



## International Covenant on Civil and Political Rights

Distr.: General  
11 November 2009  
English  
Original: French

---

### Human Rights Committee

#### Ninety-seventh session

Geneva, 12–30 October 2009

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

(Ninety-seventh session, October 2009)

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 ninety-sixth and ninety-seventh 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-fourth session (July 2005).<sup>1</sup>

---

\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

<sup>1</sup> As the next periodic report has become due with respect to the following States parties, the Committee has terminated the follow-up procedure despite deficient information or the absence of a follow-up report: Mali, Sri Lanka, Suriname, Namibia, Paraguay, Democratic Republic of the Congo, and Yemen.

## Eighty-fifth session (October 2005)

### **State party: Brazil**

**Report considered:** Second periodic (due 1998), submitted on 15 November 2004.

#### **Information requested:**

Para. 6: Accelerate demarcation of indigenous lands; provide effective civil and criminal remedies for deliberate trespass on such lands (arts. 1 and 27).

Para. 12: (a) measures to eradicate extrajudicial killing, torture and other forms of ill-treatment and abuse by law enforcement officials; (b) prompt and impartial investigations by an independent body into reported violations of human rights by law enforcement officials; (c) prosecution of perpetrators and punishment proportionate to the seriousness of the crime; grant effective remedies and redress to victims; (d) utmost consideration to the recommendations of the United Nations Special Rapporteurs on the question of torture, on extrajudicial, summary or arbitrary executions, and on the independence of judges and lawyers contained in the reports on their visits to the State party (arts. 6 and 7).

Para. 16: Measures to improve the situation of detainees and prisoners; limiting police custody to one or two days following arrest; end the practice of remand detention in police stations; develop a system of bail pending trial; ensure prompt trials; implement alternative measures other than imprisonment; end the practice of detaining prisoners in prolonged confinement even after their sentences have expired; introducing an effective bail system; prompt trials (arts. 9 and 10).

Para. 18: Combat impunity by considering other methods of accountability for human rights crimes committed under the military dictatorship such as disqualifying perpetrators from certain public offices and establishing justice and truth inquiry processes; release to the public of all documents relevant to human rights abuses, including those currently withheld pursuant to Presidential Decree No. 4553 (art. 14).

**Date information due:** 3 November 2006

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

*18 April 2008* Partial reply (response incomplete with regard to paragraphs 6, 12, 16 and 18).

#### **Action taken:**

Between December 2006 and September 2007, three reminders were sent. In his reminders of 29 June and 28 September 2007, the Special Rapporteur also requested a meeting with a representative of the State party.

*18 October 2007* During the ninety-first session, the Special Rapporteur met with two representatives of the State party. The State party delegation committed itself to providing the requested follow-up information before the ninety-second session.

*22 September 2008* A letter was sent to the State party to request additional information on paragraphs 6, 12, 16 and 18.

*16 December 2008* A reminder was sent.

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

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

Brazil.

**Recommended action:** A letter should be sent inviting the State party to reply to all concluding observations in its next periodic report due on 31 October 2009.

**Next report due:** 31 October 2009

## Eighty-sixth session (March 2006)

### State party: Hong Kong (China)

**Report considered:** Second periodic (due 2003), submitted on 14 January 2005.

**Information requested:**

Para. 9: Ensure that complaints against the police are investigated by an independent body whose decisions are binding on the authorities (art. 2).

Para. 13: Measures to prevent and prosecute harassment of media personnel; ensure that the media can operate independently and free from Government intervention (art. 19).

Para. 15: Ensure that policies and practice regarding the right of abode fully take into consideration the right of families and children to protection (arts. 23 and 24).

Para. 18: Ensure that the Legislative Council is elected by universal and equal suffrage; ensure that all interpretations of the Basic Law, including on electoral and public affairs issues, are in compliance with the Covenant (arts. 2, 25 and 26).

