



International Covenant on Civil and Political Rights

Distr.: General
9 May 2016

Original: English

Human Rights Committee

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

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

I. Introduction

1. The Human Rights Committee, in accordance with article 40 (4) of the International Covenant on Civil and Political Rights, 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 between the 115th and 116th sessions, the Committee's analyses and the decisions adopted at the 116th session. All the 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 that can be found on the website of the Committee.
3. To carry out its assessment of the information provided by the States parties concerned, the Committee uses the criteria described below:

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
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* Adopted by the Committee at its 116th session (7-31 March 2016).



Assessment of replies

Reply/action not satisfactory

C1 Response received but actions taken do not implement the recommendation

C2 Response received but not relevant to the recommendation

No cooperation with the Committee

D1 No response received within the deadline, or no reply to a specific question in the report

D2 No response received after reminder(s)

Measures taken are contrary to the Committee's recommendations

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

II. Assessment of follow-up information

104th session (March 2012)

Dominican Republic

Concluding observations: CCPR/C/DOM/CO/5, adopted 27 March 2012

Follow-up paragraphs: 8, 11 and 22

Reply: CCPR/C/DOM/CO/5/Add.1, received 24 August 2015

Committee's evaluation: Additional information required on paragraphs 8 [C2], 11 [C1][B2][B2] and 22 [B2][B2][D1].

Non-governmental organizations: Centre for Civil and Political Rights and others
Amnesty International

Paragraph 8: The State party should systematically provide recognized means of identification to asylum seekers and to refugees in order to protect them from unwarranted deportation and ensure their access to social and economic opportunities.

Summary of State party's reply

Between 2005 and 2014, 99 per cent of the applications received since 2000 were processed.

Information from non-governmental organizations

Centre for Civil and Political Rights and others

Refugees have not been granted any means of identification.

Dominican Republic

Committee's evaluation

[C2]: The Committee notes the information provided by the State party, but requires information on the measures taken, following the adoption of the concluding observations on 27 March 2012, to provide recognized means of identification to asylum seekers and refugees. Concrete information is required on the number of identification documents issued to asylum seekers and refugees since that date to protect them from unwarranted deportation and ensure their access to social and economic opportunities.

Paragraph 11: The State party should intensify its efforts to eliminate violence against women, ensure that such cases are investigated, prosecuted and penalized in an appropriate and systematic way, and establish a rehabilitation system for the victims. In particular, the State party should provide access to justice for all women and increase the number of shelters or residences with adequate human and material resources throughout the country. The State party should improve training with regard to violence against women, including sexual harassment and domestic violence, for the staff of legal institutions and the police force. It should also establish a reporting system and a database for such acts in order to analyse and take appropriate measures in this area.

Summary of State party's reply

The State party repeated information provided in its periodic report (CCPR/C/DOM/5) and replies to the list of issues.

- (a) The State party referred to a 911 telephone number that has been operating since 2015 and to a hotline, accessible nationwide at all times, for women victims of violence. The number of cases of femicide have declined, from 233 in 2011 to 160 in 2013.
- (b) Three shelters, two "model homes" and one "emergency home" are operating in the country. A new model home was established in 2015 with capacity for 45 people. The national office for victims operates a care centre in Santo Domingo. Legal assistance is provided to victims. In 2012, a management model for comprehensive care in cases of gender violence and sexual offences was developed to standardize care services.
- (c) A national system for statistics on gender violence is being established. A number of training sessions for law enforcement officers and campaigns for victims of violence were carried out between 2007 and 2012.

Information from non-governmental organizations*Centre for Civil and Political Rights and others*

- (a) The only area in which progress has been made is the judicial system.
 - (b) In a country with 31 provinces, there are only 17 units providing care for victims of domestic violence and sexual offences. There are only two shelters, both operating in precarious conditions.
 - (c) The Office of the Public Prosecutor, the national police and the judiciary require more education on violence against women. There is no comprehensive database on cases of violence against women.
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Dominican Republic

Committee's evaluation

[C1]: (a) With respect to efforts to eliminate violence against women and to ensure that cases are investigated, prosecuted and penalized, and that rehabilitation is provided to victims, the Committee notes the extensive information provided by the State party, including data on the decrease in the number of cases of femicide between 2011 and 2013, but requires information on the measures taken after the adoption of the concluding observations on the Dominican Republic on 27 March 2012.

[B2]: (b) The Committee notes the establishment of the 911 number and the hotline and requests further information on the number of spaces in shelters or residences available in the State party, on whether they are sufficient to cover the demand and on whether they are provided with adequate human and material resources. The Committee also requires information on measures taken after the adoption of the latest concluding observations to increase the number of shelters or residences and to provide them with adequate human and material resources.

[B2]: (c) With respect to training on violence against women and the establishment of a reporting system and a database, the Committee notes the information provided on training carried out before 2012 and the initiative to establish a national system for statistics on gender violence. The Committee requires information on the training on violence against women provided for the staff of legal institutions and the police force after 27 March 2012 and on the progress made in establishing the national statistics system.

Paragraph 22: The State party should abstain from applying the 2004 General Migration Act retroactively and maintain Dominican nationality for persons who acquired it at birth. Furthermore the State party should consider the possibility of acceding to the Convention Relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness, and adopt the necessary legislative and administrative measures to bring its laws and procedures into line with those norms.

Summary of State party's reply

The State party reiterated information provided in its periodic report and replies to the list of issues.

In accordance with Act No. 169/14 of 2014, the Central Electoral Board is regularizing the status of people who were born in the country between 1929 and 2007 and registered in the Dominican civil registry on the basis of documents not recognized for those purposes at the time of the registration.

Act No. 169/14 provides that such persons who had been stripped of Dominican nationality because they were not previously entitled to it now be re-registered as nationals. Documents should be reinstated, when possible. Birth certificates issued as a result of fraud are excluded. In cases where parents have committed fraud, birth certificates will be issued to minors; for adults a court will decide if an identity document should be issued.

The Constitution restricts access to nationality for persons whose parents are in an irregular situation. A bilateral agreement with Haiti established that children of seasonal workers should be registered by the Haitian Consulate.

Dominican Republic

Information from non-governmental organizations*Amnesty International*

Act 169/14 did not automatically restore Dominican nationality to those who had been granted it before 2010. The Act requires those whose births were never registered to register as foreigners and initiate a complex process that could eventually lead to eligibility to apply for naturalization, but not to automatic acquisition of nationality. Several groups continue to be stateless.

Centre for Civil and Political Rights and others

There are still reported cases of suspension or denial of issuance of birth certificates and identity and electoral documents. Owing to administrative obstacles and a lack of resources, only 8.3 per cent of those with the potential to regularize their situation have been able to have their application processed.

