

The UN Human Rights Committee

A Year in Review

2018



An overview of the work of the
UN Human Rights Committee in 2018

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Centre for Civil and Political Rights (CCPR Centre)

November 2019



Introduction

The Centre for Civil and Political Rights is delighted to introduce this analysis of the 2018 findings of the UN Human Rights Committee. This Yearbook analyses the main concerns emerging from the Concluding Observations and the decisions adopted by the Committee in 2018.

The Human Rights Committee examined the reports of El Salvador, Guatemala, Hungary, Lebanon, Norway, Algeria, Bahrain, Gambia, Lao People's Democratic Republic, Liberia, Lithuania, Belarus, Belize, Bulgaria, Guinea and Sudan in 2018 during its 122nd, 123rd and 124th sessions, and adopted 16 corresponding Concluding Observations. In these sessions, the Human Rights Committee also furthered its jurisprudence by adopting views on 101 individual communications.

This Yearbook examines four thematic issues in respect of the Covenant that emerged from the Concluding Observations and views of the Human Rights Committee: freedom of religion, right to peaceful assembly, right to participate in public affairs and asylum seekers at risk for deportation. It also provides an overview of Concluding Observations adopted in 2018, as well as the General Comment no. 36 and some statistics regarding the individual communications.

This research has been carried out since 2014, and enables us to monitor the main issues discussed by the Committee during the reviews of State Parties, and to keep track

of the latest developments in the Committee's jurisprudence. The Centre decided to change the approach in 2018: instead of giving a comprehensive overview of all the civil and political rights, we decided to focus on a few thematic issues that were of particular importance in 2018. This allows the Yearbook to be relevant, while at the same time clearly structured and concise. The purpose of this research is to make the work of the Human Rights Committee more accessible to and usable for the general public, including individuals involved in the promotion and protection of civil and political rights. The Centre would like to thank the Graduate Institute of Geneva for the strong and constructive cooperation.

As was the case in previous years, this research has been completed in collaboration with the Law Clinic of the LL. M. in International Law of the Graduate Institute of Geneva. Under the supervision of the Centre, students prepared and analysed all the research materials necessary for this Yearbook. The Centre would like to thank the students who participated in this project, namely Ilina Dyakova, Hajat Lomanova, Sarah Swan, Luciana Yael Wechselblatt as well as Alex Conte, head of the Law Clinic.

Patrick Mutzenberg

Director

Centre for Civil and Political Rights



Message from the Chair of the Human Rights Committee, Mr. Ahmed Fathalla

As a Committee member since January 2008 and Chair since 2019, I welcome this publication which is highlighting the main developments of the Human Rights Committee in 2018. I am hopeful that this publication will further promote the work of our Committee in its efforts to monitor the implementation of the International Covenant on Civil and Political Rights by the 173 States Parties which have ratified it.

I have also seen the fundamental role of the Centre for Civil and Political Rights in supporting the Committee's work, in particular in relation to the NGO participation and the dissemination of the Concluding Observations. In 2018, the impact of the Centre was evident in the review of a number of states, for which the Committee was provided with high-quality reports from civil society coalitions as well as direct interaction during the Committee's sessions.

However, despite the work of the Centre, there are still countries where the

representation from civil society was either poor or completely non-existent. I strongly encourage NGOs from all regions to engage with the Committee's reporting process, as the information provided by them is key to ensure an effective review. I am confident that this publication will facilitate the engagement of the all stakeholders with our Committee.

Finally, I would like to highlight the important role of the Centre in the follow-up phase of the reporting process. The in-country follow-up missions with Committee members and the space for dialogue between authorities and civil society at a national level, are key to achieve the ultimate objective of our existence, namely full compliance with the ICCPR in every country.

Ahmed Fathalla

Chair
Human Rights Committee

Section 1:

Facts and figures – the Human Rights Committee in 2018

3 countries accessed, succeeded or ratified the **ICCPR**: Fiji, Marshal Islands and Qatar.

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

Gambia ratified the Second Optional Protocol to the ICCPR (OP2), aiming at the abolition of the death penalty.

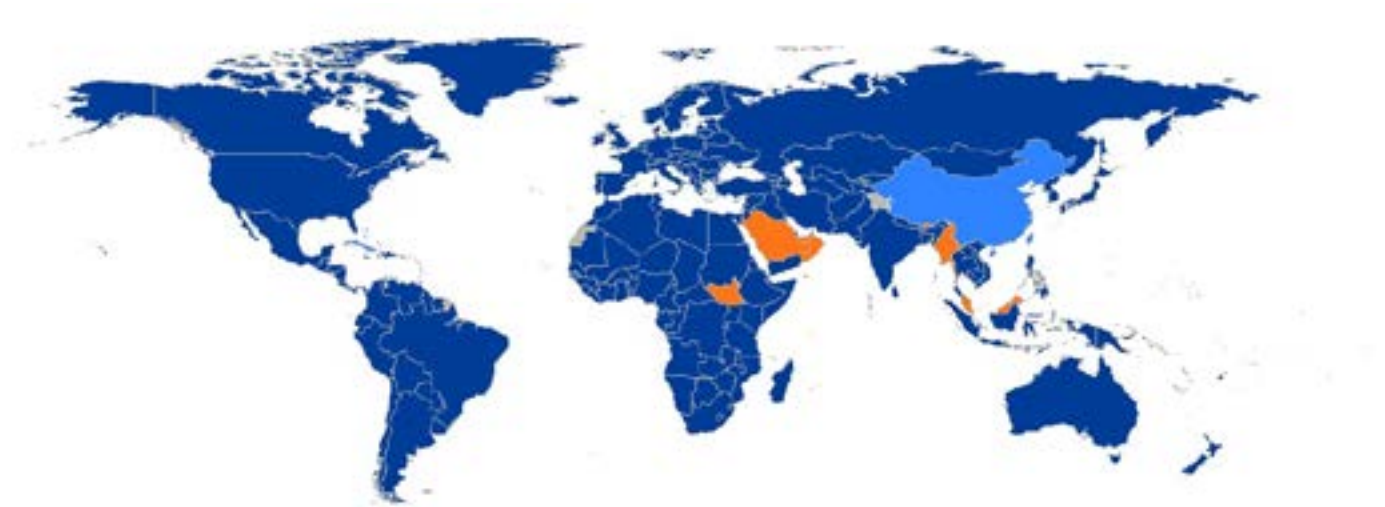
Today, the ICCPR has **173 signatories, OP1 116 and OP2 87**.

Map on the ratification of the ICCPR:



International Covenant on Civil and Political Rights

[Last Updated: Nov. 2019]



Country Status

■ State Party (173) ■ Signatory (6) ■ No Action (18)

Definition and meta-data: <http://www.ohchr.org/Documents/Issues/HRIndicators/MetadataRatificationStatus.pdf>

Source: Database of the United Nations Office of Legal Affairs (OLA) <https://treaties.un.org>



Optional Protocol to the International Covenant on Civil and Political Rights

[Last Updated: Nov. 2019]



Definition and meta-data: <http://www.ohchr.org/Documents/Issues/HRIndicators/MetadataRatificationStatus.pdf>

Source: Database of the United Nations Office of Legal Affairs (OLA) <https://treaties.un.org>



Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty

[Last Updated: Nov. 2019]



Definition and meta-data: <http://www.ohchr.org/Documents/Issues/HRIndicators/MetadataRatificationStatus.pdf>

Source: Database of the United Nations Office of Legal Affairs (OLA) <https://treaties.un.org>

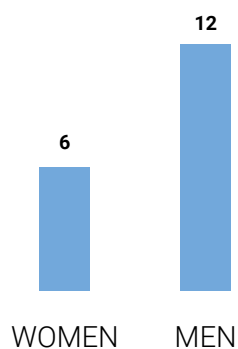
Source of all maps: <http://indicators.ohchr.org/>

Section 2: Committee members

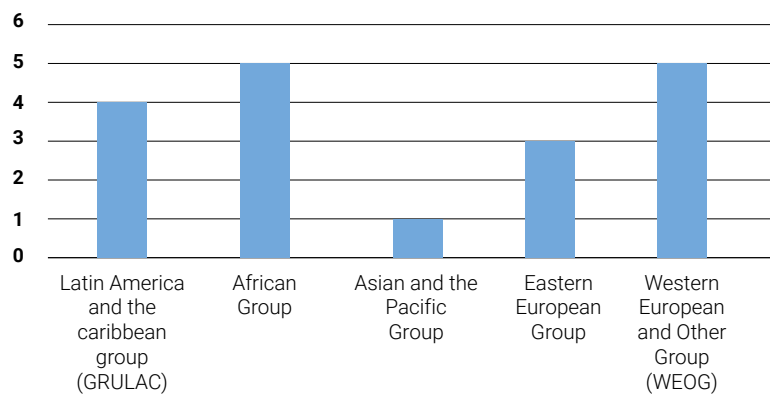
The Human Rights Committee is composed of 18 members:

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

**GENDER
PARTICIPATION**



GEOGRAPHICAL COMPOSITION



Section 3:

Thematic analysis



I. Freedom of religion

In 2018, the Human Rights Committee has decided on several individual communications involving the right to manifest religious beliefs, and covered this right in multiple Concluding Observations. **Three main issues** were identified: limitations on this right, restrictions on other rights based on religion – with special impact on gender equality, and States with (an) official or favored religion(s) and its consequences.