**Date information due:** 1 April 2007

**Date information received:**

*23 July 2007* Partial reply (responses incomplete with regard to paragraphs 9, 13, 15 and 18).

*28 April 2009* Partial reply received (para. 9: cooperative but information incomplete/recommendations not implemented; para. 13: cooperative but information incomplete; paras. 15 and 18: recommendations not implemented).

**Action taken:**

*29 June 2007* A reminder was sent.

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

*16 July 2008* During the ninety-third session, the Special Rapporteur met with a representative of China, who stated that the issues identified by the Special Rapporteur as requiring further clarification will be transmitted to the Government and to the HKSAR authorities.

*18 July 2008* An aide mémoire was sent to the Chinese Permanent Mission summarizing the issues identified by the Special Rapporteur as requiring further clarification.

*9 December 2008* A reminder was sent.

*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.

**Recommended action: If no report is received, the situation should be reviewed at the ninety-eighth session.**

**Next report due:** 1 April 2010

## **Eighty-seventh session (July 2006)**

### **State party: Central African Republic**

**Report considered:** Second periodic (due 1989), submitted on 3 July 2005.

**Information requested:**

Para. 11: Mobilize public opinion against female genital mutilation; criminalize female genital mutilation; ensure that perpetrators are brought to justice (arts. 3 and 7).

Para. 12: Ensure that all allegations of enforced disappearances, summary and arbitrary executions and torture and ill-treatment are investigated by an independent body and that perpetrators are prosecuted and appropriately punished; improve training for law enforcement personnel; compensation for victims; detailed information on complaints, the number of persons prosecuted and convicted, including current or former members of the Central Office for the Prevention of Banditry, and compensation paid to victims over the past three years (arts. 2, 6, 7 and 9).

Para. 13: Ensure that the death penalty is not extended to new crimes; abolition of the death penalty; accession to the Second Optional Protocol to the Covenant (arts. 2 and 6).

**Date information due:** 24 July 2007

**Date information received:** None received.

**Action taken:**

*28 September 2007* A reminder was sent.

*10 December 2007* A further reminder was sent.

*20 February 2008* The Special Rapporteur requested a meeting with a representative of the State party.

*18 March 2008* The Special Rapporteur requested a meeting with a representative of the State party.

*1 April 2008* Consultations were held during the ninety-second session. The delegation committed itself to transmitting the Special Rapporteur's and the Committee's request to the Government. No responses were provided.

*11 June 2008* A further reminder was sent by way of follow-up to the consultations which took place between the Special Rapporteur and the State party during the ninety-second session.

*22 September 2008* A reminder was sent.

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

29 May 2009 A reminder was sent to the State party.

**Recommended action: If no information is received, consultations should be scheduled for the ninety-eighth session.**

**Next report due:** 1 August 2010

### **State party: United States of America**

**Report considered:** Second and third periodic (due 1998), submitted on 28 November 2005.

#### **Information requested:**

Para. 12: Immediate cessation of the practice of secret detention, closure of all secret detention facilities; grant the International Committee of the Red Cross prompt access to any person detained in connection with an armed conflict; ensure that all detainees benefit from the full protection of the law at all times (arts. 7 and 9).

Para. 13: Ensure that any revision of the Army Field Manual provides only for interrogation techniques compatible with the Covenant; ensure that interrogation techniques are binding on all United States government agencies and any others acting on its behalf; ensure that there are effective means to follow suit against abuses committed by agencies operating outside the military structure; sanctions against personnel who used or approved the use of interrogation techniques that are now prohibited; reparation for victims; information on any revisions of interrogation techniques approved by the Manual (art. 7).

Para. 14: Prompt and independent investigations into all allegations concerning suspicious deaths, torture and ill-treatment inflicted by United States personnel and contract employees in detention facilities in Guantánamo Bay, Afghanistan, Iraq and other overseas locations; prosecution and punishment of those responsible in accordance with the gravity of the crime; measures to prevent the recurrence of such behaviours, including training and clear guidance to U.S. personnel and contract employees; no reliance during legal proceedings on evidence obtained by means incompatible with article 7; information on reparation for victims (arts. 6 and 7).