Committee's evaluation

[B2]: The Committee regrets judgment No. 168-13 issued by the Constitutional Court in 2013, which rendered stateless several generations of Dominicans of foreign descent. It welcomes the improvements introduced by Act No. 169/14 that allowed for the recognition of citizenship for those born on the territory to foreign parents in irregular status whose birth was registered between 1929 and 2007. The State party should clarify to what extent Act No. 169/14 does not fully remedy the negative consequences of judgment No. 168-13. The Committee requires information on the number of applications for recognition of citizenship received in this context and the results of the applications, including the measures taken to ensure that all persons who qualify and apply for identity documents receive them.

[B2]: With respect to Act No. 169/14, the Committee also requires information on:

- (i) The criteria for granting identity documents to adults who have been excluded under article 3 of Act No. 169/14 from being granted a birth certificate;
- (ii) The criteria for granting naturalization to those who were not registered between 1929 and 2007;
- (iii) Measures taken to address the situation of irregular migrants who were registered during the 1929-2007 period;
- (iv) Measures taken to address the situation of persons who were unable to register their birth during the 1929-2007 period or were prevented from doing so and have thus been rendered stateless.

[D1]: No response has been received on the possibility of acceding to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness, or to the adoption of the legislative and administrative measures necessary to bring the State party's laws and procedures fully into line with those norms. The Committee reiterates its recommendation.

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: 30 March 2016

105th session (July 2012)*Iceland*

Concluding observations:	CCPR/C/ISL/CO/5, adopted 24 July 2012
Follow-up paragraphs:	7 and 15
Reply:	CCPR/C/ISL/CO/5/Add.1, received 14 July 2015
Committee's evaluation:	Additional information required on paragraphs 7 [B2] and 15 [C1][B1]

Paragraph 7: The State party should continue to take steps, in particular through the Centre for Gender Equality and a speedy adoption of equal salary standards, to continue to address the persistent and significant wage gap between women and men, guaranteeing equal pay for work of equal value. It should also introduce measures to increase the representation of women in decision-making positions, in particular in the Foreign Service, the judiciary and academia.

Summary of State party's reply

The parliament passes four-year action plans on gender equality. Iceland has committed to close the gender pay gap by 2022. In December 2011, an executive committee on gender wage equality was established to supervise and coordinate measures designed to reduce wage discrimination.

A plan of action on gender equality regarding wages was unveiled in October 2012. A task force was appointed to supervise the implementation of measures set out in the plan.

The Ministry of Finance and Economic Affairs is examining data on the wage system. The Government plans a complete audit of the pay gap across all companies in Iceland.

Information from non-governmental organizations

A recent survey of wages shows the persistence of the gender wage gap, which can reach 20 per cent.

No special measures were taken to increase the representation of women in decision-making positions. There has been some progress in the judiciary, where the number of women appointed as judges increased.

Committee's evaluation

[B2]: The Committee welcomes the State party's efforts to implement the Committee's recommendation, including the adoption in October 2012 of the plan of action on gender equality regarding wages. Additional information is required on:

- (i) The progress of the executive committee on gender wage equality in developing a plan of action and in reducing gender-based wage discrimination;
 - (ii) The impact of the plan of action on gender equality regarding wages and its task force;
 - (iii) The findings of the Ministry of Finance and Economic Affairs Committee and of the Government audit of Icelandic companies;
 - (iv) The efforts by the State party to introduce measures to increase the representation of women in decision-making positions, in particular the foreign service, the judiciary and academia.
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Iceland

Paragraph 15: The State party should take urgent steps to ensure that all cases of sexual abuse of children are effectively and promptly investigated, and that perpetrators are brought to justice. It should take steps to establish Government-coordinated measures aimed at prevention of sexual abuse of children. The State party should also ensure that education about child sexual abuse and prevention become a formal part of the curriculum in faculties training teachers and other professionals working with children, as well as for faculties training health professionals, lawyers and police officers.

Summary of State party's reply

The police academy conducted courses on investigation and prosecution of cases regarding sexual abuse of children from 2012 to 2015.

In 2012, a three-year project was launched to raise awareness about sexual, emotional and physical violence against children.

Information from non-governmental organizations

A consultative group established to evaluate the situation of sexual abuse of children listed 15 urgent priority measures and 12 measures to be implemented within one year; the recommendations were partially implemented. Financial resources were guaranteed only for 2013.

Children's House, which provides support in cases of child abuse, needs to be improved.

Children aged 15 to 18 years are interviewed by police rather than by professionals in Children's House.

A conversation has started between the ministry responsible for education and the university community about ways to integrate education on violence into educational studies.

Future financial resources and support for the government's awareness campaign are uncertain.

Committee's evaluation

[C1]: The Committee notes that the State party has not provided further information on measures taken to ensure that all cases of sexual abuse of children are effectively and promptly investigated and that perpetrators are brought to justice. The Committee requests additional information on:

- (a) Complaint mechanisms available;
- (b) The number of complaints received in the past three years;
- (c) The number of cases brought before courts in the past three years, convictions and acquittals.

[B1]: The Committee notes the training conducted for the police force on investigation and prosecution of sexual abuse of children, and welcomes the efforts made by the State party regarding education about child sexual abuse. Additional information is required on the State party's plans to make education about child sexual abuse and prevention a formal and permanent part of the curriculum for professionals working with children, and on measures taken to ensure sufficient funding for those activities. Information is also required on the consultative group established to evaluate the situation of sexual abuse of children and how

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the recommendations of the group are being implemented, as well as on any other steps taken by the State party since July 2015 to establish government-coordinated measures aimed at preventing child sexual abuse.

Recommended action: A letter should be sent reflecting the analysis of the Committee.

Next periodic report: 27 July 2018

109th session (October 2013)

Djibouti

Concluding observations:	CCPR/C/DJI/CO/1, adopted 29 October 2013
Follow-up paragraphs:	10, 11 and 12
First reply:	CCPR/C/DJI/CO/1/Add.1, received 15 January 2015
Committee's evaluation:	Additional information required on paragraphs 10 [D1], 11 [C2][D1][B2] and 12 [D1]
Second reply:	CCPR/C/DJI/CO/1/Add.2, received 8 November 2015
Committee's evaluation:	Additional information required on paragraphs 10 [C1][C1][C1], 11 [C2][B2][B2] and 12 [D1][C1][C2]

Paragraph 10: The State party should strengthen the legal framework for the protection of women against domestic violence by specifically criminalizing domestic violence, including marital rape. It should guarantee that cases of domestic violence and marital rape are thoroughly investigated and prosecuted. The State party should also ensure that law enforcement officials are provided with appropriate training to deal with domestic violence and sufficient, adequately resourced shelters are available. The State party should further organize awareness-raising campaigns for men and women on the adverse effects of violence against women on the enjoyment of their human rights.

Follow-up question

[D1]: The State party has not provided the Committee with new information and has not responded to most of the recommendations. The Committee considers that the recommendation has not been implemented and therefore reiterates it.

Summary of State party's reply

The State party repeated information provided in its periodic report (CCPR/C/DJI/1).