These Concluding Observations as well as individual communications decided in 2018 have revealed a common issue: **States rely on restrictions as the rule instead of the exception and often fail to provide any justification for limiting freedom of religion or belief.**

For instance, in two landmark cases that were very controversial, the Committee found that **France violated the freedom of religion of two women by fining them for wearing the niqab**, a full-body Islamic veil. The Committee considered that the general criminal ban on the wearing of the niqab in public disproportionately harmed the right to manifest religious beliefs, and that France had not adequately justified why it was necessary to prohibit this clothing. For cases like this, the Committee adopted a **three-tier test**: (a) whether the restriction on the person's freedom to manifest his/her religion or beliefs was consistent with article 18(3) of the Covenant, namely provided for in law and necessary to protect public safety, order, health, or morals or fundamental rights and freedoms of others; (b) whether the restriction was proportionate; and (c) whether the restriction had a legitimate aim.

Another recurring theme was the **restriction of an individual's enjoyment of other fundamental rights**, such as the right to health, education, expression, **in the name of religion**,

or on the basis of a person's religion or belief. In particular, the Committee confirmed that freedom of religion and belief could never be used to justify violations of the rights of women and gender discrimination. In the case of *Seyma Türkan v. Turkey*, a Muslim woman was not allowed to attend a Turkish University, to which she was duly admitted through the competitive examination process, because she was wearing a wig to cover her hair instead of a headscarf. In such cases, the Committee recommended to repeal all discriminatory provisions against women in the national legislation and to adopt a unified personal status Act that would apply to all persons, regardless of their religious affiliation, and guarantee equality between men and women.

A third common issue was identified in the context of **States with official or favored religion(s)**. Typically, religious States are more likely to discriminate against minority religions and tend to place **high levels of restrictions** on the freedom of religion or belief. Various Concluding Observations pointed this out. For instance, the Committee indicated that Norway put Christian values in a position of privilege; that Algeria did not protect non-Muslim worship and even criminalized activities that could cause individuals to renounce the Muslim faith; that Bahrain restricted the rights to worship and profess religious beliefs of certain communities such as Shia; that Belarus unduly restricted the exercise of the freedom of religion, for instance, by imposing the mandatory registration of religious communities; and that in People's Democratic Republic of Lao, there were cases of persecution and discrimination against Christians, including arbitrary arrests.

In such cases, the **Committee requested the States to** (a) abolish legislative provisions that violate freedom of thought, conscience and religion; (b) refrain from interfering in worship by persons who do not follow the official religion, for example, by refusing to register religious movements; (c) ensure that all persons, including those who are atheists or have renounced their faith, are able to fully exercise their freedom of thought, conscience and religion.

See the **full report** on freedom of religion [here](#):



II. Right to peaceful assembly

The **main issues** addressed by the Committee regarding the freedom of assembly in 2018, were the use of legislation to suppress the legitimate exercise of freedom of peaceful assembly and association, obstructions encountered in the digital space, the criminalization of peaceful protests, excessive use of force, and restrictions targeting particular groups.

The Committee expressed particular concern at the **use of legislation to suppress the legitimate exercise of freedom of peaceful assembly** in the Concluding Observations of Algeria, Belarus, Sudan Guinea and Bahrain, where legislations restricted demonstrations and public gatherings. In addition, various individual communications raised this matter as well, such as three cases against Kazakhstan, Uzbekistan and Russia. A common restriction strategy was the broad mandatory notification and authorization procedures, as well as limits on the time, place and manner of assemblies. In many of the aforementioned countries, authorities required prior notification as a condition to proceed with an assembly. The Committee highlighted that even if such restrictions are provided by law, they must meet the strict test of necessity and proportionality. In line with this, ten out of the sixteen countries reviewed by the Committee in 2018, were specifically recommended to guarantee the right to peaceful assembly.

An emerging issue that the Committee encountered was **obstructions in the digital space**. As the Internet and new communication technologies are increasingly being used to enable individuals to organise peaceful assemblies, the Committee expressed concern at undue restrictions on these tools. For instance, in the Concluding Observations of Laos, the right to freedom of peaceful assembly was deemed to be severely restricted because the State exercised strict control over media and civil society.

A third issue raised by the Committee was the **criminalization of persons exercising the right to freedom of peaceful assembly and the indiscriminate and excessive use of force** to counter or repress peaceful protest. Authorities have equated peaceful protest movements with threats to security and public order, and have granted sweeping powers to security forces

to dissolve protests. Consequently, many people have been arbitrarily arrested and detained for participating in peaceful assemblies. This was underscored in the Concluding Observations of El Salvador and Guatemala, in which the Committee pointed out the importance of protection of human rights defenders, protestors and journalists. Of particular concern was also the criminalization of political opposition candidates. Additionally, cases of torture and ill-treatment of protestors have been reported.

Lastly, the Committee noted with concern that the enjoyment of the freedom of peaceful assembly and association is especially important for **minorities or marginalized groups**, who find themselves at particular risk. The Committee raised this concern in Lebanon and Liberia concerning LGBTI persons. It indicated that the exercise of these rights is essential to reaffirm the identity of these groups.

The **views** adopted by the Committee in 2018 were more general in nature than in previous years. The recommendation that the States should take all steps to prevent similar violations from occurring in the future was common to all views. In some cases, the Committee recommended that States review their domestic laws to ensure conformity with the Covenant, but did not expressly specify which legislation was to be reviewed. This stands in contrast to previous jurisprudence of the Committee, where it identified the legislation to be reviewed, and leaves States with more discretion as to how will respond to the recommendations.

The Committee is currently preparing a **general comment** on article 21 (General Comment No. 37) to provide authoritative guidance to States and other actors on the measures to be adopted to ensure full compliance with the Covenant.

See the **full report** on right to peaceful assembly [here](#):



III. Right to participate in public affairs

The jurisprudence and Concluding Observations from the Human Rights Committee on participation in public life **involved different aspects**:

- the right to vote and to be elected,
- the protection of indigenous peoples' rights to public life,
- the enforcement of electoral systems and procedures,
- the equal participation of women and men, and
- the enforcement of participation of vulnerable groups and minorities.

As regards the **right to be elected**, there were several cases involving high-profile politicians. Two communications against **Bolivia** dealt with politicians facing restrictions on their right to be elected. Another case was against **Colombia** on the permanent disqualification of a public servant to present as a candidate for elections due to a criminal sentence against him. The Committee found that this disqualification was unlawful and violated his right to participate in public affairs.

There were also communications that involved **politically motivated criminal prosecutions**. In one communication against the **Maldives**, where the Committee found a violation of article 25 of the Covenant: the judicial proceedings that lead to the restriction of his right to stand for office, were politically motivated, had serious flaws and violated the right to fair trial. The other case involved a high-profile politician in **Tajikistan**, in which the Committee stressed that the legal procedures based on charges against him lacked guarantees and impartiality.