Para. 16: Review by the State party of its restrictive interpretation of article 7 of the Covenant; ensure that individuals, including those detained by the State party outside its territory, are not returned to another country if there is a substantial risk of torture or ill-treatment; independent investigations into allegations of such occurrences; amendment of legislation and policies to ensure that no such situation will recur; appropriate remedies for victims; exercise of utmost care in the use of diplomatic assurances and adoption of clear and transparent procedures with adequate judicial mechanisms for review before individuals are deported and effective mechanisms to monitor the fate of those returned (art. 7).

Para. 20: Provide information on the implementation of the Supreme Court's decision in *Hamdan v. Rumsfeld* (art. 14).

Para. 26: Review of practices and policies to ensure the full implementation of the State party's obligation to protect life and of the prohibition of direct and indirect discrimination in matters related to disaster prevention and relief; increased efforts to ensure that the rights of the poor, in particular African-Americans, are fully taken into consideration in post-Hurricane Katrina reconstruction plans with regard to access to housing, education and

health care; information on the results of the inquiries into the alleged failure to evacuate prisoners at the Parish prison, and allegations that New Orleans residents were not permitted by law enforcement officials to cross the Greater New Orleans Bridge to Gretna, Louisiana (arts. 6 and 26).

**Date information due:** 1 August 2007

**Date information received:**

*1 November 2007* Partial reply (responses to paragraphs 12, 13, 14, 16 and 26 incomplete).

*14 July 2009* Additional information submitted.

**Action taken:**

*28 September 2007* A reminder was sent.

*11 June 2008* The Special Rapporteur requested a meeting with a representative of the State party.

*10 July 2008* During the ninety-third session, the Special Rapporteur met with representatives of the State party, who indicated that the Special Rapporteur's request to receive additional information on outstanding issues under paragraphs 12, 13, 14 and 16 before the Committee's ninety-fifth session will be conveyed to the Government.

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

**Recommended action: Translation of the additional replies of the State party has been delayed. The replies should be considered at the ninety-eighth session.**

**Next report due:** 1 August 2010

**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 the International Criminal Tribunal for the former Yugoslavia prosecutors (arts. 2 (3), 6 and 7).

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 (arts. 2 (3), 6 and 7).

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 (art. 12).

**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).

**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 Raymundo, Senior Human Rights Advisor 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.

**Recommended action: If no information is received, a further reminder should be sent and consultations should be scheduled for the ninety-eighth session.**

**Next report due: ...**

## **Eighty-eighth session (October 2006)**

### **State party: Bosnia and Herzegovina**

**Report considered:** Initial (due 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 (arts. 2, 25 and 26).

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 (arts. 2 (3), 6 and 7).

Para. 19: Improvement of material and hygienic 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 (arts. 7 and 10).

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 (arts. 2, 17 and 26).

**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).

**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* A letter was sent to request additional information.

*27 August 2009* A reminder was sent.

**Recommended action: If no information is received, a further reminder should be sent.**

**Next report due:** 1 November 2010

**State party: Honduras**

**Report considered:** Initial (due 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 (arts. 6 and 24).

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 (arts. 6 and 7).

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 (arts. 7, 8 and 24).



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 (art. 27).

**Date information due:** 1 November 2007

**Date information received:**

*7 January 2007* Information on paragraph 18 (art. 16), 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).

**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 letter was sent to request additional information.

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

*27 August 2009* A further reminder was sent.

**Recommended action: If no information is received, consultations should be scheduled for the ninety-eighth session.**

**Next report due:** 31 October 2010

**State party: Republic of Korea**

**Report considered:** Third periodic (due 2003), submitted on 10 February 2005.

**Information requested:**

Para. 12: Ensure that migrant workers may enjoy the rights under the Covenant without discrimination, including equal access to social services and educational facilities, as well as the right to form trade unions; provision of adequate forms of redress (arts. 2, 22 and 26).

