



## International Covenant on Civil and Political Rights

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### Human Rights Committee

#### 101st session

New York, 14 March–1 April 2011

### Report of the Special Rapporteur for follow-up on concluding observations

(101st session, March 2011)

The report below sets out the information received by the Special Rapporteur for follow-up on concluding observations and steps taken by the Special Rapporteur pursuant to the Committee's amended rules of procedure. The information on States appearing in boldface refers to activities undertaken by the Special Rapporteur between the 100th and 101st sessions which require action by the Committee.

For reasons of space, the report does not cover those States parties with respect to which the Committee has completed its follow-up activities, including all States parties which were considered from the seventy-first session (March 2001) to the eighty-sixth session (March 2006).

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\* Reissued for technical reasons.

## Eighty-seventh session (July 2006)

### UNMIK

**Report considered:** Report by UNMIK on the human rights situation in Kosovo, submitted on 2 February 2006.

**Information requested:**

Para. 12: Investigation of all outstanding cases of war crimes, crimes against humanity and ethnically motivated crimes committed before and after 1999; prosecution of perpetrators; compensation for victims; introduction of effective witness-protection programmes; full cooperation with prosecutors of the International Criminal Tribunal for the former Yugoslavia (articles 2, 3, 6 and 7 of the Covenant).

Para. 13: Effective investigation of all outstanding cases of disappearances and abductions; prosecution of perpetrators; ensure that relatives of disappeared and abducted persons have access to information about victims' fate and to adequate compensation (articles 2, 3, 6 and 7 of the Covenant).

Para. 18: Intensify efforts to ensure safe conditions for sustainable returns of displaced persons, in particular those belonging to minorities; ensure that they may recover their property, receive compensation for damage done and benefit from rental schemes for property temporarily administered by the Kosovo Property Agency (article 12 of the Covenant).

**Date information due:** 1 January 2007

**Date information received:**

*11 March 2008* Partial reply (responses incomplete with regard to paragraphs 13 and 18).

*7 November 2008* Partial reply (responses incomplete with regard to paragraphs 13 and 18).

*12 November 2009* Information received (recommendations implemented in parts, not in others).

**Action taken:**

*Between April and September 2007* Three reminders were sent.

*10 December 2007* The Special Rapporteur requested a meeting with the Special Representative of the Secretary-General (SRSG) or a representative designated by the SRSG, to be convened during the ninety-second session.

*11 June 2008* The Special Rapporteur requested a meeting with a representative of UNMIK.

*22 July 2008* During the ninety-third session, the Special Rapporteur met with Mr. Roque C. Raymundo, Senior Human Rights Adviser to UNMIK, who provided additional written and oral information on paragraphs 12, 13 and 18 and undertook to submit further information on (a) cases where perpetrators of disappearances and abductions were tried and sentenced, access by relatives to information about the fate of victims, and measures taken to secure adequate resources for victim compensation schemes (para. 13); and (b) measures taken to implement the strategies and policies to ensure safe and sustainable returns, in particular for minority returnees, as well as to ensure that minority returnees benefit from the special rental scheme of the Kosovo Property Agency (para. 18). The meeting was also attended by a representative of the OHCHR Pristina Office.

*3 June 2009* A letter was sent to request additional information.

*27 August 2009* A reminder was sent.

*28 September 2010* (sent late) While taking note of the cooperativeness of UNMIK, the Committee sent a letter in which it noted the measures taken but indicated that none of the recommendations has been fully implemented.

**Recommended action:** Send a request for a meeting at the Committee's next session between the Special Representative of the Secretary-General at UNMIK and the Special Rapporteur.

## Eighty-eighth session (October 2006)

### State party: Bosnia and Herzegovina

**Report considered:** Initial report (due in 2003), submitted on 24 November 2005.

#### Information requested:

Para. 8: Reopening of the public debate and talks on constitutional reform with a view to adopting an electoral system that guarantees equal enjoyment of the rights under article 25 of the Covenant to all citizens, irrespective of ethnicity (articles 2, 25 and 26 of the Covenant).

Para. 14: Investigation of all unresolved cases of missing persons; ensure that the Institute for Missing Persons becomes fully operational in accordance with the Constitutional Court's decision of 13 August 2005; ensure that the central database of missing persons is finalized and accurate; ensure that the Fund for Support to Families of Missing Persons is secured and that payments to families commence as soon as possible (articles 2, 3, 6 and 7 of the Covenant).

Para. 19: Improvement of material and hygiene conditions in detention facilities, prisons and mental health institutions in both Entities; adequate treatment of mental health patients; transfer of all patients from Zenica Prison Forensic Psychiatric Annex; ensure that Sokolac Psychiatric Hospital meets international standards (articles 7 and 10 of the Covenant).

Para. 23: Review of relocation plan for the Roma settlement at Butmir; alternative solutions to prevent pollution of water supply; ensure that any relocation is carried out in a non-discriminatory manner and in compliance with international human rights standards (articles 2, 17 and 26 of the Covenant).

**Date information due:** 1 November 2007

#### Date information received:

*21 December 2007* Partial reply (responses incomplete with regard to paragraphs 8, 14, 19 and 23).

*1 November 2008* Partial reply (responses incomplete with regard to paragraphs 8, 14, 19 and 23).

*4 March 2009* Partial reply (responses incomplete with regard to paragraphs 8, 14, 19 and 23).

*14 December 2009* Supplementary follow-up report received (implementation begun but not completed, para. 8; response partially largely satisfactory, partially incomplete, para. 14; response partially largely satisfactory, partially incomplete, para. 19; response cooperative but incomplete, para. 23).

*4 February 2011* Letter from the Permanent Mission of Bosnia and Herzegovina pointing out that the replies to the questions asked in the letter of 16 December had already been given on 21 December 2007 in the replies to the concluding observations.

**Action taken:**

*17 January 2008* A reminder was sent.

*22 September 2008* The Special Rapporteur requested a meeting with a representative of the State party.

*31 October 2008* During the ninety-fourth session, the Special Rapporteur met with a representative of the State party, who informed him that the State party's replies to the Committee's additional follow-up questions have been prepared and will be submitted as soon as the Government has approved them.

*29 May 2009* Additional information was requested.

*27 August 2009* A reminder was sent.

*11 December 2009* A reminder was sent.

*16 December 2010* A letter was sent in which, while taking note of the cooperativeness of Bosnia and Herzegovina, it was indicated that the information provided by the State party was considered to be incomplete with regard to certain questions – concerning the Fund for Support to the Families of Missing Persons, no indication is given as to when the legislative amendments are to be adopted, nor as to how the Fund is financed (para. 14); no additional information is provided concerning the situation at the Sokolac Psychiatric Hospital and the Zenica Prison Forensic Psychiatric Annex (para. 19); concerning the relocation plan for the Roma settlement at Butmir and the right to compensation, the need for adequate financial compensation should be reviewed, such compensation being required in any case in situations of forced expulsion or expropriation by the public authorities (para. 23). The State party was invited to respond to all concluding observations in its next periodic report, due on 1 November 2010.

**Recommended action:** None.

**Next report due:** 1 November 2010

**State party: Honduras**

**Report considered:** Initial report (due in 1998), submitted on 21 February 2005.

**Information requested:**

Para. 9: Investigations into all cases of extrajudicial executions of children; prosecution of those responsible; compensation for relatives of victims; establishment of an independent mechanism, such as a children's ombudsman; training for officials dealing with children; public awareness-raising campaigns (articles 6 and 24 of the Covenant).

Para. 10: Monitoring of all weapons belonging to the police; human rights training for the police in accordance with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; investigations into allegations of excessive use of force; prosecution of those responsible; compensation for victims of their relatives (articles 6 and 7 of the Covenant).

Para. 11: Identification of the causes of the growing numbers of street children; programmes to address those causes; provision of shelter to street children; identification of, compensation for and assistance to victims of sexual abuse; prosecution of those responsible (articles 7, 8 and 24 of the Covenant).

Para. 19: Ensure the full exercise by members of indigenous communities of the right to enjoy their own culture; settlement of problems related to ancestral indigenous lands (article 27 of the Covenant).

**Date information due:** 1 November 2007

**Date information received:**

*7 January 2007* Information on paragraph 18 (article 16 of the Covenant), which the Committee did not identify as a priority in its concluding observations.

*15 October 2008* Partial reply (responses incomplete with regard to paragraphs 9, 10, 11 and 19).

*22 October 2010* Additional information has been received on the following: the investigations and prosecutions carried out and the convictions and penalties handed down, para. 9 (partial reply): measures to guarantee access to education and medical services for members of indigenous communities, para. 19 (partial reply): measures required to resolve the problem of indigenous ancestral lands, para. 19 (partial reply).

**Action taken:**

*17 January 2008* A reminder was sent.

*11 June 2008* A further reminder was sent.

*22 September 2008* The Special Rapporteur requested a meeting with a representative of the State party.

*10 December 2008* A request for additional information was sent.

*6 May 2009* A reminder was sent to the State party.

*27 August 2009* A further reminder was sent.

*2 February 2010* The Special Rapporteur requested a meeting with a representative of the State party.

*25 June 2010* The Special Rapporteur requested a meeting with a representative of the State party.

*28 September 2010* (sent late) The Special Rapporteur requested a meeting with a representative of the State party.

*21 October 2010* Consultations were held during the 100th session. The delegation agreed to transmit to the Government the request by the Special Rapporteur and the Committee.

*16 December 2010* A letter was sent to the State party inviting it to reply to the concluding observations as a whole in its next periodic report, which was due on 31 October 2010.

**Recommended action:** None.

**Next report due:** 31 October 2010

**State party:** Ukraine

**Report considered:** Sixth periodic report, submitted (on time) on 1 November 2005.

**Information requested:**

Para. 7: Ensure the safety and proper treatment of all persons held in custody by the police; measures to guarantee freedom from torture and ill-treatment; establishment of an independent police complaints mechanism; video surveillance of interrogations of criminal suspects; independent inspection of detention facilities (article 6 of the Covenant).

Para. 11: Guarantee the right of detainees to be treated humanely and with respect for their dignity; reduce prison overcrowding including by using alternative sanctions; provide hygienic facilities; ensure access to health care and adequate food (article 10 of the Covenant).

Para. 14: Protection of freedom of expression; investigation and prosecution of attacks on journalists (articles 6 and 19 of the Covenant).