The State party intends to submit in 2015 a draft law criminalizing all forms of domestic violence, strengthen its policies to fight violence, conduct training for authorities and establish a programme to provide assistance to victims.

Djibouti

Committee's evaluation

[C1]: (a) With respect to the legal framework for the protection of women against domestic violence, the Committee welcomes the information provided on the intention of the State party to submit a draft law criminalizing domestic violence. The Committee requires concrete information on this bill, including on the content of the bill, whether the bill defines marital rape, the progress of the initiative, the anticipated date of passage and any participation of civil society in the drafting of the bill.

[C1]: (b) The Committee notes the State party's intention to establish a programme to provide legal, social and psychological assistance to victims of violence, and requires concrete information on the content and progress of the initiative. The Committee requires additional information on the stated intention to strengthen policies to fight gender-based violence, with special focus on prevention and on measures taken to guarantee that cases of domestic violence and marital rape are thoroughly investigated and prosecuted.

[C1]: (c) The Committee notes the stated intention of the State party to conduct training for relevant authorities and to strengthen its policies to combat violence, with a special focus on prevention. The Committee requires concrete information on the content and progress of those initiatives, including the number of trainings envisaged, dates and audience. The Committee also requires information on shelters available to victims, and measures taken to conduct awareness-raising campaigns for men and women on the adverse effects of violence against women on the enjoyment of human rights.

Paragraph 11: The State party should ensure that allegations of torture and ill-treatment are thoroughly investigated and that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that the victims are adequately compensated. The State party should establish an independent mechanism to carry out investigations of alleged misconduct by law enforcement officials. In this connection, the State party should also ensure that law enforcement officials continue to receive training on investigating torture and ill-treatment by integrating the 1999 Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) into all training programmes for them. The State party should indicate in its next periodic report the number of law enforcement officials trained and the impact of such training.

Follow-up question

[C2]: (a) The Committee regrets that the State party denies the continued reports of ill-treatment of detainees and that it has not taken measures to implement the recommendations with respect to investigations, prosecutions, and compensation for victims of torture. The Committee, therefore, reiterates its recommendations.

[D1]: (b) The Committee regrets that the State party has not responded to this recommendation and has not established an independent mechanism to carry out investigations into alleged misconduct by law enforcement officials. The Committee reiterates its recommendation.

[B2]: (c) The Committee notes that the State party has developed a guide for the judicial police and has conducted a two-day training course for the police, the gendarmerie, the coast guard and prison guards. The Committee requests additional information on plans to conduct future training, as well as on:

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- (a) Other training sessions that have been, or are scheduled to be, conducted, including their timing and length;
- (b) The integration of the Istanbul Protocol into all training programmes;
- (c) The number of law enforcement officials trained and the impact of such training.

Summary of State party's reply

(a) and (b) The State party repeated information provided in its first follow-up report (CCPR/C/DJI/CO/1/Add.1) and rejected allegations of torture and ill-treatment in detention.

Places of detention are open to all human rights actors.

The National Human Rights Commission conducts annual monitoring visits to the main prison, located in Gabode, and police stations. According to the new law on the functioning of the Commission, adopted in July 2014, the Commission can receive complaints of human rights violations, conduct monitoring visits and submit recommendations to improve conditions of detention.

(c) The State party committed to ratifying the Istanbul Protocol in 2015, and incorporating it into training for law enforcement officials.

Committee's evaluation

[C2]: (a) The Committee regrets that the State party continues to deny the reports of ill-treatment of detainees and that it has not taken measures to implement the Committee's recommendations with respect to investigations, prosecutions, and compensation for victims of torture. The Committee reiterates its recommendations.

[B2]: (b) The Committee welcomes the information provided by the State party that places of detention are open to all actors working with the State party in the promotion and protection of human rights. The Committee notes the information provided by the State party on the new law regulating the functioning of the National Human Rights Commission. It requires information on:

- (i) The number of complaints of human rights violations received, including allegations of inhuman treatment and torture in places of detention;
- (ii) The number of visits the Commission has conducted in places of detention since October 2013;
- (iii) Any recommendations issued by the Commission since October 2013 to improve conditions of detention.

The State party should also clarify whether the Commission is in charge of conducting investigations into alleged misconduct by law enforcement officials and/or whether a mechanism has been established to conduct such investigations.

[B2]: (c) The Committee notes the State party's intention to consider ratifying the Istanbul Protocol during a session of the National Assembly, in October 2015; and requires further information on the outcome of the consideration. The Committee also requires information on:

- (i) Training conducted for law enforcement officials, including the police, the gendarmerie, the coast guard, and prison guards;
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Djibouti

- (ii) The integration of the Istanbul Protocol into all training programmes;
- (iii) The number of law enforcement officials trained and the impact of such trainings.

Paragraph 12: The State party should:

(a) Take appropriate measures to guarantee in law and in practice, and to create an environment conducive to, the exercise of the rights to freedom of expression, peaceful association and assembly;

(b) Revise its legislation to ensure that any restriction on press and media activities is in strict compliance with article 19, paragraph 3, of the Covenant. In particular, it should review the registration requirements for newspapers and abolish prison terms for defamation and similar media offences. It should expedite the functioning of the National Communication Commission and take all above-mentioned measures in line with article 19, paragraph 3, as further explained in the Committee's general comment No. 34 (2011) on freedoms of opinion and expression;

(c) Release, rehabilitate and provide adequate judicial redress and compensation for journalists imprisoned in contravention of article 19 of the Covenant;

(d) Give space to civil society organizations to promote their activities, and prosecute those who threaten, harass or intimidate such organizations and human rights defenders and journalists.

Follow-up question

[D1]: The State party has provided no new information, has not responded to most of the Committee's recommendations and has not taken measures to implement the recommendations. The Committee reiterates its recommendations.

Summary of State party's reply

Reforms will be adopted in 2015, including: reform of the Independent National Electoral Commission; reform of the law on communication of 1992; and a strengthening of the national mechanism related to human rights and freedoms.

The State party denies the allegations of imprisonment of journalists. Human rights defenders, journalists and trade unionists are protected.

Committee's evaluation

[D1]: (a) The State party has not provided new information as regards the recommendations contained in paragraph 12 (a) of the concluding observations. The Committee reiterates those recommendations.

[C1]: (b) The State party takes note of the reform initiatives described by the State party, but requires clarification on whether such reforms will ensure compliance with the Committee's recommendations contained in paragraph 12 (b) of the concluding observations.

[C2]: (c) and (d) The State party has not provided new information as regards the recommendations contained in paragraph 12 (c) and (d) of the concluding observations. The Committee reiterates those recommendations.

