



**United Nations**

# **Report of the Human Rights Committee**

**126th session  
(1–26 July 2019)**

**127th session  
(14 October–8 November 2019)**

**128th session  
(2–27 March 2020)**

**General Assembly**

**Official Records**

**Seventy-fifth Session**

**Supplement No. 40**





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*Note*

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## **I. Jurisdiction and activities**

### **A. States parties to the International Covenant on Civil and Political Rights and to the Optional Protocols**

1. As at 16 July 2020, there were 173 States parties to the International Covenant on Civil and Political Rights and 116 States parties to the first Optional Protocol to the Covenant. Both instruments have been in force since 23 March 1976. The Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty, entered into force on 11 July 1991. As at 16 July 2020, there were 88 States parties to that Protocol.

2. Since the previous report, there has been one new accession to the Covenant and two new accessions to the Second Optional Protocol. The Committee encourages States that have not yet done so to become parties to the Covenant and the Optional Protocols.

3. As at 16 July 2020, 50 States had made the declaration provided for under article 41 (1) of the Covenant. In this connection, the Committee appeals to States parties to make the declaration under article 41 of the Covenant and to consider using this mechanism with a view to making implementation of the provisions of the Covenant more effective.

4. All information on the status of the treaties, including reservations and declarations made by States parties, is available at <https://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en>.

### **B. Sessions of the Committee**

5. The Committee has held three sessions since the adoption of its previous annual report. The 126th session was held from 1 to 26 July 2019 and the 127th session from 14 October to 8 November 2019. The 128th session was scheduled to be held from 2 to 27 March 2020. Owing to the coronavirus disease (COVID-19) crisis, the meetings scheduled to take place during the last two weeks of the session could not be held in person. Instead, the Committee members continued their work remotely. All the meetings that were conducted in person were held at the United Nations Office at Geneva.

### **C. Election of officers**

6. On 4 March 2019, the Committee elected the following officers for a term of two years, in accordance with article 39 (1) of the Covenant (for a list of the Committee members, see annex I):

*Chair:* Ahmed Amin Fathalla

*Vice-Chairs:* Tania María Abdo Rocholl, Photini Pazartzis and Yuval Shany

7. On 3 March 2020, the Committee elected Christof Heyns as Rapporteur, following the resignation of Ilze Brands Kehris, effective 31 December 2019.

8. During the 126th, 127th and 128th sessions, the Bureau of the Committee held meetings. Pursuant to the decision taken at the seventy-first session, the Bureau records its decisions in formal minutes, which are kept as a record of all decisions taken.

### **D. Special Rapporteurs**

9. During the 126th, 127th and 128th sessions, the Special Rapporteurs on new communications and interim measures, Mr. Heyns and Mr. Shany, registered 367 communications and transmitted them to the States parties concerned. They also issued 86 decisions calling for interim measures of protection pursuant to rule 94 of the Committee's rules of procedure.

10. During the 126th, 127th and 128th sessions, the Special Rapporteur for follow-up on Views, Andreas Zimmermann, and the Special Rapporteur for follow-up on concluding observations, Marcia V.J. Kran, carried out their functions. At the 126th session, Vasilka Sancin was appointed Deputy Special Rapporteur for follow-up on concluding observations.

## **E. Working Group on Communications and country report task forces**

11. Country report task forces met during the 126th, 127th and 128th sessions to consider and adopt lists of issues on the reports of Bolivia (Plurinational State of), Haiti, Kenya, Nicaragua, the Philippines, Portugal, Sri Lanka, Ukraine and Uzbekistan. Country report task forces also adopted lists of issues prior to reporting, under the simplified reporting procedure, on Chile, Croatia, Cyprus, India, Montenegro, the Republic of Korea, Somalia, Spain and the United Kingdom of Great Britain and Northern Ireland.

12. At the 126th session, the Working Group on Communications was composed of Ms. Brands Kehris, Arif Bulkan, Furuya Shuichi, Ms. Pazartzis, José Manuel Santos Pais and H el ene Tigroudja. Ms. Pazartzis was designated Chair-Rapporteur. The Working Group met from 24 to 28 June 2019.

13. At the 127th session, the Working Group on Communications was composed of Ms. Abdo Rocholl, Yadh Ben Achour, Ms. Brands Kehris, Bamariam Koita, Ms. Sancin, Mr. Shany and Gentian Zyberi. Mr. Shany was designated Chair-Rapporteur. The Working Group met from 7 to 11 October 2019.

14. At the 128th session, the Working Group on Communications was composed of Mr. Fathalla, Mr. Koita, Ms. Sancin, Mr. Santos Pais, Mr. Shany, Ms. Tigroudja and Mr. Zyberi. Mr. Shany was designated Chair-Rapporteur. The Working Group met from 24 to 28 February 2020.

## **F. Derogations pursuant to article 4 of the Covenant**

15. Article 4 (1) of the Covenant stipulates that, in time of public emergency which threatens the life of the nation, States parties may take measures derogating from certain of their obligations under the Covenant. Pursuant to article 4 (2), no derogation is allowed from articles 6, 7, 8 (1) and (2), 11, 15, 16 and 18. Pursuant to article 4 (3), any derogation must be immediately notified to the other States parties through the intermediary of the Secretary-General. A further notification is required upon the termination of the derogation,<sup>1</sup> or the extension thereof. During the period covered by the present report, Argentina, Armenia, Burkina Faso, Chile, Colombia, the Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Georgia, Guatemala, Kyrgyzstan, Latvia, Peru, the Republic of Moldova, Romania, San Marino, the State of Palestine and Thailand made derogations under the Covenant. The following States extended the derogations they had made: Armenia, Chile, Colombia, Ecuador, El Salvador, Estonia, Georgia, Guatemala, Kyrgyzstan, Latvia, Peru, Romania, San Marino and Ukraine. All such notifications are available from the website of the Office of Legal Affairs (<http://treaties.un.org>). On 24 April 2020, the Committee adopted a statement on derogations from the Covenant in connection with the COVID-19 pandemic (CCPR/C/128/2).

