exploitation and abuse of children**

Adopt urgent measures to end the ill-treatment, exploitation, trafficking and all other forms of violence and torture of which its victims are children, in particular:

- Take the necessary and urgent measures to put an end to all forms of exploitation and ill-treatment of children, including by Koranic teachers in the Daraa
- As part of the National Child Protection Strategy (SNPE), establish a national database on all cases of domestic violence against children, and carry out a full assessment of the extent, causes and nature of this violence
- Speed up the adoption of the children's code while ensuring that it complies with the provisions of the Covenant.
- Ensure the strict application of article 298 of the Criminal Code, which criminalizes physical violence and willful neglect against a child, by providing the entire judicial chain with means adapted to the scale of the phenomenon.
- Speed up the modernization of Koranic schools while ensuring that they are compatible with the State party's obligations under the Covenant, and ensure that any newly adopted law provides a system of inspections with necessary resources.
- Allow civil society organizations to bring civil action before the courts in all cases of trafficking and ill-treatment of children.

The next dialogue with **Senegal is expected in 2027**.

Video recordings of the sessions can be found [here](#) and [here](#).

# Follow up procedure

Comprehensive summary of findings of the Follow-up Rapporteur

Austria

125<sup>th</sup> Session (March 2019)

CCPR/C/125/3/Add.1

Topic	Summary	Grading	Committee Evaluation
<b>Racial profiling and police misconduct</b>	<p><b>Paragraph 20</b></p> <ul style="list-style-type: none"> <li>The Committee requested that Austria legislate to prohibit racial profiling by the police, arbitrary detention, searches and interrogation on the basis of physical appearance.</li> <li>Law enforcement personnel should undergo racial sensitivity training and officers who commit offences against ethnic minorities should be held accountable.</li> </ul>	<b>C</b>	The Committee expressed regret at the lack of specific information provided by the state party on racial profiling and reiterated its recommendations.
<b>Ill-treatment of persons deprived of their liberty</b>	<p><b>Paragraph 22</b></p> <ul style="list-style-type: none"> <li>The Committee requested that Austria undertake an independent investigation into the discrepancy between the low number of criminal convictions for ill-treatment and the high number of allegations.</li> <li>The State party should collect and make public statistics on the incidents of torture and ill-treatment, disaggregated by age, gender and ethnic origin of victims, and details of the types of sentences imposed on perpetrators.</li> </ul>	<b>B</b>	<p>The Committee noted the measures taken by the state party however requested additional information on the findings of an evaluation of the investigative approach in relation to allegations of ill-treatment, and any follow up to the study and evaluations, including the impact of measures taken to ensure prompt, thorough and impartial investigations and documentation of all allegations of torture and ill-treatment.</p> <p>The Committee also requested further information on amendments to the decree of 23 April 2010, including how the address the shortcomings identified in respect of preventing and resolving ill-treatment allegations.</p>
<b>Detention of asylum seekers and refugees</b>	<p><b>Paragraph 30</b></p> <ul style="list-style-type: none"> <li>The Committee requested that Austria ensure that pending deportation detention is only applied after consideration of less invasive means, with special regard for those who are particularly vulnerable or young.</li> <li>The Committee also requested that the state party review its detention policy to ensure children under 14 years are not deprived of their liberty unless as a matter of last resort.</li> </ul>	<b>C</b>	The Committee welcomed information provided by the state party on detention pending deportation, however regretted the lack of information on the length of detention, and that a review of the policy regarding detention of children over the age of 14 had not yet been carried out.

The full report on the Evaluation of the information on follow-up to the concluding observations on **Austria** can be [found here](#).

## Denmark

125<sup>th</sup> Session (March 2019)

CCPR/C/125/3/Add.4

Topic	Summary	Grading	Committee Evaluation
<b>Domestic violence</b>	<p><b>Paragraph 20</b></p> <ul style="list-style-type: none"> <li>The Committee requested that the state party continue its efforts to combat domestic violence effectively and requested that the state party ensure that guidelines on the application of its legislation are enforced by all police districts in a uniform manner.</li> </ul>	<b>A</b>	The Committee welcomed the various legislative and policy measures taken to prevent and combat domestic violence in Denmark, Greenland and the Faroe Islands, including updating the guidelines on inter-relational violent crimes, and the operationalisation of the national unit to combat violence in family and intimate relations.
<b>Solitary confinement</b>	<p><b>Paragraph 24</b></p> <ul style="list-style-type: none"> <li>The Committee recommended that Denmark bring its legislation and practice on solitary confinement into line with international standards as reflected at the UN level.</li> </ul>	<b>C</b>	The Committee noted regrated that the state party neither abolish solitary confinement measures, nor reduce the total length of permissible confinement measures for existing detainees.
<b>Rights of aliens, migrants, refugees and asylum seekers</b>	<p><b>Paragraph 32</b></p> <ul style="list-style-type: none"> <li>The Committee recommended that Denmark take numerous measures to ensure their full compliance with the rights of migrants and asylum seekers, including ensuring that all policies and practices relating to expulsion afford sufficient protection for the principle of non-refoulement.</li> <li>The Committee also recommended that the state party review their immigration detention processes, and ensure that any detention is reasonably, necessary and proportionate in light of the circumstances.</li> </ul>	<b>B</b>	The Committee noted the information on asylum procedures and measures taken to strengthen respect for the principle of non-refoulement, however required additional information on those who may be identified as victims of torture, as well as clarity on restrictions to 'tolerated stay' legislation. The Committee also requested further information on the use of alternatives to immigration detention and sought clarification on measures taken to ensure any detention is justified in practice.
	<ul style="list-style-type: none"> <li>Consider reducing the length of detention for migrations.</li> </ul>	<b>B</b>	The Committee noted that the maximum period for detention remained unchanged in Denmark, however, did note that the conditions for rejected asylum seekers in Vridsløselille had improved.
	<ul style="list-style-type: none"> <li>Repeal legislation to ensure that all detained migrants have access to legal safeguards including judicial review.</li> </ul>	<b>C</b>	The Committee noted the information provided, however regretted that para. 37 of the Aliens Act had not been repealed. The Committee requested clarification on the length of time the provision has been in place, and further information on its application.
	<ul style="list-style-type: none"> <li>Repeal legislation which strips migrants and asylum seekers of access to their assets.</li> </ul>	<b>E</b>	The Committee regretted that the state party took no action on implementing the recommendation to repeal the Aliens Act.

The full report on the Evaluation of the information on follow-up to the concluding observations on [Denmark](#) can be [found here](#).

