



International Covenant on Civil and Political Rights

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Human Rights Committee

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

1. The Committee, in accordance with article 40 (4) of the Covenant, may prepare follow-up reports based on the various articles and provisions of the Covenant with a view to assisting States parties in fulfilling their reporting obligations. The present report is prepared pursuant to that article.

2. The report sets out the information received by the Special Rapporteur for follow-up to concluding observations, the Committee's evaluations and related decisions adopted during its 117th session. All available information concerning the follow-up procedure used by the Committee since its eighty-seventh session, held in July 2006, is outlined in a table available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fUCS%2f117%2f25037&Lang=en.

Assessment of replies

Reply/action satisfactory

A Response largely satisfactory

Reply/action partially satisfactory

B1 Substantive action taken, but additional information required

B2 Initial action taken, but additional information and measures required

Reply/action not satisfactory

C1 Response received, but action taken does not implement the recommendation

C2 Response received, but is not relevant to the recommendation

No cooperation with the Committee

D1 No response received within the deadline or no reply provided to specific question(s)

D2 No response received after reminder(s)

The measures taken are contrary to the Committee's recommendations

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



106th session (October 2012)*Germany*

Concluding observations:	CCPR/C/DEU/CO/6, 31 October 2012
Follow-up paragraphs:	11, 14 and 15
First reply:	CCPR/C/DEU/CO/6/Add.1, 21 October 2013
Committee's evaluation:	Paragraph 14 [A]; additional information required on paragraphs 11 [B1] and 15 [B2]
Second reply:	CCPR/C/DEU/CO/6/Add.2, 15 July 2014
Committee's evaluation:	Paragraph 11 [A]; additional information required on paragraph 15 [B2]
Third reply:	CCPR/C/DEU/CO/6/Add.3 and Corr.1, 12 January 2016 Additional information required on paragraph 15 [B2]

Paragraph 11: The State party should revise its Asylum Procedure Act to allow suspensive orders in case of transfers of asylum seekers to any State bound by the Dublin II Regulation. The State party should also inform the Committee whether it will extend the suspension of transfers of asylum seekers to Greece beyond January 2013.

Follow-up question:

[A]: The Committee welcomes the decision to extend the suspension of transfers of asylum seekers to Greece until January 2015. It reiterates its recommendation and its request to the State party to extend the suspension of transfers of asylum seekers to Greece if difficult reception conditions remain.

Summary of State party's reply:

The situation concerning the transfer of asylum seekers to Greece remains unchanged.

Committee's evaluation:

[A]: The Committee appreciates the State party's decision to suspend transfers of asylum seekers to Greece.

Paragraph 15: The State party should take effective measures to ensure full implementation of legal provisions related to the use, in compliance with the Covenant, of physical restraint measures in residential homes, including by improving training of staff, regular monitoring, investigations and appropriate sanctions for those responsible.

Follow-up question:

[B2]: The Committee takes note of the additional information provided by the State party but regrets that it has not provided information on investigations and appropriate sanctions for those responsible for violating legal provisions related to the use of physical restraint measures in residential homes. It requires additional information on:

(a) Measures taken, including training, to ensure that all staff working in care facilities and residential homes are aware of the legal provisions related to the use of physical restraint measures in residential homes and care facilities; and

(b) Investigations and appropriate sanctions for those responsible for violations of legal provisions related to the use of physical restraint measures in residential homes.

Germany

Summary of State party's reply:

(a) The State party expanded on information provided in CCPR/C/DEU/Q/6/Add.1 (para. 74). Werdenflser Weg and ReduFix offer training on how to avoid the use of restraints; the Foundation for Quality in Care published a report, entitled "Prevention of Violence in Care" and established a website with pertinent information.

(b) The State party reiterated information provided in CCPR/C/DEU/CO/6/Add.2 (para. 19).

Committee's evaluation:

[B2]: The Committee takes note of the additional information provided by the State party regarding training and requests additional information regarding the number of personnel who have received training and the number of facilities for which training has been conducted. It reiterates its request for information on investigations and appropriate sanctions for those responsible for violations of legal provisions related to the use of physical restraint measures in residential homes, and requests information on whether audits regarding the use of restraints are conducted routinely or only in response to specific complaints.

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

Next periodic report: 31 October 2018

107th session (March 2013)

Hong Kong, China

Concluding observations:	CCPR/C/CHN-HKG/CO/3, 26 March 2013
Follow-up paragraphs:	6, 21 and 22
First reply:	CCPR/C/CHN-HKG/CO/3/Add.1, 25 March 2014
Committee's evaluation:	Additional information required on paragraphs 6 [C1], 21 [C1] and 22 [B2]
Second reply:	CCPR/C/CHN-HKG/CO/3/Add.2, 30 March 2015
Committee's evaluation:	Additional information required on paragraphs 6 [C1], 21 [C1][C2][C2] and 22 [B2]
Third reply:	CCPR/C/CHN-HKG/CO/3/Add.3, 11 January 2016
Committee's evaluation:	Additional information required on paragraphs 6 [C1], 21 [C2][C2] and 22 [C2]

Paragraph 6: Hong Kong, China, should take all necessary measures to implement universal and equal suffrage in conformity with the Covenant as a matter of priority for all future elections. It should outline clear and detailed plans on how universal and equal suffrage might be instituted and ensure enjoyment by all its citizens, under the new electoral system, of the right to vote and to stand for election in compliance with article 25 of the Covenant, taking due account of the Committee's general comment No. 25 (1996) on the right to participate in public affairs, voting rights and the right of equal access to public service. It is recommended to consider steps leading to withdrawing the reservation to article 25 (b) of the Covenant.

Hong Kong, China

Follow-up question:

[C1]: The Committee notes that Hong Kong, China, has not provided information on the specific method for selecting the Legislative Council by universal suffrage, as it had requested. It requests additional information on the progress towards the adoption of an amendment allowing for election of the Chief Executive by universal suffrage. It regrets that no measures appear to have been taken to withdraw the reservation to article 25 (b) of the Covenant.

Summary of State party's reply:

After extensive public consultations, the Government of Hong Kong, China, presented the Legislative Council with a package of proposed methods (the 2017 proposals) for selecting the Chief Executive by universal suffrage by 2017. The Council vetoed the motion on 18 June 2015.

Committee's evaluation:

[C1]: The Committee regrets that Hong Kong, China, has not yet made arrangements for elections by universal suffrage in 2017. It reiterates its recommendation that Hong Kong, China, withdraw its reservation to article 25 (b) of the Covenant.

Paragraph 21: Hong Kong, China, should adopt measures to ensure that all workers enjoy their basic rights, independently of their migrant status, and establish affordable and effective mechanisms to ensure that abusive employers are held accountable. It is also recommended to consider repealing the "two-week rule" (whereby domestic migrant workers must leave Hong Kong within two weeks upon termination of contract) as well as the live-in requirement.

Follow-up question:

[C1](a): The Committee notes the reports of cases of wounding and serious assault involving foreign domestic helpers. It regrets that Hong Kong, China, does not maintain data on the relevant sentencing outcomes. It reiterates its recommendation and requires updated data on the incidence of all forms of alleged abuse by employers, including statistics on prosecutions, convictions and sentencing outcomes.

