



International Covenant on Civil and Political Rights

Distr.: General
17 March 2020

Original: English

Human Rights Committee 128th session

Summary record of the 3702nd meeting*

Held at the Palais Wilson, Geneva, on Tuesday, 10 March 2020, at 3 p.m.

Chair: Mr. Shany (Vice-Chair)

Contents

Consideration of country situations in the absence of reports, pursuant to rule 71 of the Committee's rules of procedure

Situation in Dominica considered in the absence of a report

* No summary record was issued for the 3701st meeting.

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.



Mr. Shany (Vice-Chair) took the Chair.

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

Consideration of country situations in the absence of reports, pursuant to rule 71 of the Committee's rules of procedure

*Situation in Dominica considered in the absence of a report
(CCPR/C/DMA/Q/1/Add.1; CCPR/C/DMA/RQAR/1)*

1. *At the invitation of the Chair, the delegation of Dominica took places at the Committee table.*

2. **The Chair** said that the Committee was pleased to be hosting a delegation from Dominica for the first time since the State party's accession to the Covenant in 1993. Written replies to the list of issues had been submitted shortly before the start of the meeting.

3. **Mr. Henderson** (Dominica) said that he wished to reiterate his country's commitment to fulfilling its international human rights obligations. Many of the rights enshrined in the Covenant were also guaranteed by the Constitution of Dominica, including the right to life and the right to liberty and security of person. Dominica was governed by the rule of law and had strong democratic institutions for the administration of justice. Unfortunately, it suffered from a lack of resources, and that shortage had been exacerbated by the impact of various natural and human-made disasters such as Hurricane Maria in 2017, which had caused damage amounting to 226 per cent of the country's gross domestic product.

4. As a small island developing State, Dominica was not only a victim of climate change but was also at a disadvantage within the international economic and trading system. The actions of the international community had interfered not only with his country's enjoyment of its right to development but also with the fundamental rights of the Dominican people. The country's banana industry had been decimated by the loss of preferential treatment at the World Trade Organization, its efforts to diversify its economy by providing offshore financial services had been greeted with hostility by the Organization for Economic Cooperation and Development, and it now faced the challenge of de-risking, which was eroding its ability to trade with companies in the United States of America. The Government's main source of revenue was the Citizenship by Investment Programme. Any effort to undermine that programme would greatly hinder the country's efforts to achieve the Sustainable Development Goals and to protect the rights and freedoms of its people.

5. In line with the principles of social justice that were enshrined in the Constitution, the Government was investing heavily in areas such as education, health care and housing, as well as in the creation of economic opportunities. During the third cycle of the universal periodic review before the Human Rights Council in 2019, Dominica had accepted 86 recommendations dealing with key thematic areas such as climate change, gender equality and the rights of indigenous peoples. Since the review, a national mechanism for implementation, reporting and follow-up had been established which was preparing an action plan for putting those recommendations into effect. Dominica had requested technical assistance from the Commonwealth for the further development of the mechanism, and the arrangements for the provision of that assistance would be finalized shortly. Since the review, Dominica had also ratified several human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination, and had taken steps to bring its legislation into line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

6. **The Chair** said that he wished to remind the State party that it would have the opportunity to submit additional information in writing within 48 hours of the end of the dialogue.

7. **Ms. Kran** said that she wished to emphasize that the reporting process was an opportunity for the State party to reaffirm its commitment to human rights and to take stock of shortcomings in its implementation of the Covenant. Timely reporting was instrumental in ensuring that a State party's dialogue with the Committee was as focused and productive as possible.

8. She would appreciate more information on the status of the Covenant under domestic law, the time frame within which the State party intended to ratify the two optional protocols

to the Covenant and any plans to make the Covenant directly enforceable in national courts through an act of parliament. She wondered how the State party ensured that individuals were able to enjoy their rights to the full extent guaranteed by the Covenant, given that the Constitution provided for certain restrictions that were not compatible with it. She would like to know what was meant by the words “public interest” in section 1 of the Constitution and how the restriction of rights in the public interest could be reconciled with the State party’s obligations under the Covenant.