Topic	Summary	Grading	Committee Evaluation
<b>Discrimination against Bidoon people</b>	<b>Paragraph 11</b> <ul style="list-style-type: none"> <li>The Committee recommended that Kuwait (a) speed up the process of granting Kuwaiti citizenship to Bidoon people, where appropriate.</li> </ul>	<b>E</b>	While acknowledging the state party's sovereign rights regarding citizenship, the Committee regretted Kuwait's decision to deny the existence of stateless Bidoon and to treat all of them as illegal residents, regardless of their entry point to the state. The Committee reiterated its recommendations.
	<ul style="list-style-type: none"> <li>Guarantee the right of every child to acquire a nationality.</li> </ul>	<b>C</b>	The Committee noted that the amendments to the Nationality Act referred to by the state party were adopted before the concluding observations, and regretted that information on concrete measures taken was not provided by the state party.
	<ul style="list-style-type: none"> <li>Register and provide non-discriminatory access to social services to all Bidoon people residing in Kuwait.</li> </ul>	<b>B</b>	The Committee appreciated the information on services and facilities provided to register all 'illegal' residents, however requested further information on the recommendation to adopt non-discriminatory access to social services for all.
	<ul style="list-style-type: none"> <li>Ensure Bidoon individuals enjoy their right to freedom of movement, peaceful assembly, opinion and expression.</li> </ul>	<b>C</b>	While noting the general information provided concerning the issue of drivers licences and passports, the Committee regretted that no information was given in relation to whether passports can be used for travelling purposes other than studies, medical treatment or pilgrimage abroad. Further, the Committee regretted that restrictions on freedom of expression and peaceful assembly, namely those in the 1979 law on national gatherings is still in force.
	<ul style="list-style-type: none"> <li>Set aside plans to offer Bidoon people 'economic citizenship' of another country exchange for permanent residence in Kuwait.</li> </ul>	<b>E</b>	The Committee regretted that the state party had not abandoned such plans and requested further information on any relevant developments and reiterated its recommendation.
	<ul style="list-style-type: none"> <li>Consider acceding to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness and implementing the obligations in domestic law.</li> </ul>	<b>E</b>	Similarly, the Committee regretted the State party's response to the recommendation, namely the argument that acceding to the mentioned Conventions was legally irrelevant. The Committee reiterated its recommendation.
	<b>Paragraph 43</b> <ul style="list-style-type: none"> <li>The Committee recommended that Kuwait ensure that the exercise of the right to peaceful assembly is not subject to restrictions other than those permissible under the Covenant, and investigate all allegations relating to the excessive use of force by security forces, and ensure that perpetrators</li> </ul>	<b>C</b>	The Committee noted the information provided by the state party on freedom of assembly, however regretted the party's response only approaches freedom of assembly from the perspective of criminal activity. The response provided no information on measures taken to give effect to the concluding observations – as such the Committee reiterated its
<b>Freedom of peaceful assembly and excessive use of force</b>			

Topic	Summary	Grading	Committee Evaluation
Freedom of association	are prosecuted and victims adequately compensated.		recommendations and requested further information on the implementation in practice of existing rules.  The Committee also regretted the lack of information on any investigations into allegations of the excessive use of force, or prosecution of perpetrators.
	<ul style="list-style-type: none"> <li>Increase efforts to systematically train all security forces on the use of force, including the use of non-lethal measures in the context of demonstrations.</li> </ul>	<b>B</b>	The Committee noted information provided on the training of security forces in the use of force, however required additional information on the duration of such training, as well as completion statistics. The Committee also requested clarification on whether the such training is restricted to members of special forces, or whether it is mandatory for all law enforcement officials.
	<p><b>Paragraph 45</b></p> <ul style="list-style-type: none"> <li>The Committee recommended that the state party (a) repeal or revise its laws restricting the freedom of association to bring them into conformity with the Covenant.</li> <li>(b) clarify the vague, broad and open-ended definition of key terms in those laws, and ensure that they are not used as tools to curtail freedoms.</li> </ul>	<b>C</b>	The Committee regretted that Kuwait reiterated its existing procedure for registration and associations under existing law, and no measures have been taken since the adoption of concluding observations. The Committee therefore reiterated its recommendations.
	<ul style="list-style-type: none"> <li>(c) ensure that civil society can operate free of undue government influence and without fear of reprisals or unlawful restrictions.</li> </ul>	<b>B</b>	The Committee noted the information provided on a new draft law regarding public welfare associations, however requested specific information on its content, or newly adopted measures on public associations and their compatibility with the Covenant.

The full report on the Evaluation of the information on follow-up to the concluding observations on **Kuwait** can be [found here](#).

## South Africa

CCPR/C/125/3/Add.2

125<sup>th</sup> Session (March 2019)

Topic	Summary	Grading	Committee Evaluation
Truth and Reconciliation Commission	<p><b>Paragraph 13</b></p> <ul style="list-style-type: none"> <li>The Committee recommended that the state party increase its efforts to implement the recommendations of the Truth and Reconciliation Commission, investigate cases of serious human rights violations including those of enforced disappearance, prosecute and punish perpetrators, and provide adequate reparations.</li> </ul>	<b>B</b>	The Committee appreciated the information provided however required additional clarity on measures taken to fully implement the recommendations of the Commission, including information on the number of victims identified who received reparation, progress made in investigating serious human rights violations and punishing perpetrators.
Racism and xenophobia	<p><b>Paragraph 15</b></p> <ul style="list-style-type: none"> <li>The Committee recommended that the state party redouble its efforts to prevent and eradicate all</li> </ul>	<b>B</b>	The Committee noted the work on a bill to prevent and combat hate crime and hate speech that would create the offences, and welcome the holding of



	<p>manifestations of racism and xenophobia and improve policing responses to violence against non-nationals.</p> <ul style="list-style-type: none"> <li>This included effective investigations into allegations of racist and xenophobic attacks and other hate crimes and beginning systematic prosecutions of perpetrators. If convicted, perpetrators should be punished with appropriate sanctions and victims should be provided with adequate remedies.</li> <li>South Africa was also requested to pass appropriate legislation prohibiting hate crimes and hate speech.</li> </ul>		<p>public consultations. The Committee however required further information on the status and content on the latest version of the bill, and whether it fully complies with the Covenant.</p>
		<b>C</b>	<p>While noting the data provided on the number of cases which had reached the national Equality Court, the Committee regretted the lack of specific details on measures aimed at preventing and eradicating all manifestations of racism and xenophobia taken following the adoption of the concluding observations. As such, the Committee reiterated its recommendations.</p>
<b>Prison conditions</b>	<p><b>Paragraph 31</b></p> <ul style="list-style-type: none"> <li>The Committee recommended that the state party increase prison capacity to reduce overcrowding, revisiting arrest quotas as indicators of police performance, and ensuring that bail determinations are made promptly.</li> <li>Increase efforts to guarantee the right of detainees to be treated with humanity and dignity and ensure that conditions of detention are compatible with international standards (such as the Nelson Mandela Rules).</li> <li>Ensure that any de facto solitary confinement measures, including segregation, are only used in the most exceptional of circumstances for a strictly limited time period.</li> </ul>	<b>B</b>	<p>The Committee welcomed the review initiated in 2016 of existing legislative framework to identify possible gaps in relation to the Nelson Mandela Rules, and requested further information on follow up measures that were taken. The Committee also noted measures taken to reduce overcrowding in detention and welcomed the abolition of the arrest quotas of the police, however requested further information on these measures in practice, including whether targets to reduce prison populations have been achieved. The Committee also requested clarification on whether solitary confinement processes have been reviewed, and details on the outcome of such a review.</p>

The full report on the Evaluation of the information on follow-up to the concluding observations on **South Africa** can be [found here](#).