Furthermore, the Committee emphasized the importance of the **participation of vulnerable and minority groups**; or groups that historically faced difficulties and obstacles with participating in public life. This aspect was addressed regarding the need to develop and strengthen institutions that enable the participation of indigenous peoples. For instance, in a highly debated case regarded the Sámi people, a native people of the Nordic region, the Committee

found that *Finland* violated the rights of representatives to the Sámi Parliament by improperly extending the pool of eligible candidates. Extra persons should not have been able to participate in elections to the Sámi Parliament since the decision to include them was unlawful and adversely affected the representative value of the Sámi Parliament. In the Concluding Observations of *Norway*, *Guatemala* and *Belize*, the Committee also recommended to promote the participation of indigenous peoples in public affairs.

Another debated aspect of the right of participation in public affairs was linked to the **importance of electoral processes, commissions and systems**. For instance, the Committee decided on an individual communication against *Ukraine* and recommended that the State reinforce its democratic institutions: as a result, the electoral system should ensure that people could genuinely vote and be elected, that institutions are neutral and that there are review mechanisms for electoral processes. This was repeated in various Concluding Observations. This way, the Committee reflected its intention to reinforce electoral processes and institutions as a critical aspect of the right to participate in public life.

In addition a key aspect that appeared overwhelmingly in the Concluding Observations was the insistence of the Committee on **gender equality** regarding participation in public affairs. 13 out of 16 countries received recommendations on this: *Belize*, *Guinea*, *Bulgaria*, *Bahrain*, *Gambia*, *Lithuania*, *Liberia*, *Algeria*, *El Salvador*, *Hungary*, *Lebanon*, *Guatemala* and *Norway*.

The Committee also noted the importance of States' promoting the participation of **persons with disabilities** in public affairs. It was recommended to *Laos*, *Bulgaria*, *Lithuania*, *Liberia* and *Guatemala*. The Committee also indicated to Laos that blanket denials on prisoners' right to vote were not compliant with the Covenant.

Last but not least, the Human Rights Committee indicated that **prosecutions were used as a way of harassing political opponents** and were concerned about these practices in the case of *Belarus*. The Committee's recommendations aimed at fostering a pluralistic debate.

See the **full report** on the right to participate in public affairs and right to vote [here](#):



IV. Asylum seekers at risk of deportation

With respect to the **deportation of asylum seekers**, the approach of the Human Rights Committee covered mainly the issue of non-refoulement; arbitrary detention; the prohibition of deportation in case of death penalty; the right to leave any country, the right to enter one's own country and the right to family life; and discrimination against migrants.

The principle of **non-refoulement** includes the prohibition of collective expulsions and the right to a judicial review against an expulsion order. The Committee recommended that States respect international standards and: (a) to ensure that the principle is secured in law; (b) to strictly enforce the principle in practice; and (c) to effectively investigate all allegations of denials of entry and ensure effective protection against refoulement. Recommendations on greater protection of asylum seekers against refoulement were present in the Concluding Observations of **Norway, Lebanon, Hungary, Algeria, Liberia, Lithuania, Bulgaria, Bahrain, Sudan** and **Belize**.

The second main issue was on the prohibition of **arbitrary detention**, minimum detention conditions, reception centers and enforcement of immigration control with respect to human dignity. The Committee recommended that States ensure that any detention is reasonable, necessary and proportionate, taking into account the individual's circumstances; to provide effective alternatives to detention and use it only as a last resort; and to ensure the right of appeal and to guarantee that detention is subjected to periodic judicial review, among others. More than a half of the countries reviewed in 2018 received recommendations on this matter: **Lebanon, Hungary, El Salvador, Algeria, Lithuania** and **Bulgaria**.

The third issue was on the **prohibition of deportation to a country where the individual would face the death penalty**, the risk of enforced disappearances or torture or other ill-treatment. In its case law, the Committee developed a consistent practice, saying that a State violates article 6 of the Covenant (i.e. the right to life) if it deportes an individual to a country where they could face the death penalty. The Committee decided on a communication against **Canada** in 2018, where the applicant feared that he would be killed or subjected to torture if being deported to **Egypt** because he identified as homosexual and converted from Islam to Christianity. However, the Committee did not find any violation due to lack of substantiation.

The fourth aspect concerning the deportation of asylum seekers, was on the **right to leave any country, enter one's own country and the right to family life**. The Committee expressed concerns that **Bahrain** imposed travel bans and reprisals, including harassment, death threats and other forms violence on journalists, opposition politicians and human rights defenders wanting to leave the country. Bahrain's policies could also result in citizens having their nationality revoked if involved in activities that were considered to undermine the loyalty of the individual to the State.

Lastly, the Committee also covered the aspect of the **prohibition of discrimination against migrants, refugees and asylum seekers**. For instance, many legislations of the countries reviewed in 2018 were considered not to fully cover all the **discrimination grounds** contained in the Covenant: **Belize, Lao People's Democratic Republic, Belarus, Sudan, Bahrain, Gambia, Liberia, Algeria, El Salvador** and **Lebanon**. Furthermore, the Committee observed with concern reports about the existence of **hate speech and hate crimes** against migrants, refugees and asylum seekers in **Algeria, Bulgaria, Lithuania, Hungary** and **Norway**. The Committee recommended to State to adopt comprehensive legislation which includes a definition of both direct and indirect discrimination, to provide effective protection and appropriate remedies for victims of discrimination; to train all law enforcement personnel on this matter and to carry out campaigns that promote diversity; among many others.

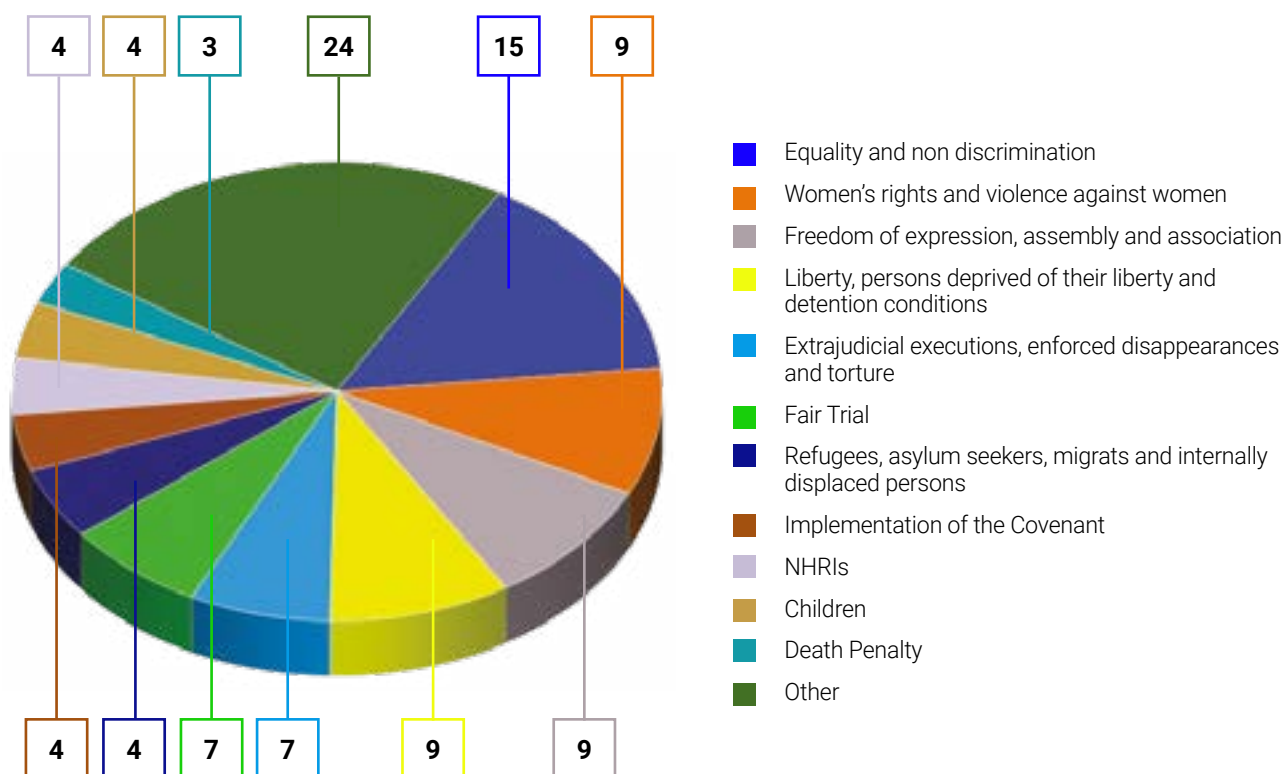
See the full report on asylum seekers under risk of deportation [here](#).

