

1. Procedural Rights, Safeguards and Guarantees

Whereas the other thematic portions of this report present the Committee's jurisprudence on the various substantive rights enshrined under the Covenant, the current theme focuses on procedural rights, safeguards and the institutions facilitating the enforcement of rights within each State party. These rights and safeguards are integral to the successful functioning of the Covenant guaranteeing that individuals are aware of their rights, have access to effective remedies and institutions to enforce said remedies. Under this theme, the report also discusses the independence and functioning of institutional frameworks within States parties such as human rights bodies and the judiciary.

1.1 The Right to an Effective Remedy (Art 2)

1.1.1 Inconsistency between domestic laws and the Covenant

The Committee observed that domestic laws in several States parties did not grant all rights enshrined under the Covenant. For instance, the Committee noted with concern that in **Ghana** and **Jamaica**¹, domestic law did not incorporate all rights guaranteed by the Covenant. Similarly, the Committee noted that in **New Zealand**², the Bill of Rights did not reflect all rights under the Covenant and other domestic legislations were inconsistent with the Covenant. For **Sweden**³, the Committee remained concerned that the Covenant was not incorporated into the domestic legal order. On a similar note, the Committee observed that in **Kuwait**⁴, sharia law enjoyed primacy over the Covenant. In **South Africa**⁵, the Committee observed the "apparent inconsistency between the text of the Constitution, which provides that a self-executing provision of an international agreement approved by Parliament is considered to be part of domestic law, and the information contained in the core document⁶, which states that provision of an international treaty cannot be invoked before or directly enforced by the courts". The Committee also noted that in **Moldova**⁷, individuals in the Transnistrian region did not enjoy the same level of rights protection as the rest of **Moldova**. In each of the aforementioned instances, the Committee recommended that States parties adopt measures to ensure that domestic law affords the same protections as the Covenant.⁸

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Counter-terrorism and accountability with ICCPR

The Committee noted that **New Zealand**'s counter-terrorism policy required an overhaul but the State party did not plan to amend the Terrorism Suppression Act 2002 with a view to including provisions that would enable individuals to launch legal proceedings to challenge designations imposed under Security Council resolution 1373. Further, the Committee retained concerns about an oversight and accountability framework for intelligence services with limited judicial intervention and insufficient time for public consideration and consultation. Since **New Zealand** had undertaken an independent review of its intelligence and security services, the Committee recommended that information obtained from the review be included the State party's submissions before the next periodic report. The Committee also advised New Zealand to revise its counter-terrorism bills in order to completely integrate the protections enshrined by the Covenant.⁹

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The Committee recommended that States parties make efforts to raise awareness of the Covenant among the general public.

In a similar manner, the Committee observed that **Poland** had broad definitions of "terrorist crime" under the Penal Code and "terrorist incidents" under the counter-terrorism law and its regulations of June 2016 and July 2016.¹⁰ Accordingly, the Committee recommended that **Poland** review its legislation and narrow down the definitions to not allow authorities excessive discretion or to obstruct the exercise of the rights under the Covenant.¹¹ The Committee noted that in **Denmark**, aside from the broad definition of terrorism and acts of terrorism, techniques of mass surveillance and interception of communication were used despite legal guarantees in the domestic legislation. Additionally, the legislation allowed for the possibility of revoking citizenship of persons with dual nationality.¹² Accordingly, the Committee recommended that **Denmark** strictly observe the principles of necessity, proportionality and non-discrimination in the implementation of its counter-terrorism legislation. Further, the Committee recommended that a clear procedure needed to be established for persons who may be expelled on national security grounds, with an option for such persons to have their case reviewed by a competent authority, ensuring protection of all their rights, including with the assistance of legal counsel.¹³

1.1.2 Invocation of the Covenant before domestic courts and awareness of the Covenant among the general public

The Committee noted with concern that in **Burkina Faso**¹⁴, **Rwanda**¹⁵, **Morocco**¹⁶, **South Africa**¹⁷ and **Sweden**¹⁸, due to a lack of knowledge about the Covenant, there were very few instances of the invocation or application of the Covenant. Additionally, **Ghana**¹⁹ had seen no occurrences of the Covenant being invoked or applied by the domestic courts. In each of these cases, the Committee recommended that States parties make efforts to raise awareness of the Covenant among the general public and also within the legal community to allow for greater invocation and application of the Covenant.²⁰

Other UN Treaty Bodies

The **Committee on the Elimination of Racial Discrimination (CERD)** raised the issue of domestic application of the Convention in several COBs. In **Portugal**, **Lebanon** and **Togo**, the Committee asked for more information on the court cases in which the Convention was invoked or applied in domestic courts.²¹ The State party should provide training on the Convention for legal professionals to use it domestically²².

The Committee is also concerned about the limited number of complaints brought on racial discrimination: the State should verify the causes of the underreporting, encourage prosecutors to initiate proceedings ex officio and provide the Committee with disaggregated data.²³ **Ukraine** and **Sri Lanka** should also disseminate information on the legislation and the available remedies.²⁴ Oman and Azerbaijan should raise awareness of the Convention in order to increase the number of cases in which the Convention is invoked, including by translating the most important documents into minority languages.²⁵

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The Convention has not been completely incorporated into the domestic law of the UK. The State party should ensure its application in its territory without further delay.²⁶ The Committee encountered the same problem with **Sri Lanka** as the State party has not incorporated the Convention into domestic law nor given any evidence that it will do so during its constitutional reform process.²⁷ In Pakistan the situation is similar: the Convention is not applicable across the entire territory.²⁸

A remarkable recommendation was made for **Paraguay**: the Committee encouraged the State party to fully enforce the judgements of the Inter-American Court of Human Rights, specifically in three cases.²⁹