Para. 16: Protection of all members of ethnic, religious or linguistic minorities against violence and discrimination; provision of robust remedies against these problems (articles 20 and 26 of the Covenant).

**Date information due:** 1 December 2007

**Date information received:**

*19 May 2008* Partial reply (responses incomplete with regard to paragraphs 7, 11, 14 and 16).

*28 August 2009* Supplementary follow-up report received (para. 7: some recommendations not implemented, some replies incomplete; para. 11: replies satisfactory in parts, incomplete in others; para. 14: replies incomplete; para. 16: replies satisfactory in parts, incomplete in others).

**Action taken:**

*17 January 2008* A reminder was sent.

*16 December 2008* Additional information was requested.

*6 May 2009* A reminder was sent to the State party.

*26 April 2010* A letter was sent indicating that the procedure was complete with regard to the issues concerning which the replies supplied by the State party were considered to be largely satisfactory: provision of hygienic facilities and adequate food in detention facilities (para. 11); and claims for restitution of Muslim property (para. 16). The letter also included a request for additional information on certain questions: investigation of deaths in detention (para. 7); relieving prison overcrowding (para. 11); use of alternative sanctions to reduce the prison population (para. 11); protection of freedom of opinion and expression (para. 14); and availability of remedies for discrimination based on the victim's ethnic, linguistic or religious identity (para. 16). Lastly, the letter highlighted a number of points concerning which the Committee considered that its recommendations had not been implemented: establishment of an independent police complaints mechanism (para. 7); and the introduction of a system for videotaping the interrogation of criminal suspects as a safeguard (para. 7).

*28 September 2010* (sent late) A reminder was sent.

**Recommended action:** Send a further reminder.

**Next report due:** 2 November 2011

## Eighty-ninth session (March 2007)

### State party: Barbados

**Report considered:** Third periodic report (due in 1991), submitted on 18 July 2006.

**Information requested:**

Para. 9: Consider the abolition of the death penalty and accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; remove prescription of mandatory death sentences from relevant laws and ensure that such laws are compatible with article 6 of the Covenant (article 6 of the Covenant).

Para. 12: Eliminate corporal punishment as a legitimate sanction and discourage its use in schools; measures towards the abolition of corporal punishment (articles 7 and 24 of the Covenant).

Para. 13: Decriminalization of sexual acts between adults of the same sex, protection of homosexuals from harassment, discrimination and violence (article 26 of the Covenant).

**Date information due:** 1 April 2008

**Date information received:**

*31 March 2009* Partial reply received (para. 9: partly largely satisfactory, partly recommendations not implemented; para. 12: recommendations not implemented; para. 13: recommendations not implemented and replies incomplete).

**Action taken:**

*11 June 2008* A reminder was sent.

*22 September 2008* A further reminder was sent.

*16 December 2008* The Special Rapporteur requested a meeting with a representative of the State party.

*31 March 2009* During the ninety-fifth session, the Special Rapporteur met with the Ambassador of the State party, who provided him with the reply to questions concerning follow-up to the concluding observations.

*29 July 2009* (sent late) A letter was sent to request additional information and to state that the follow-up procedure with respect to certain issues is considered complete due to non-implementation of the recommendations. The letter also invites the State party to report on these issues in its next periodic report.

*23 April 2010* A reminder was sent.

*28 September 2010* (sent late) A reminder was sent.

**Recommended action:** None.

**Next report due:** 29 March 2011

### State party: Chile

**Report considered:** Fifth periodic report (due in 2002), submitted on 8 February 2006.

**Information requested:**

Para. 9: Ensure that serious human rights violations committed under the dictatorship are punished; ensure that those responsible for such acts are in fact prosecuted; scrutinize the

suitability to hold public office of persons who have served sentences for such acts; publication of all the documentation collected by the Truth and Reconciliation Commission and the National Commission on Political Prisoners and Torture that may help to identify those responsible for extrajudicial executions, forced disappearances and torture (articles 2, 6 and 7 of the Covenant).

Para. 19:

(a) Ensure that negotiations with indigenous communities lead to a solution that respects their land rights; expedite procedures to recognize such ancestral lands;

(b) Amendment of Act No. 18314 to bring it in line with article 27 of the Covenant; review of any sectoral legislation that may contravene the rights spelled out in the Covenant;

(c) Consultation of indigenous communities before granting licences for the economic exploitation of disputed lands; ensure that such exploitation will not violate the rights recognized in the Covenant (articles 1 and 27 of the Covenant).

**Date information due:** 1 April 2008

**Date information received:**

*21 and 31 October 2008* Partial reply (responses incomplete with regard to paragraphs 9 and 19).

*28 May 2010* Supplementary follow-up report received (responses incomplete with regard to certain questions raised in paragraphs 9 and 19).

*31 January 2011* Letter from the Permanent Mission of Chile requesting clarification on the additional information requested by the Committee.

**Action taken:**

*11 June 2008* A reminder was sent.

*22 September 2008* A further reminder was sent.

*10 December 2008* A request for additional information was sent.

*22 June 2009* The Special Rapporteur requested a meeting with a representative of the State party.

*28 July 2009* The Special Rapporteur held a meeting with representatives of the State party in order to discuss some issues relating to paragraphs 9 and 19. The Ambassador informed the Special Rapporteur that the State party's replies to the Committee's request for additional follow-up information are currently being prepared and will be submitted as soon as possible.

*11 December 2009* A reminder was sent.

*23 April 2010* A further reminder was sent.

*16 December 2010* While taking note of the cooperativeness of the State party, a letter was sent requesting additional information on: the steps taken to ascertain the suitability of persons who have served sentences for committing human rights violations to hold public office (para. 9); and the publication of all documentation collected by the Truth and Reconciliation Commission and the National Commission on Political Prisoners and Torture (CNPPT) that may help identify those responsible for extrajudicial executions (para. 9). The letter also indicated that implementation of the recommendations was considered to be incomplete with regard to: the statute of limitations for serious human rights violations (para. 9); the steps taken to ensure respect for and recognition of the land rights of indigenous communities (para. 19); and the application of antiterrorist legislation

(Act No. 18314) in place of the Criminal Code (para. 19).

**Recommended action:** In light of the request sent by the State party on 31 January 2011, the Committee should send a letter to clarify the information requested in its letters of 23 April 2010 and 31 January 2011.

**Next report due:** 27 March 2012

**State party: Madagascar**

**Report considered:** Third periodic report (due in 1992) submitted on 24 May 2005.

**Information requested:**

Para. 7: Ensure the resumption of the work of the National Human Rights Commission, in accordance with the Paris Principles; provision of adequate resources for the Commission to fulfil its role effectively, fully and regularly (article 2 of the Covenant).

Para. 24: Ensure the proper functioning and adequate funding of the judiciary; immediate release of detainees whose case files are missing (articles 9 and 14 of the Covenant).

Para. 25: Ensure that any case registered may be heard without excessive delay (articles 9 and 14 of the Covenant).

**Date information due:** 1 April 2008

**Date information received:**

*3 March 2009* Partial reply (responses incomplete with regard to paragraphs 7, 24, 25).

**Action taken:**

*11 June 2008* A reminder was sent.

*22 September 2008* A further reminder was sent.

*16 December 2008* The Special Rapporteur requested a meeting with a representative of the State party.

*29 May 2009* Additional information was requested.

*3 September 2009* A reminder was sent.

*11 December 2009* A reminder was sent.

*25 June 2010* The Special Rapporteur requested a meeting with a representative of the State party.

*28 September 2010* (sent late) A reminder was sent.

**Next report due:** 23 March 2011

## **Ninetieth session (July 2007)**

**State party: Czech Republic**

**Report considered:** Second periodic report (due on 1 August 2005), submitted on 24 May 2006.

**Information requested:**

Para. 9: Measures to eradicate all forms of police ill-treatment, in particular:

(a) Establishment of an independent mechanism for the investigation of complaints about actions of law enforcement officials;

(b) Initiation of disciplinary and criminal proceedings against alleged perpetrators, and compensation for victims; and

(c) Police training on the criminal nature of excessive use of force (articles 2, 7, 9 and 26 of the Covenant).

Para. 14: Measures to prevent unnecessary psychiatric confinement; ensure that all persons without full legal capacity are placed under guardianship representing and defending their wishes and interests; effective judicial review of the lawfulness of the admission and detention in health institutions of each person (articles 9 and 16 of the Covenant).

Para. 16: Measures to combat discrimination against Roma (articles 2, 26 and 27 of the Covenant).

**Date information due:** 1 August 2008

**Date information received:**

*18 August 2008* Partial reply (response incomplete with regard to paragraphs 9, 14 and 16).

*22 March 2010 and 1 July 2010* Supplementary follow-up report received (partial reply, incomplete with regard to paragraphs 9, 14 and 16).

**Action taken:**

*11 June 2008* A reminder was sent.

*10 December 2008* Additional information was requested.

*6 May 2009* A reminder was sent to the State party.

*6 October 2009* A further reminder was sent.

*February 2010* The Special Rapporteur requested a meeting with a representative of the State party.

**Recommended action:** The additional replies of the State party should be considered at the next session.

**Recommended action:**

While taking note of the cooperativeness of the State party, a letter should be sent pointing out that the information provided was considered as being on the whole satisfactory with regard to the following points: the need for adequate training of police personnel (para. 9 (c)); the evaluation of a person's mental condition as a basis for confinement (para. 14 (a)); the judicial review procedure for placement in a medical facility (para. 14 (c)); the institution of mechanisms for surveillance of discrimination (para. 16 (c)); training for the Roma population and their access to employment (para. 16 (d)); and measures taken to combat prejudice against the Roma (para. 16 (f)).

The letter should also indicate that the information provided on certain questions is considered to be incomplete or inadequate: the institution of an independent investigative mechanism, para. 9 (a) (the State should keep us informed about the legislative outcome of the bill); compensation for the victims of police violence, para. 9 (b) (the State should in future provide complete and regularly updated statistics on the compensation awarded); and

the practice of abusive expulsions in the private sector, para. 16 (e) (the State should reconsider its reply; the Committee is of the view that access to housing is in no way exclusively a matter of private law, but also the result of State policy and of legislation concerning the protection of vulnerable minorities, especially the Roma, against abusive expulsions).

Lastly, the letter should indicate that no information has been provided about the administration of guardianship that safeguards the interests of interned patients (para. 14 (b)).

