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

(103rd session, October 2011)

The following report sets out the information received by the Special Rapporteur for follow-up on concluding observations and the steps taken by the Special Rapporteur between the 102nd and 103rd sessions pursuant to the Human Rights Committee's amended rules of procedure. Comprehensive information on the follow-up action undertaken by the Committee since the eighty-seventh session (July 2006) is given in the table in the annex to this report (which contains information on States parties that have not responded during the period under consideration, States parties with respect to which the Committee has completed its follow-up activities, and States parties whose responses will be considered at the Committee's next session).

Eighty-seventh session (July 2006)

Report considered: Report by the United Nations Interim Administration Mission in Kosovo (UNMIK) on the human rights situation in Kosovo, submitted on 2 February 2006.

Information requested:

Para. 12: Investigate all outstanding cases of war crimes, crimes against humanity and ethnically motivated crimes committed before and after 1999; ensure that the perpetrators of such crimes are brought to justice and that victims are compensated; provide effective witness-protection programmes; extend full cooperation to International Criminal Tribunal for the Former Yugoslavia prosecutors (arts. 2, para. 3; 6; and 7).

Para. 13: Effectively investigate all outstanding cases of disappearances and abductions; bring perpetrators to justice; ensure that the relatives of disappeared and abducted persons have access to information about the fate of the victims, as well as to adequate compensation (arts. 2, para. 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 follow-up replies received:

11 March 2008 Reply incomplete with regard to paragraphs 13 and 18.

7 November 2008 Reply incomplete with regard to paragraphs 13 and 18.

12 November 2009 Information received (recommendations partially implemented).

30 June 2011 Letter received from UNMIK indicating that a representative of the Secretary-General at UNMIK would arrive in Geneva on 20 July 2011 to attend the requested meeting.

9 September 2011 Letter of response received from the Director of the UNMIK Office of Legal Affairs (Mr. Tschoepke), following the meeting of 20 July 2011.

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 or a representative designated by the Special Representative, to be convened during the ninety-second session.

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

22 July 2008 During the ninety-third session, the Special Rapporteur met with Mr. Roque C. Raymundo, Senior Human Rights Adviser to UNMIK, who provided additional information on paragraphs 12, 13 and 18 and undertook to submit further information on: (a) cases in which perpetrators of disappearances and abductions had been 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) implementation of the strategies and policies for ensuring safe and sustainable returns, in particular for minority returnees, as well as for ensuring that minority returnees benefit

from the special rental scheme introduced by the Kosovo Property Agency (para. 18). The meeting was also attended by a representative of the Pristina office of the Office of the United Nations High Commissioner for Human Rights (OHCHR).

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

27 August 2009 A reminder was sent.

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

10 May 2011 The Committee sent a letter requesting a meeting with the representative of the Secretary-General at UNMIK.

20 July 2011 The Special Rapporteur met with the Director of the UNMIK Office of Legal Affairs (Mr. Tschoepke), who indicated that the supplementary information requested would be forwarded before the October 2011 session.

Recommended action: Two letters should be sent.

1. A letter to UNMIK, in which the Committee should take note of the comments provided, explaining the Mission's inability to implement the recommendations of the Committee. The letter should also thank UNMIK for its commitment to coordinating the elaboration of a consolidated report by the other actors involved in the promotion of human rights in Kosovo, and indicate that the information should be submitted to the Committee by 15 January 2012.
2. A letter from the Chair of the Committee to the Office of Legal Affairs (Ms. O'Brian) to request advice on the general status of Kosovo and on the strategy to adopt in the future to maintain the Committee's dialogue with Kosovo.

Ninety-second session (March 2008)

State party: Tunisia

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

Information requested:

Para. 11: Ensure that all allegations of torture and cruel, inhuman or degrading treatment are investigated by an independent authority, that the perpetrators of such acts, including their hierarchical superiors, are prosecuted and punished and that the victims receive compensation; improve training of public officials; provide statistics on complaints alleging torture (arts. 2 and 7).

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

Para. 20: Take steps to put an end to acts of intimidation and harassment targeting human rights organizations and defenders; investigate reports of such acts; ensure that any restrictions imposed on the right to peaceful assembly and demonstration are compatible with the provisions of the Covenant (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 applications for registration (arts. 21 and 22).