1.1.3 Implementation of the views adopted under the OP1

Further, the Committee noted with concern the lack of effective implementation mechanisms and procedures for authors of individual communications in **Azerbaijan**³⁰ and **Kazakhstan**.³¹ Accordingly, the Committee recommended that the States parties put in place appropriate procedures to give full effect to the rights under the Covenant.³²

The Committee also noted with concern, instances of States parties failing to implement the views of the Committee in prior individual communications in Denmark³³, **Azerbaijan**³⁴, **Kazakhstan**³⁵ and **Ecuador**.³⁶ Accordingly, it recommended that the States parties in question adopt measures for effective implementation and follow-up³⁷ and ensure the dissemination of the views if necessary.³⁸

1.2 The Establishment and Functioning of National Human Rights Institutions

The Committee focused on several issues related to NHRIs, their independence and their functioning. It was concerned that both **Jamaica**³⁹ and **Argentina**⁴⁰ lacked any body that could be described as a NHRI. Further, the Committee noted that government bodies in both States parties which were *de facto* responsible for all human rights treaty reporting and follow-up had either been downsized⁴¹ or were not institutionalized enough.⁴² The Committee was also concerned that in several States parties, the existing NHRI was not offered the adequate financial or material resources to fulfill their respective mandates. Specifically, the Committee noted that NHRIs in **Slovakia**⁴³, **Poland**⁴⁴, **Burkina Faso**⁴⁵, **Ghana**⁴⁶, **Costa Rica**⁴⁷, **Namibia**⁴⁸, **Moldova**⁴⁹, **South Africa**⁵⁰ and **Slovenia**⁵¹ had been affected adversely by a lack of monetary, material or human resources. Accordingly, the Committee recommended that each State party ensure that its NHRI(s) are adequately funded, staffed and resourced in accordance with the "Principles relating to the Status of National Institutions" (the Paris Principles).⁵²

The Committee was also concerned that NHRIs in several States parties were ineffective in their functioning for various reasons. For instance, the Committee observed that in **Ecuador**⁵³, of the five National Equality Councils created, only two were functioning.

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The Committee also noted that States parties were not regular in adopting “National Human Rights Action Plans.”

The Committee also noted that in **Sweden**⁵⁴, the NHRIs were “insufficiently institutionalized” such that their mandates were limited. In **Sweden**, the Committee noted that several bodies, such as the Parliamentary Ombudsman, the Chancellor of Justice and the Equality Ombudsman, have a mandate of promoting and protecting human rights; however, the scope of their authority remains restricted to specific instruments and does not include international norms, including the Covenant.⁵⁵ In **Jamaica**⁵⁶, the Committee noted that NHRI was not “not sufficiently institutionalized in the operations of the Government of the State party”. Additionally, the Committee noted that the selection process for members of NHRIs in **New Zealand**⁵⁷, **Rwanda**⁵⁸ and **Ghana**⁵⁹ were not in compliance with the Paris Principles. Similarly, the Committee observed that NHRIs in South Africa⁶⁰ and Kazakhstan⁶¹ lacked the necessary institutional independence as required under the Paris Principles. Accordingly, the Committee recommended that each State party ensure efficiency and independence in the functioning of their respective NHRIs in accordance with the Paris Principles.⁶²

Lastly, the Committee also noted that States parties were not regular in adopting “National Human Rights Action Plans.” The Committee observed that **New Zealand**⁶³ had adopted an action plan for 2005-2010 but thereafter only adopted its next plan in 2015. Similarly, the Committee noted that **Moldova**⁶⁴ had not implemented its previous action plan before adopting its current one. The Committee recommended that both States follow up on the implementation of their previous action plans and adopt new plans without undue delay.⁶⁵

Other UN Treaty Bodies

CERD describes the multiple purposes of a NHRI: to promote respect for human rights without discrimination, to review government policy regarding racial discrimination, to monitor legislative compliance with the Convention, to educate the public and to assist the government in its reporting to the Committee.⁶⁶

The Committee noted in this year's COBs that neither Lebanon nor Italy have an NHRI. The Committee frequently emphasizes two elements: the need for sufficient financial and human resources as well as the lack of compliance with the Paris Principles. The former was mentioned in the recommendations of **Pakistan, South Africa, Sri Lanka, Ukraine, UK** and **Togo**⁶⁷, and the latter in the recommendations of **Oman, Pakistan, Sri Lanka** and **United Kingdom**.⁶⁸ The independence requirement was considered especially crucial.

Another important element is the mandate of the institution. The Committee was concerned that the **Namibian** NHRI did not have a mandate for promotion but only for protection of human rights.⁶⁹ The **Pakistani** NHRI should be competent to address violations of State agencies.⁷⁰ The NHRIs of **Sri Lanka, UK, Oman** and **Togo** all have unclear mandates.⁷¹

The Committee regretted that the Togolese delegation of the NHRI was not present during the dialogue.⁷² In the COBs of **Ukraine**, the Committee emphasized the need for a framework on minority issues.⁷³

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The recommendations concerning the NHRI were featured as follow-up recommendations in the majority of the COBs - **Namibia, Lebanon, Pakistan, South Africa, Sri Lanka** and **Togo**.⁷⁴ These States need to provide more information about the implementation within one year.