9. She was curious to know why the position of Parliamentary Commissioner had never been filled, whether there were plans to appoint a Commissioner and, if so, how the State party would ensure that the Commissioner provided effective remedies in cases where complaints against the Government were well founded. It would also be helpful if the delegation could outline the State party’s plans for establishing a national human rights institution that complied with the Paris Principles.

10. She would like to know how many people had been convicted under the Sexual Offences Act in the last five years and what sentences had been imposed in those cases. She wondered whether the State party planned to decriminalize consensual same-sex conduct in order to comply with article 26 of the Covenant and whether it planned to revoke the courts’ discretionary powers to order the committal of persons convicted of such conduct to psychiatric institutions.

11. She would be interested to hear whether there were any policies in place to help lesbian, gay, bisexual and transgender persons find employment and would welcome information on any steps taken to prevent and counter violence against such persons, any measures taken to facilitate the reporting of such violence to the authorities and any reparations provided to victims of such violence. She would like to know what steps were being taken to monitor the treatment of lesbian, gay, bisexual and transgender persons by police officers and what laws and policies were in place to ensure the safety of such persons in the event that they were seeking help from the police. It would also be useful if the delegation could provide information on the number of police officers prosecuted for having committed violence against such persons in the last five years and on the outcomes of those cases.

12. With reference to the case of *Clem Philbert v. the State*, in which a murder conviction had been quashed because the fact that the male victim had propositioned the male defendant was considered to have led to a situation of justifiable homicide, she would like to know whether the State party planned to amend the law in order to prevent the courts from arriving at such a decision in the future. She wished to know how the State party would ensure, in compliance with articles 6, 7 and 26 of the Covenant, that the sexual orientation of a victim would not be considered to be a justification for a violent crime.

13. **Mr. Zimmermann** said that, while he recognized that small countries faced certain challenges when it came to reporting to the treaty bodies, he wished to reiterate that the late submission of reports made it difficult for the Committee to engage in a meaningful dialogue with the State party.

14. It would be helpful if the delegation could explain how the Government of Dominica ensured that a state of emergency was declared only in situations that threatened the life of the nation, in accordance with article 4 of the Covenant. He would appreciate more information on the extent and duration of the State party’s derogations from its obligations under the Covenant during states of emergency. He would also like to know whether the various laws and regulations on states of emergency, such as the Emergency Powers Act, ensured that rights were restricted only to the extent necessary and that non-derogable rights were protected.

15. With reference to the Anti-Terrorism Act of 2018, it would be helpful if the delegation could clarify the interrelationship between the definition of a terrorist contained in section 2 of that law and the definition of a terrorist act set out in section 3, which appeared to be much broader. He would like to invite the delegation to comment on concerns that the Anti-Terrorism Act could be used to intimidate members of the political opposition. He would be interested to learn what measures had been taken to ensure that the Act was interpreted in accordance with the Covenant, given that some of its provisions – such as the provision that a person who had travelled to a designated terrorist area should be presumed to have travelled there for terrorist purposes – ran counter to the Covenant. It would also be useful if the

delegation could confirm whether electronic surveillance systems were ever used by law enforcement agencies.

16. Given that a de facto moratorium on the death penalty had been in place in Dominica since 1986, he wondered whether the State party was planning to align its domestic legislation with that practice and whether it had any concrete plans to ratify the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty, beyond being open to receiving assistance to facilitate a national dialogue on that subject.

17. **Mr. Muhumuza** said that he would like to know whether discrimination in the labour market was addressed in any specific national law; what steps were being taken to enact legislation that contained a definition of discrimination which included a comprehensive list of prohibited grounds of discrimination, including sexual orientation, gender identity and an “other status” category; and what action was being taken to address direct, indirect and intersecting forms of discrimination and establish effective judicial and administrative remedies for victims. He would also appreciate information about the measures being used to combat discrimination against persons in vulnerable situations, such as persons with HIV/AIDS and sex workers, and about progress towards creating a legal framework that prohibited discrimination against persons with disabilities. Details about the current framework within which bodies such as the Dominica Association of Persons with Disabilities operated and an indication of the extent of their involvement in government policy and practice relating to persons with disabilities would be helpful.