**Next report due:** 1 August 2011

### **State party: Sudan**

**Report considered:** Third periodic report (due on 7 November 2001), submitted on 28 June 2006.

#### **Information requested:**

Para. 9:

(a) Measures to ensure that State agents and militia under State control put an immediate end to human rights violations;

(b) Ensure that State bodies and agents afford protection to victims of serious violations committed by third parties;

(c) Take measures, including cooperation with the International Criminal Court, to ensure that all human rights violations are investigated, and that those responsible, including State agents and militia members, are prosecuted at national or international level;

(d) Ensure that no financial support or material is channelled to militias that engage in ethnic cleansing or the deliberate targeting of civilians;

(e) Abolish all immunity in the new legislation governing the police, armed forces and national security forces;

(f) Ensure that no amnesty is granted in cases of the commission of serious crimes;

(g) Ensure appropriate reparation for victims of serious human rights violations (articles 2, 3, 6, 7 and 12 of the Covenant).

Para. 11:

(a) Ensure that victims of serious human rights violations have access to effective remedies, including compensation;

(b) Provide the human and financial resources required for the efficient functioning of the Sudanese legal system, particularly the special courts and tribunals established to try crimes committed in the Sudan (articles 2, 6 and 7 of the Covenant).

Para. 17: Put an end to all recruitment and use of child soldiers; ensure that disarmament, demobilization and reintegration commissions are adequately staffed and funded; measures to speed up the establishment of a civil register and to ensure that all births are registered throughout the country (articles 8 and 24 of the Covenant).

**Date information due:** 1 August 2008

**Date information received:**

*19 October 2009* Follow-up report received (responses incomplete with regard to paragraphs 9, 11 and 17). The annexes have not been received, however, despite repeated requests by the secretariat.

**Action taken:**

*22 September 2008* A reminder was sent.

*19 December 2008* A further reminder was sent.

*22 June 2009* The Special Rapporteur requested a meeting with a representative of the State party.

*7 October 2009* The Special Rapporteur requested a meeting with a representative of the Sudan

*26 February 2010* A note verbale requesting the annexes was sent.

*16 December 2010* A letter was sent in which, while taking note of the cooperativeness of the State party, it was indicated that the information provided by the State party with regard to paragraphs 9, 11 and 17 is considered to be incomplete. The State party was also thanked for its replies to paragraphs 7, 8, 10, 12, 15, 16, 18, 20, 23, 24, 27 and 28, which it was not required to provide, since the request concerned the next periodic report. The State party was invited to reply to the concluding observations as a whole in its next periodic report, which has been due since 26 July 2010.

**Recommended action:** None.

**Next report due:** 26 July 2010

**State party: Zambia**

**Report considered:** Third periodic report (due on 30 June 1998), submitted on 16 December 2005.

**Information requested:**

Para. 10: Measures to increase the resources and powers granted to the Zambian Human Rights Commission (article 2 of the Covenant).

Para. 12: Measures to bring article 23 of the Constitution in line with articles 2, 3 and 26 of the Covenant.

Para. 13: Measures to bring customary laws and practices in line with the Covenant, particularly with regard to women's rights (articles 2 and 3 of the Covenant).

Para. 23: Development of alternative measures to imprisonment; ensure trials without unreasonable delay; measures to improve conditions and reduce overcrowding in prisons and detention facilities (articles 7, 9 and 10 of the Covenant).

**Date information due:** 1 August 2008

**Date information received:**

*9 December 2009* Follow-up report received (para. 10: no reply; paras. 12, 13 and 23: replies incomplete).

*28 January 2011* Implementation begun (paras. 10 (a) and 23 (b)) but not completed (para. 10 (a), (c) and (d); paras. 12 and 13; and para. 23 (a), (b) and (c)).

**Action taken:**

*Between September 2008 and May 2009* Three reminders were sent.

*7 October 2009* The Special Rapporteur requested a meeting with a representative of Zambia.

*28 October 2009* The Special Rapporteur met with a representative of the State party and discussed some points relating to the information requested. The representative of the State party informed the Special Rapporteur that the replies of the State party to the Committee's follow-up questions are currently being prepared and will be submitted as soon as possible (November 2009).

*26 April 2010* A letter was sent requesting additional, more specific information on certain questions.

*28 September 2010 (sent late)* A reminder was sent.

**Recommended action:** While taking note of the cooperativeness of the State party, a letter should be sent inviting it to address all the concluding observations in its next periodic report, which was due on 20 July 2010.

The Committee should invite the State party to include information on the points to which the replies given in the follow-up report were considered inadequate: the mandate of the Zambian Human Rights Commission (para. 10 (c)); the adequacy of the funds allocated to the Commission to meet its needs (para. 10 (a)); the proportion of cases in which alternatives to imprisonment are used (para. 23 (a)); the actual impact of the measures introduced to reduce pretrial custody (para. 23 (b)); the measures taken to ensure that prisoners have access to health care and nutritious food in prisons (para. 23 (c)); the impact of the constitutional reform on the mandate and functions of the Zambian Human Rights Commission (para. 10 (c)); the outcome of the review of the Commission's status, due in 2011 (para. 10 (d)); and the measures taken to achieve progress with the review of part III and in particular of article 23 of the Constitution and to set in motion the process for the submission of the draft to a referendum, pursuant to the Act on the National Constitutional Conference (para. 12).

Finally, the Committee should point out that it considers that the recommendation concerning the compliance of customary laws and practices with the rights provided for in the Covenant, particularly with regard to the rights of women and their participation in the ongoing review and codification process of customary laws and practices (para. 13), has not been implemented.

**Next report due:** 20 July 2011

## Ninety-first session (October 2007)

### State party: Georgia

**Report considered:** Third periodic report (due on 1 April 2006), submitted on 1 August 2006.

#### Information requested:

Para. 8: Compilation of statistical data on incidents of domestic violence; investigation of complaints related to domestic violence and institution of criminal proceedings against

perpetrators; protection of victims of domestic violence (articles 3, 23 and 26 of the Covenant).

Para. 9: Prompt and impartial investigation of complaints about excessive use of force by law enforcement officers; initiation of criminal investigations against perpetrators; training for law enforcement officers; provision of compensation to victims (article 6 of the Covenant).

Para. 11: Measures to improve the conditions of persons deprived of their liberty, especially measures to put an end to prison overcrowding (article 10 of the Covenant).

**Date information due:** 1 November 2008

**Date information received:**

*13 January 2009* Partial reply (response incomplete with regard to paragraphs 8, 9 and 11).

*28 October 2009* Additional information submitted (para. 8: replies satisfactory in parts, incomplete in others; para. 9: replies satisfactory in parts, incomplete in others; para. 11: replies satisfactory in parts, incomplete in others).

**Action taken:**

*16 December 2008* A reminder was sent.

*29 May 2009* Additional information was requested.

*27 August 2009* A reminder was sent.

*28 September 2010* (sent late) While taking note of the cooperativeness of the State party, the Committee sent a letter requesting additional, more specific information on a number of questions: investigations into complaints related to domestic violence and other acts of violence against women (para. 8); protection of victims of domestic violence, including by establishing a sufficient number of shelters (para. 8); impartial investigations into complaints about the excessive use of force by law enforcement officials (para. 9); prosecution of the perpetrators of such acts (para. 9); and steps to end prison overcrowding (para. 11).

**Recommended action:** Send a reminder.

**Next report due:** 1 November 2011

**State party: Libyan Arab Jamahiriya**

**Report considered:** Fourth periodic report (due on 1 October 2002), submitted on 6 December 2005.

**Information requested:**

Para. 10: Adoption of legislative and other measures to combat violence against women (articles 3, 7 and 26 of the Covenant).

Para. 21: Adoption of the new penal code within a reasonable time frame (article 14 of the Covenant).

Para. 23: Review of legislation, including the Publication Act of 1972, containing limitations on the right to freedom of opinion and expression (articles 18, 19, 21, 22 and 25 of the Covenant).

**Date information due:** 30 October 2008

**Date information received:**

24 July 2009 Partial reply (para. 10: partly recommendation not implemented, partly reply incomplete; para. 21: partly recommendation not implemented (amendments to draft penal code); para. 23: partly recommendation not implemented, partly reply incomplete (compatibility of draft laws with the Covenant)).

5 November 2010 Hard copy of follow-up report received.

**Action taken:**

16 December 2008 A reminder was sent.

9 June 2009 A reminder was sent to the State party.

4 January 2010 Additional information was requested.

23 April 2010 A reminder was sent along with a request to meet with a representative of the State party.

28 September 2010 The Special Rapporteur requested a meeting with a representative of the State party.

12 October 2010 Consultations were held during the 100th session. The delegation agreed to transmit to the Government the request by the Special Rapporteur and the Committee. This was confirmed in a letter dated 18 October 2010.

18 November 2010 The State party was asked to provide a Word version of the document to facilitate translation.

**Recommended action:** Bearing in mind that the State party's periodic report is already five months overdue, the Committee agreed to send a reminder to the State party giving it a further six-month extension for preparing and transmitting its report to the Committee. Any information received under the follow-up procedure will be examined at the same time as the State party's next periodic report.

**Next report due:** 30 October 2010

**State party: Algeria**

**Report considered:** Third periodic report (due on 1 June 2000), submitted on 22 September 2006.

**Information requested:**

Para. 11: Ensure that all places of detention are under the authority of the civil prison administration and the public prosecutor's office; create a national register of detention centres and detained persons; regular visits by an independent national organ to all places where persons are deprived of their liberty (articles 2 and 9 of the Covenant).

Para. 12: Ensure that victims of disappearances and/or their families have access to effective remedies, including compensation; ensure that all persons secretly detained are brought before a judge without delay; investigate all cases of disappearances, inform the families of victims about the results of such investigations, and publish the final report of the ad hoc National Commission on Disappearances (articles 2, 6, 7, 9, 10 and 16 of the Covenant).

Para. 15: Ensure that all allegations of torture and cruel treatment are investigated by an independent body and that perpetrators are punished; improve training for public officials on the rights of arrested persons and detainees (articles 2, 6 and 7 of the Covenant).

**Date information due:** 1 November 2008

**Date information received:**

*7 November 2007* In a memorandum addressed to the Special Rapporteur (CCPR/C/DZA/CO/3/Add.1), the State party explained its position on the concluding observations and gave partial replies on paragraphs 11, 12 and 15.