The **Committee on the Rights of Persons with Disabilities (CRPD)** evaluates the national monitoring mechanisms, which is broader than just an NHRI. It emphasized the need for focal points in all branches of government in several COBs. This focal point was lacking in **Lithuania, Uganda, UAE, Uruguay, Ethiopia** and **Serbia**.⁷⁵ The **UAE** does not have an NHRI yet.⁷⁶ In **Slovakia** and **Thailand** the focal points did not have sufficient capacity.⁷⁷

The Committee stressed the need of compliance with the Paris Principles in the COBs of **Chile, Ethiopia, Lithuania, Portugal** and **Thailand**.⁷⁸ Apart from that, the need for sufficient resources was also an important aspect in the COBs of **Bolivia, Guatemala, Portugal, Serbia, Thailand** and **Uganda**.⁷⁹

A key element in the recommendations of this Committee is the need to ensure participation of organisations of persons with disabilities. This was mentioned in almost all the reviews: **Ethiopia, Bolivia, Guatemala, Lithuania, Italy, Serbia, Slovakia, Uganda** and **Thailand**.⁸⁰ The same issues arose in the guidelines⁸¹: the need to comply with the Paris Principles, the civil society participation, including of persons with disabilities, sufficient resources, a clear mandate and independence. The guidelines also explained the twin-track approach to disabilities: this is a combined approach of disability specific policies for supporting and empowering persons with disabilities, along with the mainstreaming of disability rights across general policies.

The Committee noted that the process of appointment of judges in Kuwait, Azerbaijan, Rwanda and Kazakhstan lent itself to undue pressure from the executive.

1.3 Independence of the Judiciary (Art 14)

1.3.1 Selection and appointment

In **Poland**⁸², the Committee observed that the process of selection and appointment of judges had been amended and the measures could affect the independence of the Constitutional Tribunal in Poland. Further, the Committee also noted that the Polish government had not published certain judgments rendered by the Constitutional Tribunal concerning unconstitutional measures aimed at changing the composition of the aforementioned tribunal.⁸³ Similarly, the Committee noted that the process of appointment of judges in **Kuwait**⁸⁴, **Azerbaijan**⁸⁵, **Rwanda**⁸⁶ and **Kazakhstan**⁸⁷ lent itself to undue pressure from the executive thus compromising the independence of the judiciary. The Committee was also concerned that in Ecuador⁸⁸, the judicial system was used to place sentences on opposition members. Additionally, the Committee observed that in **Moldova**⁸⁹, judges were only appointed permanently after an initial five years.

Accordingly, the Committee recommended that the process for selection and appointment of judges in the aforementioned States must comprise a transparent and impartial process that meets domestic and international legal requirements.⁹⁰

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The Committee recommended in each case that States parties place safeguards to guarantee the independence of the judiciary.

The Committee noted that this includes adopting measures to ensure that judges are not subjected to political pressure or influence.⁹¹ Additionally, the Committee recommended that **Poland** publish judgments of the Constitutional Tribunal concerning unconstitutional measures aimed at altering the composition of Poland's Constitutional Tribunal.⁹²

1.3.2 Corruption and other systemic issues

Further, the Committee noted that the **Moldovan** judicial system suffered from "endemic corruption"⁹³ as did the judicial systems in **Burkina Faso**⁹⁴ and **Azerbaijan**.⁹⁵ Accordingly, the Committee recommended investigation of the allegations of corruption to ensure that the judiciary remains impartial and independent.⁹⁶ The Committee also noted that threats, intimidation and harassment of lawyers and judges in connection with their professional activities were prevalent in **Morocco**⁹⁷ and **Kazakhstan**⁹⁸ whereas intimidation of judges was also prevalent in **Ecuador**⁹⁹ and **Azerbaijan**.¹⁰⁰ In this regard, the Committee recommended the adoption of requisite measures to ensure that judges and lawyers are able to effectively operate without fear of intimidation, harassment or threats.¹⁰¹

1.3.3 Sanctions and discipline

The Committee also noted several instances where judges were sanctioned arbitrarily or based on political considerations. The Committee observed disproportionate sanctions against judges in **Poland**¹⁰² and **Kuwait**¹⁰³, and the possibility of the same in **Azerbaijan**¹⁰⁴ and **Kazakhstan**¹⁰⁵ due to inadequate safeguards or a vague legal basis for sanctions. Additionally, the Committee noted that in Azerbaijan¹⁰⁶, judges were frequently the subject of disciplinary proceedings for minor infractions or controversial interpretations of the law. Similarly, judges in **Ecuador**¹⁰⁷ were frequently subject to disciplinary proceedings for "inexcusable errors." The Committee noted cases of investigations initiated against judges for controversial decisions in **Moldova**¹⁰⁸ (against a judge who had validated a referendum initiated by the Dignity and Truth Platform) and **Costa Rica**¹⁰⁹ (against a family court judge for recognizing a same sex union).

Accordingly, the Committee recommended in each case that States parties place safeguards to guarantee the independence of the judiciary. This could include clarifying the scope of the laws regulating sanctions on judges and ensuring that either elements of the State or other individuals do not interfere with judges.¹¹⁰

1.4 Right to Fair Trial (Art 14)

1.4.1 Fair and public hearing

In this context, the Committee also held¹¹¹ that trials must be conducted orally and in public unless the court decided to "exclude all or part of the public for reasons of morals, public order (*ordre public*) or national security". Even in cases in which the public is excluded from the trial, the judgment, including the essential findings, evidence and legal reasoning, must be made public.¹¹² Further, in accordance with its General Comment No.