## **G. Informal meetings with States parties**

16. On 24 July 2019, during its 126th session, the Committee held its 11th informal meeting with States parties to the Covenant. Representatives of more than 80 States parties took part in the meeting. The Committee provided an update on its working methods, including the simplified reporting procedure, and the 2020 review of the treaty body system. The Chair opened the meeting and referred to positive developments, including the adoption

<sup>1</sup> See *Official Records of the General Assembly, Sixtieth Session, Supplement No. 40*, vol. I (A/60/40 (vol. I)), chap. I, para. 28.



of the position paper of the Chairs of the human rights treaty bodies on the future of the treaty body system and the consequent decision of the Committee on additional measures to simplify the reporting procedure and increase predictability. He reported on the progress made in drafting general comment No. 37 on article 21: right to peaceful assembly. Representatives of States parties expressed their appreciation and support for the Committee's work.

## H. Concluding observations and follow-up to concluding observations

17. Since its forty-fourth session, held in March 1992,<sup>2</sup> the Committee has adopted concluding observations. It takes the concluding observations as a starting point in the preparation of the list of issues for the consideration of the subsequent State party report. During the period under review, concluding observations were adopted on 16 States parties. At its 126th session, the Committee adopted concluding observations on Equatorial Guinea (CCPR/C/GNQ/CO/1), Mauritania (CCPR/C/MRT/CO/2), the Netherlands (CCPR/C/NLD/CO/5), Nigeria (CCPR/C/NGA/CO/2), Paraguay (CCPR/C/PRY/CO/4) and Tajikistan (CCPR/C/TJK/CO/3). At its 127th session, the Committee adopted concluding observations on Belgium (CCPR/C/BEL/CO/6), Cabo Verde (CCPR/C/CPV/CO/1/Add.1), Czechia (CCPR/C/CZE/CO/4), Mexico (CCPR/C/MEX/CO/6) and Senegal (CCPR/C/SEN/CO/5). At its 128th session, the Committee adopted concluding observations on the Central African Republic (CCPR/C/CAF/CO/3), Dominica (CCPR/C/DMA/COAR/1), Portugal (CCPR/C/PRT/CO/5), Tunisia (CCPR/C/TUN/CO/6) and Uzbekistan (CCPR/C/UZB/CO/5). Those concluding observations are available from the website of the Office of the United Nations High Commissioner for Human Rights (OHCHR) under "Human rights bodies/Treaty bodies/Treaty bodies database" ([www.ohchr.org](http://www.ohchr.org)) and from the Official Document System of the United Nations (<http://documents.un.org>) under the symbols indicated.

18. During the period under review, the Special Rapporteur and the Deputy Special Rapporteur for follow-up on concluding observations submitted interim reports to the Committee during the 126th, 127th and 128th sessions. During its 126th session, the Committee reviewed the following States parties under the follow-up process: Argentina, Burkina Faso, Ecuador, Namibia and Turkmenistan. During its 127th session, the Committee reviewed the following States parties under the follow-up process: Azerbaijan, Ghana, Morocco and Pakistan. During its 128th session, the Committee reviewed the following States parties under the follow-up process: Colombia, Costa Rica, Poland and Slovenia.

19. During the period under review, follow-up comments were received from States parties. Follow-up information was also received from non-governmental organizations.

20. All information on follow-up to concluding observations, including follow-up reports, can be found on the OHCHR website.

## I. Communications and follow-up to Views

21. Individuals who claim that their rights under the Covenant have been violated by a State party and who have exhausted all available domestic remedies may submit written communications to the Committee for consideration under the Optional Protocol. No communication can be considered unless it concerns a State party to the Covenant that has recognized the competence of the Committee by becoming a party to the Optional Protocol.

22. Consideration of communications under the Optional Protocol is confidential and takes place in closed meetings (art. 5 (3)). The Committee's final decisions (Views, decisions declaring a communication inadmissible, and decisions to discontinue the consideration of a communication) are made public. The names of the authors are disclosed unless the Committee decides otherwise at the request of the authors.

<sup>2</sup> Ibid., *Forty-seventh Session, Supplement No. 40 (A/47/40)*, chap. I, sect. E, para. 18.

23. An overview of States parties' obligations under the Optional Protocol is contained in the Committee's general comment No. 33 (2008) on the obligations of States parties under the Optional Protocol to the International Covenant on Civil and Political Rights.

## 1. Progress of work

24. The Committee started its work under the Optional Protocol at its second session, in 1977. Since then, 3,624 communications concerning 93 States parties have been registered for consideration by the Committee, of which 367 were registered during the period covered by the present report. At present, the status of the 3,624 registered communications is as follows:

(a) Consideration concluded by the adoption of Views under article 5 (4) of the Optional Protocol: 1,577, in 1,213 of which violations of the Covenant were found;

(b) Declared inadmissible: 763;

(c) Discontinued or withdrawn: 496;

(d) Not yet concluded: 1,287.