Djibouti

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: 1 November 2017

Mauritania

Concluding observations:	CCPR/C/MRT/CO/1, adopted 30 October 2013
Follow-up paragraphs:	5, 14, 17 and 19
First reply:	Received 7 November 2014
Committee's evaluation:	Additional information required on paragraphs 5 [B2], 14 [C1][C2][B2][B1][B2], 17 [C1][B1][B1] and 19 [B2][B2]
Second reply:	CCPR/C/MRT/CO/1/Add.1, received 1 May 2015
Committee's evaluation:	Additional information required on paragraphs 5 [B2], 14 [B2][C1][B2][B1][B1], 17 [B2][B1][C1] and 19 [B1][B2]

Paragraph 5: The State party should systematically publish in the Official Gazette the Acts ratifying the human rights treaties and conventions, as well as the texts of these instruments, including the Covenant. It should also raise the awareness of judges, lawyers and prosecutors of the Covenant, to ensure that its provisions are taken into account by the national courts.

Follow-up question

[B2]: The Committee requires updated information on:

- (a) The publication of the acts ratifying the human rights treaties and conventions, as well as the texts of these instruments, in official journals;
- (b) Measures taken to raise judges', lawyers' and prosecutors' awareness of the Covenant, including any seminars and trainings carried out;
- (c) Cases where provisions of the Covenant have been invoked directly before the courts.

Summary of State party's reply

- (a) In December 2014, the State party published the text of 11 ratified human rights treaties.
 - (b) Several national level seminars have been organized.
 - (c) The Covenant has been invoked before the Courts.
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Mauritania

Committee's evaluation

[B2]: The Committee welcomes the publication of the acts ratifying human rights treaties and conventions, as well as the texts of those instruments, in the Official Gazette. The Committee notes the information provided by the State party on seminars carried out and cases where provisions of the Covenant have been invoked before the courts, but requests clarification on whether those measures were conducted after the adoption of the Committee's concluding observations. The Committee reiterates its follow-up recommendations in which it requested detailed information on measures taken after the adoption of the Committee's concluding observations, in particular: (a) measures taken to raise judges', lawyers' and prosecutors' awareness of the Covenant, including any seminars and trainings carried out; and (b) cases where provisions of the Covenant have been invoked directly before the courts.

Paragraph 14: The State party should adopt a definition of and clearly criminalize torture in the Criminal Code, in conformity with article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the relevant international standards. It should also ensure that any investigation into acts of torture, ill-treatment or excessive use of force attributed to members of the police or security forces should be conducted by an independent authority. The State party should furthermore ensure that members of the law enforcement agencies are trained to prevent torture and ill-treatment, and to investigate such offences, by making sure that the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) is included in all training programmes for them. It should also ensure that allegations of torture and ill-treatment are the subject of thorough and impartial investigations, that the alleged perpetrators are brought to justice and, if found guilty, are sentenced to penalties commensurate with the seriousness of their acts, and that the victims receive adequate compensation. The State party should guarantee regular access to all places of deprivation of liberty and, following its ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, put in place a national preventive mechanism.

Follow-up question

[C1]: (a) The Committee notes that the State party did not implement the recommendation regarding the need to adopt a definition of and clearly criminalize torture. The Committee requires updated information on the adoption of the draft law on preventing and combating torture and the extent to which the draft law is in conformity with article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and relevant international standards. The Committee reiterates its recommendation.

[C2]: (b) The Committee notes that the recommendation concerning investigations into acts of torture, ill-treatment or excessive use of force and the need to bring alleged perpetrators to justice and to sentence them to penalties commensurate with the seriousness of their acts has not been implemented. The Committee reiterates its recommendation.

[B2]: (c) With respect to the training of law enforcement personnel, the Committee requires additional information on training programmes carried out, including with respect to their frequency.

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[B1]: (d) Regarding the need to guarantee regular access to all places of deprivation of liberty, the Committee requires information on the conditions imposed on NGOs willing to conduct visits to such places.

[B2]: (e) Concerning the establishment of the national preventive mechanism, the Committee requires information on the adoption of the draft law and whether the mechanism is functioning.

Summary of State party's reply

(a) The definition of torture in the bill on preventing and combating torture is in conformity with the Convention against Torture.

(b) In case No. 1272/2012, the criminal court sentenced eight members of the National Guard to one to four years of imprisonment for torturing two detainees. The bill on torture provides for heavier sentences.

(c) Training sessions were conducted by the police, the Ministry of Justice and the Office of the United Nations High Commissioner for Human Rights.

(d) Unrestricted access to places of detention is granted to NGOs and others.

(e) The bill on the national mechanism for the prevention of torture was adopted in February 2015 by the Council of Ministers and will be submitted to the parliament during the May 2015 session.

Committee's evaluation

[B2]: (a) The Committee requires information on the progress of the adoption of the draft law on torture and on its content. The Committee reiterates its recommendation.

[C1]: (b) The Committee requires more information on measures taken after the adoption of the Committee's concluding observations on Mauritania to investigate alleged cases of torture, to bring perpetrators to justice and, when appropriate, to impose sentences and to compensate victims. The Committee also requires additional information, including the dates of the sentences, regarding case No. 1272/2012, referred to by the State party, in which eight members of the National Guard were sentenced to between one and four years of imprisonment for having tortured two detainees.

[B2]: (c) The Committee notes the information provided by the State party on training sessions, but requires information on measures taken after the adoption of the Committee's concluding observations on Mauritania. In particular, additional information is required on the number of training sessions, the dates they were held, and the number and composition of participants. The Committee reiterates its recommendation.

[B1]: (d) The Committee welcomes the information that NGOs, along with other international and national human rights organizations, are granted unfettered access to places of detention. The Committee requires information regarding the visits that have been conducted by such organizations, including the location and dates of the visits.

[B1]: (e) The Committee welcomes the adoption of the bill on the national mechanism for the prevention of torture on 26 February 2015 by the Council of Ministers. It requires information on the content of the bill and the progress of its adoption by the parliament.

Paragraph 17: The State party should ensure the effective implementation of its legislation criminalizing slavery and guarantee effective remedies for victims of slavery who have lodged complaints. The State party should also conduct

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investigations, effectively prosecute and sentence those responsible and provide compensation for and rehabilitate the victims. Finally, the State party should expedite the hearing of pending cases; adopt and implement, as Government policy, the road map developed in collaboration with the Office of the United Nations High Commissioner for Human Rights on the recommendations of the Special Rapporteur on contemporary forms of slavery, including their causes and their consequences; and raise the awareness of all law enforcement officers and the general population, including in rural areas.

Follow-up question

[C1]: (a) Concerning effective remedies for victims of slavery and investigations and prosecutions of those responsible, the Committee requires information on:

- (i) The outcome of the 26 cases related to slavery judged by courts since 2012;
- (ii) The number of prosecutions and convictions of and sanctions imposed on persons involved in the crime of slavery in the past three years;
- (iii) The establishment of the special court on slavery;
- (iv) The number of cases on slavery pending before courts and measures taken to expedite the hearings of pending cases.

(b)[B1]: The Committee welcomes the adoption of a road map for the eradication of slavery and requests information on its implementation.