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32, the Committee also held that if an individual were denied access to material from the Prosecution, it would constitute an infringement of Article 14(3) of the Covenant.¹¹³

1.4.2 Undue delays

The Committee observed that the judicial systems in **Poland**¹¹⁴ and **Jamaica**¹¹⁵ suffered from undue delays in court proceedings and the dispensation of justice. Similarly, the Committee noted the backlog of cases before the labor and social courts in **Namibia**¹¹⁶. In **Namibia**¹¹⁷, the Committee also noted that the right to appeal was hampered by excessive delay in the preparation of court records. Accordingly, the Committee recommended reform to ensure speedy justice and to prevent backlogs.¹¹⁸

1.4.3 Right to counsel

Additionally, the Committee also observed that in **Poland**¹¹⁹, **Azerbaijan**¹²⁰ and **Kazakhstan**¹²¹, the right to counsel was adversely affected for various reasons. In the case of **Azerbaijan**¹²², there were deficiencies in the implementation in practice of provisions guaranteeing the right to counsel for persons deprived of their liberty. Moreover, the low number of working lawyers and the consequent long hours have had a negative impact on the quality of counsel in **Azerbaijan**¹²³. In **Kazakhstan**¹²⁴, the Committee noted that in cases involving national security, defense lawyers were subjected to additional security checks placing impediments on their ability to represent their clients. In **Poland**, the Committee noted that individuals faced difficulties in accessing legal assistance during arrest and there was insufficient respect for the confidentiality of communication between counsel and clients.¹²⁵ The Committee also noted that the right to legal aid was adversely affected in **Jamaica**¹²⁶, **Namibia**¹²⁷ and **Slovenia**¹²⁸. The Committee recommended that requisite measures, including amendments to relevant laws, be adopted to guarantee the right to counsel and legal aid as enshrined under the Covenant.¹²⁹

The Committee recommended that requisite measures, including amendments to relevant laws, be adopted to guarantee the right to counsel.

The Committee, in individual communications against **Russia** and **Kazakhstan**, reaffirmed some of its conclusions from its COBs. For instance, noting that secrecy laws prevented individuals from choosing a counsel of their choice, the Committee held that unless such choice was limited for an objective and sufficiently serious purpose and did not exceed what is necessary to uphold justice, States parties may not place limits on the right to choose counsel.¹³⁰

1.4.4 Systemic concerns

The Committee also observed several systemic issues pervading the judicial systems of various States parties. The Committee noted that in **Morocco**¹³¹, courts had, in some cases, refused to hear witnesses or consider evidence, whereas in others, courts had admitted confessions obtained under duress. In **Argentina**¹³², the Committee noted that the right to a second hearing was applied non-uniformly. Accordingly, the Committee recommended the adoption of appropriate measures that adhere to the safeguards provided under Article 14 of the Covenant.¹³³

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In South Africa, the recommendations of the Truth and Reconciliation Commission had not been fully implemented.

1.5 Investigations of Past Human Rights Violations

The Committee has highlighted several situations where States parties have to adequately investigate, prosecute or bring to justice perpetrators of human rights violations. The Committee has discussed some common issues in this regard.

1.5.1 Human Rights Violations in the context of political events

The Committee noted that there had been no impartial, independent and effective investigations of the Zhanaozen protests in **Kazakhstan**¹³⁴ or the violence in the aftermath of the 2009 elections in **Moldova**.¹³⁵ Similarly, **Ecuador**¹³⁶ had failed to convict any members of the "Peasant Defense Networks" who are alleged to have committed several atrocities. The Committee recommended that the States parties carry out investigations into past human rights violations be carried out in an impartial manner and without undue delay.¹³⁷

1.5.2 Gross Human Rights Violations

The Committee noted and reiterated the slow progress of investigations into human rights violations, corresponding trials and verdicts in **Argentina** due to a failure in setting up domestic courts and also due to infrequent trials.¹³⁸ The Committee also noted with concern the "slow progress made and limited information available regarding the investigation into the attack in 1994 of the Argentine Jewish Mutual Association in Buenos Aires".¹³⁹ In the case of **Argentina**, the Committee also noted that a report on offenses by business owners against workers as well as the establishment of a bicameral committee that is to be tasked with identifying instances of economic collusion during the military dictatorship were being hampered.¹⁴⁰ Further, the Committee noted the slow progress of investigations by the Truth Commission in **Ecuador**¹⁴¹, the High Council for Reconciliation and National Unity and the Commissions of Inquiry in **Burkina Faso**.¹⁴² The Committee noted that **Rwanda**¹⁴³ had not only failed to provide information on the violations committed by the Rwandan Patriotic Front in 1994, but also not provided any information on measures to investigate human rights violations despite rejecting a map of the worst violations as prepared by the United Nations. Additionally, the "Gacaca" courts had been closed but there had been no re-investigation of cases decided by these courts that may have involved miscarriage of justice.¹⁴⁴ Lastly, in **South Africa**¹⁴⁵, the recommendations of the Truth and Reconciliation Commission had not been fully implemented.

Accordingly, the Committee recommended that investigations into past human rights violations be carried out in an impartial manner and without undue delay. Additionally, the Committee also recommended that States parties provide the Committee with information regarding past investigations.¹⁴⁶ Lastly, the Committee recommended that those found guilty be promptly brought to justice and recommendations made by investigating bodies be implemented.¹⁴⁷

Other UN Treaty Bodies

In the country reviews, the **CERD** took note of the establishment of a Reconciliation Commission in **Togo** to investigate acts committed in 2005, but remains concerned about the impunity resulting from the restorative justice approach since no criminal

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prosecution will take place.¹⁴⁸

In **South Africa**, the recommendations of the Reconciliation Commission have not been fully implemented. Perpetrators should be prosecuted and victims should receive reparation, similar to the recommendations of the HR Committee.¹⁴⁹ In **Sri Lanka**, efforts are being made to put truth and reconciliation mechanisms in place, but the Committee regretted the lack of consistent public consultations with all ethnic and ethno-religious groups. The State should ensure that human rights violations are investigated, perpetrators prosecuted and redress is provided to victims.¹⁵⁰