## Sweden

125<sup>th</sup> Session (March 2019)

CCPR/C/125/3/Add.3

Topic	Summary	Grading	Committee Evaluation
<b>Racism and hate speech</b>	<p><b>Paragraph 17</b></p> <ul style="list-style-type: none"> <li>The Committee recommended that the state party redouble its efforts, both through law enforcement and through awareness raising, to combat hate speech. This includes on the internet, through racist and xenophobic violence against and negative stereotyping of ethnic minorities, in accordance with articles 19 and 20 of the Covenant.</li> <li>The Committee also requested information on the effectiveness of such legislative and policy frameworks, including where appropriate, information on the prosecution of alleged perpetrators and the providing of appropriate remedies to victims.</li> </ul>	<b>A</b>	<p>The Committee noted the significant actions taken by the State party to prevent and combat racism and xenophobia, particularly through awareness raising, research and training plans adopted in Sweden. However, it required further information on the impact of these measures, including clarification substantiated by relevant data as to whether implementation actually decreased instances of racism and intolerance.</p> <p>The Committee also welcomed measures adopted by the state party to reduce hate crimes, including the establishment of a national contact point and specific hate crime investigation units.</p>

<b>Rights of aliens, including migrants, refugees and asylum seekers</b>	<b>Paragraph 33:</b> <ul style="list-style-type: none"> <li>The Committee requested that the state party ensure its policies and practices relating to the return and expulsion of migrants and asylum seekers afford sufficient guarantees of respect to the principle of non-refoulement, in particular for those migrants and asylum seekers who the Committee be protected by new non-temporary adjustments to asylum legislation.</li> </ul>	<b>B</b>	<p>The Committee noted that the legal regime applicable to the ‘security cases’ and ‘qualified security cases’ remained unchanged from the date of the concluding observations being adopted. It appreciated the information regarding the temporary restrictions and the training of the Migration Agency on the need for individual assessments. However, the Committee requested additional information on the adjudicatory appeals in security cases, and any relevant legislative or policy developments following the expiration of temporary legislation.</p>
	<ul style="list-style-type: none"> <li>The Committee also recommended that Sweden ensure the detention of migrants and asylum seekers is a measure of last resort and for the shortest period of time and is necessary and proportionate in light of the circumstances.</li> </ul>	<b>C</b>	<p>The Committee noted information provided regarding detention however required further information on its use in practice, namely whether it is used as a measure of last resort, is for the shortest appropriate period, and justifications as to reasonableness, necessity and proportionality.</p>

The full report on the Evaluation of the information on follow-up to the concluding observations on **Sweden** can be [found here](#).

## Argentina

126<sup>th</sup> Session (July 2019)

CCPR/C/126/2/Add.1

Topic	Summary	Grading	Committee Evaluation
<b>Voluntary termination of pregnancy</b>	<b>Paragraph 12</b> <ul style="list-style-type: none"> <li>The Committee recommended that the state party revise its legislation on abortion, including looking at exceptions to the criminal prohibitions currently in place, such as in cases where the pregnancy is as the result of rape, irrespective of the woman’s intellectual or psychosocial capacity.</li> <li>The Committee recommended that the State party should ensure all women and girls have access to reproductive health services in all parts of the country.</li> </ul>	<b>C</b>	<p>The Committee regretted the lack of information provided by the state party, including on measures taken to revise abortion legislation by adding exceptions, as well as measures taken since the adoption of the concluding observations.</p> <p>The Committee also took note of information on the training courses that have been run, especially those aimed at students, however requested follow up information on training undertaken since the adoption of the concluding observations, and those on the importance of using contraceptives and the right to sexual and reproductive health.</p>
	<ul style="list-style-type: none"> <li>In light of the Belén case, the Committee recommended that the state party should consider decriminalisation of abortion and review the case in light of international standards.</li> <li><b>Note:</b> The Belén case involved an Argentinian woman who arrived at a hospital to treat unknown stomach pain. The medical professionals treated her for an incomplete spontaneous miscarriage without complications. Following this, she was taken to prison and held in</li> </ul>	<b>A</b>	<p>The Committee welcomed the judicial decisions to release and acquit Belén, which were handed down in August 2016 and March 2017 respectively.</p>

	<p>preventative detention for 24 months. She was later sentenced to eight years imprisonment for “aggravated homicide due to family relationship” owing to Argentina’s criminal prohibition on abortion.</p>		
Torture and ill-treatment	<p><b>Paragraph 14</b></p> <ul style="list-style-type: none"> <li>The Committee recommended that the state party should ensure all complaints of torture or ill-treatment are investigated promptly, thoroughly and independently, with perpetrators brought to justice.</li> <li>Implement a unified registration system for acts and victims of torture with a view to establishing specific policies for the prevention of torture and cruel inhuman or degrading treatment, including by conducting systematic human rights training programmes for law enforcement officials.</li> <li>Expedite the adoption of the necessary legal measures to ensure that the national preventive mechanism is established in all regions of the country.</li> </ul>	C	<p>The Committee noted information provided by Argentina however requested specific information on measures taken after the adoption of the concluding observations, such as that to ensure that allegations of torture are investigated promptly, thoroughly and independently, and perpetrators are brought to justice.</p> <p>The Committee also regretted the lack of information provided on measures taken to implement a unified registration system for victims of torture. The Committee noted information provided on policy process, however required more information on actual establishment of policies for the prevention of torture and ill-treatment.</p> <p>The Committee also requested further information supplied by Argentina on specific steps taken since the state party review on national preventative mechanisms.</p>
	<ul style="list-style-type: none"> <li>Ensure all victims receive appropriate reparation, including health and rehabilitation.</li> <li>Ensure that forensic exams performed in cases of alleged torture or ill-treatment are impartial, comprehensive and conducted in accordance with the Istanbul Protocol</li> </ul>		B
Conditions of detention	<p><b>Paragraph 24</b></p> <ul style="list-style-type: none"> <li>The Committee requested that Argentina adopt effective measures to improve material conditions in prisons, reduce overcrowding and meet all basic needs of persons deprived of their liberty, in accordance with the Covenant and the UN Minimum Standard Rules for the Treatment of Prisoners (Nelson Mandela Rules).</li> </ul>	B	<p>The Committee noted the information provided on measures to improve overcrowding, including plans to expand facilities of federal prisons. However, the Committee also requested clarification on information which suggested that the prison population actually increased in recent years, and that incarceration rates remain at an all-time high.</p> <p>The Committee also noted the increase in the use of electronic monitoring devices, however requests information on the use of. Other non-custodial measures to tackle overcrowding.</p>

The full report on the Evaluation of the information on follow-up to the concluding observations on **Argentina** can be [found here](#).