Section 4: Reporting procedure 2018

During the 122nd, 123rd and 124th session of the Human Rights Committee, **the following 16 countries** were reviewed:

- El Salvador
- Guatemala
- Hungary
- Lebanon
- Norway
- Algeria
- Bahrain
- Gambia
- Lao People's Democratic Republic
- Liberia
- Lithuania
- Belarus
- Belize
- Bulgaria
- Guinea
- Sudan

Themes recurring in the Human Rights Committee recommendations



Countries reviewed in 2018



Norway

- 7th periodic report - 122nd Session – March/April 2018
- 2 NGO reports for the session
- 2 NHRI reports for the session

Priority concerns and recommendations

Rights of indigenous people and other minorities

The Committee raised concerns about **effective participation**, in particular, free, prior and informed consent and the consultation process with **indigenous peoples** in Norway when negotiating projects that can affect their lives and resources. The Committee pointed out **threats on the Sami language** due to the lack of teachers, and the fact that Sami children do not have a guaranteed place in Sami kindergarten schools, violating the right to be educated in their own language and culture. It also raised questions regarding **discrimination and lack of recognition of Sami rights on land, fishing and reindeer**.

Recommendations

The Committee recommended that the State step up its efforts to combat **stereotypical and discriminatory attitudes against Sami**, ensure meaningful consultation with them to obtain **free consent** before taking decisions affecting them, adopt legislation to enhance the protection of Sami people, and increase recruitment and training of Sami **language teachers**.

Violence against women and girls

According to Norwegian NGOs, 1 in 10 women in Norway have been raped, and this number is even higher for Sami women. However, cases of **violence are officially underreported** due to the low rate of denunciation and litigation. Additionally, the Criminal Code **definition of rape has certain shortcomings**, such as the lack of free consent not being part of the central definition.

Recommendations

The Committee recommended that Norway launch a **national plan to eliminate domestic violence**, with particular attention on the Sami community; to conduct **awareness-raising** campaigns to promote higher reporting levels; to **train** judges, prosecutors and law enforcement officials; and **change the definition of rape** in the Criminal Code, among others.

Asylum policies: detention, unaccompanied minors and non-refoulement

The Committee expressed concern about several aspects of the asylum policies of Norway, including **detention of migrants and the disappearance of high numbers of unaccompanied minors**. It also mentioned with concern the practice of returning persons whose asylum status was rejected without examining the merit of the application.

Recommendations

The Committee recommended that Norway amend the Immigration Act to ensure **greater protection of asylum seekers** respecting international standards. Norway was asked to ensure that asylum seekers are not deported or expelled to a country where there are substantial grounds of irreparable harm; it should **consider all asylum applications on the basis of their merits and ensure an appeals system**.

- [Concluding observations](#)
- Webcast [part 1](#) and [part 2](#)
- Follow up report due: 6 April 2020
- Next periodic report due: 6 April 2024



Guatemala

- 4th periodic report - 122nd Session – March/April 2018
- 16 NGO reports for the session

Priority concerns and recommendations:

Informed consent and consultation with indigenous people

The Committee stressed the importance of **consultation processes** (<https://www.ohchr.org/Documents/Issues/ipeoples/freepriorandinformedconsent.pdf>) **with indigenous peoples** when taking decisions that impact their life, and noted with concern their lack of participation in public affairs. Particularly, the granting of exploration and resource development permits for activities on indigenous peoples' land without them been consulted, was problematic. It also noted **violent forced eviction cases of indigenous communities**.

Recommendations

The Committee recommended to ensure meaningful consultations with indigenous peoples, to obtain their **free and informed prior consent** before the adoption or application of any measure that may have an impact on them; the Committee also suggested that **forced evictions should be carried out lawfully**, only in exceptional circumstances, and in accordance with relevant provisions of international law.

Freedom of expression, assembly and association

The Committee noted the **increasing acts of violence, intimidation, stigmatization and murders** of human rights defenders, journalists and trade unionists against a backdrop of **widespread impunity**. The Committee was concerned about the abusive use of criminal proceedings directed against these groups and the **draft legislations that could affect NGOs**, restricting their freedom of expression, assembly and association.

Recommendations

The Committee recommended that the state adopt and implement effective policies for the **protection of human rights defenders, journalists and trade unionists** and to publicly acknowledge the legitimacy of their activities; to **improve investigations** of attacks on human rights defenders; and to ensure that any **restriction** on their rights are **in line with the Covenant**.

Judicial independence, autonomy and combatting corruption

The Committee noted that the lack of the independence of the judiciary. The Committee highlighted the **politicization of the judicial system**, particularly in the appointment of officials and the lack of separation between judicial and administrative power. In addition, while the Committee acknowledged the important role of the Public Prosecutor and the **International Commission Against Impunity in Guatemala** in combatting corruption, it also noted with concern political decisions aiming to hamper their work and the progress made.

Recommendations

The Committee recommended to ensure that the administrative functions of the Supreme Court are carried out by an **independent and impartial body**; and that the selection and appointment of public officials are based entirely on **objective and transparent criteria** to assess the merits of the candidates. Furthermore, it was recommended to **strengthen the support the Prosecutor and the Commission** so that they can effectively combat corruption and impunity.

- [Concluding observations](#)
- Webcast [part 1](#) and [part 2](#)
- Follow up report due: 6 April 2020
- Next periodic report due: 6 April 2023



El Salvador

- 4th periodic report - 122nd Session – March/April 2018
- 7 NGO reports for the session
- 1 NHRI report for the session

Priority concerns and recommendations:

Voluntary termination of pregnancy

The Committee's principal concern was the **total prohibition of voluntary termination of pregnancies**. Linked to that, the Committee was worried about the **disproportionate criminal convictions for aggravated homicide**, imposed on women, not only those seeking an abortion, but also those who have suffered a miscarriage. The **high maternal mortality rate** was also raised as a major issue.

Recommendations

The Committee urged to **amend its abortion legislation** to guarantee safe, legal and effective access to abortion where the life or health of the pregnant woman or girl is at risk or where carrying the pregnancy to term could cause her substantial harm or suffering, especially if pregnancy is the result of rape, incest or when it is non-viable. The Committee also urged the State to **suspend immediately the criminalization of abortion**.

Violations of rights during armed conflict

The State established in August 2017 a **National Commission on the Search for Adults Who Disappeared during the Internal Armed Conflict**, and submitted a law on full reparations for victims. However, the Committee noted the **limited human and financial resources** allocated to the special unit and to reparations. The Committee showed its concerns about the inadequacy of the mechanism due to budget restraints and lack of personnel.

Recommendations

The Committee recommended to ensure that the mentioned special unit has the **human, financial and technical resources** it needs to carry out investigations into the serious human rights violations. The Committee also indicated the importance that the National Commission could fulfil its mandate **without external pressure**.

Extrajudicial executions

The Committee was concerned about the increase in the number of people killed by the National Civil Police and the Armed Forces and about reports of **arbitrary detention, extrajudicial executions and enforced disappearances**, as well as about the “death squads” that operate within the army and the police.

Recommendations

The Committee recommended to **strengthen the role of the National Civil Police** in the maintenance of law and order. It also recommended that all cases of alleged extrajudicial executions, arbitrary detention and enforced disappearances should be **investigated in a prompt, thorough and impartial manner**.

- [Concluding observations](#)
- Web cast [part 1](#) and [part 2](#)
- Follow up report due: 6 April 2020
- Next periodic review due: 6 November 2023



Lebanon

- 3rd periodic review - 122th Session – March/April 2018
- 6 NGO reports for the session

Priority concerns and recommendations:

Violence against women, including domestic violence

The Committee pointed out the **shortcomings of existing legislation** regarding rape of minors, marital rape, domestic violence and sexual harassment. The Committee also expressed concerns about the **lack of official statistics and the limited investigations** on these issues.

