



# International Covenant on Civil and Political Rights

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## Human Rights Committee

### Report on follow-up to the concluding observations of the Human Rights Committee\*

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

1. The Human Rights Committee, in accordance with article 40 (4) of the International Covenant on Civil and Political Rights, may prepare follow-up reports based on the various articles and provisions of the Covenant with a view to assisting States parties in fulfilling their reporting obligations. The present report is prepared pursuant to that article.
2. The report sets out the information received by the Special Rapporteur for follow-up to concluding observations between the 114th and 115th sessions, and the Committee's analyses and the decisions that it adopted during its 115th session. All the available information concerning the follow-up procedure used by the Committee since its eighty-seventh session, held in July 2006, is outlined in the table below.

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#### Assessment of replies

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##### *Reply/action satisfactory*

- A** Response largely satisfactory

##### *Reply/action partially satisfactory*

- B1** Substantive action taken, but additional information required

- B2** Initial action taken, but additional information and measures required

##### *Reply/action not satisfactory*

- C1** Response received but actions taken do not implement the recommendation

- C2** Response received but not relevant to the recommendation
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\* Adopted by the Committee at its 115th session (19 October-6 November 2015).



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*No cooperation with the Committee*

**D1** No response received within the deadline, or no reply to a specific question in the report

**D2** No response received after reminder(s)

*The measures taken are contrary to the Committee's recommendations*

**E** Response indicates that the measures taken are contrary to the Committee's recommendations

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## 105th session (July 2012)

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### *Armenia*

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Concluding observations: CCPR/C/ARM/CO/2, 25 July 2012

Follow-up paragraphs: 12, 14 and 21

First reply: Received 8 August 2013

Committee's evaluation: Additional information required on paragraphs 12[C1], 14[C1] and 21[C1]

Second reply: Received 16 June 2015

Committee's evaluation: Additional information required on paragraphs 12[C2], 14[C2] and 21[B1]

**Paragraph 12: The State party should establish effective investigative procedures to ensure that law enforcement officers found responsible for excessive use of force during the 1 March 2008 events, including those with command responsibility, are held accountable and appropriately sanctioned. The State party should also guarantee that victims of these acts receive adequate compensation, and that they have access to adequate medical and psychological rehabilitation.**

**Follow-up question:**

[C1]: The State party referred to investigations that had been undertaken long before the adoption of the Committee's concluding observations on Armenia. It did not refer to any measures taken since the adoption of the concluding observations. The Committee regrets that no information was provided on measures taken to compensate the victims and to provide them with adequate medical and psychological rehabilitation. Additional information is requested on:

- (a) Measures taken after the adoption, on 25 July 2012, of the concluding observations on Armenia;
  - (b) Sanctions imposed on those responsible for excessive use of force during the 1 March 2008 events;
  - (c) Measures taken to guarantee that victims of the events of 1 March 2008 receive adequate compensation and that they have access to adequate medical and psychological rehabilitation.
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*Armenia*

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**Summary of State party's reply:**

Individual proceedings were brought in relation to the deaths of 10 persons and the bodily injuries received by three persons during the events of March 2008.

In criminal cases against four police officers, amnesties were granted after they had been found guilty of excessive use of force.

**Non-governmental organization (NGO) information:**

*Helsinki Citizens' Assembly Vanadzor Office, with the support of Centre for Civil and Political Rights:*

The Special Investigation Unit claims that investigations have continued since the publication of the December 2011 report, but there are no further reports available to the public. The Government has not provided any compensation or assistance to the victims and their families.

**Committee's evaluation:**

**[C2]:** The Committee regrets the failure of the State party to refer to any measures taken since the adoption of the Committee's concluding observations and to measures taken to guarantee that the victims of the events of 1 March 2008 receive adequate reparation, including compensation and adequate medical and psychosocial rehabilitation. The Committee reiterates its recommendation.

**Paragraph 14: The State party should establish an independent system for receiving and processing complaints regarding torture or ill-treatment in all places of deprivation of liberty, and should ensure that any act of torture or cruel, inhuman or degrading treatment is prosecuted and punished in a manner commensurate with its gravity.**

**Follow-up question:**

**[C1]:** The Committee welcomes the actions taken to establish an independent mechanism for receiving and processing complaints regarding torture or ill-treatment in places of deprivation of liberty, but considers that the recommendation has not yet been implemented. It requests additional information on when the State party expects to establish the mechanism. The Committee reiterates its recommendation.

**Summary of State party's reply:**

The draft law "On making amendments and supplements to the Criminal Code of the Republic of Armenia" (introduced in 2011) has brought the definition of torture into compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The State party repeats information provided in its previous follow-up report that the Action Plan of the National Strategy on Human Rights Protection envisages the creation of an independent mechanism for accepting complaints regarding cases of torture and ill-treatment in places of imprisonment.

The State party referred to the Special Investigative Service (CCPR/C/ARM/Q/2/Add.1, para. 43), which may carry out investigations into crimes committed with the complicity of legislative, executive and judicial officials and persons performing State services. The Special Investigative Service has a specialized unit for investigating torture and crimes against humanity.

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*Armenia*

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**NGO information:**

No notable changes have been witnessed since January 2014.

**Committee's evaluation:**

**[C2]:** The Committee regrets the failure of the State party to provide any additional information on the establishment of the independent mechanism for receiving and processing complaints regarding torture and ill-treatment in places of imprisonment. Additional information is required on any progress made in adopting the draft law on amendments and supplements to the Criminal Code of Armenia. The Committee reiterates its recommendation.

**Paragraph 21: The State party should amend its domestic legal provisions in order to ensure the independence of the judiciary from the executive and legislative branch and consider establishing, in addition to the collegiate corpus of judges, an independent body responsible for the appointment and promotion of judges, as well as for the application of disciplinary regulations.**

**Follow-up question:**

**[C1]:** While the Committee welcomes the 2012–2016 Strategic Programme for Legal and Judicial Reforms in the Republic of Armenia, it considers that the actions taken do not implement the recommendation to amend its domestic law to ensure the independence of the judiciary. The Committee reiterates its recommendation.

**Summary of State party's reply:**

In July 2014, the law “On making amendments and supplements to the Judicial Code of Republic of Armenia” entered into force, introducing written tests in criminal, civil and administrative fields for entry into the judiciary, with a further psychological test for successful candidates. The law introduced a system of regular qualitative and quantitative evaluations of judges’ activities.

The law also aims to ensure the independence of the judiciary in the event that judges are subjected to disciplinary liability.

**NGO information:**

No progress has been made by the Government in this regard.

**Committee's evaluation:**

**[B1]** The Committee welcomes the adoption of the amendments to the Judicial Code and the measures taken to strengthen the independence of the judiciary from the executive and legislative branch. Additional information is required on:

- (a) Further measures taken to establish an independent body for the appointment and promotion of judges;
  - (b) The role currently played by the executive and legislative branches in the appointment and promotion of judges;
  - (c) The purpose and criteria of and procedure for the psychological test applied to candidates who have passed the written test;
  - (d) Any internal or external assessment conducted on the quality and impact of the amendments to the Judicial Code.
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*Armenia*

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**Recommended action:** A letter should be sent reflecting the analysis of the Committee.