Topic	Summary	Grading	Committee Evaluation
<b>Equality between men and women and practices that are harmful to women</b>	<b>Paragraph 16</b>	<b>C</b>	<p>The Committee requested additional information on measures taken and progress made since the adoption of the concluding observations, including any specific legislative reviews undertaken and amendments adopted, a timeline for the adoption of amendments to the Personal and Family Code and also whether the envisaged review covers traditional and religious marriages.</p> <p>The Committee regretted the lack of steps taken to reduce and abolish polygamy in the state and reiterated its recommendations.</p>
	<ul style="list-style-type: none"> <li>The Committee recommended that the state party amend the Personal and Family Code so as to guarantee that the same minimum age for marriage applies to men and women and to all marriages, including traditional or religious marriages, and take steps to reduce polygamy with a view to its abolition.</li> </ul>		
	<ul style="list-style-type: none"> <li>Extend the ban on forced marriages to cover religious or traditional marriages.</li> <li>Ensure that traditional or religious marriages are officially registered and that the age and consent of the spouses are verified.</li> </ul>		
	<ul style="list-style-type: none"> <li>Pursue efforts to raise awareness and develop new strategies for action to eradicate female genital mutilation.</li> <li>Strengthen action to educate and sensitize the public to the need to combat traditional practices that are harmful to women.</li> </ul>	<b>B</b>	<p>The Committee appreciated the information provided by the State party on awareness-raising on and new strategies to eradicate female genital mutilation. However, the Committee required additional information on the beneficiaries of the National Strategic Plan, including whether it has proven to be effective in terms of reducing the practice. The Committee also requested statistical data on the practice of female genital mutilation throughout the country in the last three years.</p>
	<b>Paragraph 24</b>	<b>B</b>	<p>The Committee appreciated the details provided on actual and planned increases in security services, capacity building and creation of new police services, as well as an adoption of a decree to combat insecurity and protection populations, however requested more information on steps taken to prevent vigilante groups from engaging in law enforcement in practice, as well as results of national implementation steps.</p> <p>The Committee also noted the information on legal proceedings that have been brought, however requested specific details on the number of prosecutions that had been made, and sentences handed down over the past three years.</p> <p>The Committee also noted the work conducted on awareness raising activities for to encourage vigilante groups to work with defence and security forces to end human rights violations, however regretted that no information was provided on the periodicity of these activities, and remained concern at the illegality of mob justice still occurring.</p>
<ul style="list-style-type: none"> <li>The Committee recommended that the state party reinforce the presence of national security and defence forces to guarantee the security of the population throughout the country, and prevent vigilante groups from taking the law enforcement role of the state.</li> </ul>			
<ul style="list-style-type: none"> <li>Conduct investigations, prosecute all alleged perpetrators of human rights violations.</li> <li>Organise awareness campaigns on the illegality of summary and mob justice.</li> </ul>			
<b>Mob justice and vigilante groups</b>			

Human trafficking and child labour	<p><b>Paragraph 36</b></p> <ul style="list-style-type: none"> <li>The Committee recommended that the state party continue its efforts to make the general public and those who work in the criminal justice system aware of the problem of human trafficking and risks of exploitation.</li> </ul>	<b>A</b>	The Committee welcomed the state party's information on awareness-raising activities to combat the economic and sexual exploitation of children and encourages the continuation of these activities.
	<ul style="list-style-type: none"> <li>Strictly enforce the laws and regulations related to child trafficking, child labour and exploitation of children with a view of strengthening monitoring mechanisms.</li> </ul>	<b>B</b>	The Committee requested further details on the measures taken since the adoption of the concluding observations to combat child trafficking, child labour and the exploitation of children, such as those taken to ensure that cases referred by social workers or other bodies are properly investigated, prosecuted and punished, when appropriate; details on the number of convictions handed down over the past three years, the tangible outcomes of the work of the watchdog and monitoring committees.
	<ul style="list-style-type: none"> <li>Amend legislation so that penalties handed down for sex offences involving children are commensurate with the seriousness of such offences.</li> <li>Collect disaggregated data on the extent of trafficking for purposes of sexual and economic exploitation and forced labour.</li> </ul>	<b>C</b>	The Committee regretted that no concrete legal steps have been taken to amend the Act in line with the recommendations, as well as the lack of disaggregated data or information on the collection of official data on the extent of trafficking for purposes of sexual and economic exploitation, forced labour and exploitation of children. The Committee reiterated its requests for information and reiterated its recommendation.

The full report on the Evaluation of the information on follow-up to the concluding observations on **Burkina Faso** can be [found here](#).

Ecuador  
CCPR/C/126/2/Add.2

126<sup>th</sup> Session (July 2019)

Topic	Summary	Grading	Committee Evaluation
Truth Commission	<p><b>Paragraph 20</b></p> <ul style="list-style-type: none"> <li>The Committee recommended that the state party adopt all necessary measures to expedite judicial investigations into the case of alleged human rights violations contained in the Truth Commission report and ensure that those responsible are tried and punished accordingly if guilty.</li> </ul>	<b>B</b>	<p>The Committee noted information provided by Ecuador however requested additional information on measures adopted to expedite judicial investigations into the cases of human rights violations, including a timetable for the remaining 106 cases that were at preliminary stages of investigation.</p> <p>The Committee also requested information on the criteria used to prioritise the cases, steps taken to conduct workshops with victims, information on the final number of workshops held, and the progress made to guarantee that victims and their families have access to comprehensive reparation in all cases.</p>

<p><b>Conditions of detention and violence in prisons</b></p>	<p><b>Paragraph 24</b></p> <ul style="list-style-type: none"> <li>The Committee recommended that the state party increase efforts to improve conditions of detention and eliminate overcrowding by ensuring effective implementation of norms relating to the deprivation of liberty.</li> <li>The Committee also recommended that Ecuador redouble their efforts to prevent and end violence in places of deprivation of liberty, and to ensure that all incidents of violence between prisoners, in particular cases where deaths occurred, are investigated and all responsible are held accountable.</li> </ul>	<p><b>B</b></p>	<p>The Committee took note of the information provided by the state party, however requested further information on specific measures implemented after the concluding observations to combat overcrowding in detention centres, training of prison staff to improve conditions of persons deprived of liberty and reduce rates of violence.</p> <p>The Committee also requested information on the new Prison Management Model, its effects in practice, and also results of investigations into complaints of violence in places of detention.</p>
<p><b>Freedom of expression and peaceful assembly</b></p>	<p><b>Paragraph 28</b></p> <ul style="list-style-type: none"> <li>The Committee recommended that the state party take appropriate measures to guarantee that all persons can exercise and practice their right to freedom of peaceful assembly, and redouble its efforts with a view to effectively preventing and eliminating all forms of excessive use of force in law enforcement.</li> <li>The Committee also recommended that the state party investigate all allegations of excessive use of force, and that alleged perpetrators are brought to justice and sentenced accordingly if found guilty.</li> </ul>	<p><b>B</b></p>	<p>The Committee welcomed the information provided by Ecuador, however regretted that no further information had been provided on the efforts made since the concluding observations.</p> <p>The Committee requested further information on investigations opened into allegations of use of excessive force, and the trainings conducted in the last three years to prevent and eliminate the excessive use of force by law enforcement officials.</p> <p>The Committee also requested that the state party clarify whether or not domestic legislation complies with the Covenant.</p>

The full report on the Evaluation of the information on follow-up to the concluding observations on **Ecuador** can be [found here](#).

