



# International Covenant on Civil and Political Rights

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## Human Rights Committee 126th session

### Summary record of the 3613th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 3 July 2019, at 3 p.m.

*Chair:* Mr. Fathalla

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*The meeting was called to order at 3 p.m.*

**Consideration of country situations in the absence of reports, pursuant to rule 70 of the Committee's rules of procedure**

*Situation in Nigeria considered in the absence of a report (CCPR/C/NGA/Q/2 and CCPR/C/NGA/Q/2/Add.1)*

1. *At the invitation of the Chair, the delegation of Nigeria took places at the Committee table.*
2. **The Chair** said that, in the absence of the State party's second periodic report, the constructive dialogue would be based on its replies (CCPR/C/NGA/Q/2/Add.1) to the list of issues (CCPR/C/NGA/Q/2).
3. **Mr. Kadiri** (Nigeria) said that he wished to apologize for the inability of Nigeria to submit its second periodic report to the Committee. Although the Government had set up a special interministerial committee to reply to the list of issues, it had been unable to provide answers to all the questions. However, his delegation would endeavour to fill the gaps and would provide additional information in due course. In the meantime, the Government had reconstituted the National Working Group on Treaty Reporting with a view to ensuring the prompt submission of future reports.
4. Turning to the issues raised by the Committee, he said that the National Human Rights Commission was independent and its decisions were enforceable as if it were a court of law. Following a decision by the Commission, for instance, the families of the six young victims killed by the police in Apo in 2005 had been paid 135 million naira. In addition, the Commission organized human rights education and training for the police and military.
5. The Constitution guaranteed access to justice for everyone and provided pro bono legal assistance to indigent persons. The Violence against Persons (Prohibition) Act provided for access to justice by female victims of violence, for the punishment of perpetrators and for remedies for victims and other persons affected. Nigeria had implemented a number of initiatives to improve its justice system including: the establishment of judicial research and training centres; training in information technology for prosecutors, police officers and prison staff; and the development of a legal aid strategy and guidelines for federal prosecutors.
6. The legislation and policies introduced by the Government to fight corruption were applied in tandem with the amended Constitution and neither weakened the rule of law nor led to violations of the Covenant. There were adequate legal safeguards for persons suspected of, or charged with, terrorist activities and related crimes. The Constitution and laws governing criminal trials were applied in cases of terrorism; trials were conducted in open courts and, if the accused could not afford legal counsel, legal aid was provided at low cost.
7. Measures and initiatives adopted to strengthen civilian-military cooperation in the fight against terrorism, insurgency and other internal security operations included: the inclusion, in training for the military and law enforcement agencies, of modules on international human rights law and international humanitarian law in respect of the protection of civilians during internal security operations; the appointment of a human rights adviser in the office of the Chief of Defence Staff; the establishment of a human rights desk at army headquarters and divisions of the Nigerian army; and the dissemination, among armed forces personnel, of a revised code of conduct and rules of engagement during internal security operations.
8. The Government had also recently initiated a counter-terrorism policy and related action plan put together by a working group comprising representatives of government departments and agencies, faith-based organizations, trade unions, professional bodies, political parties and civil society organizations. The policy and action plan aimed to stem the tide of radicalization in the country, reduce violence, change the behaviour of violent extremists and promote core national values.

9. **Mr. Heyns** said he wished to stress that the Committee's purpose was to find common ground with the delegation in order to advance the protection of human rights in Nigeria. It therefore looked forward to hearing about the Government's achievements, as well as the challenges it faced, with a view to making relevant recommendations.

10. Noting that Nigeria had ratified many treaties besides the International Covenant on Civil and Political Rights and that it had incorporated the African Charter on Human and Peoples' Rights into domestic law, he said that the Committee was nevertheless concerned about the country's fulfilment of its reporting obligations. Was the National Working Group on Treaty Reporting a permanent structure? He would like to know whether Nigeria had any plans to ratify the Optional Protocol to the Covenant, recognizing the Committee's competence to examine individual complaints, and the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty. He would also like to receive some clarification as to the nature of the Fundamental Human Rights Enforcement Procedure, mentioned in paragraph 3 of the State party's replies.