(c)[B1]: The Committee welcomes the awareness campaigns organized by the regional labour inspectorates but requires additional information on awareness campaigns aimed at the general public, including in rural areas.

Summary of State party's reply

- (a) (i) In total, 31 cases regarding slavery have been heard.
- (ii) Convictions resulted in imprisonment, probation and award of civil damages to victims.
- (iii) A bill establishing a court to hear slavery cases was adopted by the Council of Ministers on 2 April 2015 and is scheduled to be adopted by the parliament in April 2015.
- (iv) The State party referred to its replies to (a) (i) and (ii).
- (b) The State party has provided extensive information on the road map adopted in March 2015.
- (c) Awareness-raising campaigns supporting persons affected by slavery are being carried out by NGOs.

Committee's evaluation

[B2]: (a) The Committee acknowledges the information provided by the State party on investigations into and prosecutions of cases of slavery. The Committee reiterates its recommendations and requires additional information on:

- (i) Whether the figure of 31 cases refers to the number of completed prosecutions since October 2013 or includes cases on slavery pending before the courts;
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Mauritania

(ii) A breakdown of the completed prosecutions for slavery by the number of convictions, acquittals and specific sentences imposed;

(iii) Specific measures taken to provide compensation for and rehabilitate the victims;

(iv) The progress of the establishment of the special court on slavery under the bill currently being considered by the parliament.

[B1]: (b) The Committee welcomes the extensive information provided in the road map for the eradication of slavery. The Committee requires information on the progress of the projects set out under the road map.

[C1]: (c) The Committee requires information on measures taken after the adoption of the Committee's concluding observations on Mauritania. In particular, additional information is required on the awareness campaigns being run by NGOs and any awareness campaigns being conducted by the State party.

Paragraph 19: The State party should implement measures to improve the conditions of detention in its prisons and to reduce prison overcrowding.

Follow-up question

[B2]: (a) The Committee requires updated statistics on the number of prison facilities in the State party, their capacity and the number of inmates held therein.

[B2]: (b) The Committee requires information on the concrete measures taken to improve conditions of detention after the adoption of the Committee's concluding observations.

Summary of State party's reply

(a) There are 17 prisons, with a total capacity for 1,830 inmates; the current population is 1,825. A rise in crime in Nouakchott has led to overcrowding in that city's prisons.

(b) The State party provided extensive information on prison conditions and measures taken, including renovations of the Aleg and Nouadhibou prisons and the sanitation systems at the Dar-naim and Nouakchott Central prisons.

Committee's evaluation

[B1]: (a) The Committee acknowledges the statistics provided by the State party. It requires information on measures taken to address overcrowding in the Nouakchott detention facility. The Committee also requires information on the capacity of each detention facility and the number of inmates held therein

[B2]: (b) The Committee acknowledges the actions taken by the State party to improve conditions, but requires information on which measures have been taken since the adoption of the Committee's concluding observations on Mauritania.

Recommended action: A letter should be sent reflecting the analysis of the Committee.

Next periodic report: 1 November 2017

111th session (July 2014)

Japan

Concluding observations:	CCPR/C/JPN/CO/6, adopted 23 July 2014
Follow-up paragraphs:	13, 14, 16 and 18
First reply:	Received 31 August 2015
Committee's evaluation:	Additional information required on paragraphs 13 [E][B2], 14 [B2], 16 [B2][C2][C2] and 18 [C2][B2][B2][C2]
Non-governmental organizations:	Center for Prisoners' Rights Japan and others

Paragraph 13: The State party should:

(a) Give due consideration to the abolition of the death penalty or, in the alternative, reduce the number of eligible crimes for capital punishment to the most serious crimes that result in the loss of life;

(b) Ensure that the death row regime does not amount to cruel, inhuman or degrading treatment or punishment by giving reasonable advance notice of the scheduled date and time of execution to death row inmates and their families and refraining from imposing solitary confinement on death row prisoners except in the most exceptional circumstances and for strictly limited periods;

(c) Immediately strengthen the legal safeguards against wrongful sentencing to death, *inter alia*, by guaranteeing to the defence full access to all prosecution materials and ensuring that confessions obtained by torture or ill-treatment are not invoked as evidence;

(d) In light of the Committee's previous concluding observations (see CCPR/C/JPN/CO/5, para. 17), establish a mandatory and effective system of review in capital cases, with requests for retrial or pardon having a suspensive effect, and guaranteeing the strict confidentiality of all meetings between death row inmates and their lawyers concerning requests for retrial;

(e) Establish an independent mechanism to review the mental health of death row inmates;

(f) Consider acceding to the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty.

Summary of State party's reply

(a) The State party repeated information provided in its periodic report (CCPR/C/JPN/6, paras. 103-106).

(b) The State party repeated information provided in its periodic report (CCPR/C/JPN/6, paras. 110-111). The State party has no intention of changing its treatment of inmates sentenced to death.

(c) A reform bill was submitted to the Diet in March 2015 to introduce a new system of disclosing a list of titles and other categories of information on evidence kept by the prosecutor. Confessions obtained under torture can never be admitted as evidence.

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(d) The State party repeated information provided in its replies to the list of issues (CCPR/C/JPN/Q/6/Add.1, para. 126). The State party does not consider it appropriate to establish a mandatory system of review in capital cases.

(e) The State party repeated information provided in its replies to the list of issues (CCPR/C/JPN/Q/6/Add.1, paras. 113 and 130-131) and its periodic report (CCPR/C/JPN/6, para. 113). The State party does not see the need to establish an independent mechanism to monitor the mental health of inmates sentenced to death.

(f) The State party considers it inappropriate to abolish the death penalty.

Information from non-governmental organizations

(a) Contrary to the recommendation, two executions were carried out in August 2014 and one in June 2015.

(c) The Government introduced a bill to introduce a system requiring public prosecutors to disclose a list of evidence. This rule applies only to cases for which the court engages the “pretrial arrangement proceeding”. Audio recordings of interrogations of suspects are included in this bill, but the inclusion is limited to cases tried by a lay judge and cases investigated exclusively by the public prosecutor’s office.

Committee’s evaluation:

[E]: With respect to the information relating to the recommendations contained in paragraph 13 (a), (b), (d) and (e) of the concluding observations, the Committee notes that the State party repeated information provided in its sixth periodic report and in its replies to the list of issues. The Committee regrets that the State party states that it does not intend to implement the recommendations. The Committee reiterates its recommendations.

[B2]: (c) The Committee regrets the State party’s failure to strengthen the current discovery framework to ensure full access to all prosecution materials to the defence. It also regrets that no measures have been taken to guarantee that confessions obtained by torture or ill-treatment are not invoked as evidence. The Committee notes that a reform bill is under discussion to introduce a new system of “disclosing a list of titles and other categories of information on evidence kept by the prosecutor”. The Committee requires information on:

(i) The progress in adopting the bill, including information on the involvement of civil society in the discussions;

(ii) The planned criteria for applying the new system and whether it will be applied in all cases involving the death penalty;

(iii) Whether audio recording of interrogations of suspects is included in the bill and how that will be applied in death penalty cases.