## Namibia

126<sup>th</sup> Session (July 2019)

CCPR/C/126/2/Add.2

Topic	Summary	Grading	Committee Evaluation
<p><b>Non-discrimination</b></p>	<p><b>Paragraph 10</b></p> <ul style="list-style-type: none"> <li>The Committee recommended that the state party should conduct extensive education and awareness-raising campaigns involving and targeting traditional leaders and the general public, both children and adults, to eliminate all forms of discrimination.</li> <li>Repeal all laws that discriminate on the basis of race and adopt legislation on intestate succession to apply the same rules without discrimination.</li> <li>Ramp up efforts to combat discrimination against persons with disabilities and against persons who are HIV positive and ensure their full integration into all spheres of public life.</li> </ul>	<p><b>C</b></p>	<p>The Committee regretted that the state party continued to deny the existence of discriminatory racial laws in areas other than intestate succession.</p> <p>The Committee also regretted that the state party denies the existence of discrimination against lesbian, gay, bisexual and transgender persons, and further that no information was provided on the adoption of legislation to prohibit hate crimes and address homophobic and transphobic violence.</p> <p>The Committee did appreciate the information on the goal of the National Human Rights Action Plan in combatting discrimination against persons with</p>

			disabilities, however required more detail on how this worked in practice and specific measures taken, including education, awareness raising efforts and legal and regulatory reforms.
	<ul style="list-style-type: none"> <li>Abolish the common law crime of sodomy and include same-sex relationships in domestic violence legislation.</li> </ul>	C	The Committee regretted that no information was provided on the abolition of the crime of sodomy or the inclusion of same-sex relationships in domestic violence legislation.
<b>Prohibition of torture and ill-treatment</b>	<p><b>Paragraph 22</b></p> <ul style="list-style-type: none"> <li>The Committee encouraged the state party to adopt legislation on combatting torture, and provide training to all relevant professionals, including police and prison guards on its provision.</li> <li>Ensure that perpetrators of torture and ill-treatment are identified, prosecuted and brought to justice.</li> <li>Ensure that all cases of torture and ill-treatment are properly investigated by an independent mechanism.</li> </ul>	B	<p>The Committee welcomed news that a bill will be brought before the parliament criminalising torture, however required additional information including its name, content, and conformity with the Covenant.</p> <p>The Committee also appreciated information provided on the Internal Investigation Directorate of the police force and oversight mechanism of the Ombudsman, however requested more information on the impendence of the mechanism and measures taken to ensure perpetrators are brought to justice before ordinary courts.</p>
	<ul style="list-style-type: none"> <li>Ensure that sex workers can report crimes without risking being persecuted for their occupation.</li> </ul>	C	The Committee regretted that no information was provided on measures taken to protect sex workers from persecution when reporting instances of torture and ill-treatment.
<b>Torture, violence, including sexual violence against women and the right to life</b>	<p><b>Paragraph 24</b></p> <ul style="list-style-type: none"> <li>The Committee recommended that the state party adopt and implement awareness raising policies and public education programmes involving and targeted at traditional leaders and the public at large to make violence socially unacceptable.</li> <li>Systematically undertake prompt, impartial and effective investigations into all ‘passion killings’ and prosecute and punish all perpetrators if found guilty.</li> <li>Dismantle all legal and practical barriers to prosecution for perpetrators of domestic violence.</li> <li>Fully operationalise and expand shelter facilities for domestic violence victims across the state and ensure that all victims of violence have effective recourse to shelter.</li> <li>Ensure that police, prosecutors and judges are adequately trained on the issue of gender-based violence, and that victims of rape and other such violence receive appropriate support and reparations.</li> </ul>	C	<p>The Committee noted the awareness-raising campaigns conducted, as well as information on magistrates cited and training provided, however notes that no further information was provided post the adoption of the concluding observations.</p> <p>The Committee also regretted that no information was provided on investigations conducted to identify and prosecute those responsible for “passion killings”.</p> <p>The Committee also regretted the lack of information on measures taken to operationalise and expand shelter facilities for victims of domestic violence.</p> <p>The Committee noted information provided on training to police officers on gender-based violence however regretted that no information was provided for prosecutors, and that measures taken only related to those underway before the state party review. The Committee requested further information on how victims of rape and other violence receive support, and any draft legislation currently pending which would allow sexual violence prosecutions to proceed if the victim withdraws the</p>

			complaint, and appropriate penalties are in place.
	<ul style="list-style-type: none"> <li>Protect victims of violence, including from rape and sexual harassment, from stigmatisation as well as from reprisals, and adopt legislation on witness protection.</li> </ul>	<b>B</b>	The Committee welcomed new legislative measures enacted to protect witnesses however sought further clarification on how these laws operate in practice.

The full report on the Evaluation of the information on follow-up to the concluding observations on **Namibia** can be [found here](#).

## Turkmenistan

126<sup>th</sup> Session (July 2019)

CCPR/C/126/2/Add.5

Topic	Summary	Grading	Committee Evaluation
<b>Secret detention and enforced disappearances</b>	<p><b>Paragraph 17</b></p> <ul style="list-style-type: none"> <li>The Committee recommended that the state party should as a matter of urgency end the practice of secret detentions and enforced disappearances.</li> <li>Disclose the fate and whereabouts of forcibly displaced person and allow all detained persons visits from their families and confidential access to their lawyers</li> <li>Ensure that all cases of enforced disappearance are promptly, thoroughly and impartially investigated, that perpetrators are brought to, and that relatives are informed about the outcome of the investigation and are provided with full reparation.</li> </ul>	<b>C</b>	<p>The Committee noted the limited information provided, however regretted the lack of information on the practice of secret detention and enforced disappearances, and on measures taken to disclose the fate or the whereabouts of forcibly disappeared persons and to allow all detained persons visits from their families and confidential access to their lawyers.</p> <p>The Committee further regretted that no information was provided on development of a law regarding enforced disappearance. including measures required to be taken to ensure that cases of enforced disappearance are investigated, and the perpetrators are brought to justice and punished with appropriate sanctions.</p> <p>The Committee requested further clarification on the penalties imposed under domestic criminal legislation and reiterated its recommendations.</p>
<b>Torture and ill-treatment</b>	<p><b>Paragraph 21:</b></p> <ul style="list-style-type: none"> <li>The Committee recommended that the state party should take urgent and robust measure to eliminate torture and ill-treatment effectively, and end impunity for such acts.</li> <li>Ensure that the prohibitions of forced confessions and inadmissibly of evidence obtained by torture are enforced.</li> <li>Provide adequate training on torture prevention to law enforcement personnel.</li> <li>Ensure that all allegations of torture and other ill-treatment, including hazing and deaths in custody are reported and promptly and thoroughly investigated by an independent and</li> </ul>	<b>C</b>	<p>The Committee regretted that most information provided by the state party had already been provided during the periodic report of Turkmenistan.</p> <p>The Committee requested further information on measures taken in practice to ensure that evidence obtained under torture was inadmissible.</p> <p>The Committee appreciated the state party's efforts to train law enforcement personnel, however noted that no information was provided on the frequency of such trainings, nor whether it is mandatory, and requested clarification on these points.</p>



	impartial body, with perpetrators punished appropriately if convicted.		<p>The Committee also sought clarification on the practice of the complaints mechanism for allegations of torture, including data on the number of complaints brought through the mechanism.</p> <p>The Committee also regretted that no information was provided on the recommendation to ensure that allegations of torture are investigated and reiterated its recommendation.</p>
Treatment of prisoners	<p><b>Paragraph 23:</b></p> <ul style="list-style-type: none"> <li>The Committee recommended that as a matter of priority the state party should take measures to establish a system of regular and independent monitoring of places of detention, including allowing access of organisations such as the International Committee of the Red Cross.</li> <li>Take effective measures to eliminate overcrowding in detention.</li> <li>Ensure the availability of an effective complaints mechanism.</li> </ul>	<b>C</b>	<p>The Committee regretted that no further information was provided on measures taken since the concluding observations and reiterated its recommendations.</p> <p>The Committee also noted the information provided by the state party on amendments to the domestic criminal code, however requested further information on the timing of their enactment, the actual reduction of sentences and the measures taken to adopt the concluding observations to reduce crowding.</p> <p>The Committee also regretted that no further action was provided on the availability of a complaint mechanism and reiterated its recommendation.</p>
	<ul style="list-style-type: none"> <li>Ensure that persons deprived of their liberty are treated with humanity and respect for the inherent dignity of the human person and comply with the Covenant and the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules).</li> </ul>	<b>B</b>	<p>The Committee appreciated the information on funds used to purchase medical equipment for prisons, however regretted that there was no further information provided on measure taken to adopt the recommendations or comply with the aforementioned standards. The Committee reiterated its recommendations.</p>