25. At its 126th, 127th and 128th sessions, the Committee adopted Views on 66 cases and concluded the consideration of 40 cases by declaring them inadmissible. Pursuant to rule 97 (5) of its rules of procedure, the Committee reviewed a total of 11 cases in dual chambers at its 126th and 127th sessions. The Views and final decisions adopted by the Committee at all three sessions are available through the treaty body case law database (<http://juris.ohchr.org>), as well as from the details on jurisprudence available on the OHCHR website (by session).<sup>3</sup> They are also accessible through the treaty body database on the OHCHR website ([www.ohchr.org](http://www.ohchr.org)) and from the Official Document System of the United Nations (<http://documents.un.org>).

26. The Committee decided to discontinue the consideration of 26 communications for such reasons as withdrawal by the author, because the author or counsel failed to respond to the Committee despite repeated reminders, or because the authors, who had expulsion orders pending against them, were ultimately allowed to stay in the countries concerned.

27. The table below sets out the pattern of the Committee's work on communications over the past nine years (communications dealt with from 2011 to 31 December 2019).

<i>Year</i>	<i>New cases registered</i>	<i>Cases concluded<sup>a</sup></i>	<i>Pending cases at 31 December</i>
2019	413	134	1 178
2018	190	101	746
2017	167	131	635
2016	211	113	599
2015	196	101	532
2014	191	124	456
2013	93	72	379
2012	102	99	355
2011	106	188	352

<sup>a</sup> Total number of cases decided (by the adoption of Views, decisions of inadmissibility and decisions to discontinue consideration).

28. By the end of the 128th session (27 March 2020), some 315 communications were ready to be prepared by the secretariat for the Committee to take decisions on admissibility

<sup>3</sup> See [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=1314&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=1314&Lang=en); [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=1317&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=1317&Lang=en); and [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=1371&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=1371&Lang=en).

and/or the merits. Unless there is a significant increase in the capacity of the secretariat to process communications, however, the Committee's ability to address its backlog in that regard will continue to be seriously compromised.

29. During the period under review, the Committee, through its Special Rapporteurs on new communications and interim measures and the co-rapporteur, transmitted 164 new communications to States parties under rule 92 of the Committee's rules of procedure, requesting information or observations relevant to questions of admissibility and the merits.

## 2. Cooperation by States parties in the examination of communications

30. In several cases decided during the period under review, the Committee noted that States parties had failed to cooperate in the procedure by not providing observations on the admissibility and/or the merits of the authors' allegations. The Committee strongly regretted the situation and recalled that good faith implementation of the Optional Protocol requires that States parties should transmit to the Committee all information at their disposal. In the absence of a reply, due weight has to be given by the Committee to the author's allegations, to the extent that they have been properly substantiated.

## 3. Issues considered by the Committee

31. A review of the Committee's work under the Optional Protocol from its second session, held in 1977, to its 125th session, held in March 2019, can be found in the Committee's annual reports from 1984 to 2019, which contain summaries of the procedural and substantive issues considered and summaries of the decisions taken by the Committee. The full texts of the Views adopted by the Committee and of its decisions declaring communications inadmissible under the Optional Protocol are available in the treaty body database.

32. During the period under review, the Committee examined and found violations of the Covenant in the following communications: *Ismanov and Nazhmutdinova v. Tajikistan* (CCPR/C/126/D/2356/2014), *Nazaraliev v. Kyrgyzstan* (CCPR/C/126/D/2697/2015), *Bukas v. Belarus* (CCPR/C/126/D/2315/2013), *A.B.H. v. Denmark* (CCPR/C/126/D/2603/2015), *Pharaka v. Nepal* (CCPR/C/126/D/2773/2016), *Kandel and Kandel v. Nepal* (CCPR/C/126/D/2560/2015), *Padilla García et al. v. Mexico* (CCPR/C/126/D/2750/2016), *Orkin v. Russian Federation* (CCPR/C/126/D/2410/2014), *Kusaitė v. Lithuania* (CCPR/C/126/D/2716/2016), *Portillo Cáceres et al. v. Paraguay* (CCPR/C/126/D/2751/2016), *Suleymenova v. Kazakhstan* (CCPR/C/126/D/2416/2014), *Ukteshbaev v. Kazakhstan* (CCPR/C/126/D/2420/2014), *Ivanov v. Belarus* (CCPR/C/126/D/2655/2015), *Aden and Hassan v. Denmark* (CCPR/C/126/D/2531/2015 and Corr.1), *R.M. and F.M. v. Denmark* (CCPR/C/126/D/2685/2015), *Agazade v. Azerbaijan* (CCPR/C/126/D/2307/2013), *Sbornov v. Russian Federation* (CCPR/C/126/D/2699/2015), *Jagminas v. Lithuania* (CCPR/C/126/D/2670/2015 and Corr.1), *Zhuravlev v. Belarus* (CCPR/C/126/D/2495/2014), *Nazarov et al. v. Turkmenistan* (CCPR/C/126/D/2302/2013), *Lopasov v. Belarus* (CCPR/C/126/D/2269/2013), *Toregozhina v. Kazakhstan* (CCPR/C/126/D/2311/2013), *Mirzayanov v. Belarus* (CCPR/C/126/D/2434/2014), *Geller v. Kazakhstan* (CCPR/C/126/D/2417/2014), *Neklyayev v. Belarus* (CCPR/C/126/D/2383/2014), *Insenova v. Kazakhstan* (CCPR/C/126/D/2542/2015-CCPR/C/126/D/2543/2015), *Vovchenko v. Russian Federation* (CCPR/C/127/D/2446/2014), *Moreno Zamora et al. v. Mexico* (CCPR/C/127/D/2760/2016), *Valdez Cantú and Rivas Rodríguez v. Mexico* (CCPR/C/127/D/2766/2016), *Mukhortova v. Kazakhstan* (CCPR/C/127/D/2920/2016), *Q.A. v. Sweden* (CCPR/C/127/D/3070/2017), *Stasaitis v. Lithuania* (CCPR/C/127/D/2719/2016 and Corr.1), *Sadykov v. Kazakhstan* (CCPR/C/127/D/2431/2014), *Kaliyev v. Russian Federation* (CCPR/C/127/D/2977/2017), *Staderini and De Lucia v. Italy* (CCPR/C/127/D/2656/2015), *Zhukovsky v. Belarus* (CCPR/C/127/D/2724/2016), *Zhukovsky v. Belarus* (CCPR/C/127/D/2955/2017), *Zhukovsky v. Belarus* (CCPR/C/127/D/3067/2017), *Osmonov v. Kyrgyzstan* (CCPR/C/128/D/2710/2015), *Khalmamatov v. Kyrgyzstan* (CCPR/C/128/D/2384/2014), *Kulieva v. Tajikistan* (CCPR/C/128/D/2707/2015), *López Martínez et al. v. Colombia* (CCPR/C/128/D/3076/2017), *Taysumov et al. v. Russian Federation* (CCPR/C/128/D/2339/2014), *Bryukhanov v. Russian Federation* (CCPR/C/128/D/2367/2014), *Taran v. Ukraine* (CCPR/C/128/D/2368/2014), *Yakovitskaya*