18. **Mr. Fathalla** said that the very limited nature of the budget allocation for the Bureau of Gender Affairs, which, according to reports, apparently had only two of three staff members and insufficient funds for capacity-building, was a matter of concern. He would like to know whether the Government was considering increasing the Bureau’s capacity and when its gender policy would be issued. He would also like more details about the Bureau’s activities.

19. The State party had indicated that 36 per cent of parliamentarians were women and that women occupied senior positions in the public and private sectors, but it had not provided any details. He would appreciate up-to-date figures on the number of government ministers, ambassadors and other high-ranking officials who were women and the percentage of private-sector workers who were women, together with an indication of the types of positions that they held. He would like to know whether Dominican women received equal pay for equal work and whether men and women had equal roles and responsibilities in the family and equal rights in inheritance and other financial matters.

20. As requested in paragraph 13 of the list of issues ([CCPR/C/DMA/Q/1](#)), he would like details on the measures being used to ensure that the legal framework for combating gender-based violence and the related national action plan were being effectively implemented. In addition, he would welcome further information on the steps being taken in other areas to prevent violence against women, to encourage victims to file complaints and to provide them with support and shelter. He would also appreciate confirmation as to whether national legislation contained a definition of rape and whether there was a national law prohibiting and penalizing sexual harassment.

21. Information about what the Government was doing to ensure the meaningful and informed participation of the whole population in projects that could affect sustainable development and resilience to climate change, as requested in paragraphs 45 to 47 of the list of issues, would be welcome. It would also be interesting to know whether the country’s vulnerable geographic position was taken into consideration in policies and programmes dealing with cultural and other activities and whether the Government had a plan for addressing its vulnerabilities with a view to averting any further negative effects of climate change.

22. **Mr. Bulkan**, noting that the State party had indicated that a lifting of the ban on abortion was not currently under discussion and that any such discussion would be driven by the will of the people, said that, while he recognized that in a democracy the wishes of the people were important, sometimes, in order to protect minorities and the more vulnerable, the promotion of human rights had to be driven by the Government. The ultimate standard should not be the wishes of the country’s people but rather the State party’s commitments under the Covenant.

23. Viewed against that background, the narrow exception to the prohibition of abortion permitted under current criminal law, namely, when the mother's life was at risk, had implications for a whole slew of human rights, including the right to protection from being subjected to torture, the right to non-discrimination and the right to health. Given those considerations, he would like to know whether the State party would be open to discussing at least some possible amendments of the Offences against the Persons Act to widen the scope of that exception. He would also like to know how the current exception was being interpreted and applied and whether any protocols had been issued to guide medical professionals in their interpretation and ensure independence in decision-making.

24. A study published in *The Lancet* in 2019 had identified Dominica as the only country where child mortality had been steadily rising, and considerably so, for the past 15 years. Since the study attributed that failing to inadequacies in the country's health system, he would like to know what measures would be or had been taken to reverse that upward trend. More generally, he wondered what services were available to educate women and girls about their sexual and reproductive rights and whether those services were accessible to all women, including women living in rural areas and women of a lower socioeconomic status. In view of the fact that teenagers reportedly had limited access to sexual and reproductive health education and services, including contraception, and that girls under 15 years apparently accounted for around 3.5 per cent of all births, he would be interested to learn what proactive measures, such as awareness-raising programmes, family planning initiatives and health education, more generally, were being used to reduce the teenage pregnancy rate. He would also like to know what was being done to address the discrimination and stigma, including self-inflicted stigma, that teenage mothers faced when they returned to school.

25. **Ms. Tigroudja**, noting that Dominica had ratified two United Nations conventions in 2019 and was apparently ready to ratify the first Optional Protocol to the Covenant, asked whether more ratifications were planned in the near future and what administrative and legislative follow-up to the ratifications was envisaged.

26. **The Chair** said that it would be interesting to hear about the State party's engagement with the Inter-American Commission on Human Rights, particularly in regard to legal matters, and to know the reasons for its decision not to accept the jurisdiction of the Inter-American Court of Human Rights.