[C2](b): Additional information is required on mechanisms in place that are specifically tailored to ensure accountability for abuse by employers, specifically abuse against foreign domestic workers, including mechanisms in place to facilitate the reporting of abuse and to protect employees from retribution for coming forward with complaints.

[C2](c): The Committee regrets that no steps have been taken to repeal the live-in requirement. It reiterates its recommendation.

Summary of State party's reply:

(a)(b) Hong Kong, China, reiterated information provided in CCPR/C/CHN-HKG/Q/3/Add.1 (paras. 15.1-15.5).

(c) Hong Kong, China, reiterated information provided in CCPR/C/CHN-HKG/CO/3/Add.1 (para. 8): the Government will not propose repealing the live-in requirement.

Committee's evaluation:

[C2](a)(b): The Committee notes that Hong Kong, China, has not provided information on the incidence of all forms of alleged abuse by employers, including statistics on prosecutions, convictions and sentencing outcomes. It reiterates its request for information on mechanisms in place that are specifically tailored to ensure accountability for abuse by employers, including mechanisms in place to facilitate the reporting of abuse and to protect employees from retribution for coming forward with complaints. It reiterates its

Hong Kong, China

recommendation.

[C2](c): The Committee regrets that no steps have been taken to repeal the live-in requirement. It reiterates its recommendation.

Paragraph 22: In the light of the recommendation made by the Committee on the Elimination of Racial Discrimination (CERD/C/CHN/CO/10-13, para. 31), Hong Kong, China, should intensify its efforts to improve the quality of Chinese language education for ethnic minorities and non-Chinese speaking students with an immigrant background, in collaboration with the Equal Opportunities Commission and other groups concerned. Hong Kong, China, should further intensify its efforts to encourage the integration of students of ethnic minorities in public school education.

Follow-up question:

[B2]: The Committee welcomes efforts by Hong Kong, China, to integrate ethnic minorities into public school education and requests further information on the progress made with the measures taken, in particular the Learning Framework, including:

- (a) Statistical data on non-Chinese-speaking students involved in the programmes and their progress therein;
- (b) Evaluations conducted regarding the Learning Framework's effectiveness; and
- (c) Reports and findings of the monitoring team within the Education Bureau on the use of funds for its implementation.

Summary of State party's reply:

Hong Kong, China, reiterated information provided in CCPR/C/CHN-HKG/CO/3/Add.1 (para. 12): the Government will continue to monitor progress and refine implementation. More details will be provided in the next periodic report of Hong Kong, China.

Committee's evaluation:

[C2]: The Committee regrets that Hong Kong, China, has not provided any new information. It reiterates its recommendations.

Recommended action: A letter should be sent informing Hong Kong, China, of the discontinuation of the follow-up procedure. The information requested should be included in the next periodic report of Hong Kong, China.

Next periodic report: 30 March 2018

108th session (July 2013)

Czechia

Concluding observations:	CCPR/C/CZE/CO/3, 24 July 2013
Follow-up paragraphs:	5, 8, 11 and 13 (a)
First reply:	CCPR/C/CZE/CO/3/Add.1, 3 November 2014
Committee's evaluation:	Additional information required on paragraphs 5 [B2], 8 [A][B2][A][B2], 11 [B2][C1][B2][C1] and 13 (a) [A]
Second reply:	CCPR/C/CZE/CO/3/Add.2 and Corr.1, 12 January 2016

Czechia

Committee's evaluation: Additional information required on paragraphs 5 [B2], 8 [A][B2][A][B2] and 11 [B1][C1][C1][B1]

Paragraph 5:

The State party should either provide the Public Defender of Rights with a consolidated mandate to more fully promote and protect all human rights, or achieve that aim by other means, with a view to establishing a national human rights institution with a broad human rights mandate and providing it with adequate financial and human resources, in line with the Paris Principles (General Assembly resolution 48/134, annex).

Follow-up question:

[B2]: Additional information should be provided regarding the status of the implementation of the amendment to the Law on the Public Defender of Rights and if the amendment is in line with the Paris Principles. The Committee also requires further information on the financial and human resources situation of the Public Defender of Rights.

Summary of State party's reply:

The State party reiterated information provided in CCPR/C/CZE/CO/3/Add.1 (paras. 2-8): the amendment to the Law on the Public Defender of Rights, which is currently under discussion in Parliament, extends the powers of the Public Defender of Rights in full compliance with the Paris Principles.

In 2014, the Office had a budget of 107 million Czech koruny; a similar budget was planned for 2015. In 2014, the Office employed 123 employees; in 2015, it had about 130 employees.

Committee's evaluation:

[B2]: The Committee notes the information regarding the pending adoption of the amendment of the Law on the Public Defender of Rights and related to the funding and human resources situation of the Office. It reiterates its request for updated information on the content of the amendment and the progress towards its adoption, and requests more information about the sufficiency of the budget and staffing.

Paragraph 8: The State party should redouble its efforts to combat all forms of intolerance against Roma, by, inter alia:

(a) **Establishing clear benchmarks and allocating sufficient resources to awareness-raising campaigns against racism to promote respect for human rights and tolerance for diversity, in schools among the youth, but also throughout the media and in the political arena;**

(b) **Actively engaging in nurturing respect for Roma culture and history through symbolic acts, such as removing the pig farm located on a World War II Roma concentration camp in Lety;**

(c) **Increasing its efforts to ensure that judges, prosecutors and police officials are trained to be able to detect hate and racially motivated crimes;**

(d) **Taking all necessary steps to prevent racist attacks and to ensure that their alleged perpetrators are thoroughly investigated and prosecuted and, if convicted, punished with appropriate sanctions, and that the victims are adequately compensated.**

Czechia

Follow-up question:

[A](a): The State party should provide additional information in its next periodic report on the impact of the Campaign against Racism and Hate Crimes and the project funded by the European Economic Area and Norway, set to take place from 2014 to 2016.

[B2](b): The State party should submit information on the progress of the strategy for Roma integration in nurturing respect for Roma history and culture, and on the steps taken to ensure the removal of the pig farm at Lety u Písku. The Committee reiterates its recommendations.

[A](c): The Committee welcomes the legislative and institutional steps taken by the State party to train judges, prosecutors, and police officials to detect hate and racially motivated crimes. The State party should provide further information regarding training carried out and its frequency.

[B2](d): The Committee takes note of the training on extremism and of the measures taken to detect extremist-related crimes, and of Act No. 45/2013 on Crime Victims, which entered into force in 2013. However, it requires updated statistics on investigations, prosecutions and sanctions imposed on perpetrators; additional information on the prevention of racist attacks; and information on how victims of hate and race-related crimes are adequately compensated. It reiterates its recommendations regarding post-conviction sentencing and compensation for victims.

Summary of State party's reply:

(a)(b) In February 2015, the Government approved its Roma Integration Strategy (2014-2020). Its implementation is in the initial stages. There are four fundamental goals: preserving the cultural heritage of Roma and supporting research; supporting the use of the Roma language; preserving a permanent remembrance of victims of the Roma holocaust and securing a dignified homage to their memory; and creating conditions for impartial information on the Roma minority, culture and reality, traditions and opinions.

The State party reiterated information on Roma integration provided in CCPR/C/CZE/CO/3/Add.1 (para. 14).