Recommendations

The Committee recommended that the State ensure that the **criminalization of domestic violence, the explicit criminalization of marital rape and sexual harassment** and the effective implementation of such legislation; to **strengthen preventive measures**, including awareness-raising campaigns; to **train law enforcement officials and the judiciary** in how to detect and deal with cases of violence against women; and finally, to ensure **data collection**, and that victims have access to protection and to effective remedies.

Asylum-seekers and refugees

The Committee praised Lebanon for hosting a large number of asylum-seekers and refugees, including the more than one million Syrian refugees. However, the Committee expressed concerns about **restricted access to asylum and pushbacks at the border with Syria**; in addition, the Committee pointed out reports of **prolonged administrative detention of asylum seekers and refugees**, including children, without due process.

Recommendations

The Committee recommended that State ensure that the **non-refoulement principle** is strictly adhered to in practice, that all asylum seekers are protected against pushbacks at the border and that they have **access to refugee status determination procedures**; additionally, to bring **conditions of detention** of asylum seekers and refugees into compliance with international law and to provide for **appeal procedures**.

Migrants and domestic workers

The Committee was concerned that **migrant domestic workers** are excluded from protection under domestic labour law and are subjected to **abuse and exploitation**. These practices include the withholding of their identity documents, forced confinement, denial of time off, excessive work-hours, delayed or even non-payment, verbal, physical and sexual abuse. These situations were aggravated by the **lack of effective remedies** against such abuses.

Recommendations

The Committee recommended that State expand protections for **domestic workers** in its labour law; provide **access to effective legal remedies** for protection of domestic migrant workers' rights without fear of reprisal or deportation.

- [Concluding observations](#)
- Webcast
[part 1](#) and [part 2](#)
- Follow up report due: 6 April 2020
- Next periodic report due: 6 April 2023



Hungary

- 6th periodic review - 122th Session – March/April 2018
- 10 NGO reports for the session

Priority concerns and recommendations:

Migration and refugee policies

The Committee underlined the **negative impact of the major legislative reforms on migration** adopted by the State in recent years. According to the Committee, these laws failed to comply with international law. Some of the main concerns included the automatic removal to transit areas of all asylum applicants, measures of detention, lack of remedies against these decisions and the treatment of asylum seekers, including ill-treatment in detention.

Recommendations

The Committee recommended that Hungary should **refrain from automatically removing all asylum applicants to transit areas** and to conduct individual assessments of their needs; to **reduce the period of initial mandatory immigration detention**, and if extended, it should be justified and subject to **periodic judicial review**; to expand the use of **alternatives to detention**; and to legally **limit the overall duration of immigration detention**.

Non-refoulement and excessive use of force

The Committee noted with concern the **“pushback” law**, introduced in June 2016, which allows the summary expulsion and detention of those who cross the border irregularly. It also noted that individuals subjected to this measure have very **limited opportunity to submit an asylum application** and virtually have no right of appeal. It also noted with concern reports of **collective and violent expulsions**.

Recommendations

The Committee recommended that the State should **repeal the pushback law** to ensure that the non-refoulement principle is secured in law and in practice; that all asylum seekers have **access to fair and efficient refugee status determination procedures** and effective protection; **refrain from doing collective expulsions**; and ensure that **excessive use of force is not applied** against migrants and asylum seekers.

Serious restrictions on the operations of civil society organizations

Conditions for NGOs and other civil society organizations have deteriorated in Hungary and have become more restrictive. For instance, the country adopted a legislation on civil society organizations that requires them to disclose highly detailed information. Moreover, by stigmatizing NGOs, their **freedom of speech has been reduced**. The Committee stressed the very important role that NGOs play in society, and noted that **foreign funded NGOs were specifically targeted** by the new legislation.

Recommendations

The Committee recommended that the ability of NGOs to conduct their activities should not be disproportionately decreased. The Committee recommended that the **newly adopted laws should not jeopardize role of NGOs** in a democratic society and that they should be designed to facilitate, not undermine, their operations.

- [Concluding observations](#)
- Webcast [part 1](#) and [part 2](#)
- Follow up report due: 6 April 2020
- Next periodic report due: by 2023



Algeria

- 4th periodic review - 123th Session – July 2018
- 13 NGO reports for the session

Priority concerns and recommendations:

Right to peaceful assembly

The Committee was deeply concerned by domestic norms that governed **public meetings and demonstrations**, as the provisions are **extremely restrictive** and stipulate many requirements for the organization of any demonstration, including prior authorization subject to vague criteria and excessively long advance notice. It was equally concerned about an **unpublished decree that prohibited demonstrations** because certain reports indicated it was being applied. Additionally, the Committee noted that public gatherings were being dispersed with **excessive use of force**.

Recommendations

The Committee recommended that the State **remove all unnecessary restrictive requirements imposed to peaceful demonstrations**; to guarantee that demonstrators and meeting organizers are not prosecuted for exercising their right of assembly; and to take effective measures to ensure that law enforcement personnel does **not use excessive force**.

Enforced disappearances

The Committee expressed concerns by the extent of the phenomenon of **enforced disappearances** in the State party in connection with the conflict of the 1990s. It underscored the fact that there was **no effective remedy** available for the families of the victims.

Recommendations

The Committee recommended that the State party take all necessary actions to ensure an **effective remedy**; to guarantee **independent investigations** into all allegations of enforced disappearance; to ensure **access to the truth and reparations** for families of victims; and to put in place **guarantees of prevention and non-repetition**.

Refugees, asylum seekers and migrants

The Committee was concerned that the **existing legal framework** that applies to asylum seekers and refugees was **not compliant with the Covenant**. Of particular concern were the reports of mass arrests and expulsions of migrants, which includes asylum seekers and holders of refugee cards, in the absence of any established procedures.

Recommendations

The Committee recommended that the State party should take the necessary steps to promptly **adopt asylum legislation that is consistent with the Covenant** and international standards and provides protection to asylum seekers and refugees.

- [Concluding observations](#)
- Webcast [part 1](#) and [part 2](#)
- Follow up report due: 27 July 2020
- Next periodic report due: 27 July 2022



Bahrain

- 1st periodic review - 123th Session – July 2018
- 5 NGO reports for the session
- 4 NHRI reports

Priority concerns and recommendations:

Military courts

The Committee noted with concern the amendment to the Constitution of April 2017, which grants **military courts jurisdiction over civilians** outside a state of emergency.

Recommendations

The Committee recommended that the State **review the amendment** to the Constitution of April 2017, to ensure that military courts are prevented from exercising jurisdiction over civilians.

Freedom of expression

The Committee was concerned about the serious restrictions imposed on freedom of expression and the **large number of arrests and prosecutions of individuals criticizing the State or political figures**, including through social media. The Committee referred to many specific cases and to reports indicating that the State party has targeted certain newspapers.

Recommendations

The Committee made recommendations such as **narrowing the broad provisions** in the Criminal Code criminalizing criticism of public officials; the regulations of the press, printing and publishing, under which journalists and activists can be prosecuted; and the decree that obliges journalists to obtain a licence from the Information Affairs Authority, among others. All of these changes should aim **to remove the restrictions on digital rights and to decriminalize blasphemy and defamation**. The Committee also recommended to **release immediately anyone held solely for the peaceful exercise of his or her rights**, including human rights defenders, activists, lawyers and trade unionists.

Death penalty

The Committee noted with concern that the State **lifted its moratorium** on the death penalty in January 2017 and that, since then, the number of death sentences is reported to have increased. Death penalty can only be imposed for the “most serious crimes”, however, domestic law imposes it **for other kinds of crimes** as well: drug trafficking, deliberately obstructing funerals or memorial services, certain crimes against property, and others. The Committee was concerned about alleged death sentences having been imposed on the basis of **confessions obtained under duress or torture or in the context of unfair trials**.

Recommendations

The State was urged to **reinstate the moratorium** and consider abolishing the death penalty. If the death penalty is maintained, the State should **only apply it for the most serious crimes**, involving intentional killing; and through **fair trial** procedures.