27. **Mr. Zyberi** said that he would like to know more about the nature and scope of the grievance mechanism being implemented by the Ministry for Governance, Citizen Empowerment and Social Justice.

The meeting was suspended at 4.05 p.m. and resumed at 4.20 p.m.

28. **Mr. Henderson** (Dominica) said that, as a small, fledgling democracy, Dominica endeavoured to do its best for its people despite various constraints, including a skills deficit and a lack of funds for capacity-building. In most cases, it was those constraints rather than any lack of will that accounted for its delay in completing many administrative tasks. He had, however, recommended that his Government should appoint an official to assume responsibility for keeping track of the country's international obligations and assisting the various ministries with the reporting process, and, following the country's universal periodic review in 2019, an interministerial commission had been created to follow up on recommendations and relay them to the Cabinet. He hoped that the commission would subsequently assume responsibility for the timely submission of future reports to United Nations treaty bodies or at least assist with the reports' preparation.

29. Most of the rights and freedoms guaranteed in the Covenant were captured in the Constitution of Dominica, but the State recognized that more domestic legislation was sometimes needed to ensure that those rights and freedoms could be effectively protected. It was important to remember that the country's legal framework, including its Constitution, dated from the time of its independence and contained many provisions that were a legacy of colonial laws. In the intervening years, the recognition of human rights had been evolving and expanding – for example, corporal punishment, while once standard practice, was now widely defined as a crime – and the country's legislature had been doing its best to keep pace. However, it was true that traditional practices and entrenched beliefs sometimes prevented the country from moving forward as fast as some might like.

30. The Government was nonetheless committed to giving effect to all provisions of the Covenant and, to that end, would be reviewing all of the country's laws in order to identify and surmount any obstacles in that respect. For example, the powers of derogation accorded to the Government in states of emergency, which had been resorted to around 20 times, in almost all cases because of a hurricane, might be re-examined with a view to limiting and, where possible, doing away with some of those powers, protecting people from the negative consequences of such derogations and ensuring that those powers would be used only in a genuine emergency. At present, a state of emergency could be declared only with the support of a majority of parliamentarians and for a maximum of six months.

31. The appointment of a parliamentary commissioner or ombudsman had been under discussion for some time but had never come to fruition. In the meantime, other institutions had been created to take up some of the functions that an ombudsman would have performed, and various grievance and dispute resolution mechanisms had been established, although none had the same scope of authority as an ombudsman. The Integrity in Public Office Commission and Public Accounts Committee had investigative powers and the right to question officers but did not have complaints mechanisms. The grievance mechanism due to be implemented by the Ministry for Governance, Citizen Empowerment and Social Justice was an administrative rather than judicial remedy but would give members of the public the opportunity to air grievances and have them acted upon.

32. The Government was considering several recommendations that had been made at the ministerial level and by other entities concerning the establishment of a national human rights institution. It had discussed how it should proceed with a number of stakeholders in the light of the fact that such a mechanism would offer support for the fulfilment of the State party's human rights reporting obligations.

33. There had not been a great deal of public discussion about lesbian, gay, bisexual, transgender and intersex (LGBTI) issues. As the replies to the list of issues made clear, the police had taken no action to arrest or charge any individual under the Sexual Offences Act of 1998. Although the Government was not yet prepared to repeal that law, it took no institutional action against members of the LGBTI community, nor did it tolerate threats, intimidation or violence directed at them. In fact, the Government's approach was increasingly one of acceptance. For example, the National HIV/AIDS Prevention Unit of the Ministry of Health provided health care to all persons living with HIV/AIDS, without discrimination. The inhabitants of Dominica formed a close community and they did not turn to the law to investigate or prosecute lesbian, gay, bisexual, transgender or intersex persons, who were often their friends, relatives and neighbours. Nevertheless, future laws to prevent discrimination against such people would have to be considered in the framework of broader reforms on social issues. The Government did not interfere in court cases concerning LGBTI rights but simply acted in accordance with its legal obligations under the judgments handed down by the courts.

34. The Government had drafted an anti-terrorism bill and had enacted a number of other related laws. Some of the bill's provisions had met with opposition and had been withdrawn; others had been discussed and amended. The Government recognized the need to strengthen its institutions and mechanisms for monitoring and addressing complaints of abuse by police officers and other officials.