Date information due: 1 April 2009

Date follow-up replies received:

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

2 March 2010 Supplementary follow-up report received.

17 September 2011 The State party acknowledged receipt of the reminder letters and asked for consideration of its fifth periodic report to be deferred.

Action taken:

30 July 2009 A letter was sent to request additional information, to state that the follow-up procedure with respect to certain issues was considered completed due to non-implementation of the recommendations and to ask the State party to report on those issues in its next periodic report.

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

20 April 2011 A reminder was sent.

3 August 2011 A further reminder was sent. Immediate response received from the State party, asking for the previous letters to be resent. Previous letters resent to the Permanent Mission.

Recommended action: The Committee should send a letter confirming that it has taken note of the State party's letter of 17 September 2011, in which it asked for consideration of its fifth periodic report to be deferred. The Committee should inform the State party that, in view of the political situation in the country, a two-year extension of the deadline for submission of its next periodic report is granted (now due 31 March 2014), but that its follow-up replies to paragraphs 11, 14, 20 and 21 of the concluding observations remain due and that a one-year extension of the deadline for their submission is granted.

Next report due: 31 March 2012: The deadline for submission of the next report is deferred to 31 March 2014 because of the political situation in the country.

State party: Botswana

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

Information requested:

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

Para. 13: Ensure that the death penalty is imposed only for the most serious crimes; move towards abolition of the death penalty; provide 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 each 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: Withdraw 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; take immediate action to reduce the prison population; increase the use of alternative measures to imprisonment; enhance access to prisoners by family members (arts. 7, 9 and 10).

Date information due: 1 April 2009

Date follow-up reply received: 5 October 2011

Action taken:

8 September 2009 A reminder was sent.

11 December 2009 A reminder was sent.

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

19 April 2011 A reminder was sent requesting a meeting with a representative of the State party.

6 July 2011 Positive response received from the State party (by telephone).

27 July 2011 The Special Rapporteur met with the Ambassador of Botswana, who indicated that the supplementary information requested would be sent to the Committee prior to the October 2011 session.

Recommended action: A letter should be sent taking note of the cooperation of the State party and requesting that additional information be provided in the next periodic report on the following issues:

- Additional measures planned by the State party with the aim of informing the population at large of the precedence of constitutional law over customary laws and practices, and on the entitlement to request the transfer of a case to constitutional law courts (para. 12)
- The number of convictions for murder, the number of and reasons for the courts' findings of mitigating circumstances, and the number of death sentences imposed by the courts (para. 13)
- More detailed information on the modalities and outcome of the public debates on capital punishment (para. 13)
- The nature of the information given to relatives prior to an execution (length of time prior to the execution that notice is given; authority in charge of the communication; form in which it is made) (para. 13)
- The criteria followed by the courts in extending the remand for a person charged with a criminal offence, and statistics on the actual length of remand detention (para. 17)

- The “formal structures” that are in place to ensure compliance with international standards in the treatment of prisoners (para. 17)
- The number of charges against officers regarding ill-treatment of prisoners and the number of convictions (para. 17)
- The time frame of the project on alternatives to imprisonment (para. 17)
- The measures taken (para. 17):
 - (a) To enhance access to prisoners by family members;
 - (b) To reduce the prison population.

While taking note of the clarifications provided on policy on the burial of executed prisoners, the Committee should express its regret that no measures have been taken by the State party on the following recommendations, which have not been implemented:

- The return of the body of the persons executed to their family for private burial (para. 13)
- The withdrawal of the reservations to articles 7 and 12 of the Covenant (para. 14)

Next report due: 31 March 2012

Ninety-fourth session (October 2008)

State party: Denmark

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

Information requested:

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

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

Date information due: 31 October 2009

Date follow-up replies received:

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

5 August 2011 Response to request for additional information received.

Action taken:

26 April 2010 A letter was sent indicating that the procedure was complete with regard to the issues in relation to which the information supplied by the State party was considered to be largely satisfactory: review of legislation on solitary confinement during pretrial detention (para. 11). The letter included a request for additional information on certain issues: measures aimed at eliminating violence against women.

28 September 2010 A reminder was sent.

20 April 2011 A further reminder was sent.

Recommended action: A letter should be sent in which the Committee should note that the information provided is largely satisfactory in the context of the follow-up procedure.