*14 January and 12 October 2009* Letter addressed to the Special Rapporteur (the State party repeated its position, as explained in its memorandum of 7 November 2007, and again requested that the memorandum should be issued as an annex to the annual report of the Committee).

*27 July 2010* Communication addressed to the Special Rapporteur informing him of the availability of representatives of the State party to meet with him at the ninety-ninth session of the Committee.

**Action taken:**

*16 December 2008* A reminder was sent.

*29 May 2009* Additional information was requested.

*27 August 2009* A reminder was sent.

*11 December 2009* A reminder was sent. In addition, the Special Rapporteur requested a meeting with a representative of the State party.

*25 June 2010* The Special Rapporteur requested a meeting with a representative of the State party.

*28 July 2010* The Special Rapporteur requested a meeting with a representative of the State party at the 100th session of the Committee.

*11 October 2010* Consultations were held during the 100th session. The delegation agreed to transmit to the Government the request by the Special Rapporteur and the Committee. No reply has been received.

*16 December 2010* A letter was sent inviting the State party to reply to the concluding observations as a whole in its next periodic report, due on 1 November 2011.

**Recommended action:** None.

**Next report due:** 1 November 2011

**State party: Costa Rica**

**Report considered:** Fifth periodic report (due on 30 April 2004), submitted on 30 May 2006.

**Information requested:**

Para. 9: Measures to put an end to overcrowding in detention centres (article 10 of the Covenant).

Para. 12: Measures to combat trafficking of women and children (articles 2 and 24 of the Covenant).

**Date information due:** 1 November 2008

**Date information received:**

*17 March 2009* Partial reply received (cooperative but incomplete information).

*17 November 2009* Information received (para. 9: response incomplete; para. 12: information largely satisfactory).

**Action taken:**

*16 December 2008* A reminder was sent.

*30 July 2009* (sent late) A letter was sent to request additional and more specific information.

*28 September 2010* (sent late) A letter was sent indicating that the follow-up procedure had been completed with respect to those questions to which the answers provided by the State party were considered to be generally satisfactory: efforts to combat trafficking in women and children and sexual exploitation (para. 12). While taking note of the cooperativeness of the State party, the letter included a request for additional information on certain questions: improving conditions in detention centres and measures to solve the problem of prison overcrowding (para. 9).

**Recommended action:** Send a reminder.

**Next report due:** 1 November 2012

**Ninety-second session (March 2008)****State party: Tunisia**

**Report considered:** Fifth periodic report (due on 4 February 1998), submitted on 14 December 2006.

**Information requested:**

Para. 11: Investigation of all allegations of torture and cruel, inhuman or degrading treatment or punishment by an independent authority; prosecution and punishment of perpetrators and their hierarchical superiors; compensation for victims; improvement of training of public officials; statistical data on complaints alleging torture (articles 2 and 7 of the Covenant).

Para. 14: Commutation of all death sentences; consider abolishing the death penalty and ratifying the second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (articles 2, 6 and 7 of the Covenant).

Para. 20: Measures to put an end to acts of intimidation and harassment of human rights organizations and defenders; investigation of reports about such acts; ensure compatibility with articles 19, 21 and 22 of the Covenant of any restrictions imposed on the right to peaceful assembly and demonstration (articles 9, 19, 21 and 22 of the Covenant).

Para. 21: Ensure that independent human rights associations are registered and that they are provided with effective and prompt recourse against any rejection of the applications for registration (articles 21 and 22 of the Covenant).

**Date information due:** 1 April 2009

**Date information received:**

*16 March 2009* Partial reply (para. 11: cooperative but information incomplete; para. 14: recommendations not implemented; paras. 20 and 21: receipt acknowledged but non-specific information).

*2 March 2010* Supplementary follow-up report received.

**Action taken:**

*30 July 2009* (sent late) A letter was sent to request additional information and to state that the follow-up procedure with respect to certain issues is considered completed due to non-implementation and to ask the State party to report on these issues in its next periodic report.

*4 October 2010* (sent late) While taking note of the cooperativeness of the State party, the Committee sent a letter indicating that the follow-up procedure had been completed in respect of those questions to which the answers provided by the State party were considered to be generally satisfactory: training of law enforcement officials (para. 11). The letter also included a request for additional information on certain questions: complaints alleging torture submitted to, and registered by, the authorities; number of compensation awards (para. 11); steps taken to protect the peaceful activities of human rights organizations and defenders, and information on investigations into allegations of intimidation (para. 20); and information on the registration of human rights associations (para. 21).

**Recommended action:** Send a reminder.

**Next report due:** 31 March 2012

**State party: Botswana**

**Report considered:** Initial report (due on 8 December 2001), submitted on 13 October 2006.

**Information requested:**

Para. 12: Raise awareness of the precedence of constitutional law over customary laws and practices and of the right of every individual to request the transfer of a case and to appeal customary courts' decisions to constitutional law courts (articles 2 and 3 of the Covenant).

Para. 13: Ensure that the death penalty is imposed only for the most serious crimes; move towards abolition of the death penalty; detailed information on the number of convictions for murder, courts' findings of mitigating circumstances, and the number of death sentences imposed by the courts and of persons executed per year; ensure that families are informed in advance of the date of execution of family members and that the body is returned to them for burial (article 6 of the Covenant).

Para. 14: Withdrawal of reservations to articles 7 and 12 (articles 7 and 12 of the Covenant).

Para. 17: Ensure that persons on remand are not kept in custody for an unreasonable period of time; ensure that conditions of detention are compatible with the United Nations Standard Minimum Rules for the Treatment of Prisoners; immediate action to reduce the prison population; increased use of alternative measures to imprisonment; enhance access to prisoners by family members (articles 7, 9 and 10 of the Covenant).

**Date information due:** 1 April 2009

**No information received.**

**Action taken:**

*8 September 2009* A reminder was sent.

*11 December 2009* A reminder was sent.

*28 September 2010* (sent late) The Special Rapporteur requested a meeting with a representative of the State party.

**Recommended action:** Send a reminder requesting a meeting with a representative of the State party.

**Next report due:** 31 March 2012

**State party: The former Yugoslav Republic of Macedonia**

**Report considered:** Second periodic report (due on 1 June 2000), submitted on 12 October 2006.

**Information requested:**

Para. 12: Ensure that the Law on Amnesty is not applied to the most serious human rights violations, crimes against humanity and war crimes; thorough investigation of such crimes and prosecution and punishment of perpetrators; compensation for victims and their families (articles 2, 6 and 7 of the Covenant).

Para. 14: Consider undertaking a new and comprehensive investigation of the allegations made by Mr. Khaled al-Masri, seeking his cooperation and taking into account all available evidence; provide adequate compensation in case a violation is found; review of practices and procedures aimed at preventing unlawful renditions (articles 2, 7, 9 and 10 of the Covenant).

Para. 15: Find immediate and durable solutions for all internally displaced persons in consultation with them and in accordance with the Guiding Principles on Internal Displacement (article 12 of the Covenant).

**Date information due:** 1 April 2009

**Date information received:**

*31 August 2009* Follow-up report received (paras. 12 and 15: replies incomplete; para. 14: recommendation not implemented in part; reply lacking in part).

**Action taken:**

*27 August 2009* A reminder was sent.

*26 April 2010* A letter was sent in which the Committee requested additional information on certain questions: measures taken to ensure that the most serious human rights violations, crimes against humanity and war crimes are thoroughly investigated (para. 12); review of practices and procedures with a view to preventing the illegal rendition of prisoners (para. 14). The letter also highlighted the points concerning which the Committee considered that its recommendations had not been implemented: a new and comprehensive investigation into the allegations made by Mr. Khaled al-Masri. In addition, the State party was invited to keep the Committee apprised of any new development in respect of displaced persons.

*28 September 2010* (sent late) A reminder was sent.

**Recommended action:** Send a further reminder.

**Next report due:** 1 April 2012

**State party: Panama**

**Report considered:** Third periodic report (due on 31 March 1992), submitted on 9 February 2007.

**Information requested:**

Para. 11: Measures to reduce overcrowding in detention facilities and to ensure that prison conditions are in compliance with article 10 of the Covenant and with the United Nations Standard Minimum Rules for the Treatment of Prisoners (article 10 of the Covenant).

Para. 14: Adopt legislation that will allow refugees to enjoy the rights recognized under the Covenant; ensure compliance with the non-refoulement obligation (articles 2, 6, 7 and 9 of the Covenant).

Para. 18: Implementation of the law on domestic violence; ensure a sufficient number of shelters and police protection for victims; prosecution and punishment of perpetrators; provide statistical data on ongoing cases for domestic violence and their outcomes (articles 3 and 7 of the Covenant).

**Date information due:** 1 April 2009

**No information received.**

**Action taken:**

*Reminders were sent on 27 August 2009, 11 December 2009 and 23 April 2010.*

28 September 2010 (sent late) The Special Rapporteur requested a meeting with a representative of the State party.

**Recommended action:** Send a reminder requesting a meeting with a representative of the State party.

**Next report due:** 31 March 2012

**Ninety-third session (July 2008)****State party: France**

**Report considered:** Fourth periodic report (due on 31 December 2000), submitted on 13 February 2007.

**Information requested:**

Para. 12: Collect and report adequate statistical data, disaggregated on the basis of racial, ethnic and national origin, and to meet the reporting guidelines of the Committee (articles 2, 25, 26 and 27 of the Covenant).

Para. 18: Review the detention policy in regard to undocumented foreign nationals and asylum-seekers, including unaccompanied children; reduce overcrowding and improve living conditions in detention centres, especially those in the Overseas Departments and Territories (articles 7, 10 and 13 of the Covenant).

Para. 20: Ensure that the return of foreign nationals, including asylum-seekers, is assessed through a fair process that effectively excludes the real risk that any person will face serious human rights violations upon his return; properly inform and assure undocumented foreign nationals and asylum-seekers of their rights, including the right to apply for asylum, with access to free legal aid; ensure that all individuals subject to deportation orders have an adequate period to prepare an asylum application, with guaranteed access to translators, and a right of appeal with suspensive effect; recognize that the more systematic the practice of torture or cruel, inhuman or degrading treatment, the less likely it will be that a real risk of treatment incompatible with the Covenant can be avoided by diplomatic assurances,

however stringent any agreed follow-up procedure may be; exercise the utmost care in the use of such assurances and adopt clear and transparent procedures allowing review by adequate judicial mechanisms before individuals are deported, as well as effective means to monitor the fate of the affected individuals (articles 7 and 13 of the Covenant).