11. The National Human Rights Commission was a seemingly powerful organization. However, he would like the delegation to comment on concerns raised by the Global Alliance of National Human Rights Institutions that the Commission's governing council had been arbitrarily dismissed, before being restored; that the executive secretary was appointed without consultation; and that the Commission reported to the executive branch of government, rather than to the legislature. He would also be interested to hear the delegation's comments on more general concerns about the resources available to the Commission. He would like to know if the head of delegation's statement that its "decisions were enforceable as if it were a court of law" meant that those decisions were binding on the Government.

12. The assurance by the State party, in its replies to the list of issues, that its legal framework met international standards with respect to the use of force and firearms was unpersuasive, given that certain provisions of the Constitution provided for the use of deadly force to protect property and that the Code of Criminal Procedure and the Administration of Criminal Justice Act provided for the use of force without explicitly restricting the nature of the force or setting out the principles of necessity and proportionality. He would appreciate information on the precise legal status of the police force order that directed officers to fire at the knees of protesters.

13. He would like to know whether members of the security forces thought to be responsible for the killing of 150 members and supporters of the Indigenous People of Biafra had been held to account, and whether there had been any prosecutions in relation to the alleged killing of 350 supporters of the Islamic Movement in Nigeria who had barricaded roads and blocked the passage of a military convoy.

14. **Ms. Brands Kehris** said that, although Nigeria had a well-developed legal framework, corruption in the country was reportedly pervasive, particularly in the oil and security sectors, and petty corruption, such as bribery, was rife in the education, health and tax systems. The implementation of legislation appeared to be weak and legislative gaps persisted. She would like to receive specific information and statistics on the number of corruption cases initiated, investigations under way and investigations concluded, prosecutions, convictions and sentences imposed in the last five years. She would like to know how many of those accused of corruption were present or former high-level officials, how many were from the ruling party, whether the special courts ordered by the Chief Justice in September 2018 had been established, how judges were appointed to those courts and how their independence, impartiality and incorruptibility was guaranteed. She wondered if the processing of corruption cases had become speedier thanks to the Administration of Criminal Justice Act and the establishment of the Corruption and Financial Crimes Cases Trial Monitoring Committee. Had the Committee issued any findings yet? She would be interested to know whether any other institutional structures had been set up to enforce the implementation of that legislation and she would appreciate an update on the status of the Proceeds of Crime Bill and the Petroleum Industry Governance Bill. Noting that the Whistle-Blowing Initiative had successfully recovered funds, she would be interested to learn about the status of the bill to protect whistle-blowers. She would like to invite the delegation to comment on, or indicate measures being

taken by the Government to address, the endemic corruption and embezzlement of public funds that not only undermined State resources but also exacerbated inequality.

15. Previous statistics had shown the maternal mortality rate to be high. She would like to have updated statistics and information on what was being done to bring the rate down. She would also appreciate further information on the measures taken and the budgetary funds allocated to address the state of emergency declared on maternal and infant mortality in April 2019, and on the emergency measures taken and planned to ensure that women had access to health services before, during and after birth, and also after an abortion. What had been the impact of those measures? Maternal mortality was reportedly higher among poor and rural girls and women and among those affected by conflict. She wondered what measures were in place to ensure their equal access to quality health-care services and whether any special measures were being taken to help those affected by conflict.

16. She asked what the Government had done to ensure the provision of safe and affordable contraceptives nationwide. Women who had given birth in clinics and hospitals but who had been unable to pay their medical bills had reportedly been involuntarily detained without adequate care. What steps had been taken to stop such practices and punish those responsible? She would also like to know how many criminal prosecutions had been conducted in relation to abortion over the last five years, and what sentences had been handed down. She would like the delegation to comment on reports that 1.25 million clandestine abortions had been carried out in 2012. She would also be interested to find out what measures the Government would be taking to ensure safe and legal access to abortion where the health of the woman or girl was at risk, the pregnancy could cause harm or suffering to the woman or girl – particularly when it resulted from rape or incest – or where the pregnancy was non-viable, in line with the Committee’s general comment No. 36.