Paragraph 14: The State party should take immediate and effective legislative and administrative measures to ensure:

(a) **That all allegations of sexual slavery or other human rights violations perpetrated by the Japanese military during wartime against the “comfort women” are effectively, independently and impartially investigated and that perpetrators are prosecuted and, if found guilty, punished;**

(b) **Access to justice and full reparation to victims and their families;**

(c) **The disclosure of all available evidence;**

Japan

(d) **Education of students and the general public about the issue, including adequate references in textbooks;**

(e) **The expression of a public apology and official recognition of the responsibility of the State party;**

(f) **Condemnation of any attempts to defame victims or to deny the events.**

Summary of State party's reply

The State party repeated information provided in its periodic report (CCPR/C/JPN/6, paras. 129-130) and in its replies to the list of issues (CCPR/C/JPN/Q/6/Add.1, paras. 236-240).

(b) The State party repeated information regarding the Asian Women's Fund. In the Republic of Korea, women who received, or wished to receive, compensation from the Fund were subjected to harassment and were no longer eligible for support from the life-support fund of the Republic of Korea.

(d) It is required that students be taught that the Second World War caused enormous suffering to humanity at large. However, what is described is at the discretion of textbook publishers.

Information from non-governmental organizations

(a) and (b) All lawsuits against the State brought to Japanese courts by victims have been dismissed. Since the issuance of the recommendations by the Committee in July 2014, nine victims have died.

(d) In January 2015 references to comfort women were deleted from several textbooks; in another textbook, witness testimonies were replaced with the following sentence: "No information has been found that directly demonstrates the forcible deportation by the military personnel or authorities of Japan." In December 2014 the Ministry of Foreign Affairs requested that an American textbook company modify descriptions of "comfort women". National history museums do not have any exhibits on comfort women.

(e) and (f) In October 2014 the Prime Minister complained that "unjust slander" stating that Japan as a nation had forced women into sex slavery was being circulated around the world. A statement containing the sentence "many women were forced to follow the military as its comfort women" was removed from the website of the Asian Women's Fund. The Government of Japan requested that the Government of the Republic of Korea not use the term "sex slaves" during talks in June 2015.

Online hate speech defaming sexual slavery victims of the Japanese military is rampant. No countermeasures have been taken.

Committee's evaluation

[B2]: The Committee notes the information provided by the State party, but requests further information on measures taken after the adoption, on 23 July 2014, of the concluding observations, including on the agreement reached in December 2015 between the State party and the Government of the Republic of Korea, in which the Prime Minister of Japan reportedly made an apology and Japan promised a payment of 1 billion yen to provide support for former comfort women. The Committee also requires information on measures taken to (a) investigate all cases and prosecute and punish perpetrators; (b) provide full reparation to victims and their families; (c) disclose all available evidence; (d) condemn attempts to defame victims or to deny the events; and (e) educate students through

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references in textbooks. The Committee reiterates its recommendation.

Paragraph 16: In line with the Committee's previous concluding observations (see CCPR/C/JPN/CO/5, para. 24), the State party should strongly consider replacing the current programme with a new scheme that focuses on capacity-building rather than recruiting low-paid labour. In the meantime, the State party should increase the number of on-site inspections, establish an independent complaint mechanism and effectively investigate, prosecute and sanction labour trafficking cases and other labour violations.

Summary of State party's reply

Bills revising the technical intern training programme were submitted to the Diet in March 2015. The proposed changes include: creating an obligatory public skills-evaluation exam; creating a technical intern training organization to supervise organizations and conduct on-site inspections; establishing a contact point for complaints, introducing penalties for violations and eliminating improper sending organizations.

The State party repeated information provided in its periodic report (CCPR/C/JPN/6, para. 33) on investigations into cases of suspected human rights violations. The Ministry of Justice conducts on-site inspections. Organizations found to have committed misconduct can be prohibited from accepting trainees for up to five years. A total of 241 notices of misconduct were issued in 2014.

Information from non-governmental organizations

The joint expert panel set up by the Ministry of Justice and the Ministry of Health, Labour and Welfare concerning the review of the technical intern training programme produced a report in January 2015.

The bill on revising the programme does not include a punitive clause covering sending governments or organizations or clearly stipulate improvements in the wages of interns. The bill extends the training period, from three years to five years, and increases the number of technical interns.

There is no evidence that relevant authorities actively committed to increasing on-site inspections. The number of labour standard inspection officers is insufficient. The number of cases the Labour Standards Inspection Office sent to the prosecutor's office on the basis of suspicion of illegal conduct towards technical interns is: 30 cases in 2009, 18 in 2010, 23 in 2011, 15 in 2012 and 12 in 2013.

The State party has not established any independent complaint mechanism.

Committee's evaluation

[B2]: The Committee welcomes the changes proposed in the bills submitted to the Diet in March 2015 and requests information on the content of the bills, their progress towards adoption and the involvement of civil society in the discussions. The Committee also requires information on whether the bills establish criminal penalties and a minimum intern's wage, to prevent the practice of recruiting low-paid labour.

[C2]: The Committee acknowledges the efforts of the Labour Standards Inspection Office, the Immigration Bureau and the Ministry of Justice in conducting on-site inspections. The Committee requests information on measures taken to increase the number of on-site inspections since the Committee adopted its concluding observations on the sixth periodic report. The Committee also requires information on the number of inspections conducted in

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the last three years and on the results thereof.

[C2]: The Committee reiterates its recommendation concerning the establishment of an independent complaint mechanism.

Paragraph 18: The State party should take all measures to abolish the substitute detention system or ensure that it is fully compliant with all guarantees in articles 9 and 14 of the Covenant, inter alia, by guaranteeing:

(a) **That alternatives to detention, such as bail, are duly considered during pre-indictment detention;**

(b) **That all suspects are guaranteed the right to counsel from the moment of apprehension and that defence counsel is present during interrogations;**

(c) **Legislative measures setting strict time limits for the duration and methods of interrogation, which should be entirely video recorded;**

(d) **A complaint review mechanism that is independent of the prefectural public safety commissions and has the authority to promptly, impartially and effectively investigate allegations of torture and ill-treatment during interrogation.**

Summary of the State party reply

Abolishing the substitute detention system is impractical as there are more substitute facilities than penal institutions.

(a) Criminal investigations are conducted without arrest and suspects are taken into custody only if there are reasonable grounds to suspect they may conceal or destroy evidence or flee. There are strict time limits to custody. The Ministry of Justice decided against establishing a pre-indictment bail system.