The Minister for Human Rights, Equal Opportunities and Legislation will encourage a dialogue with experts, Roma civil society and Roma holocaust survivors. Information about the Roma Holocaust will be publicized in collaboration with the Museum of Roma Culture and other non-governmental organizations. As stated in CCPR/C/CZE/CO/3/Add.1 (para. 15), efforts will be made to remove the pig farm that is located close to the site in Lety u Písku.

(c) As already noted in CCPR/C/CZE/CO/3/Add.1 (para. 16), the Judicial Academy provides training on extremism and racism. In 2014, the Academy organized 15 seminars on topics related to extremism; two of which dealt specifically with efforts to combat extremism. In 2015, two seminars on extremism were organized. In total, nine events were attended by 402 people. Other events are pending.

Police officers are also trained in combatting extremism (see CCPR/C/CZE/CO/3/Add.1, para. 17). In 2014, 175 people were trained.

International human rights and humanitarian organizations, such as the Organization for Security and Co-operation in Europe are also collaborating on education.

(d) In 2014, over 51 million Czech koruny were spent on 265 crime prevention projects in over 170 municipalities. The State party referred specifically to two projects to increase security and maintain public order: Crime Prevention Assistants (see CCPR/C/CZE/Q/3/Add.1, para. 27) and Janitor-Prevention Agents. The State party provided statistics on compensation for victims, however, the statistics are not classified by types of crime and the State party has stated that it is not possible to provide more detailed information.

Czechia

Information about individual judgments and damage awards is not centrally recorded. The State party provided information on two cases in which the victims received compensation.

Committee's evaluation:

[A](a): The Committee appreciates the information about measures taken that was previously provided by the State party, but regrets the absence of information on the impact of the Campaign against Racism and Hate Crimes and the project funded by the European Economic Area and Norway.

[B2](b): The Committee welcomes the State party's plans to encourage Roma integration and appreciation for Roma history and culture. It requests information on the progress made towards their implementation and information about the financing of those plans. It reiterates its recommendation that the pig farm at Lety u Písku be removed.

[A](c): The Committee appreciates the State party's efforts to train judges, prosecutors and police officials to detect hate and racially motivated crimes.

[B2](d): The Committee welcomes the information provided by the State party, but regrets the inability of the State party to provide more detailed information, particularly with regard to investigations, prosecutions and sanctions imposed on perpetrators of extremist or hate crimes, and compensation provided to victims of such crimes. It reiterates its recommendations.

Paragraph 11: The State party should:

(a) **Consider establishing a compensation mechanism for victims who were forcibly sterilized in the past and whose claims have lapsed;**

(b) **Ensure free legal assistance and advice to victims who were forcibly sterilized, so that they may consider lodging claims before the courts;**

(c) **Initiate criminal proceedings against possible perpetrators of coercive sterilization;**

(d) **Monitor the implementation of the Law on Specific Health Care Services to ensure that all procedures are followed to obtain the full and informed consent of women, particularly Roma women, who seek sterilization at health facilities.**

Follow-up question:

[B2](a): The Committee requires information on the progress of the special law on compensation for victims of illegal sterilization.

[C1](b): It appears that no measure has been taken to ensure free legal assistance and advice to victims who were forcibly sterilized. The Committee requires information on the new comprehensive system of legal aid.

[B2](c): The Committee expresses concern at the lack of convictions in the 58 criminal cases brought against persons suspected of having carried out illegal sterilizations. It requires updated statistics on the number of criminal cases brought against persons suspected of having carried out illegal sterilizations and the number of convictions since August 2013. It reiterates its recommendation.

[C1](d): The Committee requires information on the concrete measures taken to ensure that procedures are followed to obtain the full and informed consent of women prior to the sterilizations. It also requires information on the monitoring of the sterilizations carried out, and the frequency of the monitoring.

Czechia

Summary of State party's reply:

(a) The Government debated the bill on compensation for victims of unlawful sterilization in September 2015 and ultimately rejected it. The principal remedial action for victims who were forcibly sterilized is an action for the protection of personal rights, whereby the victim can seek pecuniary and non-pecuniary damages. Receipt of pecuniary damages is subject to a statute of limitations of three years. Courts may allow a claim that is not timely if the claimant is not responsible for the elapsing of the limitation period. In 2011 and 2014, the Supreme Court allowed two cases to be resolved, in which unlawfully sterilized persons would have been harmed by the application of the statute of limitations.

(b) A new system of legal aid is currently under development (see CCPR/C/CZE/CO/3/Add.1, para. 31).

(c) All cases of unlawfully sterilized persons have been properly reviewed and the proceedings were closed upon a final judgment.

(d) The State party reiterated information provided in CCPR/C/CZE/CO/3/Add.1 (para. 31).

Since consent documents relating to sterilization must be kept in a patient's medical file, it is easy for authorities to monitor whether a doctor has fulfilled the duties to provide information and obtain consent.

Committee's evaluation:

[B1](a): The Committee regrets that the bill on compensation for victims of unlawful sterilization has been rejected. It notes the information provided on remedies available to victims, including information on two cases in which the statute of limitations was not applied. It requires information on the criteria used to apply the statute of limitations; on the number of sterilization cases in which non-application of the statute of limitations has been sought; and the number of cases in which the statute of limitations has not been applied.

[C1](b): The Committee notes that the State party is still in the process of developing a new system of legal aid system. It requires updates on any relevant developments and information regarding the anticipated time frame for adoption of the new system.

[C1](c): The Committee notes the information provided by the State party and regrets that no measure has been taken to initiate criminal proceedings against possible perpetrators of coercive sterilization. It reiterates its recommendations.

[B1](d): The Committee appreciates the information provided by the State party on procedures for ensuring informed consent prior to sterilizations, but requests additional information on how often, and according to what procedures, a patient's medical files are checked to ensure that the relevant consent form has been signed and is in the patient's file.

Recommended action: A letter should be sent reflecting the Committee's evaluation.

Next periodic report: 26 July 2018

109th session (October 2013)*Bolivia (Plurinational State of)*

Concluding observations: CCPR/C/BOL/CO/3, 29 October 2013

Follow-up paragraphs: 12, 13 and 14

First reply: CCPR/C/BOL/CO/3/Add.1, 13 February 2015

Bolivia (Plurinational State of)

Committee's evaluation: Additional information required on paragraphs 12 [C2] [D1] [C2][C2], 13 [C2][D1][D1][B2] and 14 [B2]

Second reply: 29 September 2015

Committee's evaluation: Additional information required on paragraphs 12 [C1] [C2][C2][C1], 13 [D1][B2][C2][B1] and 14 [B2]

Paragraph 12: The State party should:

(a) Actively investigate human rights violations committed during the period in question so as to identify those responsible, prosecute them and punish them accordingly;

(b) Ensure that the Armed Forces cooperate fully in the investigations and promptly hand over all the information at their disposal;

(c) Revise the standards of proof in relation to acts for which reparation is sought so that the burden of proof borne by victims is not an insurmountable obstacle; establish a mechanism for appeal and review of applications; and make available the resources needed to ensure that victims will receive the full amount of compensation awarded to them;

(d) Guarantee the effective enjoyment of the right to full redress, including psychosocial care and counselling and the honouring of historical memory, as established in Act No. 2640. Particular attention should be paid to gender considerations and victims in vulnerable situations.