**Date information due:** 31 July 2009

**Date information received:**

*20 July 2009* Follow-up report received (in the main largely satisfactory; para. 18: responses partially incomplete; para. 20: responses partially incomplete).

*9 July 2010* Additional follow-up report received (generally satisfactory, para. 12; partially incomplete response, paras. 18 and 20).

*17 January 2011* The Permanent Mission of France requested clarification on the additional information requested by the Committee.

**Action taken:**

*11 January 2010* A letter was sent requesting additional information and stating that the follow-up procedure with respect to certain issues is considered completed.

*16 December 2010* A letter was sent to the State party indicating that the follow-up procedure has been completed in respect of those questions for which the information provided by the State party was considered to be generally satisfactory (paragraph 12 of the concluding observations). The letter also included a request for additional information on certain questions (more specific and precise information on the situation in detention centres in the Overseas Departments and Territories, para. 18; and on the automatic suspension of deportation proceedings in “national security” removals and implementation of the law with regard to undocumented adults and asylum-seekers, para. 20).

**Recommended action:** In light of the request in the State party’s letter of 17 January 2011, a letter should be sent to clarify the information requested by the Committee in its letters of 23 April 2010 and 31 January 2011. Note that the Special Rapporteur did not take part in the discussion on France as she is a national of that country (as is standard practice for all Committee members when their country is under consideration).

**Next report due:** 1 August 2012

**State party: San Marino**

**Report considered:** Second periodic report, submitted on 31 October 2006.

**Information requested:**

Para. 6: Establish a genuinely independent monitoring mechanism for implementation of Covenant rights, which is fully in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) adopted by the General Assembly in resolution 48/134.

Para. 7: Adopt a comprehensive anti-discrimination legal framework which expressly indicates all those grounds of discrimination that are presently subsumed under the notion of “personal status” (grounds of discrimination such as sexual orientation, race, colour, language, nationality and national or ethnic origin).

**Date information due:** 1 August 2009

**Date information received:**

*5 November 2010* (largely satisfactory)

**Action taken:**

*14 December 2009* A reminder was sent.

*23 April 2010* A reminder was sent.

*28 September 2010* (sent late) A further reminder was sent.

**Recommended action:** Bearing in mind the State party's reply in its letter of 5 November 2010, a letter should be sent indicating that the replies to the Committee's recommendations appear to be sufficiently satisfactory for it to declare that the follow-up procedure concerning them has been completed.

**Next report due:** 31 July 2013

**State party: Ireland**

**Report considered:** Third periodic report (due 31 July 2005), submitted on 23 February 2008.

**Information requested:**

Para. 11: Introduce a definition of "terrorist acts" in its domestic legislation, limited to offences which can justifiably be equated with terrorism and its serious consequences; monitor how and how often terrorist acts have been investigated and prosecuted, including with regard to the length of pretrial detention and access to a lawyer; exercise the utmost care in relying on official assurances; establish a regime for the control of suspicious flights and ensure that all allegations of so-called renditions are publicly investigated.

Para. 15: Increase efforts to improve the conditions of all persons deprived of liberty before trial and after conviction, fulfilling all requirements outlined in the Standard Minimum Rules for the Treatment of Prisoners; in particular, address the issue of overcrowding and the "slopping-out" of human waste; detain remand prisoners in separate facilities and promote alternatives to imprisonment; submit detailed statistical data to the Committee showing progress since the adoption of the present recommendation, including on concrete promotion and implementation of alternative measures to detention.

Para. 22: Increase efforts to ensure that non-denominational primary education is widely available in all regions of the State party, in view of the increasingly diverse and multi-ethnic composition of the population of the State party.

**Date information due:** 1 August 2009

**Date information received:**

*31 July 2009* Request for additional information (paras. 11, 15 and 22); recommendation not implemented (para. 15).

*21 December 2010* Follow-up report (replies partly satisfactory, but incomplete (para. 11)).

**Action taken:**

*4 January 2010* A letter was sent requesting additional information: monitor how and how often terrorist acts have been investigated and prosecuted; exercise the utmost care in relying on official assurances; mandate of the Committee on Aspects of International Human Rights, which will examine the legal framework and how systems of monitoring traffic through Irish airports might be improved; and prison overcrowding. The letter also stated that the follow-up procedure with respect to certain issues is considered completed: improve the conditions of all persons deprived of liberty and ensure that non-denominational primary education is available (para. 11).

28 September 2010 (sent late) A reminder was sent.

**Recommended action:** A letter should be sent to the State party informing it that the procedure has come to an end as regards questions on which the information submitted by the State party is considered to be on the whole satisfactory (description of the mandate of the subcommittee on the promotion and protection of human rights during control of Irish airports and human rights training initiatives (para. 11)). However, further information should be requested on the outcome of the work of the subcommittee on the promotion and protection of human rights during control of Irish airports (para. 11).

The letter should also point out that the reply to some questions is incomplete: methods used and frequency of investigations into and prosecution of terrorist acts (para. 11); the possibility of detainees communicating with a lawyer – the information provided merely presents the relevant legislative norms, with no reference to actual practice (para. 11); and the actual precautionary measures implemented systematically to ensure compliance with official assurances (para. 11).

Finally, the letter should emphasize those points in respect of which the Committee considers that its recommendations have not been completely implemented (length of pretrial detention (more than four months), para. 11).

**Next report due:** 31 July 2012

**State party: United Kingdom of Great Britain and Northern Ireland**

**Report considered:** Sixth periodic report (due on 1 November 2006), submitted on 1 November 2006.

**Information requested:**

Para. 9: Conduct, as a matter of particular urgency, independent and impartial inquiries in order to give an account of the circumstances surrounding violations of the right to life in Northern Ireland.

Para. 12: Ensure that all individuals, including persons suspected of terrorism, are not returned to another country if there are substantial reasons for fearing that they would be subjected to torture or cruel, inhuman or degrading treatment or punishment; recognize that the more systematic the practice of torture or cruel, inhuman or degrading treatment, the less likely it will be that a real risk of such treatment can be avoided by diplomatic assurances, however stringent any agreed follow-up procedure may be; exercise the utmost care in the use of such assurances and adopt clear and transparent procedures allowing review by adequate judicial mechanisms before individuals are deported, as well as effective means to monitor the fate of the affected individuals.

Para. 14: State clearly that the Covenant applies to all individuals who are subject to its jurisdiction or control; conduct prompt and independent investigations into all allegations concerning suspicious deaths, torture or cruel, inhuman or degrading treatment or punishment inflicted by its personnel (including commanders), in detention facilities in Afghanistan and Iraq; ensure that those responsible are prosecuted and punished in accordance with the gravity of the crime; adopt all necessary measures to prevent the recurrence of such incidents, in particular by providing adequate training and clear guidance to its personnel (including commanders) and contract employees, about their respective obligations and responsibilities; provide information on the measures taken to ensure respect of the right to reparation for the victims.

Para. 15: Ensure that any terrorist suspect arrested is promptly informed of any charge against him or her and tried within a reasonable time or released.

**Date information due:** 1 August 2009

**Date information received:**

*7 August 2009* Follow-up report received (para. 9: replies incomplete; para. 12: no replies to some questions; partly not implemented; para. 14: recommendations implemented in part; replies satisfactory in part and incomplete in part; para. 15: replies satisfactory in part and incomplete in part).

*10 November 2010* Follow-up report (request for additional information, paras. 9 and 14).

**Action taken:**

*26 April 2010* A letter was sent indicating that the procedure was complete with regard to the issues concerning which the information supplied by the State party was considered to be largely satisfactory: application of the Covenant to all individuals who are subject to its jurisdiction or control (para. 14). The letter included a request for additional information on certain questions: destruction of documents and delays in the “Billy Wright” inquiry (para. 9); independence of inquiries (para. 9); investigations into allegations concerning suspicious deaths, torture or cruel, inhuman or degrading treatment or punishment in detention facilities in Afghanistan and Iraq (para. 14); and measures taken to ensure respect for victims’ right to reparation. In addition, the Committee invited the State party to keep it informed of any news on the appeals before the Belfast courts on the use of extended periods of detention (para. 15).

*28 September 2010* (sent late) A reminder was sent which included a request for additional information on certain questions: diplomatic assurances (para. 12).

**Recommended action:** While taking note of the cooperativeness of the State party, the Committee should request additional information on certain points: why precisely the State party considers that the application of the 2005 law to cases of violations of the right to life in Northern Ireland poses no problem (para. 9); progress made in establishing and making operational the Iraq Historic Allegations Team (para. 14); measures taken to compensate victims of abuses committed by members of the British Armed Forces, and the criteria for awarding compensation to victims (para. 14); and decisions by the Belfast courts on the legality of the use of extended detention without charge against terrorist suspects (para. 15).

**Next report due:** 31 July 2012

## Ninety-fourth session (October 2008)

**State party: Nicaragua**

**Report considered:** Third periodic report (due on 11 June 1997), submitted on 20 June 2007.

**Information requested:**

Para. 12: Take immediate steps to put a halt to killings of women and, in particular: (a) conduct investigations and punish their attackers; (b) allow the victims of gender violence effective access to justice; (c) provide police protection for victims, and set up shelters; (d) maintain and promote opportunities for direct participation by women, both nationally and locally, in decision-taking on matters related in particular to violence against women, and ensure that women participate and are represented in civil society; (e) take steps to prevent

and warn against gender violence, for example by providing training for police officers, particularly those in the police units for women.

Para. 13: Bring its legislation on abortion into line with the provisions of the Covenant; take steps to help women avoid unwanted pregnancies so that they do not need to resort to illegal or unsafe abortions which may endanger their lives, or seek abortions abroad; avoid penalizing medical professionals in the conduct of their professional duties.

Para. 17: Step up its efforts to improve conditions for all persons deprived of their liberty, complying with all the requirements of the Standard Minimum Rules for the Treatment of Prisoners; tackle overcrowding as a matter of priority; supply figures to illustrate the progress made since the approval of this recommendation.

Para. 19: Take the necessary action to put a stop to alleged instances of systematic persecution and death threats, particularly against the defenders of women's rights, and ensure that those responsible are duly punished; guarantee organizations of human rights defenders the right to freedom of expression and association in the conduct of their activities.