17. **Mr. Shany** said that the list of issues had clearly proven useful in preparing for a constructive dialogue. He would encourage the State party to adopt the simplified reporting procedure for the timely submission of its future reports.

18. While acknowledging the serious challenges the country faced, the Committee aimed to examine the State party’s legal framework to ensure its implementation was consistent with the provisions of the Covenant. He would appreciate clarification as to which provisions the Government considered to be non-derogable, since the answer was not apparent from an examination of the situation in the country. During the state of emergency in 2013, for example, arrests had reportedly been made without warrants, while there had been complaints that some persons had been detained for more than 48 hours without being brought before a judge and given the opportunity to challenge the lawfulness of their detention.

19. During the state of emergency in 2013 and 2014, the Global System for Mobile Communications (GSM) networks had been blocked in certain northern states in order to disrupt Boko Haram’s communications. The Committee was concerned that the civilian population had not been informed of that intervention, which had caused hardship and, in some cases, endangered lives. He would like the delegation to comment on the necessity and proportionality of the measure and to indicate what steps had been taken to minimize hardship. He wished to know if the special investigation panel set up in August 2017 to investigate human rights violations during the state of emergency had produced and published any findings, and, if so, what they contained. If it had not done so, he would like to know why, and when any findings would be published. Had victims of those violations received any compensation? He also wondered whether some of the powers afforded by the Terrorism (Prevention) Act were too broad, given that, in some cases, they required no judicial supervision. He would like the delegation to respond to concerns that the definitions of terrorist acts were too general and the sentences too harsh. For instance, individuals providing terrorists with material or non-violent support, such as food or vehicles, could themselves be convicted of terrorism and sentenced to death. He would also like the delegation to respond to concerns that, during the trials of Boko Haram members, pretrial detention of the many defendants was lengthy and the charges were not sufficiently detailed.

20. While welcoming the de facto moratorium on the death penalty in the State party, he invited the delegation to comment on reports that the death penalty was still frequently handed down; that its application was not limited to the most serious crimes, as was required under article 6 (2) of the Covenant; that more than 2,000 persons remained on death row, including a number of minors; and that executions had been carried out as recently as 2016, which conflicted with the information provided in the State party's replies (CCPR/C/NGA/Q/2/Add.1, para. 32). He wished to know how many sentences had been commuted during the reporting period, whether it was true that the resumption of executions had been proposed as a means of reducing prison overcrowding and whether steps had been taken towards the de jure abolition of the death penalty and the ratification of the Second Optional Protocol to the Covenant.

21. According to information received, there were more than 1.7 million internally displaced persons in Nigeria, many of whom did not live in camps. He would like to know what measures were being taken to address the problems they faced, such as homelessness, food insecurity and a lack of access to farmland. With regard to those living in camps, he wondered what was being done to increase security and protect vulnerable groups, in particular women and girls, who were allegedly exposed to sexual abuse, violence and sex trafficking. He invited the delegation to comment on reports that individuals had been arrested and removed from camps for alleged membership of prohibited groups, such as Boko Haram, without sufficient evidence, and that they had been detained without access to family members. Lastly, with reference to the January 2017 incident in which the Nigerian air force had bombed a camp of internally displaced persons, killing at least 167 of them, he asked what measures had been taken to investigate, prosecute and adequately sanction those responsible.

22. **Ms. Pazartzis** said that she wished to know whether the State party had a specific anti-discrimination law that contained a definition of discrimination and a comprehensive list of prohibited grounds of discrimination, and that covered direct, indirect and intersecting forms of discrimination and provided for effective judicial and administrative remedies. In that regard, the National Human Rights Commission had allegedly received more than 1 million complaints of discrimination. It would be useful to know what types of complaints the Commission had received, whether any complaints had resulted in judicial procedures and, if so, what their outcomes had been.