The full report on the Evaluation of the information on follow-up to the concluding observations on **Turkmenistan** can be [found here](#).

**Azerbaijan**  
CCPR/C/127/2/Add.3

127<sup>th</sup> Session (Oct / Nov 2019)

Topic	Summary	Grading	Committee Evaluation
Torture and ill-treatment	<p><b>Paragraph 19</b></p> <ul style="list-style-type: none"> <li>The Committee recommended that the state party should take effective measures to eradicate torture and ill-treatment by ensuring that all allegations of torture are investigated by an independent and impartial body, perpetrators are prosecuted and punished with appropriate sanctions, and victims are provided with reparations.</li> </ul>	<b>C</b>	<p>The Committee noted the existence of a register for complaints and of the order of the President of Azerbaijan dated 10 February 2017, but regretted the lack of information on the measures taken to ensure that the cases are investigated by an independent and impartial body as well as the the lack of information on criminal sanctions in those cases and on the measures taken to ensure that victims are provided with effective</p>

	<ul style="list-style-type: none"> <li>Conduct the reforms necessary to ensure that regular monitoring and inspection for all places where person are deprived of their liberty is carried out by an independent and effective mechanism, and consider employing an NGO to assist.</li> </ul>		<p>remedies and full reparation. The Committee reiterated its recommendations.</p> <p>The Committee also regretted the lack of information on the reforms made since the adoption of the concluding observations to ensure regular monitoring and inspection of all places of deprivation of liberty, conducted by an independent and effective mechanism.</p>
<b>Independence and safety of lawyers</b>	<p><b>Paragraph 29:</b></p> <ul style="list-style-type: none"> <li>The Committee recommended the state party take immediate measures to ensure that sufficient safeguards are in place to guarantee the full independence and safety of lawyers and their effective protection against any form of retaliation in connection with their professional activity.</li> <li>This should include refraining from any actions which may constitute harassment, persecution or undue interference in their work.</li> <li>Eliminate the practice of calling lawyers as witnesses in cases in which they are representing a defendant.</li> </ul>	<b>C</b>	<p>The Committee noted the possibility that lawyers can be considered protected persons, however regretted the lack of information on the measures that have been taken to prevent any actions that may constitute harassment, persecution or undue interference in the work of lawyers.</p> <p>The Committee reiterates its recommendations and regretted that no information was provided on the practice of calling lawyers as witnesses in cases in which they are currently working.</p>
<b>Freedom of expression</b>	<p><b>Paragraph 37:</b></p> <ul style="list-style-type: none"> <li>The Committee recommended that the state party take all measures necessary to guarantee the full enjoyment of freedom of expression by everyone in practice, including taking immediate steps to end any repression against [human rights defenders, youth activists, political opponents, independent journalists and bloggers.</li> <li>The state party should also provide effective protection against persecution or retaliation and ensure that any restrictions on the exercise of their freedom of expression comply with the requirements of the Covenant.</li> </ul>	<b>C</b>	<p>The Committee regretted the lack of information provided by the state party and reiterated its recommendation.</p>

The full report on the Evaluation of the information on follow-up to the concluding observations on **Azerbaijan** can be [found here](#).

Guana

CCPR/C/127/2/Add.1

127<sup>th</sup> Session (Oct / Nov 2019)

Topic	Summary	Grading	Committee Evaluation
<b>Non-discrimination and harmful traditional practices</b>	<p><b>Paragraph 18</b></p> <ul style="list-style-type: none"> <li>The Committee recommended that the state party strengthen its awareness-raising and education programmes in that regard, in particular in those communities where the discriminatory practices remain widespread.</li> </ul>	<b>B</b>	<p>The Committee regretted the lack of information provided by the State party, however noted the information received from civil society on awareness-raising and education programmes relating to non-discrimination and harmful traditional practices.</p>

			<p>It noted the establishment in 2017 of the Gender and Development Initiative for Africa, but requested information on its implementation, particularly regarding coordination between social development ministries.</p> <p>The Committee also requested information on the activities carried out by the Regional Child Protection Committees and on further measures taken to strengthen awareness-raising and education in the areas of non-discrimination and harmful traditional practices.</p>
	<ul style="list-style-type: none"> <li>• Further enhance its efforts to prevent and eradicate harmful practices.</li> <li>• Proactively investigate cases of traditional harmful practices and ensure that victims have access to effective remedies and adequate protections.</li> </ul>	<b>C</b>	<p>The Committee regretted that no information was provided by the State party on the measures taken to prevent and eradicate harmful traditional practices. The Committee reiterates its recommendations. The Committee notes the existence of a dedicated telephone line for victims of domestic violence, however requested information on actions taken to ensure that reported cases are investigated and prosecuted.</p> <p>The Committee welcomed the adoption of legislative developments to prevent domestic violence however requested information on its content, and also methods of implementation.</p> <p>The Committee also requested information on measures taken to ensure that victims have access to effective remedies and adequate protection, rehabilitation and reintegration mechanisms.</p>
<p><b>Persons with disabilities and psychiatric treatment</b></p>	<p><b>Paragraph 28</b></p> <ul style="list-style-type: none"> <li>• The Committee recommended that the state party ensure implementation of the Mental Health Act, including through the adoption of legislative instruments for its implementation and the recruitment of qualified mental health professionals.</li> <li>• Ensure an effective and independent monitoring and reporting system for mental health and social care institutions, and ensure abuses are effectively investigated, with victims and families compensated if necessary.</li> <li>• Prohibit non-consensual psychiatric treatment.</li> <li>• Ensure that persons with mental disabilities are able to exercise their right to effective remedy.</li> </ul>	<b>C</b>	<p>The Committee noted the information provided by the State party on the training of judicial staff, but regretted that no information was provided about the adoption of legislative instruments for the implementation of the Mental Health Act or about the recruitment of qualified mental health professionals.</p> <p>The Committee noted the information provided by the state party that any prayer camp refusing to release mental health patients will be prosecuted, however requested concrete evidence of prosecutions that have been carried out in the last two years.</p> <p>The Committee regretted that the State party had not provided any information on measures taken to prohibit non-consensual psychiatric treatment and reiterated its recommendations.</p> <p>The Committee also regretted that no information was provided by the state</p>

