



International Covenant on Civil and Political Rights

Distr.: General
2 November 2017

Original: English

Human Rights Committee 121st session

Summary record of the 3433rd meeting*

Held at the Palais Wilson, Geneva, on Monday, 30 October 2017, at 10 a.m.

Chair: Mr. Iwasawa

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* No summary record was prepared for the 3432nd meeting.

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The meeting was called to order at 10.05 a.m.

Follow-up to concluding observations on State party reports

*Draft report of the Special Rapporteur for follow-up to concluding observations
(CCPR/C/12/R.4)*

1. **The Chair** invited the Special Rapporteur for follow-up to concluding observations to present his report.
2. **Mr. Politi** (Special Rapporteur for follow-up to concluding observations) said that the report set out the information that he had received and the Committee's assessments at its 121st session of the responses it had received to its requests for follow-up from Ukraine, Malawi, France, the former Yugoslav Republic of Macedonia and Uzbekistan.
3. **The Chair** invited general comments from Committee members.
4. **Ms. Cleveland** noted that civil society submissions had been received for only one State party. The Committee should consider ways and means of encouraging such submissions.
5. The current report, unlike the previous two reports, contained no list of States parties to which D grades had been assigned for failure to submit a follow-up report. She asked whether there were any States parties whose follow-up reports were overdue and, if so, the status of the Committee's engagement with those States.
6. **Mr. Shany** noted that there was a backlog in addressing follow-up reports. The Committee should perhaps reconsider the periodicity of such reports. The State party was requested in some cases to provide a great deal of additional information, including statistical data and detailed updates, which really belonged in periodic rather than follow-up reports.
7. **The Chair** said that the periodicity issue would be raised when the Committee discussed its working methods.
8. **Mr. Politi** confirmed that no State party had been assigned a D rating. One State party's follow-up report was overdue.
9. He had tried to minimize the amount of information requested in the context of States parties' follow-up reports, but he had not fully succeeded.
10. **Ms. Cleveland** suggested that the Committee should retain a section regarding States parties that had been assigned a D rating, indicating that no such rating had been assigned during the current reporting period.
11. **Ms. Kran** noted that Ukraine and Malawi would be informed of the discontinuation of the follow-up procedure because their periodic reports were due in July 2018. The Committee was thus assuming that the reports would be submitted on time. She hoped that the staff of the Capacity-Building and Harmonization Section of the Office of the United Nations High Commissioner for Human Rights (OHCHR) would contact States parties in their respective regions to ensure that the reports were forthcoming.

Ukraine

12. **Mr. Politi** said that the recommendation contained in paragraph 6 of the Committee's concluding observations on the seventh periodic report of Ukraine (CCPR/C/UKR/CO/7) urged the State party to give full effect to the Committee's Views. The State party's reply was very general, highlighting provisions of the Code of Criminal Procedure and other legislation. As it bore little relevance to the recommendation, he proposed a C rating. The Committee also enquired about the status of the bill submitted to Parliament in May 2105 that would recognize human rights decisions by international organizations as grounds for review of national judicial decisions.
13. The recommendation in paragraph 10 of the concluding observations addressed the issue of discrimination against lesbian, gay, bisexual and transgender (LGBT) persons in the State party and the need to provide them with effective protection and to guarantee their

right to freedom of expression and assembly. The State party's reply was based primarily on an overview of its anti-discrimination legal framework. It also stated that the Ministry of Health Order of 2011 on medical care for persons requiring a change or correction of sex would be amended to take account of the Committee's concerns. The NGOs that had submitted information recognized as a positive step a law enacted in November 2015 which prohibited discrimination at work on grounds of gender identity or orientation. He proposed a C rating with respect to the anti-discrimination legal framework. While the Committee welcomed the law prohibiting discrimination at work, it regretted the State party's failure to provide information on action to combat hate speech, discrimination and violence against LGBT persons. He proposed a B rating on the plan to amend the Ministry of Health Order of 2011. However, the Committee requested information regarding progress in that regard and confirmation that two bills "on propaganda of homosexuality" had been withdrawn.

14. The recommendation in paragraph 15 of the concluding observations concerned reinforcement of measures to eradicate torture and ill-treatment and to ensure that such acts were independently investigated and prosecuted. The State party cited relevant legal provisions and provided information on monitoring of penitentiary institutions. It also referred to article 107 of the Code of Criminal Procedure, which permitted video recordings of interrogations if such action was requested by participants in the proceedings. He proposed a B rating on action to combat torture and ill-treatment. However, the Committee regretted the State party's failure to provide specific information on measures to ensure a prompt and impartial investigation and prosecution of the perpetrators. He had placed the request for statistics on the number of investigations, prosecutions and convictions in brackets. He also proposed a B rating for action to establish an independent investigation mechanism pursuant to the November 2015 Law on the State Bureau of Investigation. He proposed a C rating for the recording of interrogations, which was still not mandatory.