- [Concluding observations](#)
- Web cast
[part 1](#) and [part 2](#)
- Follow up report due: 27 July 2020
- Next periodic report due: 27 July 2022



Gambia

- 2nd periodic review - 123th Session – July 2018
- 4 NGO reports for the session

Priority concerns and recommendations:

Transitional justice

The Committee highlighted the **massive human rights violations** that occurred between July 1994 and January 2017. The Committee welcomed the **Truth, Reconciliation and Reparation Commission**, with a mandate to create an impartial historical record of violations and abuses of human rights during this period. However, it noted with concern that there is a delay in appointing the members of the Commission and establishing its secretariat; there are difficulties in accessing national archives to gather information; and there are reports of immunity enjoyed by high-level officials which have remained in power.

Recommendations

The Committee recommended that the State promptly **appoint members** to the Commission and ensure that it **functions effectively and independently**; the State should also repeal all provisions that allow impunity and ensure that **blanket amnesties are prohibited** for serious violations of international human rights law and humanitarian law.

Role of the Covenant in the domestic legal order

The Committee was concerned that the rights enshrined in the Covenant have not been fully incorporated in the Bill of Rights of the current Constitution. It was noted that some customary and Sharia laws were not in conformity with the Covenant.

Recommendations

The Committee recommended that the State **fully incorporate the bill of rights in its new Constitution** and other relevant domestic legislation and to take measures necessary to ensure that all laws are articulated, interpreted and applied in full compliance with the Covenant. This includes the provision of **trainings for all judicial and legal professionals**.

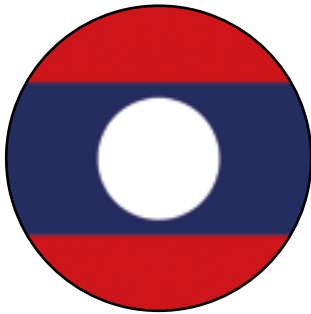
Torture, ill-treatment and prison conditions

The Committee received reports of **widespread torture, beatings and ill-treatment** by the police, security forces and correctional officers committed against individuals in public custody; it was also concerned about the **lack of prosecutions** of perpetrators given the absence of torture as a criminal offence in the Criminal Code, and the harsh and life-threatening **conditions in prisons**, in particular the overcrowding.

Recommendations

Gambia was asked to ensure that all allegations of torture and ill-treatment are **investigated** and that victims have **access to effective remedies**; to review the Criminal Code to **include torture as a criminal offence**; to prevent torture and ill-treatment through monitoring bodies on prison conditions; to **improve detention conditions**; and to ensure **investigations** into the circumstances surrounding deaths in custody and to bring justice.

- [Concluding observations](#)
- Webcast
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- Follow up report due: 27 July 2020
- Next periodic report due: 27 July 2022



Lao People's Democratic Republic

- 1st periodic review - 123th Session – July 2018
- 6 NGO reports for the session

Priority concerns and recommendations:

Right to participate in public life and right to vote

The Committee considered the principles and procedures governing the **nomination of candidates for elections and the restrictions on the freedom of expression, assembly and association**. In view of this, it concluded that these circumstances did not ensure the right of citizens to genuinely take part in the conduct of public affairs, to vote and to be elected. The Committee also expressed concerns about the denial of the right to vote and to stand for elections to **persons with intellectual or psychosocial disabilities and to prisoners serving their sentences**, and recalled that a blanket denial of prisoners' right to vote is not in compliance with the Covenant.

Recommendations

The Committee recommended that the State take all measures to guarantee the right of citizens to genuinely **take part in public affairs**. The State should also ensure that electoral legislation does not discriminate against specific groups by denying them the **right to vote**.

Enforced disappearances

The Committee expressed its concern about the **lack of a legal framework to define and criminalize all acts of enforced disappearance**, and about the prevalent pattern of impunity for such acts. It regrets the limited information provided by the State regarding the measures taken to investigate the cases of alleged enforced disappearance.

Recommendations

The Committee recommended that the State **promptly criminalize enforced** disappearance, in accordance with international standards; to step up efforts to conduct thorough, credible, impartial and transparent **investigations** into the alleged cases; to ensure that victims and their families are regularly informed of the investigations and receive full **reparation**.

Rights of persons belonging to minorities

The Committee was worried about reports of the **forced relocation of a number of ethnic minority communities** as a result of land grabbing and land concessions to economic development projects. These activities occurred **without adequate consultation** with the affected communities. The Committee also expressed concerns about reports of the Government's **persecution of the Hmong ethnic minority group**.

Recommendations

The Committee indicated that the State party should ensure that **meaningful consultations** are held with communities; that they participate in any process concerning their relocation, **without discrimination** and that **adequate compensation** is provided.

- [Concluding observations](#)
- Webcast [part 1](#) and [part 2](#)
- Follow up report due: 27 July 2020
- Next periodic report due: 27 July 2022



Liberia

- 1st periodic review - 123th Session – July 2018
- 10 NGO reports for the session

Priority concerns and recommendations:

Impunity and past human rights violations

The **Liberian Truth and Reconciliation Commission (TRC)** made significant progress in the transitional justice efforts, however **many of its recommendations were not implemented**. For instance, none of the alleged perpetrators of past human rights violations has been brought to justice and reparations to victims were limited, weakening the process of transitional justice.

Recommendations

The Committee recommended that the State party should promptly establish a **process of accountability for past human rights violations** that conforms to international standards. In particular, perpetrators should be prosecuted regardless of their status or immunities. The State should also **implement the recommendations of the TRC**, establish a comprehensive reparations scheme and foster reconciliation and peace.

Customary land

The Committee noted the slow pace in passing the **Land Rights Bill**, which aims notably to regulate the status of customary lands. In the meantime, local communities are unable to obtain title to customary lands and there is **no prior consultation with those communities**. This issue also disproportionately affects women with respect to ownership and control of land.

Recommendations

The State party should accelerate the **adoption of the Land Rights Bill** and ensure that it provides for equal land and property rights for women and men. It should also guarantee, in law and in practice, that **genuine consultations** are conducted with local communities.

Administration of justice and fair trial

The Committee was concerned about the considerable **backlog of court cases**, resulting in extended pretrial detention and prison overcrowding. This is caused by the shortage of judges, prosecutors and public defenders, as well as by alleged corruption within the judiciary. The **judicial independence** was also a challenge, due to interference of the executive power.

Recommendations

The Committee recommended that the State party should pursue its efforts to **reform the justice system**. Libera should increase the availability of **trained judges, prosecutors and public defenders** and promote the independence of the judiciary.

- [Concluding observations](#)
- Webcast [part 1](#) and [part 2](#)
- Follow up report due: 27 July 2020
- Next periodic report due: 27 July 2022



Lithuania

- 4th periodic review - 123th Session – July 2018
- 4 NGO reports for the session
- 1 NHRI report

Priority concerns and recommendations:

Discrimination of LGBTI persons

The Committee was concerned about the persistence of **stereotypical attitudes towards and lack of effective protection of LGBTI persons**. The legislation condemns gay marriage as a threat to the family unit, and **same-sex couples are not legally recognized**. Finally, persons who wish to legally **reassign their gender**, are often denied that right because of the lack of clarity in the legislation. The Committee also noted the existence of **hate crimes** against LGBTI persons and that no specific legal provision protects this group.

Recommendations

The Committee recommended that the State **eradicate discrimination against LGBTI** persons; and to ensure that legislation is not interpreted in a discriminatory manner. Lithuania should also **review relevant legislation** to fully recognize the equality of same-sex couples and enact legislation on gender reassignment and against hate speech.

Migrants and asylum seekers

The Committee was concerned about the **length of detention of migrants**, which can be up to 18 months. Alternatives to detention are rarely used and the lack of legal aid aggravates the situation. There was also a **lack of adequate reception conditions**, including of social and psychological services. The Committee was concerned about **denial of entry and failure to receive and register asylum applications**.

Recommendations

The Committee recommended that Lithuania **avoid placing asylum seekers in administrative detention** and provide effective alternatives to detention; to ensure that migrants have **access to legal aid** and are provided with information on their rights; to **improve reception conditions**; to **register all asylum applications**; and to **train staff** on asylum seekers and refugees' rights.