(b) The State party repeated information provided in its periodic report (CCPR/C/JPN/CO/6, paras. 137-142). A bill ensuring that suspects are informed of the procedure for appointing counsel and that State-appointed counsel is available to all suspects in detention was submitted in 2015. The Legislative Council of the Ministry of Justice expressed concern that the presence of defence counsel during interrogations could hamper interrogations and did not recommend it.

(c) The number of interrogations that were video recorded between April 2014 and March 2015 was 3,800 (99.0 per cent) for cases subject to lay judge trials; 925 (99.2 per cent) for cases involving individuals who have difficulty in communicating due to intellectual disability; 2,959 (99.3 per cent) for cases involving suspects with mental disabilities etc.; and 53 (100 per cent) for cases in which the prosecutor initiated the investigation. In 2014 a pilot programme to video record interrogations in cases where a suspect is likely to be indicted was launched. A bill requiring the video recording of all interrogations was submitted to the Diet in 2015.

(d) The State party repeated information provided in its replies to the list of issues (CCPR/C/JPN/Q/6/Add.1, paras. 182-183).

Information from non-governmental organizations

(b) Demands by counsel to assist a suspect during police interrogations are often declined as “legally groundless”.

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(c) No improvement can be seen in imposing a strict time limit on interrogations. Video recording measures apply to a minority of cases.

(d) Force is still used by law enforcement officers to extract confessions from suspects.

Committee's evaluation

[C2]: (a) The Committee regrets that no action has been taken to guarantee that alternatives to detention, such as bail, are duly considered during pre-indictment detention. The Committee reiterates its recommendation.

[B2]: (b) The Committee notes the submission to the Diet in March 2015 of the bill on ensuring that suspects are informed of the procedure for appointing counsel and that State-appointed counsel is available to all suspects in detention. Further information on the progress of the bill is required, including on whether the bill complies fully with the Committee's recommendations to ensure that the right to counsel is guaranteed in all cases from the moment of apprehension. The Committee requests the State party to reconsider its position with regard to defence counsel with a view to ensuring that defence counsel is present during all interrogations. The Committee requires information on the participation of civil society in the discussions of the bill.

[B2]: (c) The Committee notes that no action appears to have been taken to set strict time limits for the duration and methods of interrogation. The Committee acknowledges the information provided on the bill that would require the video recording of interrogations; it requires information on the progress of the bill, the participation of civil society in the discussions and the conditions on video recording established in the bill. It wishes to be informed as to whether the bill will be applied in all interrogations.

[C2]: (d) The Committee reiterates its recommendation that the State party establish an independent complaint review mechanism.

Recommended action: A letter should be sent reflecting the analysis of the Committee.

Next periodic report: 31 July 2018

Ireland

Concluding observations:	CCPR/C/IRL/CO/4, adopted 23 July 2014
Follow-up paragraphs:	10, 11 and 15
Reply:	Received 20 July 2015
Committee's evaluation:	Additional information required on paragraphs 10 [B2][C2][B2] , 11 [C1][C1][C2] and 15 [B1][B1][C1][B2] .
Non-governmental organizations:	Irish Council for Civil Liberties Irish Human Rights and Equality Commission Irish Penal Reform Trust Justice for Magdalenes Research Adoption Rights Alliance

Ireland

Survivors of Symphysiotomy

Due to the high number of NGO submissions received, only some are summarized in the present report.

Paragraph 10: The State party should conduct prompt, independent and thorough investigations into all allegations of abuse in Magdalene Laundries, children's institutions and mother and baby homes, prosecute and punish the perpetrators with penalties commensurate with the gravity of the offence, and ensure that all victims obtain an effective remedy, including appropriate compensation, restitution, rehabilitation and measures of satisfaction.

Summary of State party's reply

The Government of Ireland does not propose setting up a specific Magdalene inquiry or investigation.

Applicants to the redress scheme do not have to prove they suffered abuse, only that they were admitted to and worked in a relevant institution. To date, 90 per cent of the 790 applications have been decided upon and 541 applicants have received lump sum payments. In addition, women are entitled to a weekly top-up payment from the State and free access to a variety of medical services. The necessary administrative arrangements are expected to be finalized by 1 July 2015. Provisions will be made for women living abroad.

By April 2015, the redress scheme had finalized 16,623 of 16,633 applications received. A total of 15,554 have resulted in awards averaging €62,235. Former residents are also entitled to free counselling and psychotherapy.

By March 2015, 94 of the 99 recommendations of the report of the Commission to Inquire into Child Abuse (Ryan report) had been implemented or were being implemented.

A commission of investigation into mother and baby homes and certain related matters was established by government order in February 2015 to conduct a full statutory inquiry into the practices and procedures regarding those who were residents of such institutions. The final reports of the commission will be made available to relevant authorities for a decision on whether criminal investigations and/or prosecutions are warranted.

Information from non-governmental organizations*Irish Council for Civil Liberties*

Independent statutory inquiries such as that established for the mother and baby homes should be established for the Magdalene laundries and the practice of symphysiotomy.

Irish Human Rights and Equality Commission

In its report (McAleese report), the interdepartmental committee set up to establish the facts of State involvement with the Magdalene laundries determined that there had been breaches of human rights.

Justice for Magdalenes Research

The women who signed up to the redress scheme have not received the full health and community care recommended. Magdalene survivors living abroad have received only an invitation to return to Ireland to use their medical card. A dedicated unit to assist Magdalene survivors has not yet been established.

Ireland

As at June 2013, at least 115 women were still living in the care of the religious orders responsible for the laundries, with no right to advocacy services.

Those who were not formally admitted to the Magdalene laundries are excluded from the redress scheme.

Committee's evaluation

[B2]: With respect to investigations into all allegations of human rights violations, the Committee welcomes the establishment of the commission of investigation into mother and baby homes and certain related matters and requests that the State party provide information on the progress of the investigation to the Committee. However, the Committee regrets that such a statutory inquiry has not been established to investigate all allegations of abuse in Magdalene laundries and children's institutions and reiterates its recommendation that the State party conduct an independent and thorough investigation.

[C2]: The State party has not provided new information regarding prosecutions and punishment of perpetrators. The Committee reiterates its recommendation that the State party prosecute and punish perpetrators with penalties commensurate with the gravity of the offence.

[B2]: The Committee welcomes the compensation schemes in place for victims who suffered in Magdalene laundries and children's institutions. However, additional information is required on:

- (a) Access to the compensation schemes for victims living abroad;
- (b) The requirement that qualifying Magdalene survivors must waive any right of action against the State;
- (c) The situation of victims who were not formally admitted to the Magdalene laundries but were nonetheless forced to work there, including with regard to access to the redress scheme;
- (d) Women still living in the care of the religious orders responsible for the laundries and their rights to advocacy services under legislation or as part of the redress scheme.

The Committee recommends that the State party ensure that victims receive the full range of restitution, rehabilitation and measures of satisfaction to which they are entitled, in accordance with the Committee's recommendation. The Committee requests an update regarding redress for the victims of mother and baby homes.