**Next periodic report:** 27 July 2016

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*Kenya*

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Concluding observations: CCPR/C/KEN/CO/3, 25 July 2012

Follow-up paragraphs: 6, 13 and 16

First reply: Received 9 February 2015

Committee's evaluation: Additional information required on paragraphs 6[B2], 13[C1] and 16[B2][C2][B2][C2]

**Paragraph 6: The State party should strengthen its efforts to increase the participation of women in the public and private sectors, and where necessary, through appropriate temporary special measures to give effect to the provisions of the Covenant. In this regard, the Committee recommends that the State party ensure that the two-thirds rule enunciated by the new Constitution is implemented as a matter of priority. Furthermore, the Committee urges the State party to include in its next periodic report, disaggregated statistical data on the representation of women in the private sector.**

**Summary of State party's reply:**

Kenya is committed to promoting the equitable participation of women in the public and private sectors. Nonetheless, women continue to be underrepresented. In petition No. 147, of 2013, the court ordered the State to develop policies to this end and to increase the participation of women in the political process.

The Constitution establishes that “not more than two thirds of the members of elective public bodies shall be of the same gender”, but it is not clear how this should be implemented. Gender equality was not achieved in the first general elections under the Constitution. In response, the Supreme Court held that the achievement of the provision would be progressive and ordered that a mechanism be set up by 27 August 2015. The Attorney General established a working group to look at how to achieve this.

After the 2013 general elections, the Government established 18 ministries. Six women were appointed to the Cabinet.

The National Gender and Constitutional Commission is carrying out a survey on the implementation of the two-thirds rule in the private sector. Results will be included in the next periodic report.

**NGO information:**

*Independent Medico-Legal Unit and Centre for Civil and Political Rights:*

The role of women in the 2013 election was slightly better than in the 2007 election, because of the seats reserved for women.

Some women running for election in 2013 faced violence.

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**Kenya**

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*Kenya National Commission on Human Rights:*

The State has not demonstrated sufficient commitment to the two-thirds rule. More needs to be done in the private sphere.

**Committee's evaluation:**

**[B2]:** The Committee welcomes the representation of women in significant governmental positions and the fact that the National Gender and Constitutional Commission is undertaking a survey on the implementation of the “two-thirds rule” in the private sector, and expects that comprehensive data will be included in the State party’s next report. It regrets that the “two-thirds rule” is still not fully applied and that women remain underrepresented in the public sector. Additional information is required on measures taken to strengthen efforts to increase the participation of women in the public and private sectors, including on the progress made by the working group established by the Attorney General to achieve full implementation of article 81 (b) of the Constitution. Please also respond to allegations of violence faced by women running for election in 2013.

**Paragraph 13: The State party should, as a matter of urgency, pursue all cases of post-2007 election violence to ensure that all allegations of human rights violations are thoroughly investigated and that the perpetrators are brought to justice, and that victims are adequately compensated. In this regard, the State party should ensure that the recommendations of the Commission of Inquiry into the Post-Election Violence (Waki Inquiry) are duly implemented.**

**Summary of State party's reply:**

The Director of Public Prosecutions established a multi-agency task force to undertake a countrywide audit of all cases of local post-election violence under investigation and pending before the courts. A total of 191 convictions had been made, out of 6,443 case files; 61 cases are pending investigation.

The State party outlined the status of implementation of the recommendations of the Commission of Inquiry into the Post-Election Violence.

**NGO information:**

*Independent Medico-Legal Unit and Centre for Civil and Political Rights:*

Regarding the investigation and prosecution of violence, very little was done. In February 2014, the Director of Public Prosecutions claimed that none of the 4,000 cases related to post-election violence could be prosecuted, due to a lack of evidence. Four cases are pending before the courts.

*Kenya National Commission on Human Rights:*

Over 8,000 cases relating to post-election violence were reviewed by the State. Convictions were secured in only 2 per cent of cases, and where convictions were secured, no compensation was granted to the victims.

**Committee's evaluation:**

**[C1]:** The Committee regrets that the available data indicate that only a small number of cases have been prosecuted and convictions have been rare. It reiterates its previous recommendations and urges the State party to investigate thoroughly all cases of post-election violence and to compensate victims adequately. Additional information is required

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*Kenya*

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on the measures taken since 25 July 2012 to implement the Committee's recommendations. The State party should also provide updated statistical information on the number of cases pending before the courts, of convictions and of acquittals since 25 July 2012. Updated information is also required on the initiative to establish the International Crimes Division of the High Court, which "would try those suspects who have not yet been taken to The Hague".

**Paragraph 16: The State party should take urgent measures to address overcrowding in detention centres and prisons, including through increased resort to alternative forms of punishment such as parole and community service. The State party should also ensure that allegations of torture and ill-treatment are effectively investigated and that alleged perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that the victims are adequately compensated. In this connection, the State party should ensure that law enforcement personnel continue to receive training on torture and ill-treatment by integrating the 1999 Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) in all training programmes for law enforcement officials. The State party should ensure that the Prevention of Torture bill includes a definition of torture that is in line with article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.**

**Summary of State party's reply:**

The Persons Deprived of Liberty Bill is expected be enacted by August 2014. The bill provides for the humane treatment of persons detained, and gives effect to the provisions of international human rights instruments.

There was an increase in the use of community service orders for petty offenders in order to reduce congestion in prisons.

The Independent Policing Oversight Authority, established in 2012 (see CCPR/C/KEN/Q/3/Add.1, para. 85), may take over investigations already before the Internal Affairs Unit when it has reason to believe that they have been inordinately delayed or are manifestly unreasonable.

The Istanbul Protocol has been included in the police training curriculum.

The definition of torture in the Prevention of Torture Bill 2014 is in full conformity with the Convention. The bill is undergoing review by stakeholders.

**NGO information:**

*Independent Medico-Legal Unit and Centre for Civil and Political Rights:*

The 2013 presidential pardon released more than 4,000 detainees from prison, slightly improving the overcrowding situation.

In 2013 and 2014, the Independent Medico-Legal Unit documented 278 cases of torture or inhumane or degrading treatment by State agencies. Although torture by police officers is prohibited by law and punishable by 25 years in prison, no police officer has been charged under this provision. In June 2014, the Cabinet for Internal Security acknowledged that the State owed victims of torture compensation of approximately \$2,400,000, but had no budget to pay it.

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**Kenya**

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*Kenya National Commission on Human Rights:*

There has been a slight improvement as regards the use of alternative sentences.

Prison facilities need to be improved.

No progress has been made in enacting the Prevention of Torture Bill.

**Committee's evaluation:**

**[B2]:** With regard to overcrowding in detention centres, the Committee welcomes measures taken by the State party, including an increase in the use of alternative measures to detention, and the 2013 presidential pardon that led to the release of more than 4,000 detainees. Additional information is required on measures taken to guarantee the systematic use of alternatives to imprisonment; the criteria for eligibility for alternatives to imprisonment; and statistical information from the past three years on the number of inmates in detention centres, disaggregated by facilities and capacity. Please also clarify whether the Persons Deprived of Liberty Act 2014 has been adopted.