The CERD's mandate involves an early warning and urgent action procedure, through which it contacts States parties and makes decisions. For example, regarding the alarming situation in **Burundi**, the Committee noted that the President's refusal to respect the end of his term caused a major political crisis in **Burundi** and a deterioration of the human rights situation.¹⁵¹ The Committee was concerned about killings; summary executions; disappearances and torture, many of which had an ethnic character; the unwillingness or inability of the government to protect civilians; the obligation on civil servants to state their ethnicity; hate speech and incitement to violence and the growing number of refugees. **Burundi** should respect its international human rights obligations, protect its civilians by allowing police officers to enter the country and reengage with the OHCHR.¹⁵²

The Committee considered allegations regarding the use of excessive force against peaceful protesters in **Ethiopia**: thousands of arrests, mass killings, injuries and enforced disappearances allegedly took place in the context of ethnic tension, next to a stampede provoked by state police. No investigation was undertaken. The Committee asked for more information on the status of the investigations, if any, and the measures taken to restore peace. Even in a state of emergency, the State is required to ensure respect for its human rights obligations.¹⁵³

Similar allegations were made regarding excessive use of force, arrests, killings and torture of the Papuan indigenous people in **Indonesia**. According to NGOs, these people have faced repression for several years by security forces of the State. These reports have never been investigated. Moreover, it is reported that the State party favors the migration of non-indigenous persons to this region in order to decrease their representation. They also encounter poor educational standards, resulting in very low rates of literacy. The Committee reminds the State that it is obligated to ensure the enjoyment of human rights by the Papuan people.¹⁵⁴

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1.6 Applicability of the Optional Protocol; Reservations and Declarations to the Covenant (Art 1 – First Optional Protocol to the Covenant)

The Committee noted that **Denmark**¹⁵⁵, **New Zealand**¹⁵⁶, **Kuwait**¹⁵⁷ and **Sweden**¹⁵⁸ still maintained reservations to various provisions in the Covenant and accordingly urged the States parties to reconsider their respective reservations.¹⁵⁹ In a similar

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vein, the Committee urged **Jamaica**¹⁶⁰ to reconsider adopting the First Optional Protocol to the Covenant and also urged **Rwanda**¹⁶¹ to reconsider its withdrawal of a declaration granting jurisdiction to the African Court of Human and Peoples' Rights.