Persons deprived of liberty and detention conditions

The Committee was concerned at the increasing **length of pretrial detention** and the insufficient use of alternatives to detention, including bail. The Committee remained concerned about **overcrowding and poor living conditions** in places of detention, in particular with respect to substandard hygiene, poor nutrition, poor health services, limited time outside cells and substandard accommodation. The Committee was also concerned about allegations of **ill-treatment and excessive use of force** in certain detention facilities.

Recommendations

The Committee recommended that the State party should ensure that **alternatives to detention** are always considered and that pretrial detention is restricted; it should also expedite efforts to **improve detention conditions** and reduce overcrowding; and it should ensure that all allegations of ill-treatment by personnel in places of detention are promptly **investigated**.

- [Concluding observations](#)
- Webcast [part 1](#) and [part 2](#)
- Follow up report due: 27 July 2020
- Next periodic report due: 27 July 2024



Bulgaria

- 4th periodic report - 124th Session – October/November 2018
- 3 NGO reports for the session

Priority concerns and recommendations:

Hate speech and hate crimes

The Committee was concerned about increased acts of **hate speech and hate crimes**, particularly against the Roma community, religious minorities, LGBTI persons, migrants and asylum seekers. The incidents included racist and xenophobic speech in the media and online, from high-level government officials. The Committee expressed concerns that **sexual orientation and gender identity** (SOGI) are **not recognized** as hate motives or grounds of discrimination.

Recommendations

The Committee recommended that Bulgaria amend any applicable legislation to **explicitly include SOGI as grounds for hate motives or discrimination**, ensure that any **advocacy of ethnic or racial hatred** that constitutes incitement to discrimination, hostility or violence is **prohibited in law and in practice**, and that persons responsible for those acts are held **accountable**, including State officials; and to increase **investigations** into those acts.

National, ethnic and religious minorities

The Committee was concerned about acts of **vandalism and discrimination of places of worship**, which have rarely been prosecuted. Local legislation also **restricts religious freedom** and courts refuse to register religious denominations that are not the Bulgarian Orthodox Church. The Committee also referred to the new draft legislation targeting extremist religious groups, which had a **broad definition of “extremist”** and imposed prohibitions on certain religious groups. The Committee noted with concern the lack of effective participation of national minorities in public life.

Recommendations

The Committee recommended that the State ensure **investigations** into cases of hate crimes and discrimination against religious groups; guarantee the effective exercise of **freedom of religion** and refrain from any action that may unduly restrict it; **revise the**

draft legislation targeting extremist religious groups; promote the participation of national minorities in electoral processes; and **monitor the registration process** of associations.

Freedom of expression

The Committee was concerned about numerous **attacks, threats and harassment of journalists** which go unpunished, and political pressure on the media. It was also concerned about reports of excessive fines imposed on media and insufficient transparency of media ownership and financing, resulting in strong media concentration.

Recommendations

The Committee recommended that the State party continue **training public servants** on human rights standards relating to freedom of expression and assembly; to **protect journalists** against any form of harassment, attack or excessive use of force; to promptly **investigate** cases of violence and crimes against them; and to **increase media pluralism**.

- [Concluding observations](#)
- Webcast [part 1](#) and [part 2](#)
- Follow up report due: 2 November 2020
- Next periodic report due: 2 November 2023



Belize

- 1st periodic report - 124th Session – October/November 2018
- 2 NGO reports for the session

Priority concerns and recommendations:

Duty to protect the right to life

The Committee remained concerned at the increase in **homicide rates and the low number of prosecutions** of such offences. The Committee recalled that the positive obligations of States to ensure Covenant rights include the protection of individuals against acts committed by private persons or entities.

Recommendations

The Committee recommended that the State strengthen its efforts to protect the right to life of its citizens effectively by reinforcing the **financial and human resources of the police and judicial departments**; implementing **legislative amendments**; and conducting effective **investigations** into cases of (attempted) murder.

Discrimination based on sexual orientation and gender identity (SOGI)

The Committee welcomed that the Supreme Court recognized the unconstitutionality and discriminatory character of the criminalization of **same-sex sexual conduct** in the Criminal Code. However, it remained concerned about allegations that LGBTI individuals are subject to **de facto discrimination** on the basis of their SOGI. The Committee expressed concern about reports of **hate speech** in media targeting LGBTI persons with total impunity. It also noted with concern the existence of **violence, harassment and abuse of authority by the police**, together with the lack of effective investigations.

Recommendations

The Committee recommended to **repeal the section of the Criminal Code** that criminalizes same-sex sexual conduct between consenting adults; to explicitly reject any form of stigmatization, discrimination and violence against persons based on their SOGI and **combat hate speech** by public or private persons targeting LGBTI persons; to facilitate **access to justice** for victims of harassment, violence and police abuse; and to ensure **investigations**.

Refugees, asylum seekers and migrants

The Committee welcomed the reactivation of the Refugee Eligibility Committee, the organ in charge of the refugee status determination. However, it remained concerned about the **limited number of persons granted refugee status** since 2015. It was also concerned about the **strict implementation of refugee-related legislation** which provided a very short deadline to submit asylum claims. A last concern was about the **criminalization and detention of immigrants**, including the shared detention of unaccompanied minors and convicted persons.

Recommendations

The Committee recommended the State party to provide the Refugee Committee with **sufficient resources** to carry out its mandate; to ensure a **speedy and fair asylum process**; to refrain from detaining and deporting individuals who claim to fear returning to their country of origin; and to **segregate migrants from convicted criminals** if in detention.

- [Concluding observations](#)
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- Follow up report due: 2 November 2020
- Next periodic report due: 2 November 2023



Belarus

- 5th periodic report - 124th Session – October/November 2018
- 4 NGO reports for the session

Priority concerns and recommendations:

Views under the Optional Protocol and interim measures of protection

The Committee regretted that the State **failed to comply with its requests for interim measures**, and even explicitly refused to cooperate. This was particularly problematic in **death penalty** cases, as Belarus executed individuals before the Committee had decided on the cases. The Committee recalled that interim measures are essential to avoid irreparable damage and that by adhering to OP1, the State recognized the competence of the Committee to consider communications and should cooperate in good faith.

Recommendations

The Committee recommended that the State **revisit its position** on the death penalty and fulfil its current obligations: to cooperate with the Committee, to comply with requests for interim measures of protection, to fully implement all the decisions and to guarantee a remedy for the victims.

Death penalty

The Committee regretted the **lack of progress towards the abolition of the death penalty**: it continues to be imposed and enforced, and there is still no effective appeal mechanism against death sentences handed down by the Supreme Court as a court of first instance. Belarus fails to provide fair trial guarantees, to notify the date of execution to the persons on death row and to return the remains to the relatives.

Recommendations

The Committee recommended that the State party **abolish the death penalty** or at least to put in place a moratorium on executions as well as to commute all pending death sentences. Until abolition is established, the State should ensure that the death penalty is **never imposed in violation of the Covenant**, including without fair trial guarantees and an effective right of appeal.

Freedom of peaceful assembly

The Committee was concerned about [undue restrictions on the right to peaceful assembly](#), used to restrict the activities of political opposition: broad authorization requirements for protests; stringent conditions to grant authorization; disproportionate criminal and administrative sanctions against persons organizing or participating in protests; and excessive use of police force and mass detention of protesters.

Recommendations

The Committee recommended that the State revise its laws and practices, including the Mass Events Act, to guarantee the enjoyment of the freedom of assembly, and to ensure that any restrictions respect the requirements of the Covenant. The State should investigate all cases of excessive use of force by law enforcement and arbitrary detention of peaceful protesters.

- [Concluding observations](#)
- Webcast [part 1](#) and [part 2](#)
- Follow up report due: 2 November 2020
- Next periodic report due: 2 November 2022



Sudan

- 5th periodic report - 124th Session – October/November 2018
- 6 NGO reports for the session

Priority concerns and recommendations:

Impunity, effective remedies and reparations

The Committee remained concerned about allegations that **attacks by government** forces against civilians **remain unpunished** at the national level. Moreover, the State has also **refused to cooperate with the International Criminal Court**, which has issued arrest warrants against Sudanese nationals.

Recommendations

The Committee recommended that the State take measures to **end impunity** for human rights violations, by ensuring the prosecution of violations and by systematically conducting investigations, so that families of the victims have access to effective remedies and full reparation. The State should also ensure that persons involved in serious human rights violations are **excluded from positions of power**.