Follow-up question:

[C2](a): The State party has not provided any new information. The Committee requires information on the proposed truth commission; progress towards its adoption; and whether it complies with international human rights standards regarding investigations into human rights violations committed under the de facto regimes from 1964 to 1982; as well as on the participation of civil society in the drafting of this bill. The State party should also provide information on the progress made since 2013 in identifying those responsible for human rights violations committed under the de facto regimes from 1964-1982, and regarding prosecutions and punishments, including the plans for investigating the Teoponte and Estrada cases. With regard to the Teoponte case, information is required on the area identified in June 2014 as the possible site of a common grave and whether excavations have been initiated there.

[D1](b): The Committee requires information on measures taken, including through judicial orders, to ensure that victims and their families have access to information contained in military archives; as well as on measures taken to ensure better cooperation by the armed forces in providing information at their disposal. It reiterates its recommendation.

[C2](c): The Committee notes that no action has been taken to revise the standard of proof in relation to acts for which reparation is sought, establish a mechanism for appeal and review of applications, and make available the resources needed to ensure that victims receive the full amount of compensation awarded to them. It reiterates its recommendation.

[C2](d): The Committee notes that the State party has not provided information on measures taken to provide full redress to victims of human rights violations committed under the de facto regimes from 1964 to 1982. It reiterates its recommendations.

Bolivia (Plurinational State of)

Summary of State party's reply:

(a) The draft bill on the proposed truth commission has been under consideration by the House of Representatives since 2013 (see CCPR/C/BOL/3 and CCPR/C/BOL/CO/3/Add.1).

Concerning the Teoponte case, in September 2015, an inspection was carried out to assess conditions and start excavations, which will be based on the results of this inspection.

Concerning the Estrada case, in 2011, witnesses were interviewed and excavations were conducted, without success.

(b) The State party reiterated information provided in CCPR/C/BOL/Q/3/Add.1 (paras. 54 and 58).

(c) The State party reiterated information provided in CCPR/C/BOL/Q/3/Add.1 (paras. 52 and 59) and in CCPR/C/BOL/CO/3/Add.1.

(d) The State party referred to Act 2640 (2004) which establishes that financial resources for compensation would be provided as follows:

(i) 20 per cent from the General Treasury of the Nation; and

(ii) 80 per cent from private and international donations. Act 238 (2012) authorized the disbursement of the 20 per cent. Despite efforts made by the Ministry of Justice, it was not possible to gather resources from private and international donations. Act 2640 does not establish an obligation to cover the remaining amount.

Committee's evaluation:

[C1](a): The Committee notes the information provided on the Teoponte case, but regrets the lack of new information on the Estrada case, the establishment of the truth commission, and investigations and prosecutions into past human rights violations. It reiterates its recommendation and its previous request for additional information.

[C2](b)(c): The State party has not provided new information. The Committee reiterates its recommendation.

[C1](d): The Committee notes the information provided by the State party and regrets that the State party has not been able to gather the total amount for compensation through the process established by Act 2640 (2004). It requires information on additional measures taken to provide full redress to victims of human rights violations committed under the de facto regimes from 1964 to 1982. It reiterates its recommendations.

Paragraph 13: The State party should amend the current rules of military criminal law to exclude human rights violations from military jurisdiction. It should also amend the Criminal Code to include a definition of torture that is fully in line with articles 1 and 4 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and with article 7 of the Covenant. The State party should ensure that all alleged acts of torture or ill-treatment are promptly investigated, that the perpetrators are prosecuted and punished in a manner commensurate with the seriousness of the offence and that the victims obtain appropriate redress and protection. The State party should expedite its adoption of the measures required to establish a national mechanism for the prevention of torture and ensure that it is provided with sufficient resources to enable it to operate efficiently.

Follow-up question:

[C2]: The Committee notes that the State party's response is not relevant to the Committee's recommendation and that the recommendation has not been implemented. It reiterates its recommendations.

Bolivia (Plurinational State of)

[D1]: The Committee notes that the State party has not provided any additional information. The Committee reiterates its recommendation that the State party amend the Criminal Code to include a definition of torture that is fully in line with articles 1 and 4 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and with article 7 of the Covenant.

[D1]: The Committee notes that the State party has not provided information on the measures taken to ensure that all alleged acts of torture or ill-treatment are promptly investigated, that the perpetrators are prosecuted and punished in a manner that is commensurate with the seriousness of the offence and that the victims obtain appropriate redress and protection. It reiterates its recommendation and requests information on the number of investigations and prosecutions of perpetrators of acts of torture or ill-treatment in the last two years.

[B2]: The Committee notes the establishment of the Service for the Prevention of Torture (SEPRET), but requires further information on its structure, the scope of its authority with respect to investigations into torture and other cruel, inhuman or degrading treatment or punishment, and measures taken to ensure its independence and autonomy.

Summary of State party's reply:

- (a) No information has been provided.
- (b) A draft law to amend the Criminal Code is currently being debated. The draft article on the definition of torture is in accordance with the Convention against Torture.
- (c) No information has been provided.
- (d) The State party provided information on the structure, scope of authority, independence and autonomy of SEPRET. It is a decentralized institution and, as such, has administrative, financial, judicial and technical autonomy. It is the *ex officio* plaintiff in judicial proceedings and is in charge of following up cases of torture, inhuman and degrading treatment.

Committee's evaluation:

[D1](a): No information has been provided about the measures taken to amend the rules of military criminal law. The Committee reiterates its recommendations.

[B2](b): The Committee welcomes the information provided concerning the amendments to the Criminal Code and requests further information on the progress and the participation of the civil society in the process.

[C2](c): The Committee notes that, other than the information on SEPRET, the State party has not provided any information on the measures taken to ensure that all alleged acts of torture or ill-treatment are promptly investigated, that the perpetrators are prosecuted and punished and that victims obtain full redress. It reiterates its recommendation.

[B1](d): With respect to SEPRET, the Committee welcomes the information provided by the State party and requests information on:

- (i) The nomination of the Chief Executive Director;
- (ii) Whether SEPRET establishes an independent mechanism in charge of receiving and investigating complaints of torture;
- (iii) Whether SEPRET has participated or plans to participate as an *ex officio* plaintiff and the cases involving torture and other cruel, inhuman or degrading treatment or punishment that it has followed; and
- (iv) The financial and human resources allocated to SEPRET and whether they are sufficient to enable it to perform its functions.

Bolivia (Plurinational State of)

Paragraph 14: The State party should speed up the proceedings relating to the incidents of racial violence that occurred in Pando and in Sucre in 2008 in order to put an end to the prevailing situation of impunity. The State party should also award full redress to all the victims, including appropriate medical and psychosocial treatment for the injury suffered.

Follow-up question:

[B2]: The Committee welcomes the information provided by the State party on the Pando and Sucre cases and requires updated information on those proceedings. It also requires information on the measures taken to award full redress to all the victims, including on the relevance of the project implemented by the Ministry of Health and Sports under the National Mental Health Plan 2009-2015.

Summary of State party's reply:

The State party reiterated the information provided in CCPR/C/BOL/CO/3/Add.1.

Two defendants were sentenced to two years' imprisonment and benefited from judicial pardon.

The State party provided extensive information on the National Mental Health Plan 2009-2015.

Committee's evaluation:

[B2]: The Committee welcomes the information provided by the State party on the Pando and Sucre cases and on the National Mental Health Plan 2009-2015, but requires additional information on:

- (i) Action taken following the adoption of the Committee's concluding observations (CCPR/C/BOL/CO/3) on 29 October 2013; and
- (ii) Measures taken to award adequate financial compensation to all victims.