			party regarding the measures taken to ensure the right to an effective remedy for persons with mental disabilities.
	<ul style="list-style-type: none"> <li>Ensure registration, regulation and control of 'prayer camps' with a view to preventing ill-treatment, including inhumane practices involving shackling and mandatory fasting.</li> </ul>	<b>B</b>	The Committee welcomed measures taken by the Mental Health Authority to release mental health patients, and noted information provided that the Authority conducts monitoring visits in some prayer camps, however requested further details on the frequency of these visits, especially within the past two years.
<b>Conditions of detention and violence among inmates</b>	<p><b>Paragraph 30</b></p> <ul style="list-style-type: none"> <li>The Committee recommended that the state party take measures to improve the conditions and treatment of persons held in custody and take steps to address the problem of prison overcrowding, in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).</li> <li>It should take the necessary steps to separate prisoners by age, sex and custodial status and ensure that inmates are not given any disciplinary authority over other inmates.</li> <li>Given the recent ratification of the OPCAT, the State party should expedite its efforts to establish a national mechanism for the prevention of torture as soon as possible.</li> </ul>	<b>B</b>	<p>The Committee noted that the state party simply repeated information provided in its initial report and requested further information on the contents of legislation in development to improve the conditions of detention and reduce overcrowding.</p> <p>The Committee welcomed the separation of prisoners by age, sex and custodial status, however requested more information on the reports that juveniles that falsified their age are being held with adults. The Committee also welcomed information provided on the process made to amend the mandate of the Commission on Human Rights and Administrative Justice to make the body a national mechanism for the prevention of torture and requested further information regarding the mechanism in practice.</p> <p>The Committee however regretted that no further information on measures taken to ensure inmates were not given disciplinary action over other inmates.</p>

The full report on the Evaluation of the information on follow-up to the concluding observations on **Guana** can be [found here](#).

## Pakistan

127<sup>th</sup> Session (Oct / Nov 2019)

CCPR/C/127/2/Add.2

Topic	Summary	Grading	Committee Evaluation
<b>Death penalty</b>	<p><b>Paragraph 18</b></p> <ul style="list-style-type: none"> <li>The Committee recommended that the state party reinstate the moratorium and consider abolishing the death penalty and acceding to the Optional Protocol of the Covenant, and take measures to ensure that the death penalty is only used for the "most serious crimes", is never mandatory and that pardon or commutation is available in all cases, regardless of the crime, and its imposition is never in violation of the Covenant.</li> </ul>	<b>B</b>	<p>The Committee noted the information provided on reviewing existing legal provisions to determine whether the scope of the death penalty can be narrowed, however requested further information in this respect, including concrete measures to ensure that the death penalty is applied only for the most serious crimes involving intentional killing.</p> <p>The Committee also noted information provided on the power of the President to grant pardons to prisoners on death row,</p>

			however requested further information on the number of death sentences passed in the last two years, the proportion of pardons granted and whether death sentences can be pardoned and commuted irrespective of the crime.
	<ul style="list-style-type: none"> <li>• Ensure that no person under the age of 18 at the time of the commission of an offence is subjected to the death penalty.</li> <li>• Ensure that no person with serious psychosocial or intellectual disabilities is executed or sentenced to death, by establishing an independent mechanism to review all such credible cases.</li> <li>• Ensure the execution protocol is in line with international human rights standards and any executions are carried out in compliance.</li> <li>• Ensure Pakistani migrant workers sentenced to death overseas are provided with sufficient legal and consular services.</li> </ul>	C	<p>The Committee noted information provided on the imposition of the death penalty on persons below the age of 18, however requested further information on the number of persons currently on death for crimes committed while they were under 18, the number of stays of execution that have been issued for those under 18, whether the Act has fully been applied, and measures taken to implement the age determination process under the new legislation.</p> <p>The Committee regretted that no information was provided on measures taken to prevent executions or the imposition of the death sentence on persons with serious intellectual or psychosocial disabilities.</p>
<b>Enforced disappearance and extrajudicial killings</b>	<p><b>Paragraph 20</b></p> <ul style="list-style-type: none"> <li>• The Committee recommended that the state party criminal enforced disappearance and put an end to the practice of enforced disappearance and secret detention.</li> <li>• Ensure that all allegations of enforced disappearance and extrajudicial killings are promptly and thoroughly investigated, with all perpetrators prosecuted and punished, with penalties commensurate to their crimes.</li> <li>• Ensure that families of disappeared people, witnesses and their lawyers are protected.</li> <li>• Strengthen the authority and capacity of the Commission of Inquiry on Enforced Disappearances so it can function effectively.</li> </ul>	C	<p>The Committee regretted that all measures advised were taken before the finalisation of the concluding observations. The Committee took note of statistics provided by the state party, however regretted the lack of concrete measure taken to ensure all allegations of enforced disappearance are promptly investigated and perpetrators brought to justice.</p> <p>As such, the Committee requested more information on measure taken to criminalise the practice, whether the state intends to bring domestic legislation into conformity with international standards, measures taken to ensure that all perpetrators are prosecuted and punished, measures taken to ensure that families of disappeared person and their lawyers are protected, measures taken to put in place a mechanism for full and prompt reparation for victims and their families, including measures taken since the concluding observations were adopted.</p>
<b>Freedom of religion, conscience and belief</b>	<p><b>Paragraph 34:</b></p> <ul style="list-style-type: none"> <li>• The Committee recommended that the state party repeal all blasphemy laws, or amend them in compliance with the Covenant.</li> <li>• Ensure that all those who incite or engage in violence against others based on blasphemy, as well as those who falsely accuse others, are brought to justice.</li> <li>• Take all measures necessary to ensure adequate protection for all judges,</li> </ul>	C	<p>The Committee noted measures taken to identify the flaws and misuse of blasphemy laws, however requested further information on concrete measures taken to repeal such laws or amend them to be in compliance with the Covenant.</p> <p>The Committee also regretted the lack of information on measures taken since the adoption of the concluding observations.</p>

	<p>prosecutors, lawyers and witnesses involved in blasphemy cases.</p> <ul style="list-style-type: none"> <li>• Ensure that all cases of hate speech and hate crimes are thoroughly and promptly investigated and that perpetrators are prosecuted.</li> <li>• Fully implement the judgement of the Supreme Court of June 2014.</li> </ul>		<p>The Committee noted with concern the reports of persons being killed with impunity following allegations of blasphemy, and regretted that no information was provided on measures to ensure that those accused are protected.</p> <p>The Committee also regretted the lack of information on measures taken to ensure that cases of hate speech and hate crimes are thoroughly and promptly investigated, and perpetrators are persecuted as appropriate.</p>
	<ul style="list-style-type: none"> <li>• Review school textbooks and curricula with a view to removing all religiously biased content, incorporate human rights education in the curricula.</li> </ul>	<p><b>B</b></p>	<p>The Committee welcomed the adoption of a uniform curricula for all educational institutions, and the inclusion of human rights tolerance as a separate subject in the compulsory course on Pakistan Studies / Islamic Studies from the beginning of 2018.</p>

The full report on the Evaluation of the information on follow-up to the concluding observations on **Pakistan** can be [found here](#).