- ¹ *Concluding observations on the initial reports of Ghana* (Adopted by the Committee at its 117th session (20 June-15 July 2016)), UN Doc. CCPR/C/GHA/CO/1 (**Ghana**), ¶ 7; *Concluding observations on the fourth periodic report of Jamaica* (Adopted by the Committee at its 118th session (17 October-4 November 2016)), UN Doc. CCPR/C/JAM/CO/4 (**Jamaica**), ¶ 9
- ² *Concluding observations on the sixth periodic report of New Zealand* (Adopted by the Committee at its 116th session (7-31 March 2016)), UN Doc. CCPR/C/NZL/CO/6 (**New Zealand**), ¶ 9
- ³ *Concluding observations on the seventh periodic report of Sweden* (Adopted by the Committee at its 116th session (7-31 March 2016)), UN Doc. CCPR/C/SWE/CO/7 (**Sweden**), ¶ 4
- ⁴ *Concluding observations on the third periodic report of Kuwait* (Adopted by the Committee at its 117th session (20 June-15 July 2016)), UN Doc. CCPR/C/KWT/CO/3 (**Kuwait**), ¶ 6
- ⁵ *Concluding observations on the initial reports of South Africa* (Adopted by the Committee at its 116th session (7-31 March 2016)), UN Doc. CCPR/C/ZAF/CO/1 (**South Africa**), ¶ 6
- ⁶ See, HRI/CORE/ZAF/2014, ¶ 95
- ⁷ *Concluding observations on the third periodic report of Moldova* (Adopted by the Committee at its 118th session (17 October-4 November 2016)), UN Doc. CCPR/C/MDA/CO/3 (**Moldova**), ¶ 5
- ⁸ *Concluding observations on the sixth periodic report of Morocco* (Adopted by the Committee at its 118th session (17 October-4 November 2016)), UN Doc. CCPR/C/MAR/CO/6 (**Morocco**), ¶ 6; Ghana, ¶ 8; Jamaica, ¶ 10; New Zealand, ¶ 10; Sweden, ¶ 5; Kuwait, ¶ 7; South Africa, ¶ 6; Moldova, ¶ 6;
- ⁹ New Zealand, ¶¶ 13, 14
- ¹⁰ Poland, ¶ 9
- ¹¹ Poland, ¶ 10
- ¹² Denmark, ¶ 27
- ¹³ Denmark, ¶ 28
- ¹⁴ *Concluding observations on the initial reports of Burkina Faso* (Adopted by the Committee at its 117th session (20 June-15 July 2016)), UN Doc. CCPR/C/BFA/CO/1 (**Burkina Faso**), ¶¶ 5-6
- ¹⁵ *Concluding observations on the fourth periodic report of Rwanda* (Adopted by the Committee at its 116th session (7-31 March 2016)), UN Doc. CCPR/C/RWA/CO/4 (**Rwanda**), ¶¶ 5-6
- ¹⁶ Morocco, ¶¶ 5-6
- ¹⁷ South Africa, ¶¶ 6-7
- ¹⁸ Sweden, ¶¶ 4-5
- ¹⁹ Ghana, ¶¶ 7-8
- ²⁰ Burkina Faso, ¶¶ 5-6; Rwanda, ¶¶ 5-6; Morocco, ¶¶ 5-6; South Africa, ¶¶ 6-7; Sweden, ¶¶ 4-5; Ghana, ¶¶ 7-8
- ²¹ UN Committee on the Elimination of Racial Discrimination, *Concluding Observations of Togo*, UN Doc. CERD/C/TGO/CO/18-19, ¶¶ 29-30 (**CERD, Togo**); CERD, *Concluding Observations of Portugal*, UN Doc. CERD/C/PRT/CO/15-17, ¶¶ 8-9 (**CERD, Portugal**); CERD, *Concluding Observations of Lebanon*, UN Doc. CERD/C/LBN/CO/18-22, ¶¶ 17-18 (**CERD, Lebanon**).
- ²² CERD, Portugal, ¶ 8-9.
- ²³ CERD, Portugal, ¶¶ 12-13; CERD, Togo, ¶¶ 29-30; CERD, *Concluding Observations of Namibia*, UN Doc. CERD/C/NAM/CO/13-15, ¶¶ 25-26 (**CERD, Namibia**); CERD, *Concluding Observations of Ukraine*, UN Doc. CERD/C/UKR/CO/22-23, ¶¶ 31-32 (**CERD, Ukraine**); CERD, *Concluding Observations of Sri Lanka*, UN Doc. CERD/C/LKA/CO/10-17, ¶¶ 10-11 (**CERD, Sri Lanka**); CERD, *Concluding Observations of Oman*, UN Doc. CERD/C/OMN/CO/2-5, ¶¶ 11-12 (**CERD, Oman**); CERD, *Concluding Observations of Azerbaijan*, UN Doc. CERD/C/AZE/CO/7-9, ¶¶ 17-18 (**CERD, Azerbaijan**).
- ²⁴ CERD, Ukraine, ¶¶ 31-32; CERD, Sri Lanka, 10-11.
- ²⁵ CERD, Oman, ¶¶ 11-12; CERD, Azerbaijan, ¶¶ 17-18.
- ²⁶ CERD, *Concluding Observations of the United Kingdom*, UN Doc. CERD/C/GBR/CO/21-23, ¶ 7-8 (**CERD, UK**).
- ²⁷ CERD, Sri Lanka, ¶ 10-11.
- ²⁸ CERD, *Concluding Observations of Pakistan*, UN Doc. CERD/C/PAK/CO/21-23, ¶ 5-6 (**CERD, Pakistan**).
- ²⁹ CERD, *Concluding Observations of Paraguay*, UN Doc. CERD/C/PRY/CO/4-6, ¶ 21-22 (**CERD, Paraguay**).
- ³⁰ *Concluding observations on the fourth periodic report of Azerbaijan* (Adopted by the Committee at its 118th session (17 October-4 November 2016)), UN Doc. CCPR/C/AZE/CO/4 (**Azerbaijan**), ¶¶ 4-5
- ³¹ *Concluding observations on the second periodic report of Kazakhstan* (Adopted by the Committee at its 117th session (20 June-15 July 2016)), UN Doc. CCPR/C/KAZ/CO/2 (**Kazakhstan**), ¶¶ 5-6
- ³² Azerbaijan, ¶¶ 4-5; Kazakhstan, ¶¶ 5-6
- ³³ *Concluding observations on the sixth periodic report of Denmark* (Adopted by the Committee at its 117th session (20 June-15 July 2016)), UN Doc. CCPR/C/DNK/CO/6 (**Denmark**), ¶¶ 11-12
- ³⁴ Azerbaijan, ¶¶ 4-5
- ³⁵ Kazakhstan, ¶¶ 5-6
- ³⁶ *Concluding observations on the sixth periodic report of Ecuador* (Adopted by the Committee at its 117th session (20 June-15 July 2016)), UN Doc. CCPR/C/EQU/CO/6 (**Ecuador**), ¶¶ 5-6
- ³⁷ Denmark, ¶¶ 11-12; Azerbaijan, ¶¶ 4-5; Kazakhstan, ¶¶ 5-6; Ecuador, ¶¶ 5-6
- ³⁸ Denmark, ¶¶ 11-12
- ³⁹ Jamaica, ¶ 5
- ⁴⁰ *Concluding observations on the fifth periodic report of Argentina* (Adopted by the Committee at its 117th session (20 June-15 July 2016)), UN Doc. CCPR/C/ARG/CO/5 (**Argentina**), ¶ 5
- ⁴¹ Argentina, ¶ 5
- ⁴² Jamaica, ¶ 7
- ⁴³ *Concluding observations on the fourth periodic report of Slovakia* (Adopted by the Committee at its 118th session (17 October-4 November 2016)), UN Doc. CCPR/C/SVK/CO/4 (**Slovakia**), ¶ 8
- ⁴⁴ *Concluding observations on the seventh periodic report of Poland* (Adopted by the Committee at its 118th session (17 October-4 November 2016)), UN Doc. CCPR/C/POL/CO/7 (**Poland**), ¶ 5
- ⁴⁵ Burkina Faso, ¶ 7
- ⁴⁶ Ghana, ¶ 9
- ⁴⁷ *Concluding observations on the sixth periodic report of Costa Rica* (Adopted by the Committee at its 116th session (7-31 March 2016)), UN Doc. CCPR/C/CRI/CO/6 (**Costa Rica**), ¶ 5
- ⁴⁸ *Concluding observations on the second periodic report of Namibia* (Adopted by the Committee at its 116th session (7-31 March 2016)), UN Doc. CCPR/C/NAM/CO/2 (**Namibia**), ¶ 7
- ⁴⁹ Moldova, ¶ 7
- ⁵⁰ South Africa, ¶ 10
- ⁵¹ *Concluding observations on the third periodic report of Slovenia* (Adopted by the Committee at its 116th session (7-31 March 2016)),