Recommended action: A letter should be sent reflecting the Committee's evaluation.

Next periodic report: 1 November 2018

110th session (March 2014)*United States of America*

Concluding observations:	CCPR/C/USA/CO/4, 26 March 2014
Follow-up paragraphs:	5, 10, 21 and 22
First reply:	1 April 2015
Committee's evaluation:	Additional information required on paragraphs 5 [B2] [C1] [C1] [B1] , 10 [C1] [C1] , 21 [B2] [C2] and 22 [B2] [C1] [C1] [D1] [C2]
Second reply:	12 October 2015
Committee's evaluation:	Additional information required on paragraphs 5 [B2] [D1] [D1] [C2] , 10 [C2] [C2] , 21 [B2] [C1] [B1] and 22 [B1] [B1] [D1] [B2] [D1]

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Paragraph 5: The State party should ensure that all cases of unlawful killing, torture or other ill-treatment, unlawful detention or enforced disappearance are effectively, independently and impartially investigated, that perpetrators, including, in particular, persons in positions of command, are prosecuted and sanctioned, and that victims are provided with effective remedies. The responsibility of those who provided legal pretexts for manifestly illegal behaviour should also be established. The State party should also consider the full incorporation of the doctrine of “command responsibility” in its criminal law and declassify and make public the report of the Senate Special Committee on Intelligence into the CIA secret detention programme.

Follow-up question:

[B2](a): While noting, with appreciation, the information provided by the State party on the recent prosecutions of law enforcement officers, as well as the convictions of four Blackwater USA contractors for their crimes in Iraq, the Committee requires information on investigations, prosecutions or convictions of United States government personnel in positions of command for crimes committed during international operations or as part of the United States detention and interrogation programmes. It is also concerned at reports that current and former Guantanamo detainees have been deprived of the ability to seek judicial remedy for torture and other human rights violations incurred while in United States custody. It reiterates its recommendations.

[C1](b): The Committee requires information on measures taken to establish the responsibility of those who provided legal pretexts for manifestly illegal behaviour. It reiterates its recommendations.

[C1](c): The Committee regrets that no action has been taken by the State party to incorporate into its criminal law the doctrine of command responsibility for crimes under international law. It reiterates its recommendations.

[B1](d): The Committee welcomes the declassification and release of over 500 pages of the Senate Select Intelligence Committee report on the CIA secret detention programme, but is concerned about reports that over 6,000 pages remain classified. It is also concerned about reports that the Department of Justice does not plan to reopen investigations, despite having access to the full report.

Summary of State party’s reply:

(a)(b) The State party will continue to investigate all credible allegations of crimes committed during international operations and to prosecute those responsible for such crimes.

The State party provided details of convictions for unlawful killings, unreasonable force and mistreatment of detainees made since its last follow-up report in March 2015. It also provided details of court-enforceable settlements arrived at in an effort to remedy patterns or practices of police misconduct. Examples of effective remedies provided in the form of compensation at state level for victims of abuse were provided.

(c) No information was provided.

(d) The Department of Justice did not find any new material in the classified Senate Select Intelligence Committee report.

Committee’s evaluation:

[B2](a): The Committee notes the information provided on unlawful killings, unreasonable force and mistreatment of detainees. It regrets, however, that no further information was provided on investigations, prosecutions or convictions of United States government personnel in positions of command for crimes committed during international operations or as part of the State party’s detention and interrogation programmes. It also regrets that further information was not provided on reports that current and former

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Guantanamo detainees have been deprived of the ability to seek judicial remedy for torture and other human rights violations incurred while in United States custody.

[D1](b): The Committee regrets that no further information was provided on measures taken to establish responsibility for those who provided legal pretexts for manifestly illegal behaviour. It reiterates its recommendations.

[D1](c): The Committee regrets that no information has been provided on action taken to incorporate the doctrine of command responsibility for crimes under international law into the State party's criminal law. It reiterates its recommendations.

[C2](d): The State party provided no additional information on the Senate Select Intelligence Committee report on the CIA secret detention programme or on the Department of Justice's plans to reopen investigations.

Paragraph 10: The State Party should take all necessary measures to abide by its obligation to effectively protect the right to life. In particular, it should:

(a) **Continue its efforts to effectively curb gun violence, including through the continued pursuit of legislation requiring background checks for all private firearm transfers, in order to prevent possession of arms by persons recognized as prohibited individuals under federal law, and ensure strict enforcement of the Domestic Violence Offender Gun Ban of 1996 (the Lautenberg Amendment); and**

(b) **Review the Stand Your Ground laws to remove far-reaching immunity and ensure strict adherence to the principles of necessity and proportionality when using deadly force in self-defence.**

Follow-up question:

[C1](a): While welcoming the Supreme Court decision upholding a federal law barring domestic violence offenders from possessing firearms, the Committee requests information on new measures taken since the examination of the State party's report. It reiterates its recommendations.

[C1](b): With regard to the stand-your-ground laws, while the Committee recognizes the State party's federal system, the Committee requests information on measures taken to implement the recommendation. It is particularly concerned about reports that the immunity provided by stand-your-ground laws has, in some areas, expanded. It reiterates its recommendations.

Summary of State party's reply:

(a) The current government supports legislation to reduce the incidence of gun violence and urges Congress to consider legislative proposals.

(b) The United States Commission on Civil Rights has not yet completed the review of the stand-your-ground provisions under various state laws initiated in May 2013.

Committee's evaluation:

[C2](a): The Committee welcomes the State party's statement that it supports legislation to reduce the incidence of gun violence, but regrets that no measures appear to have been taken since its examination of the State party's follow-up report dated March 2015. It reiterates its recommendation.

[C2](b): The Committee regrets that the State party has not yet completed the review of the stand-your-ground laws that was initiated in 2013. It requests information on the progress of the United States Commission on Civil Rights' review and reiterates its recommendation.

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Paragraph 21: The State party should expedite the transfer of detainees designated for transfer, including to Yemen, as well as the periodic review of Guantánamo detainees and ensure that they either stand trial or are immediately released and that the Guantánamo Bay facility is closed. The State party should end the system of administrative detention without charge or trial and ensure that any criminal cases against detainees held in Guantánamo and in military facilities in Afghanistan are dealt with through the criminal justice system rather than by military commissions, and that those detainees are afforded the fair trial guarantees enshrined in article 14 of the Covenant.

Follow-up question:

[B2](a): The Committee welcomes the steps taken by the State party to expedite the review and transfer of detainees remaining at Guantanamo Bay, but is concerned about reports that, at the current rate, review hearings will not be completed for all detainees until 2020. Updated information, including statistical data, is required on the transfer and review of Guantanamo detainees and the detention status of individuals who remain in custody there.

[C2](b): The Committee notes that individuals continue to be held in administrative detention in Guantanamo Bay without charge or trial, in many cases for over a decade, and regrets the State party's plans to continue prosecution of Guantanamo detainees by military commission, which is contrary to its recommendations. It reiterates its recommendations.

Summary of State party's reply:

Detainees at Guantanamo Bay may petition for a writ of habeas corpus to challenge the legality of their detention.