Taking into account the information provided, the fact that the next periodic report is due by 13 October 2013, that the State party has accepted the lists of issues prior to reporting (LOIPR) procedure, and that lists of issues prior to reporting will be drafted by the Committee at its current session (103rd session, in October 2011), the follow-up procedure has come to an end with regard to the concluding observations in question (CCPR/C/DNK/CO/5).

The Committee should include in the list of issues prior to reporting (LOIPR) questions requesting updated information on the outcome of the measures and action plans that have been carried out to prevent violence against women, including domestic violence.

Next report due: 31 October 2013

Ninety-fifth session (March 2009)

State party: Sweden

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

Information requested:

Para. 10:

(a) Increase awareness among persons with disabilities about their rights and the protection and redress available to them against violations of their rights;

(b) Provide updated information on the impact of awareness-raising programmes, indicate how access to social services and goods is ensured for persons with disabilities in practice, including at the level of municipalities, and give details on the implementation of disability policy in the next periodic report;

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

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

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

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

Date information due: 1 April 2010

Date follow-up replies received:

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

5 August 2011 Response to the request for additional information received (paras. 16 and 17: response largely satisfactory).

Action taken:

28 September 2010 A letter was sent indicating that the follow-up procedure had been completed with regard to those questions to which the responses supplied by the State party were considered to be largely satisfactory: rights of persons with disabilities (para. 10) and fundamental legal safeguards for persons held in custody (para. 13). The letter included a request for additional information on certain issues: diplomatic assurances (para. 16); detention and placement of asylum-seekers, and access to information (para. 17). It also highlighted the points concerning which the Committee considered that its recommendations had not been implemented: limit the length of detention of asylum-seekers (para. 17).

20 April 2011 A reminder was sent.

Recommended action: A letter should be sent in which the Committee should note that the answers provided are largely satisfactory and that the follow-up procedure has come to an end. The Committee should use the letter as an opportunity to remind the State party that its next periodic report is due on 1 April 2014.

Next report due: 1 April 2014

Ninety-sixth session (July 2009)

State party: Netherlands

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

Information requested:

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

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

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

Date information due: 28 July 2010

20 July 2011 A telephone call was received from the Permanent Mission, indicating that the reply was being reviewed and would be forwarded to the Committee before the October 2011 session.

Date follow-up reply received: 16 September 2011

Action taken:

16 December 2010 A reminder was sent.

20 April 2011 A further reminder was sent.

Recommended action: A letter should be sent in which the Committee notes that the answers provided are partially satisfactory. Additional information should be requested on the following issues:

- The measures taken to ensure that asylum-seekers are given the opportunity to adequately substantiate their claims through the presentation of evidence (para. 9)
- The number of asylum applications made and the number rejected on the basis of the application of the principle of “non-refoulement” in the last five years (para. 9)
- The implementation status and schedule for the follow-up project to the “Schoonmaken Terreinen”; the overhaul of the sanitary system, and the provision of a daily programme of activities in the Bon Futuro Prison; and the provision of education for adults and young offenders in the Bonaire Remand Prison (para. 23)

The Committee should also request the State party to provide updated information on the progress made for the implementation of the described measures in the Bon Futuro Prison and the Bonaire Remand Prison, and the evaluation of these measures (para. 23). Finally, the Committee should inform the State party that it considers that the recommendation in paragraph 7 has not been implemented.

Next report due: 31 July 2014

Ninety-seventh session (October 2009)

State party: Croatia

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

Information requested:

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

Para. 10:

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

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

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

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

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

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

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

Para. 17: Strengthen measures to prevent intimidation of journalists, and to promptly investigate, bring to trial and punish perpetrators of attacks on, or threats against, journalists and to compensate the victims; publicly condemn such instances of intimidation and attacks and generally take vigorous action to ensure freedom of the press.