v. *Belarus* (CCPR/C/128/D/2789/2016), *Adilkhanov v. Kazakhstan* (CCPR/C/128/D/2686/2015), *Telibekov v. Kazakhstan* (CCPR/C/128/D/2687/2015), *Zdrestov v. Belarus* (CCPR/C/128/D/2391/2014), *Jong-bum Bae et al. v. Republic of Korea* (CCPR/C/128/D/2846/2016), *Genero v. Italy* (CCPR/C/128/D/2979/2017), *Cherguit v. Algeria* (CCPR/C/128/D/2828/2016), *Bendjael and Bendjael v. Algeria* (CCPR/C/128/D/2893/2016), *Habouchi v. Algeria* (CCPR/C/128/D/2819/2016), *Braih v. Algeria* (CCPR/C/128/D/2924/2016) and *Souaiene and Souaiene v. Algeria* (CCPR/C/128/D/3082/2017).

33. The Committee found no violations of the Covenant in the following communications: *Ngapna et al. v. Cameroon* (CCPR/C/126/D/2035/2011), *Fondijo et al. v. Cameroon* (CCPR/C/126/D/2213/2012), *Martín Pozo v. Spain* (CCPR/C/126/D/2541/2015), *Teitiota v. New Zealand* (CCPR/C/127/D/2728/2016), *D.N. v. Canada* (CCPR/C/127/D/2276/2013), *S.K. v. Canada* (CCPR/C/127/D/2484/2014), *Khudayberdiev v. Kyrgyzstan* (CCPR/C/127/D/2522/2015), *Mora Carrero and Mora Carrero v. Bolivarian Republic of Venezuela* (CCPR/C/128/D/3018/2017), *J.I. v. Sweden* (CCPR/C/128/D/3032/2017) and *A.E. v. Sweden* (CCPR/C/128/D/3300/2019).

34. The Committee decided that the following communications were inadmissible: *E.K. v. Denmark* (CCPR/C/126/D/2346/2014), *S.A. and Z v. Netherlands* (CCPR/C/126/D/2683/2015), *I.A. v. Lithuania* (CCPR/C/126/D/2989/2017), *A.L. v. Italy* (CCPR/C/126/D/2570/2015), *V.K. v. Russian Federation* (CCPR/C/126/D/2306/2013), *S.G. v. Canada* (CCPR/C/126/D/2454/2014 and Corrs. 1 and 2), *V.D. v. Seychelles* (CCPR/C/126/D/2401/2014), *G.I. v. Greece* (CCPR/C/126/D/2582/2015), *X et al. v. Greece* (CCPR/C/126/D/2701/2015), *B.A. et al. v. Austria* (CCPR/C/127/D/2956/2017), *K.K. et al. v. Russian Federation* (CCPR/C/127/D/2912/2016), *S.J. v. Canada* (CCPR/C/127/D/2732/2016), *T.D.J v. Denmark* (CCPR/C/127/D/2654/2015), *M.S. v. Netherlands* (CCPR/C/127/D/2739/2016), *H.J.A.L. v. Colombia* (CCPR/C/127/D/2834/2016), *Z.B.E. v. Spain* (CCPR/C/127/D/3085/2017), *M.L. v. Croatia* (CCPR/C/127/D/2505/2014), *P.L and M.L. v. Estonia* (CCPR/C/127/D/2499/2014), *S.J. v. Republic of Korea* (CCPR/C/127/D/2725/2016), *Moyseenko v. Ukraine* (CCPR/C/127/D/2717/2016), *A.S. et al. v. Albania* (CCPR/C/127/D/2444/2014), *A.K. et al. v. Albania* (CCPR/C/127/D/2438/2014), *A.N. v. Russian Federation* (CCPR/C/127/D/2518/2014), *J.B.N.K. v. Sweden* (CCPR/C/128/D/2984/2017), *D.A.M. v. Sweden* (CCPR/C/128/D/3012/2017), *M.B. v. Canada* (CCPR/C/128/D/2957/2017), *J.K. et al. v. Republic of Korea* (CCPR/C/128/D/2939/2017), *M.Z. v. Uzbekistan* (CCPR/C/128/D/2689/2015), *V.P. v. Belarus* (CCPR/C/128/D/2057/2011), *E.F. v. France* (CCPR/C/128/D/3133/2018), *M.I. v. Russian Federation* (CCPR/C/128/D/2534/2015), *D.G. et al. v. Philippines* (CCPR/C/128/D/2568/2015), *P.E.E.P. v. Estonia* (CCPR/C/128/D/2682/2015), *B.P. and P.B. v. Netherlands* (CCPR/C/128/D/2974/2017), *S.H. v. Finland* (CCPR/C/128/D/2381/2014) and *Y.Sh. v. Russian Federation* (CCPR/C/128/D/2815/2016).