15. The recommendation in paragraph 17 of the concluding observations concerned measures to ensure the independence of the judiciary, to prevent control of the judiciary by the executive branch and to ensure that judges were not subjected to political influence. The State party's reply focused on the Right to a Fair Trial Act of 12 February 2015. It admitted that amendments to the Constitution were required to align the judicial system with international standards, and reported that article 365 of the Criminal Code, which had been invoked to prosecute the former Prime Minister, Yulia Tymoshenko, had been amended. According to an NGO, a bill amending the Constitution, which had been submitted to Parliament in November 2015, had received preliminary approval in February 2016. He proposed a B rating for measures to ensure the independence of the judiciary. The Committee requested information on progress towards enactment of the bill amending the Constitution. He also proposed a B rating for the amendment of article 365 of the Criminal Code.

16. A letter should be sent to the State party informing it of the discontinuation of the follow-up procedure.

17. **Mr. Santos Pais**, referring to paragraph 6, said that the bill submitted to Parliament in May 2015 was a positive step. If it was enacted, the High Specialized Court of Ukraine for Civil and Criminal Cases might no longer reject applications for review of cases on the grounds that the Committee was not a judicial body. He suggested a B rating, with a request to the State party for information on progress towards enactment of the bill.

18. With regard to paragraph 10, the law enacted in November 2015, which prohibited discrimination at work on grounds of gender identity or orientation, was a positive development. He therefore proposed a B rating for the anti-discrimination legal framework.

19. **Mr. Shany** expressed support for the latter proposal.

20. With regard to paragraph 6, the information concerning the bill submitted to Parliament in May 2015 had been provided by an NGO and not by the State party. As it was in fact a private bill, he agreed with the proposal for a C rating.

21. He proposed that the bracketed request for statistics in the Committee's evaluation of the reply to paragraph 15 should be deleted.

22. The State party stated in its reply to the recommendation concerning video recordings in paragraph 15 that such recordings were mandatory if they were requested by participants in the proceedings. If that development had occurred after the State party's dialogue with the Committee, it could be viewed as partial compliance with the recommendation.

23. **Ms. Cleveland** noted that the follow-up report had been submitted in June 2015, one year earlier than the follow-up reports submitted by the other States parties. Moreover, the information from civil society had been submitted one year later.

24. She proposed adding the following sentence at the end of the Committee's evaluation of the response to paragraph 6: "The Committee reiterates its recommendation for a C grade."

25. Turning to the first paragraph of the Committee's evaluation of the response to paragraph 10, she said that a C rating was inappropriate for the first sentence concerning prohibition of discrimination in the workplace. She therefore proposed that it should be moved to the second paragraph.

26. She asked why the Committee requested confirmation at the end of its evaluation that both bills "on propaganda of homosexuality" had been withdrawn, since the NGO had stated that only one bill had been withdrawn.

27. She considered that a C rating would be more appropriate for the first paragraph of the Committee's evaluation of the response to paragraph 15, since it focused on information that the State party had failed to provide.

28. Turning to paragraph 17, she said that the State party had taken significant action to implement the Committee's recommendation. It had amended the Constitution in June 2016, and adopted a Law on the Prosecution Service and the Right to a Fair Trial Act. She therefore considered that the Committee's evaluation in the first paragraph should perhaps be an A grade. She suggested that the paragraph should refer to the two laws and request additional information concerning them in the next periodic report.

29. **Mr. Durnescu** (Office of the United Nations High Commissioner for Human Rights) said that the delay in dealing with the follow-up report from Ukraine was due to the fact that it had initially submitted a virtually unreadable scanned version of its report. The secretariat had sent several reminders before receiving a version that could be processed and translated from Russian into the other working languages.

30. **Mr. Politi** said that he welcomed the comments made by Mr. Santos Pais and Mr. Shany relating to paragraph 6 of the document. The C rating should be retained because the reference to the 2015 legislative bill had not been made by the State party itself.

31. With regard to paragraph 10, he was open to the idea of changing the rating from C to B, as the State party had taken steps to improve its anti-discrimination framework. He requested clarification from Ms. Cleveland with regard to her proposal relating to paragraph 15. He also proposed deleting the following formulation in parentheses: "please also provide statistics on the number of investigations, prosecutions and convictions regarding torture and ill-treatment, specific punishments imposed and reparations provided to victims".

32. With regard to paragraph 17, he noted that while an explicit reference could be included to the Right to a Fair Trial Act, as proposed by Ms. Cleveland, he was reluctant to change the rating assigned from B to A.