Date follow-up replies received:

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

1 July 2011 Response received to request for additional information.

Action taken:

9 May 2011 The Committee sent a letter in which it acknowledged the cooperativeness of the State party and indicated that implementation of the recommendations had begun in relation to the following points:

- Programmes to prevent and prosecute acts of discrimination and racial hatred (para. 5)
- Presentation of statistical information on cases tried in absentia (para. 10 (a))
- Prosecution of alleged perpetrators of war crimes, regardless of their ethnic origin (para. 10 (b))
- Procedure for referring cases to special chambers (para. 10 (c))
- Exclusion from the Amnesty Law and suspension of statutory limitation in respect of serious human rights violations and crimes against humanity (para. 10 (d) and (f))
- Recovery of the records of Croatian military operations and their delivery to the International Criminal Tribunal for the Former Yugoslavia (para. 10 (e))

However, the Committee also noted that implementation of the recommendations was not complete. It therefore requested further information concerning:

- The impact of the legislation and plans adopted for the development of the poorest regions of Croatia (para. 5)
- The total number and range of war crimes committed (para. 10 (a))
- The strategy for dealing with war crimes where the alleged perpetrator has not been identified, due to be announced, according to the State party, in November 2010 (para. 10 (b))
- Support services for witnesses in courts with special war crimes chambers (para. 10 (c))

Lastly, it pointed out that the State party had not provided any information on the exact number of journalists who had been attacked or intimidated or made any mention of a public condemnation of all instances of intimidation and attacks on freedom of the press (para. 17) and that the recommendation had therefore not been implemented.

Recommended action: A letter should be sent in which the Committee notes that the answer provided is largely satisfactory on paragraph 10 (c), and requesting that additional information be provided in the State party's next periodic report on the following issues:

- The remedies that were provided to the victims of discrimination and of physical and verbal attacks against minorities (para. 5)
- The range of war crimes committed from 1991 to 1995, with the information grouped according to type of war crime, irrespective of the ethnicity of the persons involved (para. 10 (a))
- Updated information on the activities of the specialized war crimes chambers (number of cases received, number of investigations opened, decisions adopted) (para. 10 (b))

The Committee should also note that no information was provided on the public condemnation of instances of intimidation and attacks against journalists (para. 17) and that the recommendation has therefore not been implemented.

Next report due: 30 October 2013

State party: Ecuador

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

Information requested:

Para. 9:

- (a) Investigate and punish perpetrators of violence;
- (b) Ensure effective access to justice for victims of sexual violence;
- (c) Grant police protection to victims, and establish shelters where they can live in dignity;
- (d) Redouble efforts to create an educational environment free from discrimination and violence through awareness-raising campaigns and training for educational personnel and students;

(e) Take preventive and awareness-raising measures to counter gender violence, such as the provision of training for police officers, especially in the Women's Commissions, on women's rights and gender violence.

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

Para. 13:

(a) Take immediate and effective measures to put an end to abuses, monitor, investigate and, where appropriate, prosecute and punish law enforcement officers who commit acts of ill-treatment and compensate the victims. In this connection, the State party should provide in its next periodic report statistics on criminal and disciplinary proceedings initiated for this type of act and the results thereof;

(b) Intensify human rights training for law enforcement agents so that they do not engage in such conduct.

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

Date information due: 4 November 2010

Date follow-up reply received: 2 August 2011

NGO report received: 20 September 2011: Report received from the Comisión Ecuémica de Derechos Humanos and the Centre for Civil and Political Rights (CCPR Centre).

Action taken: 10 May 2011: A reminder letter was sent.

Recommended action: A letter should be sent in which, while taking note of the cooperation of the State party and of the precision of the information provided, the Committee will indicate that it has taken note of the progress made with regard to the concluding observations selected for the follow-up process, but that supplementary information remains necessary on the following points:

Para. 9:

- The measures taken to increase the proportion of gender violence cases dealt with by the judicial system and the results of such measures
- The implementation of the measures referred to in the State party reply (the process of integral reform of the judicial institutions specialized in the application of the Organic Code of the Judiciary; the proposal for a national database system on gender violence cases and the creation of specialized units for handling domestic and sexual violence in Guayas, Galápagos, Pichincha, El Oro and Manabí; the improvement of the infrastructure of shelters for victims of these crimes)
- The measures implemented in the context of the integral reform of the institutions to guarantee victims reparation and the restitution of their rights (project of the Attorney-General's Office)
- The measures adopted to enable victims to live with dignity in the shelters (projects implemented and measures taken) and the mechanisms and criteria applied to select the NGOs in charge of support and assistance to victims of domestic and sexual violence

- Prevention and information programmes related to sexual violence that have been implemented for the population at large (the Committee's recommendation referred to "preventive and awareness-raising measures to counter gender violence, such as the provision of training for police officers, especially in the Women's Commissions, on women's rights and gender violence" and thus did not focus only on police officers in the Women's Commissions)

Para. 19:

- Content of the draft organic legislation on the equality counsels and on the cooperation between indigenous and ordinary jurisdictions, and the progress made for their implementation
- Results of the actions taken in application of Decree 60-2009, and their follow-up

The Committee should also ask the State party to include in its next periodic report updated statistics on the criminal and disciplinary procedures taken following acts of ill-treatment by law enforcement officials against persons in police custody, and their results (para. 13).