#### 4. Decisions concerning working methods for dealing with communications

35. At its 127th session, the Committee adopted guidelines on third-party submissions (CCPR/C/160), in accordance with rule 96 of its rules of procedure.

#### 5. Follow-up on Views

36. During the period under review, the Special Rapporteur for follow-up on Views submitted two reports at the 128th session.

37. At the time of the conclusion of the 128th session, the Committee had determined that there had been a violation of the Covenant in 1,213 of the 1,577 Views adopted since 1977. The Committee has continued the practice, initiated at its 109th session, of including in its reports on follow-up to Views an assessment of the replies received from or action taken by States parties; the assessment uses the criteria established for the follow-up procedure to the concluding observations. At its 118th session, the Committee decided to revise its assessment criteria. At its 121st session, on 9 November 2017, the Committee decided to further revise its methodology and procedure for monitoring follow-up to Views. The Committee continues

to note that many States parties fail to implement the Views adopted under the Optional Protocol.

#### **J. General comments under article 40 (4) of the Covenant**

38. At its 124th session, the Committee decided to develop a new general comment, No. 37, on the right to peaceful assembly (art. 21), in the light of the experience obtained in the review of State party reports and individual communications on this right. The Committee designated Mr. Heyns as the Rapporteur for the drafting of the general comment and held a half-day of general discussion during its 125th session, on 20 March 2019, and invited national human rights institutions, civil society organizations, academia and international organizations to provide submissions. At its 126th and 127th sessions, the Committee conducted its first reading of the draft general comment and invited stakeholders, including Member States, United Nations organizations, specialized agencies, academics and other professionals, national human rights institutions and non-governmental organizations, to provide input. In addition to the written contributions received, at its 128th session, the Committee heard oral inputs from Member States and other stakeholders and began its second reading of the draft.

#### **K. Staff resources and translation of official documents**

39. In accordance with article 36 of the Covenant, the Secretary-General has a duty to provide the Committee with the necessary staff and facilities for the effective performance of its functions. The Committee reiterates its concern regarding the shortage of staff resources and emphasizes once again the importance of allocating adequate staff resources to service its sessions, which includes preparing documents under the reporting procedure and the first Optional Protocol. The Committee reiterates the fact that, unless there is a significant increase in the staff capacity of the Petitions Unit that would allow it to prepare a greater number of communications for consideration by the Committee in the coming years than it has in the past, the Committee's ability to address its backlog will continue to be seriously compromised.

40. The Committee regrets once again the strict word limits imposed under General Assembly resolution 68/268 on key documents, such as general comments, rules of procedure and Views. It also regrets the apparent lack of capacity for some documents to be translated, as the absence of translations continues to have a negative impact on the Committee's work.

#### **L. Outreach on the work of the Committee**

41. At its ninety-fourth session, the Committee adopted a paper on a strategic approach to public relations with the media (CCPR/C/94/3). The Committee has continued to develop its media strategy, which has included holding press conferences at the end of each session.

42. During the 126th, 127th and 128th sessions, OHCHR provided a full webcast of the public parts of all the Committee's sessions, including the examination of all States parties' reports. The webcast may be viewed at <https://webtv.un.org>.

#### **M. Submission of the Committee's annual report to the General Assembly**

43. During the 127th session, the Chair attended the interactive dialogue with the General Assembly in New York on 14 October 2019, at which time he presented the Committee's annual report.

#### **N. Adoption of the report**

44. At its 3723rd meeting, held on 16 July 2020, the Committee considered the draft of its sixty-second annual report, covering its activities at its 126th, 127th and 128th sessions,



held in 2019 and 2020. The report, as amended in the course of the discussion, was adopted unanimously. By virtue of its decision 1985/105 of 8 February 1985, the Economic and Social Council authorized the Secretary-General to transmit the Committee's annual report directly to the General Assembly.

## **II. Methods of work of the Committee under article 40 of the Covenant and cooperation with other United Nations bodies**

45. The present section contains a summary and an explanation of the modifications introduced by the Committee to its working methods under article 40 of the Covenant during the past year.

### **A. Recent developments and decisions on procedures**

46. During the 126th session, the Committee decided to:

(a) Endorse the position paper of the Chairs of the human rights treaty bodies on the future of the treaty body system ([A/74/256](#), annex III), which they adopted at their 31st meeting, held in 2019;

(b) Adopt decisions on additional measures to simplify the reporting procedure and increase predictability, including by establishing a predictable eight-year review cycle, applicable as of 2020 (see annex II);

(c) Revise rule 73 of its rules of procedure.

47. During its 128th session, the Committee adopted internal working guidelines on lists of issues and lists of issues prior to reporting.