- UN Doc. CCPR/C/SVN/CO/3 (**Slovenia**), ¶ 5
- 52 Jamaica, ¶ 6; Argentina, ¶ 6; Slovakia, ¶ 9; Poland, ¶ 6; Burkina Faso, ¶ 8; Ghana, ¶ 10; Costa Rica, ¶ 6; Namibia, ¶ 8; Moldova, ¶ 8; South Africa, ¶ 11; Slovenia, ¶ 6
- 53 Ecuador, ¶ 9
- 54 Sweden, ¶ 8
- 55 Sweden, ¶ 8
- 56 Jamaica, ¶ 7
- 57 New Zealand, ¶ 11
- 58 Rwanda, ¶ 9
- 59 Ghana, ¶ 9
- 60 South Africa, ¶ 10
- 61 Kazakhstan, ¶ 5
- 62 Ecuador, ¶ 10; Sweden, ¶ 9; Jamaica, ¶ 8; New Zealand, ¶ 12; Rwanda, ¶ 10; Ghana, ¶ 10; South Africa, ¶ 11; Kazakhstan, ¶ 6
- 63 New Zealand, ¶ 7
- 64 Moldova, ¶ 9
- 65 New Zealand, ¶ 8; Moldova, ¶ 10
- 66 CERD, General recommendation No 17 on the establishment of national institutions to facilitate the implementation of the Convention, 19 March 1993
- 67 CERD, Pakistan; CERD, Concluding Observations of South Africa, UN Doc. CERD/C/ZAF/CO/4-8 (**CERD, South Africa**); CERD, Sri Lanka; CERD, Ukraine; CERD, UK; CERD, Togo.
- 68 CERD, Oman; CERD, Pakistan; CERD, Sri Lanka; CERD, UK.
- 69 CERD, Namibia.
- 70 CERD, Pakistan.
- 71 CERD, Sri Lanka; CERD, UK; CERD, Oman; CERD, Togo.
- 72 CERD, Togo.
- 73 CERD, Ukraine.
- 74 CERD, Namibia; CERD, Lebanon; CERD, Pakistan; CERD, South Africa; CERD, Sri Lanka; CERD, Togo.
- 75 CRPD, Concluding Observations of Lithuania, UN Doc. CRPD/C/LTU/CO/1 (**CRPD, Lithuania**); CRPD, Concluding Observations of Uganda, UN Doc. CRPD/C/UGA/CO/1 (**CRPD, Uganda**); CRPD, Concluding Observations of the United Arab Emirates, UN Doc. CRPD/C/ARE/CO/1 (**CRPD, UAE**); CRPD, Concluding Observations of Uruguay, UN Doc. CRPD/C/URY/CO (**CRPD, Uruguay**); CRPD, Concluding Observations of Ethiopia, UN Doc. CRPD/C/ETH/CO/1 (**CRPD, Ethiopia**); CRPD, Concluding Observations of Serbia, UN Doc. CRPD/C/SRB/CO/1 (**CRPD, Serbia**).
- 76 CRPD, UAE.
- 77 CRPD, Concluding Observations of Slovakia, UN Doc. CRPD/C/SVK/CO/1 (**CRPD, Slovakia**); CRPD, Concluding Observations of Thailand, UN Doc. CRPD/C/THA/CO/1 (**CRPD, Thailand**).
- 78 CRPD, Concluding Observations of Chile, UN Doc. CRPD/C/CHL/CO/1 (**CRPD, Chile**); CRPD, Ethiopia; CRPD, Lithuania; CRPD, Concluding Observations of Portugal, UN Doc. CRPD/C/PRT/CO/1 (**CRPD, Portugal**); CRPD, Thailand.
- 79 CRPD, Concluding Observations of Bolivia, UN Doc. CRPD/C/BOL/CO/1 (**CRPD, Bolivia**); CRPD, Concluding Observations of Guatemala, UN Doc. CRPD/C/GTM/CO/1 (**CRPD, Guatemala**); CRPD, Portugal; CRPD, Serbia; CRPD, Thailand; CRPD, Uganda.
- 80 CRPD, Ethiopia; CRPD, Bolivia; CRPD, Guatemala; CRPD, Lithuania; CRPD, Concluding Observations of Italy, UN Doc. CRPD/C/ITA/CO/1 (**CRPD, Italy**); CRPD, Serbia; CRPD, Slovakia; CRPD, Uganda; CRPD, Thailand.
- 81 CRPD, Guidelines on Independent Monitoring Frameworks and their participation in the work of the Committee.
- 82 Poland, ¶ 7
- 83 Poland, ¶ 7
- 84 Kuwait, ¶ 30
- 85 Azerbaijan, ¶ 6
- 86 Rwanda, ¶ 33
- 87 Kazakhstan, ¶ 37
- 88 Ecuador, ¶ 25
- 89 Moldova, ¶ 29
- 90 Poland, ¶ 8; Kuwait, ¶ 31; Azerbaijan, ¶ 7; Rwanda, ¶ 34; Kazakhstan, ¶ 38; Ecuador, ¶ 26; Moldova, ¶ 30
- 91 Rwanda, ¶ 34;
- 92 Poland, ¶ 8
- 93 Moldova, ¶ 29
- 94 Burkina Faso, ¶ 31
- 95 Azerbaijan, ¶ 46
- 96 Moldova, ¶ 30; Burkina Faso, ¶ 32; Azerbaijan, ¶ 47;
- 97 Morocco, ¶ 33
- 98 Kazakhstan, ¶ 37
- 99 Ecuador, ¶ 25
- 100 Azerbaijan, ¶ 46
- 101 Morocco, ¶ 34; Ecuador, ¶ 26; Azerbaijan, ¶ 47; Kazakhstan, ¶ 38
- 102 Poland, ¶ 33
- 103 Kuwait, ¶ 30
- 104 Azerbaijan, ¶ 46
- 105 Kazakhstan, ¶ 37
- 106 Azerbaijan, ¶ 46
- 107 Ecuador, ¶ 25
- 108 Moldova, ¶ 29
- 109 Costa Rica, ¶ 31
- 110 Poland, ¶ 34; Kuwait, ¶ 31; Azerbaijan, ¶ 47; Kazakhstan, ¶ 38; Ecuador, ¶ 26; Moldova, ¶ 30; Costa Rica, ¶ 32
- 111 *YM v. Russian Federation*, Communication No. 2059/2011, UN Doc. CCPR/C/116/D/2059/2011 (31 March 2016) ¶ 9.2; *Ramazan Esergepov v. Kazakhstan*, Communication No. 2129/2012 UN Doc. CCPR/C/116/D/2129/2012 (29 March 2016) ¶ 11.3
- 112 UN Human Rights Committee, General comment no. 32, Article 14, Right to equality before courts and tribunals and to fair trial, UN Doc. CCPR/C/GC/32 (23 August 2007) ¶ 29