Next report due: 31 October 2013

Ninety-eighth session (March 2010)

State party: New Zealand

Report considered: Fifth periodic report (due on 31 October 2003), submitted on 25 November 2008.

Information requested:

Para. 12: Strengthen efforts to reduce the overrepresentation of Māori, in particular Māori women, in prisons and continue addressing the root causes of this phenomenon; increase efforts to prevent discrimination against Māori in the administration of justice; ensure that law enforcement officials and the judiciary receive adequate human rights training, in particular on the principle of equality and non-discrimination.

Para. 14: Ensure that the Terrorism Suppression Amendment Act is not applied in a discriminatory manner and does not lead to excessive use of force against suspects, in light of the need to balance the preservation of public security and the enjoyment of individual rights; provide the Committee, in the next periodic report, with detailed information on the results of any investigation, prosecution and disciplinary measures taken vis-à-vis law enforcement officials in connection with the alleged human rights violations perpetrated, in particular cases of excessive use of force, in the context of Operation 8; ensure that the trials of those arrested in the context of Operation 8 are held within a reasonable time frame.

Para. 19: Increase efforts for effective consultation of representatives of all Māori groups with regard to the current review of the Foreshore and Seabed Act 2004, with a view to amending or repealing it; ensure that the public consultation period is sufficiently long so as to enable all Māori groups to have their views heard and, in light of the Committee's general comment No. 23 (1994) on article 27 (Rights of minorities), pay particular attention to the cultural and religious significance of access to the foreshore and seabed for the Māori.

Date information due: 26 March 2010

Date follow-up reply received: 19 April 2011

Recommended action: A letter should be sent in which the Committee should take note of the collaboration of the State party, especially with regard to the progress made to implement the recommendations of the Committee. The Committee should indicate that it considers the information partially satisfactory and request additional information on:

- The introduction of mandatory human rights training for the staff of the Department of Corrections and the results of the actions taken as part of the comprehensive policy approach that has been implemented (para. 12)
- The need for additional information on the provisions of the 2011 Marine and Coastal Area Bill that highlight the cultural and religious significance of access to the foreshore and seabed for the Māori, and guarantee that this significance is respected at all stages of the processes carried out in application of the Act (para. 19)

Taking into account the draft law reforms and court proceedings related to terrorism suppression and Operation 8, the Committee should request updated information when relevant decisions are taken on the following issues (para. 14):

- The outcome of the court proceedings related to Operation 8
- The conclusions of the report of the Independent Police Conduct Authority on the alleged misconduct or neglect of duty on the part of the Police
- The report of the New Zealand Law Commission on the Terrorism Suppression Act and on the gathering of evidence in relation to terrorist acts

Next report due: 30 March 2015

Ninety-ninth session (July 2010)

State party: Estonia

Report considered: Third periodic report, submitted on 10 December 2008.

Information requested:

Para. 5: Either provide the Chancellor of Justice with a broader mandate to more fully promote and protect all human rights or achieve that aim by some other means, in full compliance with the Paris Principles, and take into account in this regard the requirements for the national preventive mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Para. 6: Take appropriate measures:

- (a) To ensure the effective application of the Gender Equality Act and the Equal Treatment Act, especially with regard to the principle of equal pay for equal work between men and women;
- (b) To carry out awareness-raising campaigns to eliminate gender stereotypes in the labour market and among the population;
- (c) To ensure the effectiveness of the system of complaints filed before the Chancellor of Justice and the Gender Equality and Equal Treatment Commissioner by clarifying their respective roles;

(d) To reinforce the effectiveness of the Office of the Gender Equality and Equal Treatment Commissioner by providing it with sufficient human and financial resources; and

(e) To set up the Gender Equality Council, as foreseen by the Gender Equality Act.

Date information due: 27 July 2011

Date follow-up reply received: 10 August 2011

Other information received: 5 October 2011: Report from the Legal Information Centre for Human Rights (LICHR) and the CCPR Centre.