## Morocco

127<sup>th</sup> Session (Oct / Nov 2019)

CCPR/C/127/2/Add.4

Topic	Summary	Grading	Committee Evaluation
<p><b>Counter-terrorism</b></p>	<p><b>Paragraph 18</b></p> <ul style="list-style-type: none"> <li>• The Committee recommended that the state party revise the provisions of its domestic legislation and define terrorism-related offences clearly, with enough precision to ensure that this legislation does not unjustifiably restrict the exercise of Covenant rights.</li> <li>• The state party should also reduce the initial maximum allowable duration of police custody to 48 hours to comply with international norms.</li> </ul>	<p><b>C</b></p>	<p>The Committee regretted that no information was provided on the measures taken to prevent disproportionate restrictions on Covenant rights. The Committee restated its recommendation.</p> <p>The Committee also regretted that the State party reiterated further information provided in its periodic reporting regarding the duration of police custody, and also in its list of issues regarding access to a lawyer. The Committee reiterated its recommendations in both instances.</p>
<p><b>Prohibition of torture and ill-treatment</b></p>	<p><b>Paragraph 24:</b></p> <ul style="list-style-type: none"> <li>• The Committee recommended that the state party adopt robust measures to eradicate torture and other cruel, inhuman or degrading treatment, and to investigate such acts and prosecute and punish any perpetrators.</li> <li>• Ensure that medical examinations are performed without delay whenever torture or ill-treatment is alleged to have occurred.</li> <li>• Ensure that the prohibition on extraction of confessions is observed in practice.</li> <li>• Offer effective remedies to victims and guarantee them reparations.</li> </ul>	<p><b>C</b></p>	<p>The Committee regretted that the state party did not provide any more information regarding training and awareness-raising carried out by senior officials, as well as any measures adopted to investigate and prosecute perpetrators of acts of torture.</p> <p>The Committee also regretted again that the state party simply reiterated the information provided in its replies to the list of issues regarding new criminal legislation, and the prohibition of extraction of confessions under duress. The Committee requested a timeline for the adoption of the criminal legislation</p>

<p><b>Freedom of association and the activities of human rights defenders</b></p>			<p>and reiterated its recommendations regarding extracting confessions under duress.</p> <p>The Committee further regretted that the state party provided no information on remedies and reparation for acts of torture or ill-treatment. The Committee therefore reiterated its recommendations.</p>
	<ul style="list-style-type: none"> <li>Expedite the process of adopting a law establishing a national preventative mechanism.</li> </ul>	A	<p>The Committee welcomed the adoption of a law which established a national mechanism for the prevention of torture.</p>
	<p><b>Paragraph 42:</b></p> <ul style="list-style-type: none"> <li>The Committee recommended that the state party adopt, as a matter of urgency, all necessary measures to end violations of the right to freedom of association and any practices that place restrictions on that which go beyond defined limitations in the Covenant.</li> <li>This includes ensuring that it does not exert any undue influence over human rights defenders, and that they are free to work without fear of reprisal.</li> </ul>	C	<p>The Committee regretted that the state party simply reiterated the information in its sixth periodic report regarding the dissolution of associations and the declaratory regime.</p> <p>The Committee also regretted the lack of information provided on measures taken to ensure the state party does not exert any undue influence over human rights defenders and that they are free to work without fear of reprisals or unjustified restrictions on their activities.</p>

The full report on the Evaluation of the information on follow-up to the concluding observations on **Morocco** can be [found here](#).

# General comments

## General Comment 37 on Art. 21 (Right of Peaceful Assembly)

During the 127th Session in November 2019, the Human Rights Committee concluded the first reading of the Draft General Comment on Article 21 of the Covenant (Right of Peaceful Assembly).

### The right of peaceful assembly

The Draft General Comment reaffirms that the right of peaceful assembly is a fundamental human right that enables individuals to express themselves collectively and to participate in their societies. In this regard, the Committee notes that peaceful protest is a valuable tool and can be used in the realisation of a wide range of other rights. Assemblies play a critical role in allowing members of society to advance and demonstrate support for ideas visibly in the public domain and is key to a functioning democracy.

### Scope of the right

The Comment notes that to qualify as an 'assembly', there must be a gathering of persons with the purpose of expressing themselves collectively. Peaceful assemblies stand in contradistinction to violent ones, such as gatherings that incite, or have the intention of perpetrating violence (such as riots). However, the Comment reiterates that mere disruption of vehicular or pedestrian movement of daily activities does not amount to violence. The nature of the right to peaceful assembly protects both organized assemblies as well as spontaneous gatherings (such as responses to current events); as such whether or not authorities are notified of an assembly in advance is irrelevant for the purposes of the protections in the Covenant.

### Obligation of states to respect the right of peaceful assembly

The Comment clarified that states have a positive duty to facilitate peaceful assemblies. The Comment reiterates that while the right to peaceful assembly may be subject to legitimate limitations such as the time, place and manner of the gathering, the fundamental responsibility of State remains to leave participants to freely determine the purpose or expressive content of the assembly. As such any legitimate restrictions must be "content neutral", and States must not deal with assemblies in a discriminatory manner. The Comment reiterates State parties' obligations regarding all rights in the Covenant in Article 2, namely the responsibility to "respect and ensure" all rights, to take legal measures to achieve this purpose and to provide effective remedies for violations.

However, the Comment also articulates that the right of peaceful assembly is not absolute and may be subject to limitations. The Comment also notes there is a presumption against restrictions however, and the onus is on any authorities to provide a legitimate justification for any limitation.

### Duties of law enforcement agencies

The Comment reiterates that the duty of a law enforcement agency in the context of a peaceful protest is to "respect and ensure the exercise of the fundamental rights of the participants, while also taking reasonable measures to protect other members of the public". The Comment outlines relevant obligations of law enforcement agencies, including the requirement for officials to plan and conduct their activities with a view to enabling the assembly to take place.

### Assembly during states of emergency and armed conflict

The Comment clarifies that while the right to peaceful assembly is non-derogable, associated rights which may be applicable during assemblies such as those in article 6, 7 and 18, are non-derogable. As such, in situations of armed conflict, the use of force during peaceful assemblies remains regulated by the relevant rules governing law enforcement, and the Covenant continues to apply. The Comment clarifies that civilians are always protected from being targeted with legal force unless and only for such time as they take a direct part in hostilities in accordance with international humanitarian law.

### Important step – bringing the right to peaceful assembly online

The Committee clarified in article 6 of the General Comment that "article 21 of the Covenant protects peaceful assemblies wherever they take place, outdoors, indoors and online". While not articulated in the Comment itself, the obligations of state parties with respect to online assemblies would be engaged for individuals within the territory of that state party, and those that are subject to the jurisdiction of the state party.

**Next steps:** Stakeholders were invited to provide their comments on the new draft in writing by February 2020.



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The Centre for Civil and Political Rights (CCPR-Centre) is an independent, non-governmental organisation dedicated to contributing to the implementation of the ICCPR through support to the civil society and through connecting key actors engaged to implement the UN Human Rights Committee recommendations at the national level. The Centre also aims at ensuring that the work of the Human Rights Committee is fully taken into account in the framework of the Universal Periodic Review (UPR) established by the Human Rights Council. The Centre targets national and regional NGOs, as well as thematic NGOs whose mandates relate to the ICCPR. This communication contains general information only and does not constitute legal or professional advice.

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