Para. 13: Prevent all forms of ill-treatment by law enforcement officials in all places of detention including mental health hospitals; establish independent investigative bodies; introduce independent inspections of facilities and videotaping of interrogations; prosecution and appropriate punishment of perpetrators; effective remedies for victims; discontinuation of harsh and cruel measures of disciplinary confinement, in particular, the use of manacles, chains and face masks, and the "stacking" of 30-day periods of isolation (arts. 7 and 9).

Para. 18: Ensure the compatibility of article 7 of the National Security Law, and sentences imposed thereunder, with the requirements of the Covenant (art. 19).

**Date information due:** 1 November 2007

**Date information received:**

*25 February 2008* Partial reply (responses to paragraphs 12 and 13 incomplete; response to paragraph 18 unsatisfactory).

**Action taken:**

*17 January 2008* A reminder was sent.

*11 June 2008* The Special Rapporteur requested a meeting with a representative of the State party.

*21 July 2008* During the ninety-third session, the Special Rapporteur met with a representative of the State party, who indicated that additional information on any outstanding issues will be provided in the fourth periodic report.

*22 July 2008* An aide mémoire was sent to the State party summarizing the issues identified by the Special Rapporteur as requiring further clarification.

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

*27 August 2009* A further reminder was sent.

**Recommended action:** Given that the State party has sent a letter stating its intention to include additional information in its next report due on 2 November 2010, the follow-up procedure with respect to the third periodic report should be considered completed.

**Next report due:** 2 November 2010

**State party: Ukraine**

**Report considered:** Sixth periodic (on time), submitted on 21 February 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 (art. 6).

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 (art. 10).

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

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

**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* Additional information submitted.

**Action taken:**

*17 January 2008* A reminder was sent.

*16 December 2008* A letter was sent to request additional information.

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

**Recommended action: Translation of the additional replies of the State party has been delayed. The replies should be considered at the ninety-eighth session.**

**Next report due:** 2 November 2011

## **Eighty-ninth session (March 2007)**

### **State party: Barbados**

**Report considered:** Third periodic (due 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 Covenant; remove prescription of mandatory death sentences from relevant laws and ensure that such laws are compatible with article 6 of the Covenant (art. 6).

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

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

**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 information 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 follow-up reply.

*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 completed due to non-implementation and to ask the State party to report on these issues in its next periodic report.

**Recommended action: If no report is received, the situation should be examined at the ninety-eighth session.**

**Next report due:** 29 March 2011

**State party: Chile**

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

**Information requested:**

Para. 9: Ensure that serious human rights violations committed during the dictatorship are punished and that those suspected of being 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 National Commission on Political Prisoners and Torture (CNPPT) that may help to identify those responsible for extrajudicial executions, forced disappearances and torture (arts. 2, 6 and 7).

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. 18,314 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 (arts. 1 and 27).

**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).

**Action taken:**

*11 June 2008* A reminder was sent.

*22 September 2008* A further reminder was sent.

*10 December 2008* A letter was sent to request additional information.

*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 during which some aspects in relation to paragraphs 9 and 19 were discussed. The Ambassador also informed the Special Rapporteur that the replies of the State party to the Committee's additional follow-up questions are currently being prepared and will be submitted as soon as possible.

**Recommended action: Since no information was received before the ninety-seventh session of the Committee, a further reminder should be sent.**

**Next report due:** 27 March 2012

**State party: Madagascar**

**Report considered:** Third periodic (due 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 (art. 2).

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

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

**Date information due:** 1 April 2008

**Date information received:**

*3 March 2009* Partial reply (responses incomplete with regard to paragraphs 7, 24 and 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* A letter was sent to request additional information.

*3 September 2009* A reminder was sent.