Recommended action: A letter should be sent in which the Committee should note that the answers provided are partially satisfactory, and that additional information should be provided on the following issues:

- The stage of the accreditation process reached by the Office of the Chancellor of Justice (para. 5) – all the areas of intervention of the Office of the Chancellor of Justice (para. 5)
- Additional actions taken to assign the necessary financial and human resources to enable the Office of the Commissioner to fulfil its functions appropriately in compliance with the Equal Treatment Act, and to create a Gender Equality Council in application of the Gender Equality Act (para. 6).

Next report due: 30 July 2015

State party: Israel

Report considered: Third periodic report (due on 1 August 2007), submitted on 25 July 2008.

Information requested:

Para. 8: Lift the military blockade of the Gaza Strip, insofar as it adversely affects the civilian population; invite an independent, international fact-finding mission to establish the circumstances of the boarding of the flotilla, including its compatibility with the Covenant.

Para. 11: Incorporate into domestic legislation the crime of torture, as defined in article 1 of the Convention against Torture and in conformity with article 7 of the Covenant; in accordance with the Committee's previous recommendation (CCPR/CO/78/ISR, para. 18), completely remove the notion of "necessity" as a possible justification for the crime of torture; examine all allegations of torture, cruel, inhuman or degrading treatment pursuant to the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

Para. 22:

- (a) Ensure that children are not tried as adults;
- (b) Refrain from holding criminal proceedings against children in military courts, ensure that children are only detained as a measure of last resort and for the shortest possible time, and guarantee that proceedings involving children are audio-visually recorded and that trials are conducted in a prompt and impartial manner, in accordance with fair trial standards;
- (c) Inform parents or close relatives of where the child is detained and provide the child with prompt access to free and independent legal assistance of its own choosing;

(d) Ensure that reports of torture or cruel, inhuman or degrading treatment of detained children are investigated promptly by an independent body.

Para. 24: In planning efforts in the Negev area, respect the Bedouin population's right to their ancestral land and their traditional livelihood based on agriculture; guarantee the Bedouin population's access to health structures, education, water and electricity, irrespective of their whereabouts on the territory of the State party.

Date information due: 29 July 2011

Date follow-up reply received: 31 October 2011

Other information received: Nine documents submitted by NGOs (follow-up reports, a letter addressed to the Government of the State party and a press release).

Recommended action: The State party replies and NGO information should be analysed at the next session.

Next report due: 30 July 2013

State party: Colombia

Report considered: Sixth periodic report.

Information requested:

Para. 9: Comply with obligations under the Covenant and other international instruments, including the Rome Statute of the International Criminal Court, and investigate and punish serious violations of human rights and international humanitarian law with appropriate penalties which take into account their grave nature.

Para. 14: Take effective measures to discontinue any directive of the Ministry of Defence that can lead to serious violations of human rights, such as extrajudicial executions, and fully comply with the obligation to ensure that serious human rights violations are impartially investigated by the regular justice system and that those responsible are punished. The Committee underlines the responsibility of the High Council of the Judiciary when it comes to resolving conflicts of jurisdiction and ensuring that such crimes remain clearly and effectively outside the jurisdiction of military courts; guarantee the security of witnesses and their relatives in such cases; implement the recommendations issued by the Special Rapporteur on summary, arbitrary and extrajudicial executions following his mission to Colombia in 2009 (A/HRC/14/24/Add.2).

Para. 16: Create robust controls and oversight systems for its intelligence service and establish a national mechanism to purge intelligence files, in consultation with victims and relevant organizations and in coordination with the Procurator-General; investigate, try and punish with appropriate penalties the persons responsible for crimes in this area.

Date information due: 28 July 2011

Date follow-up reply received: 9 August 2011

Date of meeting: 18 September 2011: Meeting between members of the secretariat of the Human Rights Committee and representatives of the Colombian Commission of Jurists (CCJ). (CCJ presented its report in the course of the meeting.)

Date other information received: 22 September 2011: Information has been received from CCJ, Coordinación Colombia-Europa-Estados Unidos and the CCPR Centre.

Recommended action: An analysis of the State party's reply will be sent by OHCHR Colombia. The State party replies and NGO information should be analysed at the next session.

Next report due: 1 April 2014