35. The Prime Minister had launched a national debate on the right to life and the abolition of the death penalty. In 2018, the Government had supported, for the first time, a United Nations resolution calling for a worldwide moratorium on the use of the death penalty. That step demonstrated its willingness to engage with that topic, and it continued to seek a clear way forward that would meet with public support.

36. Dominica had ratified the Convention on the Rights of Persons with Disabilities in 2012. Despite the challenge posed by its lack of resources, the Government was striving to implement the treaty's provisions and had achieved several successes. In the sphere of education, several programmes had been introduced to help students with disabilities, including those with mental impairments. A legally blind student had recently completed secondary school. The Government had strengthened its cooperation with the Dominica Association of Persons with Disabilities, which advocated initiatives such as a review of the Building Code. There was no law on discrimination against persons with disabilities in the field of employment, since, in reality, they were not subjected to discriminatory practices.

However, the Government acknowledged that there was a shortage of facilities and support for the employment of persons with disabilities and that progress needed to be made in order to ensure that more persons with disabilities could work. Given its limited resources, the Government envisaged taking gradual steps towards that goal, notably in the area of building accessibility.

37. The Government took gender issues seriously and had made important strides in promoting women's advancement. The Bureau of Gender Affairs had been established in 2009 to replace the Women's Bureau; that name change reflected the Government's view that it was important to empower both men and women, particularly in view of the tendency for female students to outperform their male counterparts in schools and universities. That trend was reflected in the senior positions that women held in the public and private sectors. Most senior civil servants in the ministries were women. So, too, were 36 percent of the members of the House of Assembly, as well as the Speaker of the House. The fact that women had secured the vote in 1924 and that Dominica had elected a female Prime Minister for three terms reflected the country's progressive attitude towards the empowerment of women. Women were equals in the home, and female heads of household were common. The law made no distinction between men's and women's inheritance rights, while the Government planned to address the legal protection of women in common law relationships as part of its ongoing review of legislation. While the Bureau of Gender Affairs was not fully staffed, its professionals were extremely dedicated and it exemplified the Government's commitment to protecting the ground that had been gained in the area of women's rights.

38. The enactment in 2001 of the Protection against Domestic Violence Act had led to the adoption of a new approach for dealing with domestic violence, together with an increase in the number of cases that were reported. The Government was aware of the need for tracking domestic violence cases more closely and for more facilities to support women, but its efforts in that regard were constrained by a lack of resources. Nevertheless, it had succeeded in increasing opportunities for women, notably by providing housing for single mothers, which gave them greater independence and allowed them to escape sometimes violent relationships. Single mothers and children under the age of 18 were entitled to free health care, and a policy had been implemented to improve access to prenatal and postnatal health care. Support was provided to adolescent mothers to enable them to continue their education outside the school system, and they were given the opportunity to return to school after childbirth.

39. In the 1980s, Dominica had invested heavily in building health centres throughout the country; consequently, it had one of the best primary health-care systems in the Caribbean. With financing from the Governments of Canada and the United Kingdom, Dominica was currently developing "smart" health facilities, which were better able to withstand natural disasters such as hurricanes. The eight such facilities being built throughout the country would make health care more accessible for people living in rural areas, especially women. Primary health care in Dominica was free in most cases, even in the event of hospitalization. Despite those achievements, the rising infant mortality rate was of great concern to the Government, which had made it a priority to investigate and address the causes of that trend. It was a particularly worrisome development in that it had emerged at a time of increasing expenditure on health care, including recent investments in new hospitals and diagnostic systems, the training of specialists in Cuba and the country's first intensive care unit.

40. In 2017, in the wake of Hurricane Maria, the Prime Minister had announced the goal of making Dominica the first climate-change-resilient country in the world. To that end, the Government had implemented a raft of measures to promote the resilience of rural areas. The climate resilience programme included investments to protect livelihoods, notably by providing support for persons working in the fisheries sector and encouraging farmers to plant resilient crops. Technical assistance and materials had been provided, and systems capable of withstanding climate impacts had been introduced. The Government was also working to institutionalize disaster preparedness and management systems, which had traditionally been of a voluntary nature, through the National Emergency Planning Organization.