**Date information due:** 31 October 2009

**No information received.**

**Action taken:**

*23 April 2010* A reminder was sent.

*8 October 2010* (sent late) A further reminder was sent.

**Recommended action:** Send a letter requesting a meeting with a representative of the State party.

**Next report due:** 29 October 2012

**State party: Denmark**

**Report considered:** Fifth periodic report (due on 31 October 2005), submitted on 23 July 2007.

**Information requested:**

Para. 8: Continue its efforts to eliminate violence against women, including domestic violence, by means of, inter alia, information campaigns on the criminal nature of this phenomenon and the allocation of sufficient financial resources to prevent such violence and provide protection and material support to victims.

Para. 11: Review its legislation and practice in relation to solitary confinement during pretrial detention, with a view to ensuring that such a measure is used only in exceptional circumstances and for a limited period of time.

**Date information due:** 31 October 2009

**Date information received:**

*4 November 2009* Follow-up report received (para. 8: replies incomplete; para. 11: replies largely satisfactory).

**Action taken:**

*26 April 2010* A letter was sent indicating that the procedure was complete with regard to the issues concerning which the information supplied by the State party was considered to

be largely satisfactory: review of legislation on solitary confinement during pretrial detention (para. 11). The letter included a request for additional information on certain questions: measures aimed at eliminating violence against women.

*28 September 2010* (sent late) A reminder was sent.

**Recommended action:** Send a further reminder.

**Next report due:** 31 October 2013

**State party: Japan**

**Report considered:** Fifth periodic report (due in October 2002), submitted on 20 December 2006.

**Information requested:**

Para. 17: Provide for mandatory review of death sentences and ensure the suspensive effect of requests for retrial or pardon in such cases; limits may be placed on the number of requests for pardon in order to prevent abuse of the suspension; in addition, ensure the strict confidentiality of all meetings between death row inmates and their lawyers concerning retrial.

Para. 18: Abolish the substitute detention system or ensure that it is fully compliant with all guarantees contained in article 14 of the Covenant; ensure that all suspects are guaranteed the right of confidential access to a lawyer, including during the interrogation process, and to legal aid from the moment of arrest and irrespective of the nature of their alleged crime, and to all police records related to their case, as well as to medical treatment; introduce a pre-indictment bail system.

Para. 19: Adopt legislation prescribing strict time limits for the interrogation of suspects and sanctions for non-compliance; ensure the systematic use of video-recording devices during the entire duration of interrogations and guarantee the right of all suspects to have counsel present during interrogations; acknowledge that the role of the police during criminal investigations is to collect evidence for the trial rather than establishing the truth, ensure that silence by suspects is not considered inculpatory, and encourage courts to rely on modern scientific evidence rather than on confessions made during police interrogations.

Para. 21: Relax the rule under which inmates on death row are placed in solitary confinement; ensure that solitary confinement remains an exceptional measure of limited duration; introduce a maximum time limit; require, as a compulsory measure, the prior physical and mental examination of any inmate who is to be confined in a protection cell; and discontinue the practice of segregating certain inmates in “accommodating blocks” without clearly defined criteria or possibilities of appeal.

**Date information due:** 31 October 2009

**Date information received:**

*21 December 2009* Follow-up report received (para. 17: recommendations partly not implemented, replies partly incomplete; para. 18: replies incomplete; para. 19: recommendations partly implemented; para. 21: recommendations partly not implemented, replies partly satisfactory).

**Action taken:**

*28 September 2010* (sent late) While taking note of the cooperativeness of the State party, the Committee sent a letter requesting additional information on certain questions: confidentiality of meetings between death row inmates and their lawyers (para. 17); the substitute detention system (para. 18); the right of confidential access to a lawyer and the

right of access to legal aid/the evidence against them (para. 18); the pre-indictment bail system (para. 18); and the role of the police (para. 19). The letter should also highlight the points concerning which the Committee considers that its recommendations have not been implemented: mandatory system of review and the suspensive effect of requests for retrial or pardon (para. 17); legislation prescribing strict time limits for the interrogation of suspects (para. 19); and the rule under which death row inmates are placed in solitary confinement (para. 21). In addition, with regard to “accommodating blocks”, the letter invited the State party to keep the Committee apprised of any efforts to improve the treatment of prisoners.

**Recommended action:** Send a further reminder, but, in view of the present situation in the State party, not before the next session if need be.

**Next report due:** 29 October 2011

### **State party: Spain**

**Report considered:** Fifth periodic report (due on 28 April 1999), submitted on 11 December 2007.

#### **Information requested:**

Para. 13: Speed up the process of adopting a national mechanism for the prevention of torture in accordance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Para. 15: Limit the length of police custody and pretrial detention, in a manner compatible with article 9 of the Covenant; end the practice of setting the length of pretrial detention according to the length of the sentence incurred.

Para. 16: Ensure that the decision-making process in matters concerning the detention and expulsion of foreigners complies fully with the procedure set out by law, and that humanitarian reasons can always be invoked in asylum proceedings; ensure that the new asylum law is in full conformity with the Covenant.

**Date information due:** 31 October 2009

#### **Date information received:**

*16 June 2010* Follow-up report received (implementation begun (para. 16) but not completed (paras. 13 and 15)).

#### **Action taken:**

*23 April 2010* A reminder was sent.

**Recommended action:** While taking note of the cooperativeness of the State party, a letter should be sent indicating that implementation of the recommendation has begun (lawfulness of the procedures for detention and expulsion of foreigners, para. 16). Additional information should be requested on the relevant practice in this respect.

The letter should also indicate that the information provided by the State party in respect of certain questions is considered to be insufficient (action plan of the national institution to prevent torture, para. 13) and that certain recommendations have not been implemented (maximum duration of custody and of pretrial detention, para. 15).

**Next report due:** 1 November 2012

## Ninety-fifth session (March 2009)

### State party: Sweden

**Report considered:** Sixth periodic report (due 1 April 2007), submitted on 20 July 2007.

#### Information requested:

Para. 10:

(a) Increase efforts to inform persons with disabilities about their rights, means of protecting them and remedies available to them if their rights are violated;

(b) Provide updated information on the impact of awareness-raising programmes. Indicate how the access of persons with disabilities to social services and goods is ensured in practice at the level of municipalities as well as other levels. Supply detailed information on the implementation of the State party's disability policy in its next periodic report;

(c) Take effective measures to increase the employment rate for persons with disabilities, including those with a reduced work capacity.

Para. 13: Take effective measures to ensure that fundamental legal safeguards are guaranteed in practice to all persons held in custody, in particular the right to have access to a medical doctor, and to promptly inform a close relative or a third party concerning their arrest. Ensure that the information leaflet on fundamental safeguards is made available at all places where persons are deprived of their liberty.

Para. 16: Ensure that no individuals, including persons suspected of terrorism, are exposed to the danger of torture or cruel, inhuman or degrading treatment or punishment. Recognize that the more systematic the practice of torture or cruel, inhuman or degrading treatment, the less likely it will be that a real risk of such treatment can be avoided by diplomatic assurances, however stringent any agreed follow-up procedure may be. Exercise the utmost care in the use of such assurances and adopt clear and transparent procedures allowing review by adequate judicial mechanisms before individuals are deported, as well as effective means to monitor the fate of the individuals concerned.

Para. 17: Permit detention of asylum-seekers only in exceptional circumstances and limit the length of such detentions; avoid placing asylum-seekers in remand prisons. Consider placement alternatives for asylum-seekers and ensure that asylum-seekers are not deported before a final decision concerning their applications has been taken. Ensure that asylum-seekers have the right to access adequate information in order to respond to arguments and evidence utilized in their case.

**Date information due:** 1 April 2010

#### Date information received:

*18 March 2010* Follow-up report received (paras. 10–13: response largely satisfactory; para. 16: response incomplete; para. 17: responses incomplete in parts, recommendations not implemented in parts, no response on certain points).

#### Action taken:

*28 September 2010* (sent late) A letter was sent indicating that the follow-up procedure had been completed with regard to those questions to which the responses supplied by the State party were considered to be largely satisfactory: rights of persons with disabilities (para. 10) and fundamental legal safeguards for persons held in custody (para. 13). The letter included a request for additional information on certain issues: diplomatic assurances

(para. 16); detention and placement of asylum-seekers, and access to information (para. 17). It also highlighted the points concerning which the Committee considers that its recommendations have not been implemented: limit the length of detention of asylum-seekers (para. 17).

**Recommended action:** Send a reminder.

**Next report due:** 1 April 2014

### **State party: Rwanda**

**Report considered:** Third periodic report (due in 1992), submitted on 12 September 2007.

#### **Information requested:**

Para. 12: Ensure that all allegations of enforced disappearances and summary or arbitrary executions are investigated by an independent authority and that those responsible for such acts are prosecuted and duly punished. Grant an effective remedy, including adequate compensation, to the victims or their families, in accordance with article 2 of the Covenant.

Para. 13: Take steps to ensure that the cases of the large number of persons, including women and children, reported to have been killed from 1994 onwards in the course of operations by the Rwandan Patriotic Army are investigated by an independent authority and that those responsible are prosecuted and duly punished.

Para 14: Put an end to the sentence of solitary confinement and ensure that persons sentenced to life imprisonment benefit from the safeguards of the United Nations Standard Minimum Rules for the Treatment of Prisoners.

Para. 17:

(a) Ensure that all tribunals and courts in Rwanda operate in accordance with the principles set out in article 14 of the Covenant and paragraph 24 of the Committee's general comment No. 32 (2007), on the right to equality before courts and tribunals and to a fair trial, which provides that courts based on customary law cannot hand down binding judgements recognized by the State, unless the following requirements are met: proceedings before such courts are limited to minor civil and criminal matters and meet the basic requirements of fair trial and other relevant guarantees of the Covenant;

(b) Have the judgements of these courts validated by State courts in light of the guarantees set out in the Covenant and allow them to be challenged in a procedure meeting the requirements of article 14 of the Covenant.

**Date information due:** 1 April 2010

#### **Date information received:**

*21 December 2010* Follow-up report.

#### **Action taken:**

*28 September 2010* (sent late) A reminder was sent.

**Recommended action:** In light of the information received from the State party, a letter should be sent in which, while taking note of the cooperativeness of the State party, it is indicated that the information provided on some questions is considered incomplete.