### **B. Links to other bodies**

48. At the 126th and 127th sessions, the Bureau met with members of the Bureau of the Committee on Economic, Social and Cultural Rights and discussed further the development of a joint substantive statement on article 22 of the International Covenant on Civil and Political Rights and article 8 of the International Covenant on Economic, Social and Cultural Rights. On the occasion of the 100th anniversary of the International Labour Organization, the joint statement on freedom of association, including the right to form and join trade unions ([E/C.12/66/5-CCPR/C/127/4](#)), was issued. Committee members also met informally with members of the Committee on the Elimination of Discrimination against Women to discuss, among other topics, trafficking in women, and the experience of both Committees in addressing those issues.

49. At its 127th session, the Committee held a half-day colloquium with a number of judges from the European Court of Human Rights in order to share views and experiences on common human rights issues, achievements and challenges. The meeting highlighted the complementarity of the two bodies. The European Court regularly draws upon the jurisprudence of the Human Rights Committee and vice versa. The European Court takes cognizance of the general comments the Committee has issued on the different provisions of the Covenant and it regularly cites the Views adopted by the Committee.

50. In an effort to strengthen its relationship with other treaty bodies and regional human rights mechanisms, the Committee appointed the following focal points: Ms. Kran for the Committee against Torture and the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Mr. Heyns for the Committee on Economic, Social and Cultural Rights, Ms. Brands Kehris for the Committee on the Elimination of Discrimination against Women, Mr. Santos Pais for the Committee on the Rights of the Child, Duncan Laki Muhumuza for the Committee on the Elimination of Racial Discrimination, Mr. Zyberi for the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, Mr. Furuya for the Committee on Enforced Disappearances, Mr. Bulkan for the Committee on the Rights of Persons with Disabilities,

Ms. Abdo Rocholl for the Inter-American human rights system, Ms. Tigroudja for the European Court of Human Rights and Mr. Koita for the African human rights system.

### **III. Submission of reports by States parties under article 40 of the Covenant**

#### **A. Reports submitted to the Secretary-General between 30 March 2019 and 16 July 2020**

51. Between 30 March 2019 and 16 July 2020, 16 reports were submitted to the Secretary-General, by the following States parties: Armenia (third periodic report), Botswana (second periodic report), Brazil (third periodic report), Cambodia (third periodic report), Egypt (fourth periodic report), Ethiopia (second periodic report), Finland (seventh periodic report), Georgia (fifth periodic report), Germany (seventh periodic report), Iraq (sixth periodic report), Ireland (fifth periodic report), Israel (fifth periodic report), Japan (seventh periodic report), Kuwait (fourth periodic report), Kyrgyzstan (third periodic report), Lesotho (second periodic report), Luxembourg (fourth periodic report), Nicaragua (fourth periodic report), Panama (fourth periodic report), Peru (sixth periodic report), Philippines (fifth periodic report), Qatar (initial report), Russian Federation (eighth periodic report), Tunisia (sixth periodic report), Turkmenistan (third periodic report), Uruguay (sixth periodic report) and Zambia (fourth periodic report), as well as Hong Kong, China (fourth periodic report) and Macao, China (second periodic report).

#### **B. Overdue reports and non-compliance by States parties with their obligations under article 40**

52. The Committee wishes to reiterate that States parties to the Covenant must submit the reports referred to in article 40 of the Covenant on time so that the Committee can duly perform its functions under that article. Regrettably, serious delays have been noted since the establishment of the Committee. The Committee notes with concern that the failure of States parties to submit reports hinders the performance of its monitoring functions under article 40 of the Covenant. The Committee reiterates that States with overdue reports are in default of their obligations under that article.

53. During the reporting period, the Committee continued its practice of reviewing States parties with long overdue reports in the absence of their reports.

#### **C. Periodicity with respect to States parties' reports examined during the period under review**

54. The dates of examination of the State party reports considered during the period under review and the due date for the subsequent reports are indicated in the table below.

<i>State party</i>	<i>Date of examination</i>	<i>Due date for next report</i>
Equatorial Guinea	July 2019	July 2025
Mauritania	July 2019	July 2025
Netherlands	July 2019	July 2025
Nigeria	July 2019	July 2025
Paraguay	July 2019	July 2025
Tajikistan	July 2019	July 2025
Belgium	October 2019	October 2026

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<i>State party</i>	<i>Date of examination</i>	<i>Due date for next report</i>
Cabo Verde	October 2019	October 2026
Czechia	October 2019	October 2026
Mexico	October 2019	October 2026
Senegal	October 2019	October 2026
Central African Republic	March 2020	March 2026
Dominica	March 2020	March 2027
Portugal	March 2020	March 2027
Tunisia	March 2020	March 2027
Uzbekistan	March 2020	March 2027

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## Annex I

### Members of the Human Rights Committee, 2019–2020

<i>Name</i>	<i>Country of nationality<sup>a</sup></i>	<i>Term ends 31 December</i>
Tania María Abdo Rocholl	Paraguay	2020 <sup>b</sup>
Yadh Ben Achour	Tunisia	2022 <sup>c</sup>
Ilze Brands Kehris	Latvia	2020 <sup>b, e</sup>
Arif Bulkan	Guyana	2022 <sup>c</sup>
Ahmed Amin Fathalla	Egypt	2020 <sup>b</sup>
Furuya Shuichi	Japan	2022 <sup>c</sup>
Christof Heyns	South Africa	2020 <sup>b</sup>
Bamariam Koita	Mauritania	2020 <sup>b</sup>
Marcia V.J. Kran	Canada	2020 <sup>b</sup>
Duncan Laki Muhumuza	Uganda	2022 <sup>c</sup>
Photini Pazartzis	Greece	2022 <sup>c</sup>
Hernán Quezada Cabrera	Chile	2022 <sup>c</sup>
Vasilka Sancin	Slovenia	2022 <sup>c</sup>
José Manuel Santos Pais	Portugal	2020 <sup>b</sup>
Yuval Shany	Israel	2020 <sup>b</sup>
Hélène Tigroudja	France	2022 <sup>c</sup>
Andreas Zimmermann	Germany	2020 <sup>d</sup>
Gentian Zyberi	Albania	2022 <sup>c</sup>

*Note:* Information on current and past membership of the Committee can be found at [www.ohchr.org/EN/HRBodies/CCPR/Pages/Membership.aspx](http://www.ohchr.org/EN/HRBodies/CCPR/Pages/Membership.aspx).