41. In the area of reproductive rights, the Government had stepped up its efforts to incorporate health and family life courses into school curricula. Although there was some debate over the use of contraceptives, which was opposed by certain religious groups, the Dominica Planned Parenthood Association continued to promote and provide information on the use of contraceptives, while the National HIV/AIDS Prevention Unit also worked to raise

awareness of contraceptives and sexual health matters. The law provided for exceptions to the prohibition of abortion in cases where the woman's life was in danger. He agreed that it would be useful to develop protocols to guide medical professionals and facilities in reaching decisions regarding legal abortion cases, given that such guidance might help save lives.

42. The abolition of the death penalty, the decriminalization of same-sex relations and the legalization of abortion were all major social issues that were opposed by a section of the population. Banning corporal punishment had fallen into the same category. Yet while the Education Act of 1997 provided for corporal punishment, schools did not readily apply it, and the Government had worked with the United Nations Children's Fund (UNICEF) to develop alternative approaches to disciplining students so that there would be no need for an outright ban. The Government considered that, in any democratic society, citizen participation was a requisite for social change. For that reason, it had shown a willingness to engage in wide-ranging discussions, and it hoped that the conversation that it had started around those issues would eventually allow for a further expansion of rights and freedoms.

43. As part of its engagement with the Inter-American system, Dominica had participated in several initiatives of the Organization of American States (OAS), and the Government periodically reviewed its position on the jurisdiction of the Inter-American Court of Human Rights. OAS had sent a mission to observe the 2019 general elections in Dominica and had acknowledged that the outcome reflected the views of the people.

44. **Mr. Santos Pais** said that he would be grateful for more information about the training being provided to the members of the judiciary and the staff of law enforcement agencies in order to ensure that they fully understood the nature of domestic violence and dealt with domestic violence cases appropriately.

45. **Mr. Bulkan** said that, while violent incidents committed against members of the LGBT community might be rare, the Committee had received alarming reports about discrimination against that community in the Eastern Caribbean, and there were indications that the criminal prohibition of same-sex relationships, although not enforced, fostered a climate of homophobia. In a report entitled "I Have to Leave to Be Me", which dealt with Dominica and other Caribbean countries, Human Rights Watch had documented lesbian, gay, bisexual and transgender persons' fears of violence and discrimination should their sexual identities be disclosed. He therefore wished to urge the Government to consider the decriminalization of same-sex relationships as a means of contributing to the fight against discrimination.

46. **Ms. Kran** said that, while she appreciated the delegation's reassurances that the Government was willing to work on some of the issues highlighted by the Committee, she would be grateful for more detailed information in response to the specific questions she had asked, particularly in relation to the rights of lesbian, gay, bisexual, transgender and intersex persons and the police force.

47. **Ms. Tigroudja** said that she would welcome further information on the issue of clandestine abortions. Did the Government have any plans to address that issue specifically?

48. **Mr. Zyberi** said that he would be interested to learn more about the Government's elderly care programmes and, in particular, would like to know whether the programmes were of a permanent nature or not and how many persons had received support under those initiatives.

49. **Mr. Henderson** (Dominica) said that the Government's elderly care programmes had been introduced as part of a government policy initiative. There were no laws in place that required the programmes to continue indefinitely. The "Yes We Care" programme had been launched by the Ministry of Health and Social Services with financial support from the Government of the Bolivarian Republic of Venezuela. There was also a special care programme for persons over the age of 100.

50. With regard to the issue of violence against women, as indicated in the State party's replies to the list of issues, general awareness-raising campaigns and special training programmes had been carried out. Police officers had been slow to adapt to the requirements set out in the Domestic Violence Act because they were not used to dealing with complaints of domestic violence. He did not know whether the provisions of the Domestic Violence Act were covered as part of police officers' mandatory training. Domestic violence was not widespread in Dominica; nonetheless, the State was committed to continuing its efforts to

foster greater respect and tolerance in society. With regard to the rights of lesbian, gay, bisexual, transgender and intersex persons, there were currently no plans to repeal the law under which consensual same-sex conduct was a criminal offence. A national conversation on the issue had begun, but he had no further information in that regard. In Dominica, acts of violence against all persons were taken equally seriously and dealt with in an equal manner.