23. She would like to know what measures had been taken to combat and prevent acts of discrimination, stigmatization and violence directed at persons with albinism, persons affected by leprosy, single mothers and children born out of wedlock, persons with disabilities and persons belonging to minorities. She would also like to know whether the State party intended to revise section 214 of its Criminal Code, which criminalized sexual acts between persons of the same sex, and the Same-Sex Marriage (Prohibition) Act, which prohibited a marriage contract or civil union between persons of the same sex. There were concerns regarding certain provisions of that Act – which apparently provided for a 10-year prison term for any persons who supported, met with or formed a group advocating for the rights of lesbian, gay, bisexual and transgender persons – and their compatibility with the Covenant.

24. In the light of the violence and widespread human rights abuses committed by Boko Haram since 2009 in large parts of the north-east of the State party, she would like to know what measures had been taken to protect the civilian population from executions and abductions, torture and other cruel, inhuman or degrading treatment, rape and other forms of sexual violence. In that connection, she wondered whether the delegation could provide an update on the fate of the oil workers who had been abducted by Boko Haram in Magumeri in July 2017. She would be grateful for information on how the State party ensured that all perpetrators of violations of human rights and international humanitarian law were held accountable. Were victims provided with appropriate and effective remedies? In that connection, she would welcome an account of the mass trials held in 2017 and 2018 of 1,699 suspected Boko Haram members, in particular with respect to fair trial and due process principles.

25. She wished to know what procedures were in place to ensure that the activities of the Nigerian security forces and the Civilian Joint Task Force were in compliance with the

State party's human rights obligations. She invited the delegation to respond to allegations that, in the course of security operations against Boko Haram, military forces had committed large-scale, serious human rights violations, including indiscriminate attacks leading to civilian casualties; extrajudicial killings; enforced disappearances; and arbitrary arrests. Alternative reports also indicated that more than 7,000 men and boys had died in military detention since 2011. She asked what steps had been taken to conduct independent investigations into alleged human rights violations by the security forces and bring the perpetrators to justice.

26. **Mr. Muhumuza** said that he wished to know what specific measures had been taken to ensure women's access to justice, education and employment and to address the cultural, social and religious restrictions on their right to inherit property, including by comprehensively reviewing inheritance and land laws in order to strengthen women's land and property rights. He wondered what was being done to counteract the regressive impact of sharia law in the north of the country, and what steps had been taken to repeal or revise laws and provisions that were discriminatory against women, such as those relating to the transmission of nationality or to polygamy, repudiation and adultery in states where sharia law was applied. He would welcome clarification on the rights of women in customary marriages, in particular with regard to the division of property in the event of divorce.

27. With reference to paragraph 28 of the State party's replies, he welcomed the information provided on efforts to implement fully the Violence against Persons (Prohibition) Act. However, the report was silent on what measures had been taken to investigate allegations of sexual violence against women and girls and combat impunity for such offences; prevent domestic violence, early and forced marriages and inheritance-related violence; tackle taboos and address women's fear of stigmatization in order to encourage victims to file complaints; provide training to police officers, hospital staff and legal professionals on issues related to sexual violence; and assist women victims of violence, in particular by establishing shelters and other care facilities.

28. Female genital mutilation was reportedly often used as a means of controlling women's sexuality and was closely associated with girls' marriageability. Mothers often chose to subject their daughters to the practice in order to protect them from being ostracized, beaten or shunned. He wondered what initiatives had been implemented or were planned to prohibit and eradicate that harmful practice, including by introducing appropriate legislation, increasing women's empowerment and educating the public. Information on the number of practitioners who had been prosecuted and convicted, including the sentences they had received, and on efforts to halt the medicalization of female genital mutilation, would be welcome.