33. **The Chair** said that he proposed that the C rating for paragraph 6 should be retained. A member of the Committee had proposed moving the first sentence of the first paragraph of the Committee's evaluation on the follow-up to paragraph 10 to the second paragraph of the evaluation. Mr. Politi had agreed to amend paragraph 15 to remove references to statistics but was reluctant to change the B to an A rating for paragraph 17.

34. **Ms. Cleveland** said that, given the fact that all but the first sentence of the Committee's evaluation of the State party's response to paragraph 10 described the complete failure by the State party to provide the required information, she proposed to

move that sentence down to the second paragraph of the evaluation, which would group all the information that merited a B rating in one paragraph. The first paragraph could then be assigned a C rating, while the second would merit a B rating, reflecting the positive developments noted by the Committee.

35. With regard to paragraph 15, she proposed allotting a C rating to the first paragraph of the Committee's evaluation, in view of the lack of information on the investigation and prosecution of cases of torture. The second paragraph, relating to the need for information on the implementation of the plan of action on combating torture, should be awarded a B rating.

36. She endorsed the proposal to retain a B rating for paragraph 17.

37. **Mr. Politi** said that the B rating for paragraph 10 should be retained, unless the majority of Committee members disagreed. He supported Ms. Cleveland's proposal with regard to paragraph 15. A C rating had initially been proposed insofar as the information provided by the State party on the use of video recordings did not constitute a new development.

38. **The Chair** said that he understood that, as far as paragraph 17 was concerned, Ms. Cleveland would support retaining the B rating if information on the two new laws was added. He therefore took it that the Committee wished to adopt the proposals made by the Special Rapporteur with regard to Ukraine.

39. *It was so decided.*

Malawi

40. **Mr. Politi**, drawing attention to the proposed evaluation of the follow-up to the Committee's concluding observations on the initial report of Malawi (CCPR/C/MWI/CO/1 and CCPR/C/MWI/CO/Add.1), specifically paragraphs 12, 13, 24 and 25, said that, with regard to paragraph 12, a grade B was proposed in respect of the information provided relating to extrajudicial killings and punishments, the compensation awarded in such cases, as well as statistical information on police officers charged with crimes relating to torture.

41. With regard to paragraph 13, he proposed a C rating for the first three subparagraphs, in respect of the delay in establishing a complaints mechanism and the need for additional information, and a B rating for subparagraph (d), in respect of the need for further information.

42. A C rating was proposed for paragraph 24 (a) and (c) and a B rating for 24 (b) as the Committee required additional information on measures to bring all perpetrators of the sexual abuse of children to justice. The reference to statistics in that paragraph could be amended or removed, if the Committee so desired. With regard to paragraph 25, he proposed a C rating. The recommended action was that 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.

43. **Ms. Cleveland** asked whether, in order to justify a B rating, the information provided in paragraph 13 was new, as it appeared that the State party had merely pointed to existing standards and indicated that those provisions did not contradict the Basic Principles on the Use of Force and Firearms. If the information provided was not new, then a C grade would be more appropriate. The same question applied to paragraph 24, where it was not clear whether the State party had provided any information on measures adopted since the publication of the Committee's previous concluding observations. Again, if no new information had been submitted, a C grade was more appropriate.

44. **The Chair** asked the Committee members to comment on whether explicit requests for statistical information should be included in the concluding observations.

45. **Mr. Shany** said that the Committee should bear in mind that requests for statistics could have an impact on the list of issues. However, if it was important that the State party should provide statistics in its periodic report, an explicit request could be issued.

46. **The Chair** said that he agreed that care should be taken when requesting statistics; such requests should only be issued if necessary.
47. **Mr. Politi** agreed that the Committee should not automatically insist that States parties provide statistics. If the Committee's instructions relating to report contents were too prescriptive, it could be difficult to keep track of all the statistics requested, with a potential impact on the drafting of the list of issues. He endorsed removing the reference to statistics from the follow-up reports.
48. **The Chair** said that the decision on requests for statistical data was in the hands of the Committee.
49. **Mr. Politi** said that requests had been made to change the evaluation proposed for paragraphs 13 (d) and 24 (b) from a B to a C rating. He was unable to confirm whether the information provided was new. However, in paragraph 13 (d), the State party had sought to explain the existing legal situation, while in 24 (b) the information provided was less clear. He therefore proposed retaining the B rating for paragraph 13 and changing the rating to C for paragraph 24 (b).
50. **Mr. Heyns** agreed with Ms. Cleveland that the apparent lack of new information relating to the Police Act could justify a C rating. He also noted that in (d) (B) of the Committee's evaluation, the final sentence should read "imminent threat of death or serious injury or to prevent a particularly serious crime that involves a grave threat to life".
51. **The Chair** said that in the light of Mr. Heyns' comments, he understood that the Committee wished to change the rating from B to C for paragraph 13. With regard to paragraph 24, he understood that Mr. Politi had agreed to change the rating from B to C.
52. **Mr. Politi** said that he did indeed agree, albeit with some reluctance.
53. **Ms. Cleveland** asked whether the template for the letter sent to States parties by the secretariat made it clear that information was required on action taken since the publication of the Committee's previous concluding observations.
54. **Mr. Durnescu** (Office of the United Nations High Commissioner for Human Rights) said that the relevant formulation had indeed been added to the letter template in October 2016.
55. **The Chair** said he took it that the Committee wished to adopt the proposals made by the Special Rapporteur with regard to Malawi.
56. *It was so decided.*