<sup>a</sup> In accordance with article 28 (3) of the International Covenant on Civil and Political Rights, the members of the Committee shall be elected and shall serve in their personal capacity.

<sup>b</sup> Member elected during the 35th meeting of States parties, held in New York on 23 June 2016.

<sup>c</sup> Member elected during the 36th meeting of States parties, held in New York on 14 June 2018.

<sup>d</sup> Member elected during the 37th meeting of States parties to replace Ms. Seibert-Fohr. His term is due to expire on 31 December 2020.

<sup>e</sup> Member resigned effective 31 December 2019.

## Annex II

### **Decisions on additional measures to simplify the reporting procedure and increase predictability**

1. The Committee recalls its decision on the simplified reporting procedure (the procedure requiring the Committee to send a list of issues prior to reporting by a State party), taken at its 123rd session, held in July 2018, whereby it adopted the simplified reporting procedure as a permanent feature of its reporting procedures, and encouraged all States parties to switch to that procedure. The Committee also decided to strive to limit the number of questions in each list of issues prior to reporting to 25 questions.

2. With a view to giving further effect to General Assembly resolution 68/268 and pursuant to the Committee's decisions contained in its position paper on the 2020 review of that resolution, including on the predictable review cycle, adopted at its 125th session, held in March 2019 (see summary in annex III), and the position paper of the Chairs of the human rights treaty bodies on the future of the treaty body system, which they adopted at their 31st meeting, held in 2019 (A/74/256, annex III), the Committee adopts the following decisions:

(a) The Committee will move in 2020 to a predictable review cycle in order to improve predictability in reporting and to ensure regular reporting by all States parties, in line with General Assembly resolution 68/268. The predictable review cycle will be based on an eight-year cycle, which includes periods for the submission of reports and constructive dialogue with the Committee. The secretariat will publish in due course the calendar for reviews scheduled to take place at the United Nations Office at Geneva in the period 2020–2027;

(b) The Committee will shift from an opt-in model to an opt-out model with regard to the simplified reporting procedure. The secretariat will notify States parties accordingly and invite those interested in maintaining the standard reporting procedure to indicate so within a set time frame;

(c) The Committee will introduce the simplified reporting procedure for initial reports;

(d) The Committee will continue its efforts to align its methods of work and the lists of issues it produces with those of other treaty bodies.

## **Annex III**

### **Summary of the Committee's position paper on the 2020 review of General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system, as updated at its 126th session**

1. At its 125th session, held in March 2019, the Human Rights Committee reviewed the position paper drafted by Yuval Shany, the Committee's focal point for the 2020 review of General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system, as a unique opportunity to take stock of progress already made by the system since 2014, and adopted recommendations intended to implement the position paper. The key elements of the paper were reflected by the Chair of the Committee during the 31st meeting of the Chairs of the human rights treaty bodies, held in June 2019.
2. Below are the key elements of the position paper, which have been brought to the attention of States parties and other stakeholders for their information.

#### **General issues**

3. The Committee plans to adopt new measures designed to further implement General Assembly resolution 68/268. The impact these measures will have was greatly enhanced by the adoption of the position paper of the Chairs of the human rights treaty bodies at their 31st meeting, held in June 2019 ([A/74/256](#), annex III). The Committee takes positive note of the non-paper circulated by the Permanent Mission of Costa Rica to the United Nations Office and other international organizations in Geneva and 44 other States, which contains many ideas that coincide with the vision of the Chairs and the position of the Committee.
4. The Committee's position paper is based on the funding formula agreed upon by the General Assembly in connection with its resolution 68/268, with some minor adjustments.

#### **Individual communications**

5. The backlog in communications can be addressed within the existing budgeting formula of meeting weeks, provided that adequate resources for staffing are provided. In anticipation of the provision of adequate resources, the Committee has already put in place new procedures, including the examination of communications in separate chambers and fast-tracking communications in which the same content is repeated, so as to allow it to significantly increase its annual output of Views and decisions (see also the section entitled "Review capacity of the treaty bodies" in the Chairs' position paper).

#### **Simplified reporting**

6. At its 123rd session, the Committee decided to adopt the simplified reporting procedure (the procedure requiring the Committee to send a list of issues prior to reporting by a State party) as a permanent feature of its procedures, and to encourage all States parties to switch to simplified reporting. It also decided to strive to limit the number of questions in each list of issues prior to reporting to 25 questions. The Committee decided to introduce simplified reporting for initial reports as well, and to shift from an opt-in model of simplified reporting to an opt-out model, thereby encouraging States to adopt simplified reporting (see also the section entitled "Simplified reporting procedure" in the Chairs' position paper).
7. To accommodate these changes, small adjustments to the funding formula are recommended in order to cover the additional research time required for the secretariat to prepare draft lists of issues, which are not based on existing State reports. This is especially

necessary in the case of non-reporting States. The additional funding required for greater staff support would, however, be offset over time by the significant cost saving associated with the reduction in the number of pages and of documents that require translation into the working languages of the Committee under the simplified reporting procedure. Thus, in the long run, such measures are expected to be budget-neutral.