Death penalty

The Committee pointed out that **death penalty** remains imposed for crimes **other than the most serious crimes**, in particular undermining the constitutional order, espionage, apostasy, adultery, aggravated acts of trafficking and sodomy. The Committee was concerned that **execution by stoning and crucifixion** remained legal, as well as executions of **children**.

Recommendations

The Committee recommended that the State **revoke these methods** of punishment and to consider imposing a **moratorium** on the death penalty as well as ratifying OP2. In the meantime, the State party should **restrict the crimes** for which the death penalty may be imposed, to the most serious ones. The Committee urged the State to revise the legislation to ensure that the death penalty is **never imposed to persons under 18 years** of age.

Freedom of expression, peaceful assembly and association

The Committee was concerned about reports of increased **restrictions imposed upon civic space** in Sudan. This included arrests of journalists, human rights defenders and political activists, closure and confiscation of newspapers, travel bans on journalists, the revocation of licenses, and restrictions of public meetings.

Recommendations

The Committee recommended that Sudan **review its legislation** and practice to ensure that any restrictions on the freedom of expression, assembly and association comply with the Covenant. Additionally, the State should **release from prison** all persons whose convictions stem from having exercised these rights, and grant them compensation. The State should also **investigate**, prosecute and convict persons responsible for harassment or intimidation.

- [Concluding observations](#)
- Webcast [part 1](#) and [part 2](#)
- Follow up report due: 2 November 2020
- Next periodic report due: 2 November 2022



Guinea

- 3rd periodic report - 124th Session – October/November 2018
- 2 NGO reports for the session

Priority concerns and recommendations:

Combating corruption

The Committee noted the adoption of the new Anti-Corruption Act, which includes the principle of transparency and the establishment of the National Agency for Combating Corruption. However, it also noted with concern that **corruption in Guinea remains a systemic phenomenon** that weakens the rule of law and leads to violations of the Covenant.

Recommendations

The Committee recommended that Guinea steps up its efforts to combat corruption and impunity, including by **implementing the Anti-Corruption Act** in practice; ensuring that the National Agency is a **fully independent and effective** body with sufficient resources; and establishing a robust policy, including **remedies and adequate investigations** into those acts.

Past human rights violations, combating impunity and promoting reconciliation

The Committee expressed concern about the **serious human rights violations** that have been committed, in particular between 2007 and 2014. It noted with regret the slow progress of investigations and the reduced number of prosecutions and penalties, as this has fostered a climate of **de facto impunity**. The Committee noted the State's cooperation with the International Criminal Court, but it regretted the long delays and reports indicating that individuals involved in these events continue to occupy important decision-making positions.

Recommendations

The Committee recommended that the State **carry on investigations and trials**, and to impose penalties for past human rights violations; to ensure that all persons suspected of serious violations, including members of the Government, are **suspended from their duties** for the duration of the investigation; to guarantee that all victims and members of their families receive **full reparation**.

Torture and cruel, inhuman and degrading treatment

The Committee regretted that certain acts, such as electric shocks or burns, are categorized as cruel and inhuman treatment in the Criminal Code, even though they constitute torture. It is also concerned that **torture still frequently practiced**, in particular in police custody centres.

Recommendations

The Committee recommended that the State **update its legislative framework** to ensure that the acts described in the Criminal Code are categorized as torture; to ensure that all suspected cases of torture or ill-treatment are thoroughly **investigated** and that the victims receive **reparations**; and to establish a **national mechanism for the prevention of torture**.

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Section 5:

Individual communications

Out of **72** individual communications that were decided by the Committee in 2018, this is the geographical distribution of the cases:

Country	N° of Claims
Belarus	15
Denmark	7
France	4
Russian Federation	4
Canada	4
Colombia	4
Maldives	3
Nepal	3
Turkmenistan	2
Uzbekistan	2
Australia	2
Bolivia	2
Tajikistan	2
Netherlands	2
Finland	2
Armenia	2
Algeria	1
Cameroon	1
Ukraine	1
Republic of Korea	1
Turkey	1
Azerbaijan	1
Mexico	1
Hungary	1
Spain	1
Ecuador	1
Kazakhstan	1
Senegal	1
Kyrgyzstan	1

In 2018, **189** new individual communications were received – not yet decided – by the Human Rights Committee. This is the distribution among the State parties:

Country	N° of Claims
Belarus	36
Angola	17
Kyrgyz Republic	15
Russian Federation	15
Sweden	11
Kazakhstan	10
Spain	10
Uzbekistan	10
Australia	5
Canada	5
Latvia	5
Netherlands	4
South Africa	4
Turkmenistan	4
Denmark	3
France	3
Mexico	3
Azerbaijan	2
Bosnia and Herzegovina	2
Cameroon	2
Ecuador	2
Lithuania	2
Algeria	1
Argentina	1
Armenia	1
Belgium	1
Bolivia	1
Bulgaria	1
Colombia	1
Czech Republic	1
Finland	1
Germany	1
Maldives	1
Mauritius	1
Nepal	1
New Zealand	1
Panama	1
Republic of Moldova	1
Slovakia	1
Tajikistan	1
Venezuela	1

Section 6:

General Comment 36 on Art. 6 ICCPR

After almost four years, the Human Rights Committee adopted *General Comment no. 36 on the right to life* (https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fGC%2f36&Lang=en), in October 2018. The Committee considers the right to life as a **supreme right**, from which States cannot derogate (§2). It analyzed the relationship between the right to life and **other human rights**, as well as other norms of international law. The Committee discussed in great detail the death penalty, weapons of mass destruction, abortion, effective control and climate change.

“The right to life is the prerequisite for the enjoyment of all other human rights. The general comment provides a rich and authoritative statement of the obligations deriving from the right to life, which the Committee defines as ‘the supreme right’.”

- Yuval Shany, Vice-Chair of the Human Rights Committee and Rapporteur of the General Comment

Death penalty

Several aspects of the death penalty are treated at length in the general comment, including legal methods of execution, the fact that the death penalty should only be imposed for the most serious crimes and the importance of fair trial guarantees. The Committee emphasized the value and importance of the abolitionist spirit of the document (§34), noting that **States should move in the direction of abolition** and that death penalty cannot be reintroduced if it has already been abolished.

Weapons of mass destruction

The Committee stresses the **importance of prohibiting weapons of mass destruction** (§66). According to the Committee, there is a link between the right to life and the obligations of States in combatting the proliferation of nuclear weapons and to negotiate in good faith to achieve nuclear disarmament.

International Humanitarian Law

The Committee also addressed the link between International Human Rights Law and International Humanitarian Law. The Committee clarified that both branches of law are **mutually complementary** (§64).

Abortion

The Committee made a link between the **restrictions on access to abortion, including its criminalization, and its consequences on the right to life of women** (§8): abortion should

be available in cases where the life and health of the pregnant woman or girl is at risk, where the pregnancy is not viable and in cases where carrying the pregnancy to term would cause substantial pain to the pregnant woman or girl.

Extraterritorial application of human rights

Turning to the obligation of States to respect the rights of all persons who are found within their territory and subject to their jurisdiction, the Committee **confirmed the concept of effective control**. As paragraph 63 states, 'this includes persons located outside any territory effectively controlled by the State, whose right to life is nonetheless impacted by its military or other activities in a direct and reasonably foreseeable manner'.

Climate change

The General Comment also contains an important paragraph on the link between climate change and the right to life. It includes the concepts of environmental degradation, private and public actors, the requirements for States to develop environmental standards and the principle of precaution. Paragraph 62 indicates that the 'implementation of the obligation to respect and ensure the right to life, and in particular **life with dignity, depends, inter alia, on measures taken by States parties to preserve the environment** and protect it against harm, pollution and climate change caused by public and private actors.

Read the **final text** of the General Comment [here](#).

Consult the webcast of the debates that took place in the 124th session:

[part 1](#), [part 2](#), [part 3](#), and [part 4](#). More debates took place in previous sessions: 123, 122, 121, 120. They can be found [here](#).

Next General Comment: The Human Rights Committee decided that the topic of the next General Comment would be article 21 on the right to peaceful assembly.



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