**[C2]:** The Committee notes the establishment of the Independent Policing Oversight Authority, but regrets that the State party has not otherwise provided information on measures taken to investigate and prosecute allegations of torture and ill-treatment. The Committee notes with concern the information provided by NGOs stating that despite reports of over 200 incidents of torture or ill-treatment by State officials, and even though torture is prohibited by law and is punishable by 25 years' imprisonment, no police officer has been charged under this provision. The Committee also regrets that, although the Cabinet for Internal Security acknowledged that approximately \$2,400,000 is owed to victims of torture as compensation, there has been no budget to pay it. The Committee requires additional information with regard to the impact of the Independent Policing Oversight Authority, including statistical information on the number of investigations taken over from the Internal Affairs Unit and the outcome of those investigations. The Committee otherwise reiterates its recommendations.

**[B2]:** The Committee welcomes the incorporation of the Istanbul Protocol into police training. It requests information on the number of training sessions that have been held (since July 2012) or are scheduled, and their timing and length, on the number of officials trained (or expected to be trained), on whether all the training incorporated the Istanbul Protocol into the curriculum, and on the impact of such training.

**[B2]:** The Committee requests information on the progress and implementation of the Prevention of Torture Bill 2014 and information about the definition of torture contained in the bill.

**Recommended action:** A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be included in the State party's next periodic report.

**Next periodic report:** 27 July 2015

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## 107th session (March 2013)

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### *Paraguay*

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Concluding observations:	CCPR/C/PRY/CO/3, 26 March 2013
Follow-up paragraphs:	8, 14 and 23
First reply:	Received 10 May 2014
Committee's evaluation:	Additional information required on paragraphs 8[C1][C1][C1], 14[C2] and 23[B2]
Second reply:	Received 14 April 2015
Committee's evaluation:	Additional information required on paragraphs 8[C1][C1][B1], 14[C2] and 23[C1]

**Paragraph 8: The State party should ensure that all the cases of serious human rights violations documented by the Truth and Justice Commission are duly investigated and that those responsible are tried and, where appropriate, punished. The State party should also guarantee prompt and fair access by all victims and their families to reparation or compensation, including in cases of torture — such as psychological torture — that leaves no physical marks. Finally, the State party should, as a matter of urgency, consider including in its budget the resources needed to continue the search for and identification of human remains in the context of investigations into enforced disappearances.**

**Follow-up question:**

**(a)[C1]:** Concerning the need to ensure that all cases of serious human rights violations documented by the Truth and Justice Commission are investigated, additional information is requested on:

- (i) The progress of judicial cases concerning human rights violations that occurred during the dictatorship;
- (ii) The actions taken by the Human Rights Directorate of the Supreme Court of Justice after having received the updated information on judicial cases opened before 2013, as referred to in the State party's follow-up report.

**(b)[C1]:** Concerning reparation and compensation provided to victims, additional information is required on:

- (i) The new criteria for granting compensation established by the Attorney General's Office;
- (ii) The internal deadline for the issuance of decisions on compensation claims, established in resolution No. 234/2013.

**(c)[C1]:** Concerning the resources needed to continue the search for and identification of human remains in the context of investigations into enforced disappearances, additional information is requested on the allocation of funds to ENABI and to the Office of the Ombudsman (Dirección General de Verdad, Justicia y Reparación).

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*Paraguay*

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**Summary of State party's reply:**

**(a)(i):** The Human Rights Directorate of the Prosecutor General's Office is currently analysing the documents presented by the Office of the Ombudsman and classifying the files of missing persons to identify events that have already been investigated.

There are a total of 97 cases under investigation by the Specialized Unit.

**(a)(ii):** The State party referred to the establishment of the Museum of Justice and Documentation Centre and Archive for the Defence of Human Rights (see CCPR/C/PRY/3, para. 9). The Museum will be opened in 2015. There are also plans to establish a judicial cooperation agreement with the Directory of Reparations and Historical Memory to support the search for and exhumation and identification of persons who went missing between 1954 and 1989.

**(b)(i):** The Attorney General's Office has not established criteria for granting compensation.

**(b)(ii):** It takes 21 days for the processing of a compensation claim, in accordance with the 30-day deadline established under Act No. 838/1996.

**(c):** Since 2006, ENABI has found a total of 29 bodies, which are currently under the responsibility of the Public Prosecutor. Searches have to be conducted in more than 20 places.

In order to start the process of identifying the 29 bodies, two agreements were signed with the Institute for Comparative Studies in Criminal and Social Sciences and \$75,000 was approved for this project. The Institute will hire the Argentine Forensic Anthropology Team to start the identification process. The amount allocated for the project is 50 per cent of the total amount previously budgeted by the Argentine Forensic Anthropology Team, four years ago.

**Committee's evaluation:**

**(a)[C1]:** The Committee notes the information provided by the State party, including information on the efforts made by the Human Rights Directorate of the Prosecutor General's Office to classify the files of missing persons. Additional information is required on:

(i) The progress of judicial cases since the adoption of the concluding observations on Paraguay on 26 March 2013, concerning human rights violations perpetrated during the dictatorship;

(ii) The number of cases analysed by the Human Rights Directorate of the Supreme Court of Justice and the results of its effort to classify the files of missing persons;

(iii) The number of ongoing prosecutions of alleged perpetrators of human rights violations committed during the period 1954-1989, including the number of prosecutions launched since 26 March 2013 and any results of those prosecutions;

(iv) The initiative to establish a judicial cooperation agreement with the Directory of Reparations and Historical Memory to support the search for and exhumation and identification of persons who went missing from 1954 to 1989.

**(b)[C1]:** Additional information is required on all reparations and compensation granted to victims, including information on all such measures since 26 March 2013, including the number of victims compensated and the amount of compensation.

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*Paraguay*

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**(c)[B1]:** The Committee welcomes the amount approved in the presidential decree to start the identification process of the bodies found by ENABI. Additional information should be provided on any progress to initiate the identification process and on actions taken to allocate the remaining 50 per cent of the budget required.

**Paragraph 14: The State party should evaluate and review the functioning of the neighbourhood watch committees, investigate, prosecute and punish all criminal acts for which their members are allegedly responsible, and provide appropriate compensation for their victims.**

**Follow-up question:**

**[C2]:** No new measures appear to have been taken since the examination of the State party's report. The recommendation has not been implemented and actions remain necessary.

**Summary of State party's reply:**

The State party refers to the information provided in its previous follow-up report.

**Committee's evaluation:**

**[C2]:** No new measures appear to have been taken since the examination of the State party's report. The recommendation has not been implemented and actions remain necessary. Please provide information on the number of complaints received in the past three years concerning violations allegedly perpetrated by the neighbourhood watch committees and on all investigations carried out into those allegations.