**Recommended action: If no information is received a further reminder should be sent.**

**Next report due:** 23 March 2011

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

### **State party: Czech Republic**

**Report considered:** Second periodic (due 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 (arts. 2, 7, 9 and 26).

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 (arts. 9 and 16).

Para. 16: Measures to combat discrimination against Roma (arts. 2, 26 and 27).

**Date information due:** 1 August 2008

**Date information received:**

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

**Action taken:**

*11 June 2008* A reminder was sent.

*10 December 2008* A letter was sent to request additional information.

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

*6 October 2009* A further reminder was sent.

**Recommended action: If no information is received, consultations should be scheduled for the ninety-eighth session.**

**Next report due:** 1 August 2011

**State party: Sudan**

**Report considered:** Third periodic (due 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 to anyone believed to have committed serious crimes;

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

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 (arts. 2, 6 and 7).

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 (arts. 8 and 24).

**Date information due:** 1 August 2008

**Date information received:**

*19 November 2008* Information submitted.

**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.

**Recommended action: The replies of the State party should be sent for translation and considered at a later session.**

**Next report due:** 26 July 2010

**State party: Zambia**

**Report considered:** Third periodic (due 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 (art. 2).

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 (arts. 2 and 3).

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 (arts. 7, 9 and 10).

**Date information due:** 1 August 2008

**Date information received: None received.**

**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).

**Recommended action: If no information is received, a further reminder should be sent.**

**Next report due:** 20 July 2011

## Ninety-first session (October 2007)

### State party: Georgia

**Report considered:** Third periodic (due 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 (arts. 3, 23 and 26).

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 (art. 6).

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

**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.

**Action taken:**

*16 December 2008* A reminder was sent.

*29 May 2009* A letter was sent to request additional information.

*27 August 2009* A reminder was sent.

**Recommended action: The replies of the State party should be sent for translation and considered at a later session.**

**Next report due:** 1 November 2011

### State party: Libyan Arab Jamahiriya

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

**Information requested:**

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

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

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

**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)).

**Action taken:**

*16 December 2008* A reminder was sent.

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

**Recommended action:** A letter should be sent to request additional information and to state that the follow-up procedure with respect to certain issues is considered completed and to ask the State party to report on these issues in its next periodic report.

**Next report due:** 30 October 2010

**State party: Austria**

**Report considered:** Fourth periodic (due 1 October 2002), submitted on 21 July 2006.

**Information requested:**

Para. 11: Prompt, independent, and impartial investigation of cases of death and abuse in police custody; introduction of mandatory human rights training for police, judges and law enforcement officers (arts. 6, 7 and 10).

Para. 12: Adequate medical supervision and treatment of detainees awaiting deportation who are on hunger strike; investigation of the case of *Geoffrey A.*, and information on the outcome of investigations in this case and in the case of *Yankuba Ceesay* (arts. 6 and 10).

Para. 16: Ensure that restrictions on the contact between an arrested or detained person and counsel are not left to the sole discretion of the police (art. 9).

Para. 17: Ensure that asylum-seekers who are detained pending deportation are held in centres specifically designed for that purpose, preferably in open stations, with access to qualified legal counselling and adequate medical services (arts. 10 and 13).

**Date information due:** 30 October 2008

**Date information received:**

*15 October 2008* Partial reply (responses incomplete with regard to paragraphs 11, 12, 16 and 17).

*22 July 2009* Additional information submitted (in the main largely satisfactory).

**Action taken:**

*12 December 2008* A letter was sent to request additional information.

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

**Recommended action:** A letter should be sent stating that the follow-up procedure is considered completed.

**Next report due:** 30 October 2012

**State party: Algeria**

**Report considered:** Third periodic (due 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 (arts. 2 and 9).

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 (arts. 2, 6, 7, 9, 10 and 16).

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 (arts. 2, 6 and 7).

**Date information due:** 1 November 2008

**Date information received:**

*7 November 2007* In a memorandum addressed to the Special Rapporteur, issued under symbol 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 the memorandum of 7 November 2007, and again requested that that memorandum should be issued as an annex to the annual report of the Committee).