Since the submission of State party's first follow-up report in March 2015, a further eight detainees have been transferred from Guantanamo. Also, since March 2015, the Periodic Review Board has conducted 8 hearings, bringing the total number of hearings to 22. Of the 114 detainees who remain at Guantanamo, 54 are currently designated for transfer; of the 60 others, 10 are currently facing charges, awaiting sentencing or serving criminal sentences, and the remaining 50 continue to be eligible for review by the Review Board

In June 2015, the Secretary of State announced the appointment of a new State Department Special Envoy for Guantánamo Closure, who will lead ongoing diplomatic engagements to make the closure of the Guantánamo detention facility possible in a timely manner.

Committee's evaluation:

[B2](a): The Committee welcomes the updated information provided by the State party on the review and transfer of detainees remaining at Guantanamo Bay, but remains concerned at the pace of these reviews. Accordingly, it requires information on the measures taken to expedite hearings and transfers of detainees. It reiterates its recommendation.

[C1](b): The Committee acknowledges the information provided regarding the possibility for detainees to challenge the legality of their detention. However, it notes that the issue of persons being held in administrative detention without charge or trial remains. It regrets that the State party has not provided information with regard to the continued prosecution of Guantánamo detainees by military commission. It reiterates its recommendation.

[B1](c): The Committee welcomes the measures taken to advance the closure of the Guantánamo Bay facility, including by the appointment of a new State Department Special Envoy for Guantánamo Closure. It requires updated information on the progress of this initiative.

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Paragraph 22: The State party should:

(a) Take all necessary measures to ensure that its surveillance activities, both within and outside the United States, conform to its obligations under the Covenant, including article 17; in particular, measures should be taken to ensure that any interference with the right to privacy complies with the principles of legality, proportionality and necessity, regardless of the nationality or location of the individuals whose communications are under direct surveillance;

(b) Ensure that any interference with the right to privacy, family, home or correspondence is authorized by laws that: (i) are publicly accessible; (ii) contain provisions that ensure that collection of, access to and use of communications data are tailored to specific legitimate aims; (iii) are sufficiently precise and specify in detail the precise circumstances in which any such interference may be permitted, the procedures for authorization, the categories of persons who may be placed under surveillance, the limit on the duration of surveillance; procedures for the use and storage of data collected; and (iv) provide for effective safeguards against abuse;

(c) Reform the current oversight system of surveillance activities to ensure its effectiveness, including by providing for judicial involvement in the authorization or monitoring of surveillance measures, and considering the establishment of strong and independent oversight mandates with a view to preventing abuses;

(d) Refrain from imposing mandatory retention of data by third parties;

(e) Ensure that affected persons have access to effective remedies in cases of abuse.

Follow-up question:

[B2](a)(b): While the Committee welcomes the administrative measures taken by the State party to bring its surveillance activities into line with article 17, it requires information on legislative measures taken to ensure that these safeguards are provided for by law. It is also concerned about reports that the administrative measures taken do not adequately protect rights guaranteed under article 17, which requires that interference with the right to privacy comply with the principles of legality, proportionality and necessity.

[C1](c): No measures appear to have been taken since March 2014 to provide for judicial involvement in the authorization and monitoring of surveillance measures or to establish strong and independent oversight mandates. The Committee repeats its recommendations.

[C1](d): The Committee requires information on measures taken to stop the practice of mandatory retention of data by third parties.

[D1](e): No information was provided on access to remedies for persons affected, in cases of abuse.

[C2](f): The Committee notes that the State party has not responded to its request for information with regard to surveillance acts outside the United States of America and requests more information on this matter.

Summary of State's party reply:

(a)(b)(c) The USA Freedom Act was enacted in June 2015, modifying the State party's surveillance authorities and other national security authorities and increasing transparency.

The Act requires that opinions of the Foreign Intelligence Surveillance Act (FISA) or the Foreign Intelligence Surveillance Court of Review (FISC) involving significant or novel interpretations of the law be declassified or, where that is not possible, that summaries be declassified. The Act increases the Government's public reporting obligations and requires the Inspectors General of the Department of Justice and the Intelligence Community to audit the effectiveness and use of FISA authority to obtain the production

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of tangible things, including an examination of minimization procedures.

(e) The State party reiterated information provided in CCPR/C/USA/4. An aggrieved person may file a motion to suppress evidence on the grounds that the information was unlawfully acquired or the surveillance was not made in conformity with an order of authorization.

Committee's evaluation:

[B1](a)(b): The Committee welcomes the enactment of the USA Freedom Act of 2015 and requests that the State party provide information on the implementation and effectiveness of the Act in ensuring that interferences with the right to privacy comply with the principles of legality, proportionality and necessity. It also requires information on measures taken to ensure that the State party's surveillance activities, both within and outside the United States, conform to its obligations under the Covenant.

[B1](c): The Committee welcomes the information provided on the judicial involvement of the Foreign Intelligence Surveillance Court in the authorization and monitoring of surveillance measures provided for in the USA Freedom Act and its requirement that the Inspectors General of the Department of Justice and the Intelligence Community audit the use of FISA authority. It requires information on the application of the USA Freedom Act of 2015.

[D1](d): The State party did not provide information on measures taken to stop the practice of mandatory retention of data by third parties. The Committee reiterates its recommendation.

[B2](e): The Committee welcomes the information provided on access to remedies for affected persons in cases of abuse. It requests further information detailing the variety of avenues referred to, taking into account the recent adoption of the USA Freedom Act of 2015.

[D1](f): The Committee notes that the State party has not provided information with regard to surveillance acts outside of the United States of America and reiterates its request for more information on this.

Recommended action: A letter should be sent reflecting the Committee's evaluation.

Next periodic report: 28 March 2019

Latvia

Concluding observations:	CCPR/C/LVA/CO/3, 25 March 2014
Follow-up paragraphs:	15, 19 and 20
First reply:	CCPR/C/LVA/CO/3/Add.1, 24 November 2015
Committee's evaluation:	Additional information required on paragraphs 15 [B2] [B2][C1] , 19 [B1][B2][B2] and 20 [B2]

Paragraph 15: The State party should:

(a) **Guarantee safeguards to inmates in accordance with article 10 of the Covenant;**

(b) **Take additional steps to improve material conditions, including space, in police, remand and prison facilities;**

(c) **Provide adequate numbers of supervisory staff to prevent violence among prisoners.**

Latvia

Summary of State party's reply:

(a) The State party reiterated information provided in CCPR/C/LVA/3 (paras. 275, 288, 305, 325 and 327).

The State party referred to Regulation No. 25, adopted in January 2014, to ensure free medical care for all convicted persons and those detained on remand.

Prisoners with life sentences are held separately in facilities with increased security. They are involved in some resocialization activities.

As per Regulation No. 283 (2015), officials may use special measures only in exceptional cases, after a thorough assessment of the situation. Handcuffs and footcuffs on prisoners serving life sentences are only allowed when it is deemed that the prisoner may be dangerous.

(b) The State party elaborated on information about material conditions provided in CCPR/C/LVA/3 (para. 311) and in CCPR/C/LVA/Q/3/Add.1 (paras. 126-128). In January 2015, Latvia began the process of renovating close to a dozen police detention facilities.

In 2014, 10 prisons and a correctional facility for juveniles were renovated or reconstructed. Material conditions in prisons are constantly improving.

The State party reiterated information provided in CCPR/C/LVA/Q/3/Add.1 (para. 129).