**Paragraph 23: The State party should institute an immediate, independent and impartial investigation into the deaths of 17 people during the police raid in Curuguaty on 15 June 2012, and also into all the related incidents reported by the victims, particularly torture, arbitrary detention, extrajudicial executions and possible violations of due process, including in the case of the young person who was convicted and the two heavily pregnant women held in pretrial detention.**

**Follow-up question:**

**[B2]:** The Committee takes note of the criminal proceedings in regard to the police raid in Curuguaty, but requests additional information on the progress of the investigations and criminal proceedings. Additional information is also required in respect of the two heavily pregnant women held in pretrial detention.

**Summary of State party's reply:**

The Public Prosecutor concluded that the police officers involved in the events of 15 June 2012 acted in legitimate defence. The proceedings are currently at the oral and public stages. Investigations are ongoing into alleged acts of torture committed by police officers during the events.

Regarding the two heavily pregnant women held in pretrial detention, their detention was replaced by house arrest in March 2013.

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*Paraguay*

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**Committee's evaluation:**

**[C1]:** The Committee takes note of the information provided by the State party on the criminal proceedings with regard to the police raid in Curuguaty, but requests additional information on:

- (a) The progress of the criminal proceedings currently at the oral and public stage, particularly on the number of persons accused, the crimes committed, and the outcome of those proceedings;
- (b) The progress of investigations into alleged acts of torture committed by police officers during the events of 15 June 2012.

**Recommended action:** A letter should be sent reflecting the analysis of the Committee.

**Next periodic report:** 30 March 2017

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## **108th session (July 2013)**

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*Albania*

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Concluding observations: CCPR/C/ALB/CO/2, 24 July 2013

Follow-up paragraphs: 9 and 13

First reply: Received 13 July 2015

Committee's evaluation: Additional information required on paragraphs 9[C1][D1] and 13[B1][B1][B2]

**Paragraph 9: The State party should intensify its efforts to conclude its investigation into the January 2011 demonstrations, ensure compliance with international standards of investigation, and to this end, bring perpetrators to justice, punish them adequately, if convicted, and compensate victims.**

**Summary of State party's reply:**

The Court of the Tirana Judicial District had previously declared three citizens not guilty on charges of “homicide committed in other specific circumstances”, in relation to the deaths of three individuals in January 2011. On appeal in September 2013, the prosecution sought convictions for two of the defendants on the lesser charge of “homicide because of negligence”, requesting sentences of one and three years, respectively. The appeal is ongoing.

A separate criminal investigation (criminal proceeding No. 285 of 2011) is under way to identify those responsible for the murder of citizen A.N. and for injuring three other citizens, as is a criminal investigation by the Prosecution Office of the Tirana Judicial District into the arbitrary actions of police bodies (also since 2011).

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*Albania*

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**NGO information:**

*Res Publica:*

The State party has failed to conduct an effective criminal investigation into the deaths at the 21 January 2011 demonstration. No investigations have been made into whether higher-ranking police and State officials hold any responsibility for the events. Where criminal sanctions have been imposed, they have been extremely lenient.

Despite initially positive meetings with the Prime Minister's office in January 2015 regarding compensation for the families of all four victims, it was announced that no settlement would be made but rather a special pension would be granted to some members of victims' families. While welcoming the Government's decision to provide some form of reparation, Res Publica expresses concern about the limited scope, low amounts and uncertain legal standing of such pensions, which may lead to their being revoked in the future. No pensions have yet been granted.

**Committee's evaluation:**

**[C1]:** The Committee regrets that investigations into the January 2011 demonstrations are still ongoing. Additional information is required on measures taken to improve the effectiveness of the investigations, to ensure compliance with international standards, and to this end, to bring perpetrators to justice and punish them adequately.

**[D1]:** The Committee regrets that the State party has not provided information on measures taken to compensate victims. Information is required on measures taken to compensate victims, including on the pension that it has been agreed will be granted to the victims' families, who will qualify for it, its amount and duration, and whether the pensions have already been granted.

**Paragraph 13: The State party should ensure proper implementation of pre-screening procedures at the border and inside the country in order to ensure that persons in need of international protection are identified and referred to the asylum procedure, regardless of whether or not they entered the country in an irregular manner. It should refrain from detaining asylum seekers on the basis of the manner of entry into the country. It should improve living conditions in transit reception facilities.**

**Summary of State party's reply:**

The State party stresses that its legislative provisions are in line with the *acquis communautaire* of the European Union. Forced removal is on a case-by-case basis. Detention in closed centres is a last resort that is used where a deportation order has been issued.

Minors against whom a restraining order has been issued can be held in specific State social centres. Minors can be held in special facilities separate from adults in a closed centre if it is in the best interest of the child or his or her family. During 2013, the Border and Migration Department held training sessions in conjunction with the Office of the United Nations High Commissioner for Refugees (UNHCR) for approximately 120 border and migration officers.

Asylum seekers are not held in closed centres, rather they are referred to the competent asylum authorities following pre-screening by border and migration officials.

Work to improve the infrastructure of transit centres is ongoing.

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*Albania*

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The Border and Migration Department has drawn up draft guidelines on procedures for handling foreign nationals not or no longer meeting the conditions for entry, stay or residence in the territory of Albania.

**Committee's evaluation:**

**[B1]:** The Committee notes the information provided by the State party on the training carried out in 2013 in conjunction with UNHCR to improve the implementation of pre-screening procedures in order to better identify and refer people in need of international protection, but regrets that no information has been received on training sessions conducted since March 2013. The Committee requires further information on training sessions held (since March 2013) or that are scheduled, their timing and length, the number of officials trained (or expected to be trained) and the impact of such training sessions. Additional information is required on measures taken to improve the implementation of pre-screening procedures at the border and inside the country in order to ensure that persons in need of international protection are identified and referred to the asylum procedure, regardless of whether or not they entered the country in an irregular manner.

**[B1]:** The Committee notes the State party's representation that asylum seekers are not held in closed centres. It requests further information regarding measures taken by the State party to limit the use of detention for persons entering the country irregularly to ensure that they are not automatically detained. Please provide information on the number of aliens detained in reception facilities in the past three years, disaggregated by sex and age, and on efforts made to ensure that asylum seekers are not singled out for detention.

**[B2]:** While noting the information provided by the State party that improvements to transit reception facilities are being carried out, the Committee also requests details on the restructuring of reception facilities, including on the improvement of living conditions and on when this is expected to be finalized.

**Recommended action:** A letter should be sent reflecting the analysis of the Committee.

**Next periodic report:** 26 July 2018

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*Finland*

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Concluding observations:	CCPR/C/FIN/CO/6, 24 July 2013
Follow-up paragraphs:	10, 11 and 16
First reply:	Received 23 June 2014
Committee's evaluation:	Additional information required on paragraphs 10[B2][C2], 11[C1][C1] and 16[B2][B2]
Second reply:	1 May 2015
Committee's evaluation:	Additional information required on paragraphs 10[B1][C2], 11[C1][A] and 16[C1][B2][A]

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*Finland*

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**Paragraph 10: The State party should use alternatives to detaining asylum seekers and irregular migrants whenever possible. The State party should also guarantee that administrative detention for immigration purposes is justified as reasonable, necessary and proportionate in the light of the specific circumstances, and subjected to periodic evaluation and judicial review, in accordance with the requirements of article 9 of the Covenant. The State party should strengthen its efforts to improve living conditions in the Metsälä detention centre.**

**Follow-up question:**

**(a)[B2]:** Concerning the project to revise the legislation on the detention of aliens, additional information is required on the steps taken since the adoption of the Committee's concluding observations on 24 July 2013, particularly on:

- (i) Progress on the adoption of such legislation, including information on when the new law is expected to be adopted;
- (ii) Alternatives to detention provided for in the legislation, including for adults;
- (iii) Guarantees to ensure that administrative detention for immigration purposes is justified as reasonable, necessary and proportionate, including for the detention of adults.