29. The Committee was concerned at the long-standing conflict between farmers and nomadic cattle herders, which, in January 2018 alone, had resulted in more than 300 fatalities. He wished to know whether the Government had undertaken any research to identify trends and the reasons underlying the recent escalation in violence, and, if so, what measures it had subsequently taken to mitigate those risk factors. Information received by the Committee suggested that the violence had begun to shift from intercommunal clashes to confrontations with the Government and the targeting of civilians. He would like to know what action had been taken to protect civilians and ensure security in the affected areas, such as by deploying more and better-equipped police officers, improving local intelligence gathering, responding speedily to early warnings and disarming the vigilantes, as well as curbing the inflow of firearms. It would also be helpful to know whether any perpetrators had been investigated, prosecuted and convicted and, if so, what sentences they had received; what reparations had been awarded to victims; and whether safe shelter was provided for victims, especially women and children. The State party might also comment on the implementation status of the National Livestock Transformation Plan, its policy on open grazing and the efforts being taken at the federal and local levels to open a dialogue between herders and farmers.

*The meeting was suspended at 4.15 p.m. and resumed at 4.40 p.m.*

30. **Mr. Kadiri** (Nigeria) said that he and his delegation welcomed the dialogue with the Committee. It was an opportunity not only to provide updated information on the

challenges his country faced but also to highlight the country's achievements. He hoped that it would be possible to find ways to improve his country's compliance with its treaty obligations. As proof of his Government's commitment to meeting those obligations, he could confirm that the National Working Group on Treaty Reporting he had mentioned earlier was indeed a permanent body.

31. **Mr. Saibaru** (Nigeria) said that a national treaty depositary had been established at the Ministry of Justice to facilitate access by civil servants, diplomats, lawyers and other interested parties to the texts of the treaties and conventions to which Nigeria was a State party.

32. **Mr. Kadiri** (Nigeria) said that the executive secretary and the governing council of the National Human Rights Commission were appointed by the President, subject to the approval of the Senate. All government ministries and agencies, including the Commission, were subject to the oversight of the National Assembly. The Commission had not complained that it was underfunded. Its funding, which came directly from the State budget, was as generous as the country's limited resources allowed. The decisions of the Commission carried the same weight as judicial rulings.

33. **Mr. Ayuba** (Nigeria) said that, under the Constitution, the police were authorized to use force and firearms where necessary, to such extent and in such circumstances as were permitted by law, in order to defend a person or property, in order to effect a lawful arrest or to prevent the escape of a person lawfully detained, or for the purpose of suppressing a riot or mutiny.

34. **Mr. Saibaru** (Nigeria) said that the leader of the Islamic Movement in Nigeria, Ibrahim El-Zakzaky, was on trial for murder in the State of Kaduna and therefore could not be released on bail, for the Penal Code that was applicable in the northern states of Nigeria stipulated that bail could not be granted to persons accused of murder. During Operation Python Dance, there had been a clash between demonstrators and the armed forces. All such clashes were promptly investigated in order to determine whether human rights abuses had been committed.

35. **Mr. Kadiri** (Nigeria) said that Ibrahim El-Zakzaky was being prosecuted at both the federal and the state levels. The central Government could not dictate to the state authorities how the case ought to be dealt with. Some members of the international community were too cautious in their approach to organizations such as the Islamic Movement in Nigeria and Boko Haram. The growth of those organizations was partly due to the Government's initial failure to clamp down on their illegal activities. Boko Haram now posed a threat to the entire region and had caused the loss of many lives.

36. **Mr. Oliyide** (Nigeria) said that Nigeria was doing more to combat corruption than many other States in Africa and around the world. It had passed laws and set up institutions, such as the Independent Corrupt Practices and Other Related Offences Commission, in order to prevent and punish offences relating to corruption. Persons charged with such offences, including civil servants who had failed to declare their assets, were tried by a special tribunal. All persons were assigned a Bank Verification Number so that their financial transactions could be monitored. The Government had also introduced the Treasury Single Account policy, which ensured that all State funds were kept in a single account and could not be spent without the approval of the National Assembly.