51. The Government had no way of collecting information on clandestine abortions. In some countries, public debate on the topic of abortion was still under way, while, in others, abortion rights were being challenged. The Government of Dominica was committed to making progress on the issue, but progress could be achieved only through democratic means. In a democracy, the Government's decisions had to reflect the will of the people. With regard to the reports of Human Rights Watch, he wished to point out that such reports did not always accurately reflect the reality on the ground. Non-governmental organizations were not always objective in their approach either.

52. **The Chair** said that the review process was not a comparative exercise. What occurred in other countries was not relevant to the dialogue at hand. The Committee strove to identify each State party's specific achievements and challenges with regard to the implementation of the Covenant, and it used only publicly available sources of information to do so. The Committee had no first-hand knowledge of the situation in States parties. Its findings were informed by the constructive dialogue, in which it presented each State's representatives with the information available to it. It was important for the Committee to give States parties' delegations ample opportunity to address the issues brought to their attention. The Committee's mandate was to monitor compliance with the Covenant, and the Covenant protected the right of the peoples of each State party to make decisions democratically. Nonetheless, it also set out certain legal obligations that were, in certain respects, counter-majoritarian insofar as they protected the rights of minorities. When a State ratified the Covenant, it took those obligations upon itself and committed to finding a way to comply with them through its democratic process. Moreover, the Government was not bound by public opinion, since it played an important role in helping to shape the public discourse on the State party's international human rights obligations.

53. **Mr. Bulkan** said that the Committee had received reports of the excessive use of force by agents of the State, particularly police officers. In that regard, he would be interested to learn whether there were any guidelines or mandatory standards on the use of force by the police. He would be grateful if the delegation could comment on reports that excessive force had been used to shut down rallies organized by the Government's political opposition. He would also welcome information on any investigations opened into incidents involving the excessive use of force and their outcomes, including any disciplinary sanctions imposed on individual police officers, and any such cases brought before the courts by members of the public. It would be useful to learn whether there was an independent oversight mechanism for monitoring the activities of law enforcement officers. If so, he wished to know how the mechanism functioned and whether an inquiry had been opened into the use of tear gas by police officers against protesters and other civilians. Lastly, he would be interested to learn whether the State party would be willing to amend the provisions on the permissible use of force for protection of property set out in section 2 (2) of the Constitution in order to bring them into line with article 6 of the Covenant.

54. **Mr. Muhumuza** said that he would welcome information on any measures taken by the State party to end the worst forms of child labour, particularly the commercial sexual exploitation of young girls. He would also appreciate information on the steps taken to prohibit the use of children in prostitution, pornography, pornographic performances and other illicit activities, including the production and trafficking of drugs. In that regard, information on the nation's child protection action plan would be welcome. He would be grateful for additional information on the measures taken to prevent and investigate cases of human trafficking and to punish the perpetrators. It would also be useful to receive statistics on the number of human trafficking cases brought before the criminal courts and the number of convictions that had resulted from those cases. He would appreciate further information on the steps taken to build the State's capacity to address human trafficking, with particular regard to targeted labour inspections and the training of police officers. Lastly, he would be grateful for further information on the compatibility of section 35 (2) of the National Service Act and section 61 (2) of the Prison Ordinance with article 8 of the Covenant. Were there any plans to repeal those provisions?

55. **Mr. Fathalla** said that he would appreciate further information on how section 10 of the Constitution, which protected freedom of expression and opinion, was guaranteed in law and in practice. He would also be grateful for additional information on the circumstances in which limitations could be placed on freedom of expression and opinion for the purposes of protecting the reputation and freedoms of others in accordance with section 10. It would be helpful to have more detailed information on the regulations governing the ownership and licensing of media and press agencies. Lastly, he would be interested in learning more about alleged attacks on civil society groups and members of the political opposition in the media, reports that journalists had been prevented from attending parliamentary hearings and any plans to decriminalize defamation.

The meeting rose at 6 p.m.