Additional information should be requested on the following points:

Para. 12: Number of enforced disappearances and summary or arbitrary executions reported to the courts since 2005; outcome of investigations, decisions and penalties in this respect, and status of the proceedings in the cases of Mr. Cyiza and Mr. Hitimana;

procedures and conditions of access to compensation and types of remedy for the victims and their families.

Para. 13: Total number of civilians murdered in the course of operations by the Rwandan Patriotic Army, for whatever reason, including non-revenge killings; specifically, the proportion of cases resulting in prosecution; steps taken to ensure victims participate in the proceedings and to guarantee respect for their rights; grounds for acquittals in these cases.

Para. 14: Measures taken to ensure respect for the rights of prisoners as set out in the United Nations Standard Minimum Rules for the Treatment of Prisoners but not mentioned by the State party with regard to enforcement of the penalty of solitary confinement, such as the right to regular nutritious meals and the right to regular contact with the outside world.

Para. 17: State party's reply concerning reports received by the Committee that the *gacaca* courts are still operating despite having been officially closed down at the end of 2009, and that they hear cases of sexual violence without always guaranteeing respect for victims' rights.

The Committee should request additional information on the number of prisoners currently held in solitary confinement under the new system and on the grounds for punishing them in this way.

**Next report due:** 1 April 2013

**State party: Australia**

**Report considered:** Fifth periodic report (due on 31 July 2005), submitted on 7 August 2007.

**Information requested:**

Para. 11: Ensure that counter-terrorism legislation and practices are in full conformity with the Covenant. Address the vagueness of the definition of a terrorist act in the Criminal Code Act 1995, in order to ensure that its application is limited to offences that are indisputably terrorist offences:

- (a) Guarantee the right to be presumed innocent by avoiding reversing the burden of proof;
- (b) Ensure that the notion of "exceptional circumstances" does not create an automatic obstacle to release on bail;
- (c) Envisage abrogating the provisions that give the Australian Security Intelligence Organization (ASIO) the power to detain people without access to a lawyer and in conditions of secrecy for renewable periods of up to seven days.

Para. 14: Redesign Northern Territory Emergency Response (NTER) measures in direct consultation with the indigenous peoples concerned, in order to ensure that they are consistent with the 1995 Racial Discrimination Act and the Covenant.

Para. 17: Strengthen efforts towards the elimination of violence against women, especially perpetrated against indigenous women, and implement the National Plan of Action to Reduce Violence against Women and Their Children, as well as the recommendations of the 2008 Family Violence and Homeless report.

Para. 23:

- (a) Consider abolishing the remaining elements of the mandatory immigration detention policy;

- (b) Implement the recommendations made by the Human Rights and Equality Commission in its Immigration Detention Report of 2008;
- (c) Consider closing down the Christmas Island detention centre;
- (d) Enact in legislation a comprehensive immigration framework in compliance with the Covenant.

**Date information due:** 1 April 2010

**Date information received:**

*17 December 2010* Follow-up report.

**Action taken:**

*28 September 2010* (sent late) A reminder was sent.

*January 2011* Follow-up report sent for translation.

**Recommended action:** The additional replies from the State party should be examined at the next session.

**Next report due:** 1 April 2013

## Ninety-sixth session (July 2009)

### State party: Azerbaijan

**Report considered:** Third periodic report (due 1 November 2005), submitted on 4 October 2007.

#### Information requested:

Para. 9: Refrain from extraditing, expelling, deporting or forcibly returning aliens to a country where they would face a real risk of torture or ill-treatment; and establish a mechanism allowing aliens who claim that their forced removal would put them at risk of torture or ill-treatment to file an appeal with suspensive effect.

Para. 11: Establish without delay an independent body with authority to receive and investigate all complaints of use of force incompatible with the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169) and the basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990), and other abuses of power by law enforcement officials; ensure that all complaints relating to torture or ill-treatment are examined promptly and thoroughly and that the victims are compensated; those responsible should be prosecuted and punished; also ensure that all places of detention are subject to regular independent inspection; provide adequate training to law enforcement and prison officials and ensure that the rights under the Covenant are fully protected; and, lastly, give serious consideration to the introduction of systematic use of audio and video equipment in police stations and detention facilities.

Para. 15: Take the necessary measures to put an end to direct and indirect restrictions on freedom of expression: legislation on defamation should be brought into line with article 19 of the Covenant by ensuring a proper balance between the protection of a person's reputation and freedom of expression; strike a balance between information on the acts of "public figures" and the right of a democratic society to be informed on issues of public interest; effectively protect media workers against attempts on their integrity and life and pay special attention and react vigorously if such acts occur; refrain from unreasonably

restraining independent newspapers as well as local broadcasting of radio stations; and treat users of non-conventional media in strict compliance with article 19 of the Covenant.

Para. 18: Simplify the address registration procedure so as to enable all individuals who reside legally in Azerbaijan, including internally displaced persons, to fully exercise their rights and freedoms under the Covenant.

**Date information due:** 30 July 2010

**Date information received:**

6 July 2010 Follow-up report received (implementation, a priori, satisfactory; request for additional information).

**Recommended action:** A letter should be sent to the State party indicating that implementation of the recommendations is, a priori, satisfactory. The conditions for registration of the address of Azerbaijani citizens in principle make it possible for all displaced and stateless persons to register.

However, the Committee should request additional information to ensure that temporary identity documents and registration of the Ministry of the Interior as the address of homeless Azerbaijani citizens are not factors that discriminate against or restrict the rights of the persons concerned.

The Government should also be requested to provide information on the number of cases in which addresses have been registered for foreigners over the last five years.

**Action taken:**

Analysis of the State party's reply is deferred to the Committee's next session to enable the Committee to re-examine the information provided on the conditions for registering the address of Azerbaijani citizens.

**Next report due:** 1 August 2013

**State party: Chad**

**Report considered:** Initial report (due 8 September 1996), submitted on 18 September 2007.

**Information requested:**

Para. 10: Take all appropriate steps to put a stop to and guarantee that all human rights violations brought to its attention are investigated and that the perpetrators are prosecuted and punished under criminal law; ensure that State bodies and agents provide the necessary protection to victims of human rights violations and should undertake to guarantee in all circumstances that victims have effective access to remedies and to appropriate reparations.

Para. 13: Take all necessary and appropriate measures to:

- (a) Increase protection for displaced persons both within and around their camps;
- (b) Strengthen its capacity to protect displaced women, conduct investigations, institute proceedings, punish all perpetrators of sexual violence and provide victims with all necessary assistance;
- (c) Formulate and adopt a legal framework and a national strategy covering all phases of displacement;
- (d) Create conditions that offer lasting solutions to displaced persons, including their voluntary and safe return.

Para. 20: Take all necessary and effective measures to bring to justice all those responsible for serious human rights violations, including the violations committed during the events of February 2008; and promptly implement the recommendations made by the Commission of Inquiry in 2008.

Para. 32: Protect the minor Khadidja Ousmane Mahamat, provide her with all necessary assistance and prosecute and punish those who have committed violence against her.

**Date information due:** 29 July 2010

**No information received.**

**Action taken:**

*16 December 2010* A reminder was sent.

**Recommended action:** Send a further reminder.

**Next report due:** 31 July 2012

**State party: Netherlands**

**Report considered:** Fourth periodic report (due 1 August 2006), submitted on 9 May 2007.

**Information requested:**

Para. 7: Review the law on the Termination of Life on Request and Assisted Suicide in the light of the Covenant's recognition of the right to life.

Para. 9: Ensure that the procedure for processing asylum applications allows for a thorough and adequate assessment by allowing a period of time adequate for the presentation of evidence; in all cases, ensure respect for the principle of non-refoulement.

Para. 23: Ensure as a matter of urgency that conditions in places of detention are improved to meet the standard set out in article 10, paragraph 1.

**Date information due:** 28 July 2010

**No information received.**

**Action taken:**

*16 December 2010* A reminder was sent.

**Recommended action:** Send a further reminder.

**Next report due:** 31 July 2014

**State party: United Republic of Tanzania**

**Report considered:** Fourth periodic report (due in June 2002), submitted on 16 October 2007.

**Information requested:**

Para. 11: Adopt effective and concrete measures to combat female genital mutilation vigorously, in particular in those regions where the practice remains widespread, and ensure that the perpetrators are brought to justice; and amend its legislation with a view to criminalizing female genital mutilation regarding women above the age of 18.

Para. 16: Take measures towards the abolition of corporal punishment as a lawful sanction; also promote non-violent forms of discipline as alternatives to corporal punishment within the educational system and carry out public information campaigns about its harmful impact.

Para. 20: Amend the legislation providing for imprisonment for failure to pay a debt.

**Date information due:** 28 July 2010

**No information received.**

**Action taken:**

*16 December 2010* A reminder was sent

**Recommended action:** Send a further reminder.

**Next report due:** 1 August 2013

## Ninety-seventh session (October 2009)

### State party: Russian Federation

**Report considered:** Sixth periodic report (due on 1 November 2007) submitted on 5 December 2007.

#### Information requested:

Para. 13: Promote a thorough and independent investigation into the involvement of Russian forces and other armed groups under their control in violations of human rights in South Ossetia. Ensure that the victims of serious violations of human rights and international humanitarian law have access to an effective remedy, including the right to compensation and reparations.

Para. 14:

Implement fully the right to life and physical integrity of all persons on its territory, and:

(a) Take stringent measures to put an end to enforced disappearances, extrajudicial killings, torture, and other forms of ill-treatment and abuse committed or instigated by law enforcement officials in Chechnya and other parts of the North Caucasus;

(b) Ensure prompt and impartial investigation by an independent body of all human rights violations allegedly committed or instigated by State agents and suspend or reassign the agents concerned during the process of investigation;

(c) Prosecute perpetrators and ensure that they are punished in a manner proportionate to the gravity of the crimes committed, and grant effective remedies, including redress, to the victims;

(d) Take effective measures, in law and in practice, to protect victims and their families, as well as their lawyers and judges, whose lives are under threat due to their professional activities;

(e) Provide information on investigations launched, convictions and penalties including those by military courts in relation to human rights violations committed by State agents against the civilian population in Chechnya and other parts of the North Caucasus, disaggregated by type of crime.

Para. 16:

(a) Take immediate action to provide effective protection to journalists and human rights defenders whose lives and security are under threat due to their professional activities;

(b) Ensure the prompt, effective, thorough, independent, and impartial investigation of threats, violent assaults and murders of journalists and human rights defenders and, when appropriate, prosecute and institute proceedings against the perpetrators of such acts;

(c) Provide the Committee with detailed information on developments in all cases of criminal prosecutions relating to threats, violent assaults and murders of journalists and human rights defenders in the State party covering the period between 2003 and 2009.