**Action taken:**

*16 December 2008* A reminder was sent.

*29 May 2009* A letter was sent to request additional information.

*27 August 2009* A reminder was sent.

**Recommended action: If no information is received, a further reminder should be sent and consultations should be scheduled for the ninety-eighth session.**

**Next report due:** 1 November 2011

**State party: Costa Rica**

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

**Information requested:**

Para. 9: Measures to put an end to overcrowding in detention centres (art. 10).

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

**Date information due:** 1 November 2008

**Date information received:**

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

**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.

**Recommended action: If no report is received, the situation should be examined at the ninety-eighth session.**

**Next report due:** 1 November 2012

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

**Report considered:** Fifth periodic (due 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 about torture (arts. 2 and 7).

Para. 14: Commutation of all death sentences; consider abolishing the death penalty and ratifying the second Optional Protocol to the Covenant (arts. 2, 6 and 7).

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 (arts. 9, 19, 21 and 22).

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 (arts. 21 and 22).

**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. 20–21: receipt acknowledged but non-specific information).

**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.

**Recommended action:** The State party asked for time to provide additional information. The situation should be examined at the ninety-eighth session.

**Next report due:** 31 March 2012

### **State party: Botswana**

**Report considered:** Initial (due 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 to request the transfer of a case and to appeal customary courts' decisions to constitutional law courts (arts. 2 and 3).

Para. 13: Ensure that the death penalty is only imposed 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 (art. 6).

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

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 (arts. 7, 9 and 10).

**Date information due:** 1 April 2009

#### **Action taken:**

*8 September 2009* A reminder was sent.

**Recommended action:** A further reminder should be sent.

**Next report due:** 31 March 2012

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

**Report considered:** Second periodic (due 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 (arts. 2, 6 and 7).

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 (arts. 2, 7, 9 and 10).

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 (art. 12).

**Date information due:** 1 April 2009

**Date information received:**

*31 August 2009* Information submitted.

**Action taken:**

*27 August 2009* A reminder was sent.

**Recommended action: The additional replies of the State party should be sent for translation and should be considered at a later session.**

**Next report due:** 1 April 2012

### **State party: Panama**

**Report considered:** Third periodic (due 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 (art. 10).

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

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 (arts. 3 and 7).

**Date information due:** 1 April 2009

**Action taken:**

*27 August 2009* A reminder was sent.

**Recommended action: A further reminder should be sent.**

**Next report due:** 31 March 2012

## **Ninety-third session (July 2008)**

### **State party: France**

**Report considered:** Fourth periodic (due 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 (arts. 2,

25, 26 and 27).

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 (arts. 7, 10 and 13).

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 (arts. 7 and 13).

**Date information due:** 31 July 2009

**Date information received:**

20 July 2009 Partial reply (in the main largely satisfactory; para. 18: partly responses incomplete; para. 20: partly responses incomplete).

**Recommended action: A letter should be sent to request additional information and to state that the follow-up procedure with respect to certain issues is considered completed and to ask the State party to provide information on these issues in its next periodic report.**

**Next report due:** 1 August 2012

**State party: San Marino**

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

**Information requested:**

Para. 6: Establish an effective 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

**Recommended action: A reminder should be sent.**

**Next report due:** 31 July 2013

**State party: Ireland**

**Report considered:** Third periodic (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* Information submitted (in the main largely satisfactory; para. 11 partly responses incomplete).

**Recommended action:** A letter should be sent to request additional information and to state that the follow-up procedure with respect to certain issues is considered completed and to ask the State party to provide information on these issues in its next periodic report.

**Next report due:** 31 July 2012

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

**Report considered:** Sixth periodic (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* Information submitted.

**Recommended action:** The additional replies of the State party have been sent for translation and should be considered at the ninety-eighth session.

**Next report due:** 31 July 2012

---