- ¹¹³ *YM v. Russian Federation*, Communication No. 2059/2011, UN Doc. CCPR/C/116/D/2059/2011 (31 March 2016) ¶ 9.3; *Ramazan Esergepov v. Kazakhstan*, Communication No. 2129/2012 UN Doc. CCPR/C/116/D/2129/2012 (29 March 2016) ¶ 11.4
- ¹¹⁴ Poland, ¶ 33
- ¹¹⁵ Jamaica, ¶ 41
- ¹¹⁶ Namibia, ¶ 29
- ¹¹⁷ Namibia, ¶ 29
- ¹¹⁸ Poland, ¶ 34; Jamaica, ¶ 42; Namibia, ¶ 30
- ¹¹⁹ Poland, ¶ 33
- ¹²⁰ Azerbaijan, ¶ 24
- ¹²¹ Kazakhstan, ¶ 37
- ¹²² Azerbaijan, ¶ 24
- ¹²³ Azerbaijan, ¶ 24
- ¹²⁴ Kazakhstan, ¶ 39
- ¹²⁵ Poland, ¶ 33
- ¹²⁶ Jamaica, ¶ 41
- ¹²⁷ Namibia, ¶ 31
- ¹²⁸ Slovenia, ¶ 27
- ¹²⁹ Poland, ¶ 34; Azerbaijan, ¶ 25; Kazakhstan, ¶¶ 38, 40; Jamaica, ¶ 42; Namibia, ¶ 32; Slovenia, ¶ 28
- ¹³⁰ *YM v. Russian Federation*, Communication No. 2059/2011, UN Doc. CCPR/C/116/D/2059/2011 (31 March 2016) ¶ 9.5; *Ramazan Esergepov v. Kazakhstan*, Communication No. 2129/2012 UN Doc. CCPR/C/116/D/2129/2012 (29 March 2016) ¶ 11.5
- ¹³¹ Morocco, ¶ 33
- ¹³² Argentina, ¶ 31
- ¹³³ Morocco, ¶ 34; Poland, ¶ 34; Argentina, ¶ 32
- ¹³⁴ Kazakhstan, ¶ 17
- ¹³⁵ Moldova, ¶ 35
- ¹³⁶ Ecuador, ¶ 21
- ¹³⁷ Kazakhstan, ¶ 18; Moldova, ¶ 36; Ecuador, ¶ 22
- ¹³⁸ Argentina, ¶ 27
- ¹³⁹ Argentina, ¶ 29
- ¹⁴⁰ Argentina, ¶ 27
- ¹⁴¹ Ecuador, ¶ 19
- ¹⁴² Burkina Faso, ¶ 9
- ¹⁴³ Rwanda, ¶ 23
- ¹⁴⁴ Rwanda, ¶ 32
- ¹⁴⁵ South Africa, ¶ 12
- ¹⁴⁶ For instance, the Committee noted that Ecuador had provided information to the Committee pertaining to measures being adopted to strengthen investigations procedures for its "Peasant Defense Networks" - (CCPR/C/ECU/6, ¶¶ 165 – 166)
- ¹⁴⁷ Rwanda, ¶¶ 24, 33; South Africa, ¶ 13; Burkina Faso, ¶ 10; Argentina, ¶¶ 28, 30; Ecuador, ¶ 20
- ¹⁴⁸ CERD, Togo, ¶¶ 15-18.
- ¹⁴⁹ CERD, South Africa, ¶¶ 10-11.
- ¹⁵⁰ CERD, Sri Lanka, ¶¶ 29-30.
- ¹⁵¹ CERD, Prevention of Racial Discrimination, including Early Warning and Urgent Action Procedures, Decision on Burundi, 23 August 2016.
- ¹⁵² CERD, Prevention of Racial Discrimination, including Early Warning and Urgent Action Procedures, Decision on Burundi, 28 November 2016.
- ¹⁵³ CERD, Prevention of Racial Discrimination, including Early Warning and Urgent Action Procedures, Letter to Ethiopia, 13 December 2016.
- ¹⁵⁴ CERD, Prevention of Racial Discrimination, including Early Warning and Urgent Action Procedures, Letter to Indonesia, 13 December 2016; CERD, Prevention of Racial Discrimination, including Early Warning and Urgent Action Procedures, Letter to Indonesia, 3 October 2016.
- ¹⁵⁵ Denmark, ¶ 7
- ¹⁵⁶ New Zealand, ¶ 5
- ¹⁵⁷ Kuwait, ¶ 8
- ¹⁵⁸ Sweden, ¶ 6
- ¹⁵⁹ Denmark, ¶ 8; New Zealand, ¶ 6; Kuwait, ¶ 9; Sweden, ¶ 7
- ¹⁶⁰ Jamaica, ¶ 11
- ¹⁶¹ Rwanda, ¶ 8