**(b)[C2]:** Concerning the living conditions in the Metsälä detention centre, additional information is requested on the number of irregular migrants and asylum seekers detained in the last three years, on the length of their detention, and on the capacity of the detention centre.

**Summary of State party's reply:**

(a) Detention is a last resort.

Owing to the opening of the Joutseno Detention Unit, in 2014, there is no need to place detained aliens in police facilities. The Detention Unit can accommodate 30 people.

(a)(i) The amendments to the Aliens Act and the Act on the Treatment of Aliens Placed in Detention and Detention Units were accepted by Parliament. The bill prohibits placing children in police detention facilities, and detaining unaccompanied children who are seeking asylum.

The National Police Board will review its instructions and make any changes needed to comply with the new amendments.

(a)(ii)(iii) Alternative interim measures to detention, including the obligation to report, and handing over travel documents to the police or border control authorities, are allowed for in the Aliens Act of 2004. Before an alien is detained, alternative measures are always considered. No national statistics are available on the use of alternative measures.

In January 2015, the Ministry of the Interior launched a project to introduce specific alternative interim measures to reduce the level of detention of minors, vulnerable persons, and aliens with families. Legislative amendments will probably enter into force in 2016.

**Committee's evaluation:**

**(a)[B1]:** The Committee welcomes the amendments to the Aliens Act and the Act on the Treatment of Aliens Placed in Detention and Detention Units, which prohibit placing children in police detention facilities and detaining unaccompanied children who are seeking asylum. Additional information is required on:

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*Finland*

- (i) All legislative changes introduced regarding the process and circumstances for detaining asylum seekers and irregular migrants, and the improvement of living conditions in detention facilities, in addition to those already mentioned by the State party;
- (ii) The progress of the project on alternatives to detention, launched by the Ministry of the Interior, including the changes being proposed;
- (iii) The progress made by the National Police Board in reviewing its instructions and making the changes needed to comply with the new legislation. Further information is also required on additional measures taken by the State party to ensure that administrative detention for immigration purposes is justified as reasonable, necessary and proportionate, including for the detention of adults.

**(b)[C2]:** The Committee welcomes the opening of the new Joutseno Detention Unit and the fact that there is no longer any need to place detained aliens in police facilities. However, the Committee notes that the State party has not provided information on the number of irregular migrants and asylum seekers detained in Metsälä in the last three years and on the length of their detention. The Committee reiterates its recommendation.

**Paragraph 11: The State party should provide the Committee with the required information and, in any event, ensure that persons arrested on criminal charges are brought before a judge within 48 hours of initial apprehension, and transferred from the police detention centre in the event of a continuation of detention. The State party should also ensure that all suspects are guaranteed the right to a lawyer from the moment of apprehension, irrespective of the nature of their alleged crime.**

**Follow-up question:**

**(a)[C1]:** The Committee regrets that the reform of the Coercive Measures Act, which took effect on 1 January 2014, has not implemented the Committee's recommendation to ensure that persons arrested on criminal charges are brought before a judge within 48 hours of initial apprehension. The Committee reiterates its recommendation.

**(b)[C1]:** Concerning the right to legal assistance, information is required on practical measures taken to ensure that all suspects are guaranteed the right to a lawyer from the moment of apprehension.

**Summary of State party's reply:**

(a) The time limit in question is a maximum limit. According to the Coercive Measures Act, the official presenting the request and the judge shall act without delay. A maximum time limit of four days is in line with the established practice of the European Court of Human Rights.

Most arrested persons are released within two days. Shortening the time limit would cause unnecessary remand requests and decisions and would lengthen the deprivation of liberty.

In February 2014, the Ministry of Justice appointed a working group to examine, among other things, the possibility of introducing alternatives to remand imprisonment and the holding of remand prisoners in detention. The mandate of the working group runs until 31 December 2015.

(b) There is a right to legal assistance. In December 2014, new provisions were added to the Criminal Investigation Act covering written notifications for persons who have been deprived of their liberty in connection with apprehension, arrest or remand, which will be given to them without delay and will cover the right to retain counsel of their own choice, the right to have a defender appointed, and the right to free legal aid and a counsellor.

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**Committee's evaluation:**

**(a)[C1]:** The Committee encourages the efforts of the working group to examine the possibility of introducing alternatives to remand imprisonment and requests information on any progress in that respect. The Committee expresses regret that the State party has not required that suspects be brought before a judge within 48 hours of their arrest on criminal charges and reiterates its recommendation in that regard.

**(b)[A]:** The Committee notes the information provided by the State party on the provision of a defender for suspects and welcomes the new provisions in the Criminal Investigations Act for notifying suspects. The State party should provide information in its next periodic report on training sessions for criminal investigation officials on the new provisions in the Criminal Investigations Act, particularly to ensure that the right to legal assistance is respected in practice.

**Paragraph 16: The State party should advance the implementation of the rights of the Sami by strengthening the decision-making powers of Sami representative institutions, such as the Sami parliament. The State party should increase its efforts to revise its legislation to fully guarantee the rights of the Sami people in their traditional land, ensuring respect for the right of Sami communities to engage in free, prior and informed participation in policy and development processes that affect them. The State party should also take appropriate measures to facilitate, to the extent possible, education in their own language for all Sami children in the territory of the State party.**

**Follow-up question:**

**(a)[B2]:** The Committee takes note of the proposed revision of the Act on the Sami Parliament (974/1995), and of the legislative project on the reorganization of Metsähallitus, but requests additional information on:

- (i) Progress on the adoption of the two legislative proposals;
- (ii) How the State party ensures that Sami people participate in the discussion on revising the Act on the Sami Parliament and the legislative project on the reorganization of Metsähallitus.

**(b)[B2]:** Regarding the measures taken to facilitate education in their own language for all Sami children in the territory of the State party, additional information is required on the nationwide action plan to revive the Sami language and its impact on education in the Sami language.

**Summary of State party's reply:**

(a)(i) In September 2014, a government bill revising the Act on the Sami Parliament was submitted to Parliament. The Sami Parliament consented to the bill and regarded the proposal of a new definition of Sami as the most important part of the bill. A vote held by Parliament in March 2015 showed that the bill, specifically the proposal regarding the definition of Sami, would not be accepted by Parliament. The whole bill was withdrawn.

(a)(ii) In November 2014, a government bill to ratify the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) was submitted to Parliament. The proposed amendments to the Metsähallitus law referred to in paragraph 22 of the State party's replies (June 2014) were contained in the government bill. This bill is still pending in Parliament.