(c) If a prison officer believes that a prisoner has been subjected to violence, the officer must report it to the Medical Unit of the prison. The prison warden will investigate and initiate criminal proceedings if merited.

Additional video surveillance cameras have been installed in prisons to monitor corridors and common areas. In 2014, additional security video cameras were installed in Riga Central Prison.

During 2014, 21 prison officers received training, including on the issue of preventing risks of violence.

Committee's evaluation:

[B2](a): The Committee takes note of information provided by the State party, including on Regulation No. 283, adopted in June 2015, aimed at reducing the use of restraints. However, it requests data on the frequency of cases in which restraints are used and the criteria applied. It also requests clarification regarding the measures taken since the adoption of its concluding observations, in March 2014, to guarantee safeguards to inmates, in accordance with article 10 of the Covenant.

[B2](b): The Committee notes the information provided by the State party regarding renovation of police and youth detention facilities and prisons. It requests specific information on the measures taken, following the adoption of the concluding observations, to improve space and material facilities, including the nature of the renovations and the number of detention spaces affected.

[C1](c): The Committee regrets the absence of information on measures taken to increase the number of supervisory staff and requests that such information be provided.

Paragraph 19: The State party should:

(a) **Strengthen its strategies to fight against racially motivated crimes and counter the use of racist discourse in politics and in the media;**

(b) **Implement criminal law provisions aimed at combating racially motivated crimes, punish perpetrators with appropriate penalties and facilitate the reporting procedure for hate crimes;**

*Latvia***(c) Define incitement to violence on grounds of sexual orientation or gender identity as a criminal offence.****Summary of State party's reply:**

(a) In June 2014, the Government adopted an informative report which called for several amendments to the Criminal Law, covering matters such as online hate crimes and hate-based actions of public officials. In September 2014, articles 48 and 78 of the Criminal Law were amended.

Regarding racist discourse in the media, the State party reiterated some information provided in CCPR/C/LVA/3 (para. 470).

In September 2014, provisions of the Advertising Law were amended to set out more detailed requirements on the monitoring of the law, which prohibits advocacy of violence and war propaganda and forbids incitement to discrimination on the grounds of race, colour, gender, age, religious, political or other convictions, national or social origin, financial status or other factors. Furthermore, in 2014, the Ministry of Culture established a working group to develop media policy guidelines. The Government has sponsored projects aimed at combatting discrimination and promoting tolerance, including the programme entitled Different People.

(b) In 2014, 89 criminal proceedings were initiated for alleged criminal offences committed under article 78 (Inciting to National, Ethnic or Racial Hatred or Enmity) of the Criminal Law.

A 2014 Supreme Court decision established that a person may be found guilty under article 78 for incitement to racial hatred using an automated database, even if it does not lead to harm of a particular person.

(c) In September 2014, article 150 (Inciting to Social Hatred and Enmity) of the Criminal Law was amended to criminalize incitement to hatred based on gender, age, disability or any other factor if substantial harm is caused. Article 150 is construed broadly enough to encompass sexual orientation. Sentences are more severe if an automated data-processing system is used.

Committee's evaluation:

[B1](a): The Committee welcomes the legislative amendments and development of strategies to combat racially motivated crimes. It requests, however, information on the impact of those measures and on measures taken to counter the use of racist discourse in politics.

[B2](b): The Committee notes the information provided by the State party on the implementation of article 78 of the Criminal Law, but requests additional statistical data on the number of complaints of racially motivated crimes, prosecutions, sentences and reparations granted since the adoption of the concluding observations, as well as information about the motives of such crimes and the measures taken to facilitate reporting of such crimes.

[B2](c): While the Committee welcomes the amendment of article 150 of the Criminal Law, it regrets that the State party has not explicitly defined incitement to violence on grounds of sexual orientation or gender identity as a criminal offence. It requests information on the application of article 150 to crimes committed on the grounds of sexual orientation and gender identity, and reiterates its recommendation.

Paragraph 20: The State party should intensify measures to prevent the negative effects on minorities of the transition to Latvian as the language of instruction and, in particular, to remedy the lack of textbooks in some subjects and the poor quality of materials and training in the Latvian language for non-Latvian teachers. The State party should also take additional steps to support the teaching of minority languages and cultures in minority schools.

Latvia

Summary of State party's reply:

The State party reiterated information provided in CCPR/C/LVA/Q/3/Add.1 (para. 166) and in CCPR/C/LVA/3 (para. 565).

The Latvian Language Agency aims to provide both teachers and students with various materials for teaching and learning Latvian at the beginner level. Beginning in 2015, the materials will also cover other levels of language proficiency.

In the 2014/15 school year, approximately 56,400 students attended educational institutions implementing the minority education curriculum. All educational institutions implementing the minority education curriculum must teach a mandatory subject on the minority language and literature. Students in minority schools are entitled to pass the final exams in the minority language.

Committee's evaluation:

[B2]: The Committee welcomes the information provided on language and professional development courses and teaching and learning materials. It notes the initiative of the Latvian Language Agency to provide both teachers and students with various materials for teaching and learning Latvian at the beginner level, but requires information on steps taken since the adoption of its last concluding observations, including the number of persons trained pursuant to each of the referenced programmes, as well as on the measures taken to support the teaching of minority languages. It reiterates its recommendations.

Recommended action: A letter should be sent reflecting the Committee's evaluation.

Next periodic report: 28 March 2020

112th session (October 2014)

Sri Lanka

Concluding observations:	CCPR/C/LKA/CO/5, 27 October 2014
Follow-up paragraphs:	5, 14, 15 and 21
First reply:	16 October 2015 and 7 June 2016
Committee's evaluation:	Additional information required on paragraphs 5 [B1] [B2] [B1] , 14 [C1] [B1] , 15 [B2] [B2] and 21 [B2] .

Paragraph 5: The State party should:

- (a) **Repeal the 18th Amendment to the Constitution;**
- (b) **Take legislative and other measures to ensure transparent and impartial processes for appointments to the judiciary and other independent bodies;**
- (c) **Take concrete measures to ensure the protection of members of its judiciary from improper influences, inducements, pressures, threats or interferences, including those of the executive and/or legislature of the State party.**

In taking the above measures, the State party should take into full account the Committee's general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial, the Basic Principles on the Independence of the Judiciary and the Paris Principles (General Assembly resolution 48/134, annex).

Sri Lanka

Summary of State party's reply:

(a) The 19th Amendment to the Constitution was certified in May 2015. It places restrictions on the discretionary powers of the President, establishes the National Procurement Commission, the Constitutional Council and the Audit Service Commission, and strengthens the independent commissions. It expressly recognizes the right to access of information.

(b) The Constitutional Council is mandated to recommend to the President, Chairpersons and members who reflect the pluralistic nature of Sri Lankan society for appointment to the nine independent commissions.

(c) The 19th Amendment strengthens the independence of the judiciary and the Judicial Service Commission. Article 111 C of the Constitution makes interference with the judiciary an offence. Anyone found guilty of judicial interference following a high court trial without jury may be sentenced to up to one year's imprisonment, a fine or both, and may be disqualified for up to seven years from being an elector — from both voting and from holding public office.

Committee's evaluation:

[B1](a): While the Committee welcomes the enactment of the 19th Amendment, it requires further information on whether it repeals all controversial provisions introduced in the 18th Amendment, in particular with regard to the dismissal or appointment of members of the judiciary.