Paragraph 11: The State party should initiate a prompt, independent and thorough investigation into cases of symphysiotomy, prosecute and punish the perpetrators, including medical personnel, and provide the survivors of symphysiotomy with an effective remedy for the damage sustained, including fair and adequate compensation and rehabilitation, on an individualized basis. It should facilitate access to judicial remedies by victims opting for the ex gratia scheme, including allowing them to challenge the sums offered to them under the scheme.

Ireland

Summary of State party's reply

The Department of Health commissioned independent reports (the Walsh and Murphy reports) on the practice of symphysiotomy. The Surgical Symphysiotomy Payment Scheme commenced in November 2014. A total of €34 million has been made available, with applicants receiving €50,000, €100,000 or €150,000.

A total of 576 applicants have been accepted. As at May 2015, 206 offers have been made, with one rejection; 12 are awaiting response. Applications lacking supporting documentation were accepted provided they were received before the deadline and included a written explanation for the absence of the documentation. Such information is being sought to advance applications.

Women may opt out at any time prior to accepting compensation, at which point they must agree to discontinue any legal proceedings. There is no right of appeal.

In a recent High Court case the plaintiff was awarded €200,000 without admission of liability. In a second case the claim was dismissed. Women cannot be sure of the outcome of a court case.

Women are entitled to a variety of services, independent clinical assessments and advice, counselling and physiotherapy.

Information from non-governmental organizations*Irish Council for Civil Liberties*

The redress scheme requires that extensive evidence be provided. The scheme requires women to waive all rights to further legal proceedings.

Irish Human Rights and Equality Commission

The redress scheme limits survivors' access to an effective remedy. The time limit imposed made it extremely difficult for women to seek independent advice. The standards of proof required by the scheme are higher than those applied by the High Court.

Survivors of Symphysiotomy

Applicants had a 20-day application period, which posed a significant obstacle for women resident outside Ireland. The scheme pays compensation that is 20 per cent of that granted by the courts.

The statute of limitations is invoked to defeat court actions by survivors. The State Claims Agency had doctors contest survivors' claims.

Survivors have had difficulty in accessing many of the services under the schemes.

Committee's evaluation

[C1]: The Committee notes the commissioning of the Walsh and Murphy reports, but requests information on measures taken after the adoption of the Committee's concluding observations regarding investigations into cases of symphysiotomy as well as information on prosecutions and punishment of perpetrators. The Committee reiterates its recommendation.

[C1]: The Committee welcomes the establishment of the Surgical Symphysiotomy Payment Scheme, but requires additional information on the scope and requirements of the Scheme, including:

Ireland

- (a) The assessment criteria for providing compensation to victims;
- (b) The requirement that participants waive all rights and entitlements to seek compensation outside of the Scheme and the lack of a right to appeal under the Scheme;
- (c) The time limit imposed on applicants (20 days), which may have hindered applicants with respect to seeking independent advice in making their decision and may affect women residing outside Ireland;
- (d) The standards of proof required to seek damages under the Scheme.

[C2]: The Committee reiterates its recommendation that the State party should facilitate access to judicial remedies for victims opting for the ex gratia scheme, including by allowing them to challenge the sums offered to them under the scheme.

Paragraph 15: The State party should step up its efforts to improve the living conditions and treatment of detainees and address overcrowding and the practice of “slopping out” as a matter of urgency in line with the Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977. It should establish a concrete timeline for the achievement of complete separation of remand and sentenced prisoners, juvenile and adult prisoners and detained immigrants and sentenced prisoners. It should also implement the new complaints model for all categories of complaints without further delay and ensure its independent functioning.

Summary of State party’s reply

- (a) By June 2015 there had been a decrease in numbers of prisoners of 18 per cent, as compared to peak levels in February 2011. Overcrowding has been eliminated in Mountjoy Prison. In Cork and Limerick, reducing committals and introducing structured release programmes has resulted in a reduction of 25 per cent in the number of inmates. A new prison in Cork, with capacity for 310 prisoners, should be operational by 2015. The redevelopment of Limerick Prison is expected to be complete in 2018.
 - (b) The number of prisoners slopping out was reduced by 71 per cent between 2010 and 2015. Those currently slopping out (8 per cent of the prison population) are in Cork, Limerick and Portlaoise. The new prison in Cork will end the practice there. Plans for the redevelopment of Limerick Prison are being advanced. Options to eliminate the practice in Portlaoise are being considered.
 - (c) The Irish Prison Service is statutorily obliged to minimize the mixing of remand and sentenced prisoners, subject to the availability of accommodation.
 - (d) The State party repeated information provided in its replies to the list of issues (CCPR/C/IRL/Q/4/Add.1, paras. 81-86) on the new complaints mechanism. The full complaints model is to be introduced during the time frame of the Irish Prison Service strategic plan (2012-2015).
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Ireland

Information from non-governmental organizations*Irish Human Rights and Equality Commission*

- (a) In its follow-up report, the State party compares the prison population to its 2011 peak rather than to prison capacity. Overcrowding, varying from 102 to 132 per cent occupancy, according to the Inspector of Prisons, was ongoing in 5 of 15 prisons at the time of reporting.
- (b) Work in Limerick has been delayed to 2018.
- (c) No deadline for the separation of prisoners was given.
- (d) The Inspector of Prisons has not been given the power to direct further enquiries, initiate a new investigation, or reverse findings of the Governor without further inquiry. There is no appeals mechanism for the most serious level of complaints.

Irish Penal Reform Trust

- (a) Overcrowding in the women's prison was described as a "matter of serious concern" in the annual report of the Inspector of Prisons.
- (b) Only 55 per cent of prisoners were in a single cell with a flush toilet or had access to toilet facilities in private at all times.
- (c) Prisoners are not always separated.
- (d) There is no fully independent complaints mechanism and there is no ombudsman for prisoners.

Committee's evaluation

[B1]: (a) The Committee notes the efforts of the State party to address overcrowding and prison living conditions, and requires information on the progress of those initiatives. The Committee also requires information on:

- (a) The number of inmates in each detention facility and the capacity of the facility;
- (b) Measures taken to address overcrowding in the Mountjoy, Cork and Limerick detention facilities.

[B1]: (b) The Committee notes the efforts of the State party to address the practice of slopping out and requires information on the progress of those initiatives, particularly in the Cork, Limerick and Portlaoise detention facilities.

[C1]: (c) The Committee reiterates its recommendation that the State party establish a concrete timeline for the achievement of complete separation of remand and sentenced prisoners, juvenile and adult prisoners and detained immigrants and sentenced prisoners.

[B2]: (d) The Committee notes the State party's intention to fully implement the complaints mechanism in 2015 and requests the State party to provide further information on the implementation, including on the measures in place to ensure the independent functioning of the mechanism and the progress on any new legislative reforms.

Recommended action: A letter should be sent reflecting the analysis of the Committee.

Next periodic report: 31 July 2019