(b) The State party referred to its Constitution, the Sami Parliament Act and the Sami Language Act.

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In July 2014, the Action Programme for the Revitalization of the Skolt Sami, Inari Sami and North Sami Languages was approved by the Government. The Board of Education has increased funding for training teachers with regard to the revival of and immersion in the Sami language.

**Committee's evaluation:**

**(a)[C1]:** The Committee notes the information provided on the progress made towards adopting the two legislative proposals. Given the withdrawal of the bill on the Act on the Sami Parliament, the Committee reiterates its recommendation that the State party advance the implementation of the rights of the Sami by strengthening the decision-making powers of Sami representative institutions.

**[B2]:** The Committee notes that the proposed amendments to the Metsähallitus law, including the initiative to ratify ILO Convention No. 169, are under consideration. Additional information is required on measures taken to ensure that Sami people participate in the discussion about these amendments, and on the progress made in adopting the proposed amendments.

**(b)[A]:** The Committee welcomes the information provided by the State party regarding measures taken to facilitate education in their own language for all Sami children in the territory of the State party. The State party should provide additional information in its next periodic report on the impact of the Action Programme for the Revitalization of the Skolt Sami, Inari Sami and North Sami Languages and the nationwide action plan to revive the Sami language.

**Recommended action:** A letter should be sent reflecting the analysis of the Committee.

**Next periodic report:** 26 July 2019

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*Tajikistan*

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Concluding observations: CCPR/C/TJK/CO/2, 23 July 2013

Follow-up paragraphs: 16, 18 and 23

First reply: Received 30 March 2015

Committee's evaluation: Additional information required on paragraphs  
16[C1][C1], 18[C1][D1][C1] and 23[C2][C2]

**Paragraph 16: The State party should guarantee the registration of detainees within the legal time frame, and ensure that all arrested persons, including minors, fully enjoy their rights as required by the Covenant, including access to a lawyer, family members and medical personnel. It should also institute an independent mechanism for inspection of all detention facilities by relevant international humanitarian organizations and/or independent national human rights non-governmental organizations.**

**Summary of State party's reply:**

The rights of detained persons are protected under the Code of Criminal Procedure and fully meet international standards.

In July 2013, the Supreme Court issued a ruling clarifying the legal provisions regulating detention, the imposition of preventive measures and the procedures for examining such cases.

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Law enforcement bodies have made efforts to ensure that detainees are informed of their rights and the grounds for their detention, to streamline procedures for the registration of persons in detention facilities, and to provide detainees with immediate access to a lawyer and a doctor.

The recommendation to institute an independent mechanism for the inspection of all detention facilities is under consideration.

**NGO information:**

*NGO Coalition against Torture in Tajikistan, Helsinki Foundation for Human Rights, International Partnership for Human Rights:*

The legislation is ambiguous about when a person is considered a detainee. The Supreme Court has clarified that a person is a detainee entitled to legal safeguards the moment that he or she is deprived of liberty. However, this is a non-binding recommendation and it has not been implemented. The International Committee of the Red Cross has not had access to detention facilities since 2004. The Ombudsman's office set up a monitoring group with civil society activists in 2014 to visit detention facilities. The group has to announce visits, and representatives of civil society organizations are in general not admitted to facilities. Independent monitoring is not regulated in domestic legislation.

**Committee's evaluation:**

**[C1]:** The Committee notes the Supreme Court's ruling of July 2013 clarifying the legal provisions regulating detention, the imposition of preventive measures and the procedures for examining such cases. Additional information is required about the moment from which a person is considered a detainee and is entitled to the legal guarantees established under the Code of Criminal Procedure, and about reports that administrative detention is used by the police to avoid detainee protections. Additional information is also required regarding implementation of the above-mentioned ruling and whether the recommendations of the Court are applied in all cases. Furthermore, additional information is required about the efforts of law enforcement bodies to ensure that detainees are informed of their rights and the grounds for their detention, to streamline the registration of persons in detention and to provide detainees with immediate access to a lawyer and a doctor, and about whether these practices are applied in all cases.

**[C1]:** The Committee requests further information from the State party on measures taken to establish an independent mechanism for inspection of all detention facilities by relevant international humanitarian organizations and/or independent national human rights NGOs, including access by the International Committee of the Red Cross.

**Paragraph 18: The State party is urged to intensify its efforts in reforming the judiciary and take effective measures to guarantee the competence, independence and tenure of judges, including by extending their tenure, providing for adequate salaries, and reducing the excessive powers of the Prosecutor's Office. The State party should also ensure that the procedures and criteria for access to and conditions of membership of the Bar do not compromise the independence of lawyers. The State party should create a State-subsidized legal aid system for persons in need.**

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**Summary of State party's reply:**

Work is being carried out on the Judicial Reform Programme for 2014-2016.

A working group has prepared a bill on the work of the legal profession. The Ministry of Justice has drafted a policy framework defining State policy on free legal aid and setting out phases for the preparation and implementation of such aid.

**Committee's evaluation:**

**[C1]:** The Committee requests further information on the adoption of the Judicial Reform Programme for 2014-2016 and on its content and expected accomplishments. Additional information is required on specific measures taken, since the adoption of the Committee's recommendations, to reform the judiciary and to guarantee the competence, independence and tenure of judges.

**[D1]:** The Committee regrets that no information was provided on measures taken to ensure that conditions of membership of the Bar do not compromise the independence of lawyers. The Committee reiterates its recommendation.

**[C1]:** The Committee notes the initiative of the Ministry of Justice to draft a policy framework for the provision of legal aid and the bill on the work of the legal profession, but considers that the Committee's recommendation is not yet implemented. The Committee requests further information on the progress of the draft policy framework for the provision of legal aid and on any relevant legislative efforts.

**Paragraph 23: The State party should bring its law governing the registration of NGOs into line with the Covenant, in particular with articles 22, paragraph 2, and 25. The State party should reinstate NGOs which were unlawfully shut down and should refrain from imposing disproportionate or discriminatory restrictions on the freedom of association.**

**Summary of State party's reply:**

The State party notes that the right to freedom of association is enshrined in the Constitution.

Associations may appeal to the courts against any refusal of an application or delay in registration; a refusal to register an organization is not an obstacle to reapplying for State registration.

**NGO information:**

Since July 2013, the situation regarding the right to freedom of association has remained tense. The authorities have not taken effective measures to ensure full enjoyment of the right of freedom of association. Instead, draft amendments to the Law on Public Associations have been prepared that may further limit the space within which NGOs can operate.

**Committee's evaluation:**

**[C2]:** The Committee regrets that the State party has not provided any information on efforts to amend its law governing the registration of NGOs to bring it into line with the Covenant. Information is required on the draft law on public associations and its compatibility with the Covenant, and the Committee reiterates its recommendation.

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**[C2]:** The Committee also regrets that no information was provided with regard to measures taken to reinstate NGOs that were unlawfully shut down. The Committee reiterates its recommendation.