[B2](b): The Committee acknowledges the actions taken by the State party to limit the President's discretionary power and to increase transparency and impartiality in the process to appoint the members of independent bodies. It requires information on the criteria for appointment and dismissal, particularly with regard to members of the judiciary.

[B1](c): The Committee acknowledges the actions taken by the State party to strengthen the independence of the judiciary. It requires information on:

- (i) The role and mandate of the Judicial Service Commission;
- (ii) The content and implementation of the 19th Amendment; and
- (iii) The follow-up given to the impeachment of the Chief Justice in January 2013, which took place in circumstances that raised serious doubts about its consistency with basic principles of due process and judicial independence.

Paragraph 14: The State party should take all measures necessary to vigorously investigate all allegations of unlawful use of force and violations of the right to life promptly, transparently and impartially, with the aim of bringing those responsible to justice by prosecution and punishment, and provide adequate remedies to victims and their relatives. It should redouble its efforts to implement the recommendations of the Lessons Learned and Reconciliation Commission pertaining to the need to investigate allegations of serious violations of international law through independent investigative mechanisms. In particular, the State party should:

- (a) Cooperate with the Office of the United Nations High Commissioner for Human Rights in investigating all allegations of serious human rights violations;
- (b) In the context of the killings that took place in the towns of Muthur and Trincomalee, as well as other similar cases, consider allowing witness testimony by video link from secure and secret locations in order to facilitate the investigations with due regard to the needs of witness protection.

Sri Lanka

Summary of State party's reply:

The President has acknowledged the tragedies that have occurred since the country's independence and emphasized the need for healing, unity and reconciliation in his first Independence Day speech.

Criminal proceedings for those in detention camps arrested for alleged terrorist activities are being expedited. The International Committee of the Red Cross and families have access to those detainees.

The State party provided information on measures that it intends to take, including establishing a Commission for Truth, Justice, Reconciliation and Non-recurrence and establishing an Office on Missing Persons, in line with international standards and International Committee of the Red Cross expertise.

The Trincomalee case was taken up for inquiry in March 2015, and all available witnesses have been summoned and their depositions recorded. Witnesses currently residing overseas have been officially summoned to give evidence at the Magistrate Court inquiry. Criminal proceedings were instigated against 13 personnel of the Special Task Force of the Sri Lanka Police and a pretrial non-summary inquiry is now before the Magistrate of Trincomalee. Thus far, the depositions of 25 witnesses have been presented and 8 witnesses, including 2 injured boys who survived the incident, are believed to be residing overseas and are not available at their given addresses. Regarding the death of 17 aid workers of Action Contre La Faim, since January 2015, the Criminal Investigation Department has interviewed and recorded the statements of 18 military personnel. In December 2015, the Department recorded statements from 32 more army personnel, including the officer who commanded the First Commando Regiment, which was sent as reinforcement to Muttur on the day of the incident.

The Assistance to and Protection of Crime and Witness Act No. 4 of 2015 provides witnesses with maximum safeguards, including airport-to-airport security and the opportunity to give testimony through audio-video linkage from an authorized "remote location" within Sri Lanka, instead of his or her personal appearance before a Court.

Committee's evaluation:

[C1](a): While acknowledging the plans envisaged to address the right to truth, justice and reparations and to guarantee the non-recurrence of the violations, the Committee requests updated information on their concrete content and implementation or the envisaged timeline for their implementation. It reiterates its recommendation.

[B1](b): While welcoming the information provided on the Trincomalee and Action Contre La Faim cases, and on testimony through video link, the Committee requests information on measures taken to allow overseas witnesses to testify by video link from secure and secret locations outside of Sri Lanka.

Paragraph 15: The State party should:

(a) **Expediently investigate, prosecute and punish perpetrators of enforced disappearance and establish the whereabouts of missing persons in a transparent and impartial manner;**

(b) **Ensure the rights of families to know the location or status of disappeared persons by ensuring that the Presidential Commission to Investigate into Complaints regarding Missing Persons and other relevant bodies are provided with adequate legal powers, as well as human, technical and financial resources, to operate in an independent, timely and effective manner that ensures adequate witness protection.**

Sri Lanka

Summary of State party's reply:

The State Party intends to ratify the International Convention for the Protection of All Persons from Enforced Disappearance as soon as possible. The report of the Presidential Commission to Investigate Complaints regarding Missing Persons has been submitted to the President and will be soon be presented to Parliament along with the Udalagama Commission Report. Of the 5,750 cases transmitted to the Government by the Working Group on Enforced or Involuntary Disappearances, 1,688 were clarified by September 2015. Steps have been taken to process the remaining cases. The Working Group was scheduled to visit Sri Lanka from 9 to 18 November 2015. The Government has worked with the International Committee of the Red Cross to establish a statutory mechanism, including an office for missing persons to address concerns pertaining to missing persons.

Committee's evaluation:

[B2](a): The Committee notes the steps taken by the State party in clarifying cases of enforced disappearances, but requests additional information on: (a) any new cases of missing persons or enforced disappearances from the prior conflict that have been identified; (b) the number of investigations, prosecutions and convictions of perpetrators; and (c) the results of the 2015 visit of the Working Group. It also requires information on the follow-up given to the report of the Paranagama and the Udalagama Commissions.

[B2](b): The Committee welcomes the State party's cooperation with the ICRC to establish an office for missing persons and requests information on progress made in this regard. It requires further information on measures taken to ensure the rights of families to know the whereabouts of the disappeared persons in a transparent and impartial manner, and to ensure adequate witness protection. It also requires information on measures taken to ensure that the Presidential Commission to Investigate into Complaints regarding Missing Persons and other relevant bodies are provided with adequate legal powers, as well as human, technical and financial resources.

Paragraph 21: The State party should refrain from any measures amounting to intimidation or harassment taken against persons exercising their right to freedom of expression, and ensure that any restriction to that right is in compliance with article 19, paragraph 3, of the Covenant. It should vigorously investigate all cases of threats and attacks against journalists, lawyers, clergymen, political activists, members of non-governmental organizations and human rights defenders, hold the perpetrators accountable and provide effective remedies to victims. Furthermore, it should ensure that any individual or organization can provide information freely to the Committee, and should protect them against any reprisals for providing such information.

Summary of State party's reply:

The State party has taken action to remove restrictions on websites and media outlets and all restrictions on news websites were lifted in January 2015. It has also lifted restrictions on the freedom of journalists, including foreign journalists, to visit and report on issues throughout the country and has taken action to invite exiled journalists to return. Investigations into alleged cases of murder or disappearance of journalists are being pursued. Some suspects have been arrested regarding the disappearance of journalist Prageeth Ekmalgoda and the investigation into the assassination of Lasantha Wickrematunge has been reopened with a firm commitment to bring the perpetrators to justice.

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Committee's evaluation:

[B2]: While the Committee notes the State party's efforts to remove restrictions on websites and the media, it requests more information on the number of complaints received, since the adoption of its concluding observations, and on the action taken to investigate cases of harassment and attacks against journalists, lawyers, clergymen, political activists, members of non-governmental organizations and human rights defenders, hold perpetrators accountable and provide remedies to the victims.

Recommended action: A letter should be sent reflecting the Committee's evaluation.

Next periodic report: 31 October 2017