37. Nigeria engaged in cross-jurisdictional cooperation with other States, the European Union and international organizations in order to counter money-laundering. It was spearheading efforts to stem illicit financial flows and had established an institution that served as a model for the Intergovernmental Action Group against Money Laundering in West Africa. It subscribed to the open government principle and had launched an extractive industry transparency initiative. Nigeria remained open to learning from other jurisdictions in order to build upon the progress made thus far in combating corruption.

38. **Mr. Kadiri** (Nigeria) said that the President's commitment to fighting corruption was such that he had been appointed as a champion of the anti-corruption campaign led by the African Union. High-profile political figures, including the wife of the former

President, had had large sums of money confiscated because they had been unable to explain where the money had come from.

39. **Mr. Oliyide** (Nigeria) said that Nigeria needed the support and cooperation of foreign Governments and civil society in order to be able to recover money that had been moved abroad. It had signed agreements with certain States on the repatriation of funds in the past.

40. **Mr. Kadiri** (Nigeria) said that Nigeria had not received adequate support from the international community when it came to the recovery of stolen funds. Such funds were placed in the care of the World Bank instead of being returned directly to the sovereign country to which they belonged. Nigeria was doing its very best to tackle the hydra-headed challenge of corruption. The Economic and Financial Crimes Commission was so feared that some suspects under investigation simply fled, abandoning vast sums of money in bank accounts and estates built using the proceeds of corruption.

41. In response to the allegations that security forces had committed serious human rights violations in the context of counter-terrorism measures against Boko Haram, he wished to point out that terrorism was very difficult to combat without causing collateral damage. Such damage, although unjustifiable, should not be considered a greater cause for concern than the threat of terrorism itself. The provision of weapons, food and other resources to Boko Haram should not be considered a minor offence. It was important to note that there were two sides to every story and that allegations made by members of the international community might not accurately reflect the situation on the ground.

42. **Mr. Ayuba** (Nigeria) said that the Boko Haram suspects who were on trial had been divided into three categories. Those who had repented were undergoing rehabilitation and deradicalization in prison and would be reintegrated into society. Those who were unwilling to change their ways were being brought to trial. The legal proceedings in such cases were lengthy because it was necessary to collect sufficient evidence. Some persons had already been convicted and were serving prison sentences. Lastly, there were those who did not fall into either of those two categories but who would be at risk if they were released. The Government had to provide shelter for those persons while looking at how they could be reintegrated into their communities.

43. **Mr. Oliyide** (Nigeria) said that the following statistics related to terrorism cases: 63 cases had been concluded in 2019 and 59 had led to convictions; proceedings were ongoing in 65 cases; charges had been filed in 800 cases that were awaiting trial; detainees had been recommended for release or deradicalization for lack of evidence in 220 cases; profiled detainees were awaiting judicial proceedings or deradicalization programmes in 1,670 cases; and detainees had been remanded in protective custody in 651 cases.

44. The National Prosecution Coordination Committee, which was chaired by the Attorney General of the Federation, was tasked with handling and speedily resolving high-profile corruption cases.

45. The Government had established the North-East Development Commission to address the issue of internally displaced persons, and it promoted action by the regional Lake Chad Basin Commission to address problems stemming from climate change, including the creation of employment opportunities for displaced persons. The North-East Development Commission and the Lake Chad Basin Governors' Forum also sought to assist people suffering from Stockholm syndrome who were still attached to the Boko Haram militants.

46. **Mr. Kadiri** (Nigeria) said that a comprehensive reconstruction programme was being undertaken in north-east Nigeria. Public institutions were being constructed and residents were receiving support for the recovery of their livelihood.

47. He did not know when an official moratorium on the death penalty might be declared.

48. Many internally displaced persons lived with host communities that received official support. International humanitarian agencies, which operated together with local non-governmental organizations, also provided security services, shelter, health care and

psychosocial support for people living in camps. The Special Rapporteur on the human rights of internally displaced persons had reported cases of sexual violence two years previously. The Government had launched inquiries into the matter.