8. The Committee recommends that, in the future, the funding formula be based on the number of actual State party reports examined by the Committee every year, and not on the number of reports or replies to lists of issues submitted, so as to allow the Committee to effectively review non-reporting and late-reporting States.

### **Increased coordination with other treaty bodies**

9. In its resolution 68/268, the General Assembly invited the human rights treaty bodies to continue to work to increase coordination and predictability in the reporting process. The Committee has already adopted certain measures to that end, including embarking on a comprehensive study of the formulation of lists of issues, with a view to decreasing unnecessary overlap with the work of other treaty bodies. It has also developed the practice of considering the recommendations of other treaty bodies when formulating its own concluding observations and its general comments. Furthermore, the Committee has, together with the Committee on Economic, Social and Cultural Rights, embarked on a pilot project to coordinate preparation of lists of issues for States parties scheduled to report to the two Committees in the same year, and for consultations between Committee members involved in the drafting of concluding observations for State party reports examined back-to-back by the two Committees. The Human Rights Committee looks forward to continuing its collaboration with the Committee on Economic, Social and Cultural Rights and with other committees (see also the sections entitled “Reduction of unnecessary overlap” and “Reports” in the Chairs’ position paper).

### **Predictable review cycles**

10. The Committee plans to move in 2020 to a predictable review cycle in order to improve predictability in reporting and to ensure regular reporting by all States parties, including currently non-reporting and late-reporting States. The predictable review cycle is largely based on the existing capacity of the Committee and is covered by the existing funding formula. Some additional secretariat support might be needed for a short transitional period in order to facilitate the move to a predictable review cycle (see the section entitled “Timing of reviews” in the Chairs’ position paper).

11. The Committee is pleased that the Chairs’ position supports the notion that the treaty bodies should work according to a predictable review cycle. This would increase the opportunity for the treaty bodies to coordinate their lists of issues prior to reporting and their examination of State party reports, ensure a more rational reporting burden for States and facilitate a more efficient division of labour across the treaty body system as a whole (see the section entitled “Reporting cycle” in the Chairs’ position paper).

12. The Human Rights Committee’s predictable review cycle would be based on a five-year review process, with a three-year interval after one review is concluded and before the next review commences (resulting in full eight-year cycles). Table 1 below indicates the review process for States parties adhering to the simplified reporting procedure. Table 2 below indicates the review process for States adhering to the standard reporting procedure. According to the predictable review cycle, all States parties would be divided into eight groups of 21 or 22 States, and the five-year reporting process would start for each group in a different reporting year. It should be noted that States parties are almost certainly expected to be reviewed in the three-year interval between review processes by other treaty bodies, as well as regional bodies and under the universal periodic review. In the event of new ratifications, the new States parties will be gradually introduced into the predictable review cycle, and the annual target for the number of States parties reviewed per year would change accordingly.

13. Follow-up to concluding observations is envisioned as part of the reporting process, and is an important element which allows the Committee to introduce an eight-year review cycle, and correspondingly, to alleviate the reporting burden on States, without undermining the monitoring of urgent implementation challenges. The Committee is of the view that the work of the secretariat associated with the preparation of draft follow-up reports should be calculated and budgeted for, and introduced in the post-2020 funding formula (see also the section entitled “Follow-up procedure” in the Chairs’ position paper).

### Other creative measures

14. The Committee welcomes other ideas raised by the Chairs of the treaty bodies, individual treaty body members, States and other stakeholders, designed to further enhance the implementation of the Covenant. These could include the conduct of in situ reviews, dialogues with States parties concerning their reports at a regional level, and clustered reviews, provided that they can be implemented in a manner that does not interfere with funding for the core activities of the treaty bodies (see also the sections entitled “Review capacity of the treaty bodies” and “Reviews in the region” in the Chairs’ position paper).

### Recommendations adopted by the Committee at its 125th session

15. The Committee has decided, subject to evaluation of resource implications and the attainment of the necessary staff support, to move for a predictable review cycle based on the simplified reporting procedure in 2020 (including resort to simplified reporting for initial reports and the change to an opt-out model for simplified reporting).

16. The secretariat, with the help of the Committee, should take suitable measures to secure the necessary funding or staffing for the Committee’s transition to the predictable review cycle.

Table 1

#### Reporting process for States parties adhering to the simplified reporting procedure

<i>Year 1</i>	<i>Year 2</i>	<i>Year 3</i>	<i>Year 4</i>	<i>Year 5</i>
List of issues prior to reporting	Replies to list of issues prior to reporting	Periodic review (if needed, in the absence of replies)		Follow-up to concluding observations

Table 2

#### Reporting process for States parties adhering to the standard reporting procedure

<i>Year 1</i>	<i>Year 2</i>	<i>Year 3</i>	<i>Year 4</i>	<i>Year 5</i>
Periodic report	List of issues and Replies to list of issues	Periodic review (if needed, in the absence of report and/or replies to the list of issues)		Follow-up to concluding observations

### Predictable review calendar

The predictable eight-year calendar is available from the web page of the Committee, at [www.ohchr.org/EN/HRBodies/CCPR/Pages/PredictableReviewCycle.aspx](http://www.ohchr.org/EN/HRBodies/CCPR/Pages/PredictableReviewCycle.aspx).