**Recommended action:** A letter should be sent reflecting the analysis of the Committee.

**Next periodic report:** 26 July 2017

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## 110th session (March 2014)

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*Nepal*

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Concluding observations:	CCPR/C/NPL/CO/2, 26 March 2014
Follow-up paragraphs:	5, 7 and 10
First reply:	Received 5 June 2015
Committee's evaluation:	Additional information required on paragraphs 5[B2][C1][B2][C2][C2], 7[C1] and 10[C2][B2][C1][D1]

**Paragraph 5: The State party should:**

- (a) Ensure that all gross violations of international human rights law, including torture and enforced disappearances, are explicitly prohibited as criminal offences under domestic law;
- (b) End all forms of political interference in the criminal justice system and undertake independent and thorough investigations into alleged conflict-related cases of human rights violations, and hold the perpetrators accountable without any further delay. The Committee stresses that transitional justice mechanisms cannot serve to dispense with the criminal prosecution of serious human rights violations;
- (c) Create, as a matter of priority and without further delay, a transitional justice mechanism in accordance with the Supreme Court writ of mandamus of 2 January 2014 and ensure its effective and independent functioning in accordance with international law and standards, including by prohibiting amnesties for gross violations of international human rights law and serious violations of international humanitarian law;
- (d) Ensure that all victims are provided with an effective remedy, including appropriate compensation, restitution and rehabilitation, taking into account the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (General Assembly resolution 60/147);
- (e) Adopt guidelines for vetting to prevent those accused of violations of the Covenant from holding public office and being promoted.

**Summary of State party's reply:**

- (a) In November 2014, a bill in accordance with the Convention against Torture, criminalizing all forms of torture and inhuman and degrading treatment was submitted to Parliament. Other bills on the Civil Code, the Civil Procedure Code, the Penal Code, the Criminal Procedure Code and sentencing legislation were also submitted to bring the legal
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*Nepal*

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system into line with international obligations. The Council of Ministers ordered a bill criminalizing enforced disappearances to be prepared, and a bill on the implementation of the Geneva Conventions is under consideration.

(b) The judiciary of Nepal is independent. To date, 7,300 police personnel and 42,267 army personnel have received training on human rights law and humanitarian law. Furthermore, 855 officials have faced departmental action in relation to violations of human rights.

(c) The Commission on Investigation of Disappeared Persons and the Truth and Reconciliation Commission were established in 2014. Both enjoy structural, functional and administrative independence. The Supreme Court has ruled that the commissions cannot recommend amnesty for serious violations of human rights.

(d) The Government has provided financial and non-financial support to victims of conflict (see CCPR/C/NPL/2 and CCPR/C/NPL/Q/2/Add.1). It will provide effective remedies in accordance with the recommendations of the Commission on Investigation of Disappeared Persons and the Truth and Reconciliation Commission.

(e) Acts relating to the civil service, the army and the police provide for vetting, making anyone convicted of a criminal offence involving “moral turpitude” ineligible for service (see CCPR/C/NPL/Q/2/Add.1). The Army Act and the Armed Police Force Act provide for departmental action, halting of promotion or declaration of ineligibility for those convicted of violations of human rights law or humanitarian law.

**NGO information:**

*TRIAL: Track Impunity Always, Terai Human Rights Defenders' Alliance, Victims' Common Platform on Transitional Justice:*

(a) Torture, enforced disappearance, war crimes, crimes against humanity and genocide are not autonomously defined and criminalized by the legal system of Nepal. The definition of torture in the Torture, Cruel, Inhumane and Degrading Treatment Bill does not meet that of the Convention against Torture. The draft bill includes a 90-day statute of limitation.

(b) There continues to be a lack of politically independent investigations into conflict-related human rights violations.

(c) There are serious concerns about the effectiveness and independence of the commissions.

(d) Most victims of gross human rights violations remain without access to an effective remedy and reparation.

(e) No information has been provided on any government initiative to adopt vetting guidelines.

*Human Rights Treaty Monitoring Coordination Centre, Centre for Civil and Political Rights:*

(a) The State party has not drafted any laws addressing or prohibiting gross violations of human rights.

(b) The Government has not taken any action.

(c) Despite the Supreme Court's ruling on the amnesty provision, the Government shows no intention of changing the provision.

(d) Efforts at rehabilitation and restitution are inadequate and controversial, and compensation is very slow in arriving.

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*Nepal*


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(e) There are no laws relating to a vetting procedure.

**Committee's evaluation:**

**(a)[B2]:** The Committee welcomes the legislative measures taken to ensure that all gross violations of international human rights law, including torture and enforced disappearances, are explicitly prohibited under domestic law. The State party should submit additional information on (i) the definition of gross human rights violations included in the bills and whether the drafts are in full compliance with international human rights standards, including the definition of torture; (ii) the sanctions provided for such violations, including criminal sanctions; (iii) whether the drafts provide a statute of limitations for such violations; and (iv) the progress and implementation of legislative efforts.

**(b)[C1]:** The State party has not provided information on actions taken to end political interference in the criminal justice system or to ensure criminal prosecutions for gross human rights violations. Information is required on (i) the measures taken, since March 2014, to end all forms of political interference in the criminal justice system; and (ii) the investigations conducted, since March 2014, into cases of human rights violations. The State party should also clarify the extent to which the procedures mentioned by the State party for investigating and prosecuting the 855 officials have been used since March 2014. The Committee reiterates its recommendation.

**(c)[B2]:** The Committee requires information on whether the Commission on Investigation of Disappeared Persons and the Truth and Reconciliation Commission are already functioning and are provided with adequate financial and human resources to perform their functions. The State party should also provide further information on the application of the Supreme Court rulings prohibiting amnesties for gross violations of international human rights law and serious violations of international humanitarian law.

**(d)[C2]:** The State party repeats the information provided in its periodic report and its replies to the list of issues. Information is required on (i) measures taken, since March 2014, to ensure that all victims are provided with an effective remedy, including appropriate compensation, restitution and rehabilitation; (ii) the number of victims provided with an effective remedy since March 2014, including information on monetary compensation, restitution and rehabilitation; and (iii) the categories of victims entitled to access their rights to reparations under the Interim Relief Programme.

**(e)[C2]:** No new vetting mechanisms have been introduced by the State party. The Committee reiterates its recommendation.

**Paragraph 7: The State party should amend the National Human Rights Act 2068 (2012) to bring it in line with the Paris Principles (General Assembly resolution 48/134, annex) and the Supreme Court decision of 6 March 2013 so as to ensure its independent and effective functioning. It should also amend procedures governing the appointment of Commissioners to ensure a fair, inclusive and transparent selection process, and ensure that the recommendations issued by the NHRC are effectively implemented.**

**Summary of State party's reply:**

The National Human Rights Commission enjoys full independence, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). The process for selecting the Chair and the members is based on transparency, accountability, competency, integrity and inclusion. The Government provides the budget and the Commission's financial autonomy is ensured.

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**NGO information:**

*TRIAL: Track Impunity Always, Terai Human Rights Defenders' Alliance, Victims' Common Platform on Transitional Justice:*

The appointment of commissioners in 2014 was not based on predetermined, objective and publicly available criteria. No amendment to the National Human Rights Commission Act is registered before Parliament.