49. It had also launched inquiries into the alleged response of the security forces to the anti-corruption crusade, including extrajudicial killings. Members of the police force had been dismissed or placed on trial, including members of the Special Anti-Robbery Squad, and a former chief of police had actually been sentenced to six months in prison. Moreover, a panel had been established to recommend reforms of the police force.

50. Nigeria was a vibrant multi-ethnic society composed of about 250 ethnic groups. Freedom of the press had been consistently guaranteed, even when the country was ruled by military regimes.

51. Human trafficking, which was a major challenge, was tackled by the National Agency for the Prohibition of Trafficking in Persons, which focused on specific localities and worked in cooperation with the international community.

52. Issues relating to lesbian, gay, bisexual and transgender persons were viewed in Nigeria as a red line. Public opinion polls had indicated that between 95 and 97 per cent of the population opposed same-sex marriage, and both houses of parliament had voted along similar lines.

53. The Government had allocated an enormous amount of funds to the fight against terrorism, for instance for the purchase of military hardware and the training of special military forces, although such funds were also desperately needed to reduce poverty and to provide education, medical care and other services. The Government had taken vigorous action to address the problem of abducted persons, such as the “Chibok girls”, and had even engaged in a dialogue with terrorists in order to secure their release.

54. **Mr. Saibaru** (Nigeria) said that progress had been achieved in promoting non-discrimination against women. In fact, the governor in a northern state in which Islam was the dominant religion had appointed women to 50 per cent of the commissioner’s posts.

55. **Mr. Kadiri** (Nigeria) said that the conflict between farmers and herders was a historical problem throughout the West African region. A panel had recently been established to examine the root causes of the conflict and ways and means of resolving it.

56. **Mr. Shany** said that the Committee was mandated to engage in a constructive dialogue to evaluate States parties’ implementation of the Covenant and to make policy recommendations. There was naturally a great deal of diversity among the 172 States parties, but the provisions of the Covenant were universally applicable. The Covenant did not absolutely prohibit the death penalty, but the Committee considered that States parties should move towards its abolition. In particular, the death penalty should not be imposed for minor offences. While he understood that the death penalty might be imposed for terrorist acts involving wilful killing, he considered that other acts should be criminalized but should not entail the death penalty.

57. He fully appreciated the challenges faced by the State party in combating terrorism. Nevertheless, the legislation it implemented for that purpose should be consistent with international standards. He welcomed the establishment of commissions to review incidents and allegations, and recommended that they should publish reports to inform the general public and the Government of the need for improvements and for payment of compensation in the event of shortcomings.

58. **Ms. Brands Kehris** said that the Committee would be interested in hearing about the impact of legislation and other measures to prevent corruption, for instance in the form of data concerning cases that had been prosecuted. She wondered whether such information was published by the Corruption and Financial Crimes Cases Trial Monitoring Committee.

59. It was still unclear to her whether the Proceeds of Crime Bill, the Petroleum Industry Governance Bill and the Bill to Protect Whistle-Blowers had been promulgated.

60. She enquired about the estimated impact of clandestine abortions on girls' and women's health and mortality, and encouraged the State party to amend its legislation to ensure that abortion was permitted in cases of rape, incest and non-viable pregnancies.

61. **Mr. Heyns** emphasized that the Committee did not confine its examination to the current situation in States parties. It also reviewed developments since the previous interactive dialogue in 1996.

62. **Mr. Bulkan** noted that section 5 of the Same-Sex Marriage (Prohibition) Act prescribed a 10-year prison sentence for supporting any type of gay organization. The Committee had also been informed of cases of torture, arbitrary arrest or even murder of lesbian, gay, bisexual and transgender persons or persons suspected of belonging to such groups. He asked whether the State party would consider mitigating section 5 of the Act and whether there were any mechanisms to protect individuals from discrimination and violent incidents.

*The meeting rose at 6.05 p.m.*