Para. 17: Protect persons against informal extraditions or transfers to countries where they are at risk of being subjected to torture or to cruel, inhuman or degrading treatment or punishment.

**Date information received:** 22 October 2010 (report due on 24 November 2010).

**Recommended action:**

The State party's additional replies should be examined at the next session.

**Next report due:** 11 January 2012

**State party: Croatia**

**Report considered:** Second periodic report (due on 1 April 2005) submitted on 27 November 2007.

**Information requested:**

Para. 5: The State party should strengthen its measures to combat discrimination and to combat physical and verbal attacks against members of ethnic minorities, in particular members of the Serb minority. The State party should also intensify its efforts to ensure the prevention as well as prompt investigation and prosecution of such attacks, and to provide victims with access to effective remedies. It should carry out intensified public information campaigns to overcome prejudices against ethnic minorities. The State party should continue its efforts to accelerate economic development in regions mainly inhabited by returnees of Serb origin.

Para. 10: The State party should:

(a) Promptly identify the total number and range of war crimes committed, irrespective of the ethnicity of the persons involved, with a view to prosecuting the remaining cases expeditiously;

(b) Take effective measures in order to ensure that all cases of war crimes are prosecuted in a non-discriminatory manner, independently of the perpetrator's ethnicity, and collect statistical data on victims and defendants of past and current war crimes trials;

(c) Increase its efforts to ensure that the possibility to refer cases to the special war crimes chambers is utilized to the fullest extent;

(d) Ensure that the Amnesty Law is not applied in cases of serious human rights violations or violations that amount to crimes against humanity or war crimes;

(e) Expedite the recovery and delivery of the records of Croatian military operations required by the International Criminal Tribunal for the former Yugoslavia in the completion of its investigative work;

(f) Ensure the suspension of the operation of the statute of limitation for the period of the conflict to allow the prosecution of serious cases of torture and killings.

Para. 16: The State party should continue to strengthen its efforts aimed at facilitating equal access to citizenship, in particular for members of minority groups, and to ensure that the administrative procedures and legislative provisions on citizenship do not disadvantage persons of non-ethnic Croat origin.

Para. 17: The State party should strengthen its measures to prevent intimidation of journalists, and to promptly investigate, bring to trial and punish perpetrators of attacks on, or threats against, journalists and to compensate the victims. It should also publicly condemn such instances of intimidation and attacks and generally take vigorous action to ensure freedom of the press.

**Date information received:**

*17 January 2011* (report due 4 November 2010): Reply partly satisfactory (para. 5), but incomplete (paras. 10, 5 and 17).

**Recommended action:**

While acknowledging the cooperativeness of the State party, the Committee should send a letter indicating that the implementation of the recommendation **has begun but is not yet completed**: programmes to prevent and prosecute acts of discrimination and racial hatred (para. 5); prosecution of alleged perpetrators of war crimes, regardless of their ethnic origin (para. 10 (b)); explanation of the procedure for referring cases to special chambers (para. 10 (c)); exclusion from the Amnesty Law and suspension of statutory limitation in respect of serious human rights violations and crimes against humanity (para. 10 (d) and (f)); and steps taken to recover and deliver the records of Croatian military operations required by the International Criminal Tribunal for the former Yugoslavia (para. 10 (e)).

The Committee should request **further information** on the actual impact of the legislation and plans adopted for the development of the poorest regions of Croatia (para. 5); the total number and range of war crimes committed (para. 10 (a)); the strategy for dealing with war crimes where the alleged perpetrator has not been identified, due to be announced in November 2010 by the State party (para. 10 (b)); and support services for witnesses in courts with special war crimes chambers (para. 10 (c)).

Finally, it should be pointed out to the State party that the **recommendation has not been implemented** until information has been provided on the exact number of journalists attacked or intimidated and the State party has publicly condemned all instances of intimidation and attacks on freedom of the press (para. 17).

**Next report due:** 30 October 2013

**State party: Switzerland**

**Report considered:** Third periodic report (due on 1 November 2006) submitted on 1 December 2007.

**Information requested:**

Para. 10: The State party should consider, as previously recommended by the Committee, reinforcing the mandate of the Federal Commission against Racism to investigate all cases of racial discrimination and incitement to national, racial or religious hatred, or create an independent mechanism with competence to initiate legal action in such cases. Furthermore, the State party should strengthen its efforts to promote tolerance and cultural dialogue among the population.

Para. 14: The State party should ensure that all cantons create an independent mechanism with authority to receive and effectively investigate all complaints of excessive use of force, ill-treatment or other abuses by the police. All perpetrators should be prosecuted and punished, and victims compensated. The State party should create a national statistical database on complaints lodged against the police. The State party should also increase efforts to ensure that minorities are adequately represented in the police forces.

Para. 18: The State party should review its legislation in order to grant free legal assistance to asylum-seekers during all asylum procedures, whether ordinary or extraordinary.

**Date information received:**

*1 November 2010* (report due on 1 November 2010).

**NGO report received:**

*22 February 2011* (Humanrights.ch/MERS, Schweizerische Flüchtlingshilfe).

**Recommended action:**

While acknowledging the cooperativeness of the State party, a letter should be sent to point out that the information provided by the State party in respect of certain questions is considered to be incomplete (representation of foreign minorities in the police force, para. 14) or totally lacking (creation of a national statistical database on police violence and complaints lodged against the police, para. 14).

The State party should be asked to provide further information on the following: (a) status of the pilot project and decisions regarding the mandate of the Federal Commission against Racism; (b) financial resources for the prevention of racism and the promotion of tolerance in society; and (c) legal protection and remedies available to victims of discrimination, particularly at work and in access to housing and services (para. 10).

The letter should nevertheless mention that the follow-up procedure has come to an end for a range of issues in respect of which the information provided by the State party is considered to be satisfactory (establishment of an appropriate appeal and complaints mechanism and compensation for victims of the abuse of force and authority by the police, para. 14; and free legal assistance to asylum-seekers during all asylum procedures, para. 18).

**Next report due:** 1 November 2015

**State party: Republic of Moldova**

**Report considered:** Second periodic report (due on 17 January 1992) submitted on 26 October 2006.

**Information requested:**

Para. 8: The State party should:

(a) Thoroughly investigate allegations of abuse by law enforcement officials during the April 2009 demonstrations through an independent and impartial body, whose findings should be made public;

(b) Take measures to ensure that law enforcement officers found responsible for the torture and ill-treatment of protestors, including those with command responsibility, are held accountable through prosecution and appropriate disciplinary measures and that, during the conduct of the investigation, officers implicated are suspended from duty;

(c) Ensure that adequate compensation is paid to victims of torture and other forms of ill-treatment which occurred during the April 2009 demonstrations irrespective of the outcome of criminal prosecutions against the perpetrators, and that adequate medical and psychological rehabilitation measures are made available to victims; and

(d) Ensure respect for the right to freedom of assembly in accordance with article 21 of the Covenant, including through the enforcement of the 2008 Law on Assemblies and put in place safeguards, such as appropriate training, to ensure that such violations of human rights by its law enforcement officers do not occur again.

Para. 9: The State party should:

(a) Take urgent measures to put an end to torture in police custody and other places of detention, including through the provision of appropriate training to police and prison officials, the investigation of all complaints of torture and other forms of ill-treatment, the prosecution and punishment of those responsible and the enforcement of the law prohibiting the admission of evidence obtained through torture; and

(b) Ensure the availability of effective avenues of redress, with provision for compensation, as appropriate, for victims of torture and other forms of ill-treatment.

Para. 16: The State party should enforce the law on domestic violence and provide support for victims through the establishment of additional shelters, the provision of free counselling services and such other measures as may be necessary for the protection of victims. The Committee urges the State party to take appropriate preventive measures and to provide training on the handling of domestic violence to all professionals involved in such cases, including police officers, prosecutors, judges and social workers, with emphasis on the gender aspects of domestic violence. The State party should also provide information, in its next report, on the incidence of domestic violence, on the measures taken to address it, including the use of restraining orders, and on the impact, if any, of such measures.

Para. 18: The State party should strengthen the implementation of its trafficking laws and policies, including through more concerted efforts to prosecute offenders and to protect victims. The State party should also broaden the implementation of measures to assist the social reintegration of victims and to provide genuine access to health care and counselling in all areas of the country.

**Date information received:**

*3 December 2010* (report due 4 November 2010).

**NGO report received:**

*5 March 2011* (Legal Resources Center, La Strada, Doina Ioana Straisteanu Human Rights Lawyer, Promo Lex).

**Recommended action:**

Additional information from the State party and other sources should be examined at the next session.

**Next report due:** 31 October 2013

**State party: Ecuador**

**Report considered:** Fifth and sixth periodic reports (due in 2001 and 2006 respectively) submitted as a single document on 22 January 2008.

**Information requested:**

Para. 9: The State party should:

- (a) Investigate and punish the offenders;
- (b) Ensure effective access to justice by the victims of sexual violence;
- (c) Grant police protection to victims, and establish shelters where they can live in dignity;
- (d) Redouble its efforts to provide an educational environment free of discrimination and violence through awareness-raising campaigns and the training of educational personnel and students;
- (e) Take preventive and awareness-raising measures to counter gender violence, such as the provision of training for police officers, especially in the Women's Commissions, on women's rights and gender violence.

In this connection, the Committee would like to receive in the State party's next periodic report detailed information on the progress achieved in combating gender violence.

Para. 13: The State party should:

- (a) Take immediate and effective measures to put an end to such abuses, monitor, investigate and, where appropriate, prosecute and punish law enforcement officers who commit acts of ill-treatment and compensate the victims. In this connection, the State party should in its next periodic report provide statistics on criminal and disciplinary proceedings initiated for this type of act and the results thereof;
- (b) Intensify human rights training for law enforcement agents so that they do not engage in such conduct.

Para. 19: The State party should take appropriate measures to ensure the practical implementation of the Constitutional and legal provisions that guarantee the principle of non-discrimination against indigenous peoples and full compliance with articles 26 and 27 of the Covenant.

**Date information due:** 4 November 2010

**No information received.**

**Recommended action:** Send a reminder.

**Next report due:** 31 October 2013