*Human Rights Treaty Monitoring Coordination Centre, Centre for Civil and Political Rights:*

The Government appointed the commissioners to the National Human Rights Commission in a relatively transparent process. It has passed laws on, inter alia, staffing, the budget and the organizational structure needed to guarantee independence.

**Committee's evaluation:**

**[C1]:** The Committee notes the election of the Chair and commissioners of the National Human Rights Commission in October 2014, and requests information on the procedures by which they were selected and on measures taken to amend the National Human Rights Act 2068 (2012).

**Paragraph 10: The State party should take practical steps to prevent the excessive use of force by law enforcement officials by ensuring that they comply 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). It should take appropriate measures to eradicate torture and ill-treatment, including by adopting legislation defining and prohibiting torture with sanctions and remedies commensurate with the gravity of the crime, in accordance with international standards. It should also ensure that law enforcement personnel receive training on the prevention and investigation of torture and ill-treatment by integrating the Manual on the Effective Investigation and Documentation of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). The State party should ensure that allegations of unlawful killings, torture and ill-treatment are effectively investigated, and that alleged perpetrators are persecuted and, if convicted, punished with appropriate sanctions, and that the victims and their families are provided with effective remedies.**

**Summary of State party's reply:**

The State party highlights existing domestic legislation on extrajudicial killings, use of force, and torture. In 2014, Nepal Police developed the Crime Investigation Directives, the Standard Operating Procedure on Women and Children Victims Care System, and the Police Polygraph Directives. The Attorney General developed victim protection and inmate human rights monitoring manuals, a medico-legal format for crime investigation, and resources on criminal offences against women and children. Security personnel have been given training on excessive use of force.

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**NGO information:**

*TRIAL: Track Impunity Always, Terai Human Rights Defenders' Alliance, Victims' Common Platform on Transitional Justice:*

Measures taken to prevent excessive use of force and to train law enforcement officials on the prevention and investigation of torture and ill-treatment remain insufficient. Excessive police force was evident at protests in January and February 2015 and during an investigation into the trafficking of illegal materials in a Tharu village. These incidents have not been investigated. The Istanbul Protocol guidelines are rarely applied.

*Human Rights Treaty Monitoring Coordination Centre, Centre for Civil and Political Rights:*

Although the creation of an institutional framework has seen instances of torture decline, the rate of torture remains high. There is no formal investigation procedure for extrajudicial killings.

**Committee's evaluation:**

**[C2]:** Concerning steps taken to prevent the excessive use of force by law enforcement officials, the Committee notes the information provided by the State party but regrets that this does not clearly specify the measures taken since March 2014 to implement the Committee's recommendation. The Committee reiterates its recommendation.

**[B2]:** Concerning measures taken to adopt legislation defining and prohibiting torture, the State party should provide information on whether the bill criminalizing all forms of torture and inhuman and degrading treatment, submitted to Parliament, is fully compliant with international human rights standards, including with the definition of torture. The State party should also provide information on the progress and implementation of the draft law.

**[C1]:** Concerning the training on prevention and investigation of torture and ill-treatment, information is required on the training sessions held or scheduled, and their timing and length; the integration of the Istanbul Protocol into all training programmes; and the number of law enforcement officials trained and the impact of such training.

**[D1]:** The Committee regrets that the State party has provided no further information on the effective investigation of alleged unlawful killings, torture and ill-treatment or on the provision of effective remedies. The Committee reiterates its recommendation.

**Recommended action:** A letter should be sent reflecting the analysis of the Committee.

**Next periodic report:** 28 March 2018

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**111th session (July 2014)**

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*Georgia*

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Concluding observations: CCPR/C/GEO/CO/4, 23 July 2014

Follow-up paragraphs: 13 and 14

First reply: Received 9 July 2015

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*Georgia*

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Committee's evaluation: Additional information required on paragraphs 13[B1][B2] and 14[B2]

**Paragraph 13: The State party should, as a matter of urgency, reform its system of administrative detention in order to ensure its full compliance with articles 9 and 14 of the Covenant.**

**Summary of State party's reply:**

Amendments to the Code of Administrative Offences were adopted in August 2014 reducing the maximum detention period for violations entailing administrative detention from 90 days to 15 days. Due process rights, the right to know the reason for detention, choice of lawyer and notification of family members are also contained in the amendments. The Government Commission for the Reform of the Administrative System was established in November 2014 to consider the rule of law and human rights, and to present recommendations and legal drafts to the Government. The Commission advised that administrative offences carrying sentences of imprisonment be treated as minor criminal violations or crimes, with the safeguards of the criminal justice process, so that no administrative offence carries imprisonment as a sanction. On the basis of the Commission's recommendations, the Government drafted laws on administrative offences, amendments to the Criminal Code of Georgia, and amendments to the Criminal Procedure Code of Georgia. These drafts were sent to the State ministries, the Public Defender (Ombudsman) of Georgia, Tbilisi City Hall, and relevant non-governmental and international organizations. Comments are currently being processed. The draft laws will be submitted to Parliament in the autumn 2015 session.

**Committee's evaluation:**

**[B1]:** The Committee welcomes the amendments adopted by Parliament in August 2014, which set the maximum period of administrative custody for all violations entailing administrative detention at 15 days and provided for various procedural protections. In the light of general comment No. 35 (2014) on liberty and security of person (article 9 of the International Covenant on Civil and Political Rights), the State party should provide additional information on:

- (a) Measures in place to guarantee the use of alternatives to administrative detention;
- (b) Standards and procedures in place for imposing and reviewing administrative detention, including information on the authority taking these decisions.

**[B2]:** The Committee requires information on the rationale behind the initiative to place administrative offences under the Criminal Code as minor criminal violations or crimes. In particular, additional information is required on the types of offences that are suggested to be placed under the Criminal Code and the compatibility with articles 9 and 14 of the Covenant. The Committee also requests further information on whether and to what extent administrative detainees are being held in temporary detention facilities managed by the Ministry of Internal Affairs, and on the steps taken to reduce this practice.

**Paragraph 14: The State party should, as a matter of urgency, follow up on its intention to reform the current jury trial system with a view to ensuring its compatibility with the fair trial guarantees enshrined in article 14 of the Covenant.**

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**Summary of State party's reply:**

The Ministry of Justice has developed a draft law to reform the jury trial system. The reform will modify the jury selection process, prescribe the territorial and subject matter jurisdiction of jury courts, and entitle convicted persons to appeal a guilty verdict on the merits. The jury will be required to answer more substantial questions than simply whether or not a person is guilty. The draft law will be sent to the European Commission for Democracy through Law (Venice Commission) and/or the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights for expert opinion. The Ministry plans to submit the draft law to Parliament in October 2015.

**Committee's evaluation:**

**[B2]:** The Committee notes the draft law developed by the Ministry of Justice to reform the jury trial system. The State party should submit additional information on:

- (a) Whether the draft is in full compliance with article 14 of the Covenant;
- (b) The progress and implementation of the draft.

**Recommended action:** A letter should be sent reflecting the analysis of the Committee.

**Next periodic report:** 31 July 2019

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