France

57. **Mr. Politi**, drawing attention to the proposed evaluation of the follow-up to the Committee's concluding observations on the fifth periodic report of France (CCPR/C/FRA/CO/5 and CCPR/C/FRA/CO/5/Add.1), specifically paragraphs 11, 12 and 16, said that, with regard to paragraph 11 on post-sentence preventive detention, the proposed evaluation consisted of two B ratings: the first rating related to a request for further information on alternatives to detention and the second B rating related to the ongoing debate at national level on whether post-sentence detention measures were consistent with human rights principles and the need for further information on follow-up measures implemented by the Ministry of Justice. With regard to paragraph 12, he proposed three B ratings, awarded with regard to the need for further information on: the principles of legality, proportionality and necessity, the collection and use of data, and the monitoring of surveillance activities.
58. With regard to paragraph 16, he proposed a B rating, in view of the new developments brought to the attention of the Committee and the opening of a preliminary investigation into the sexual abuse allegations in 2016. The Committee appreciated the State party's cooperation with the United Nations but requested further information on the issues raised. He noted that, with regard to France, the recommended action consisted of a letter to the State party.

59. **Mr. Shany** said that although he did not disagree with the proposed ratings, he had doubts as to whether the concluding observations provided the proper platform for a detailed dialogue with States parties on key aspects of their domestic laws and policies.

60. He proposed deleting the first paragraph of the Committee's evaluation of the follow-up to paragraph 11, which went beyond the scope of the follow-up process, and part (a) of the evaluation for paragraph 16, as it was not clear what information the State party was supposed to provide with regard to its investigative procedures. The issues arising in the aforementioned paragraphs highlighted certain problems with regard to the scope of the follow-up process and related problems regarding capacity.

61. **The Chair** said that the follow-up procedure should be discussed during the Committee's meeting on methods of work, after which the Committee could resume its discussion of any outstanding issues regarding the report at hand.

62. **Ms. Cleveland** said that most of the information provided in respect of paragraph 11 simply described the framework introduced on the basis of legislation adopted in 2008. The Committee's recommendation, however, had been that the State party should reconsider that framework. The first paragraph of the Committee's evaluation of follow-up to paragraph 11 could therefore be deleted.

63. She wished to point out that the request for information on measures of redress made available to victims in part (d) of the Committee's evaluation of follow-up to paragraph 16 had not been formulated in its initial recommendation.

64. **Mr. Politi** said that the Committee's most pressing task was to finish its consideration of the report. Discussing the scope of follow-up before returning to the discussion of the report would be unnecessarily time consuming.

65. He agreed to delete the first paragraph of the Committee's evaluation of follow-up to paragraph 11 and part (a) of the evaluation of follow-up to paragraph 16. Part (d) of that evaluation should be maintained, as bringing the perpetrators of serious crimes to justice did not mean that States parties could forgo the provision of proper remedy to victims.

66. **The Chair** said that he took it that the Committee wished to adopt the amended proposals made by the Special Rapporteur with regard to France.

67. **Mr. Shany** said that he agreed that the consideration of the report should not be put on hold. He invited the Special Rapporteur to consider asking the State party to provide information on its follow-up to paragraph 12 in its subsequent periodic report.

68. **Mr. Politi** said that he would take a second look at the section on paragraph 12 and see what could be done.

69. **The Chair** asked the Committee members whether they were in agreement regarding the recommended action with regard to France.

70. **Mr. Shany** said that normally States parties were explicitly invited to provide the information requested in their subsequent periodic reports. The implication in this case was that the State party should supply another follow-up report. That point should be clarified.

71. **The Chair** said that additional information was normally requested in the recommended action.

72. **Mr. Politi** said that he would not be against the State party providing the requested information in its subsequent periodic report. There was merit, however, in not prolonging the process of requesting information.

73. **Ms. Cleveland** said that the other States parties in the Special Rapporteur's report were due to submit their periodic reports within one year. France, however, was not due to submit its periodic report until 2020. In such cases, the Committee normally sent a letter reflecting its evaluation, including any requests for information set forth in the report. The recommended action for France was therefore in line with the standard practice.

74. **Mr. Politi** said that he appreciated the clarification provided by Ms. Cleveland, which reflected his own position on the matter.

75. **The Chair** said that he took it that the Committee wished to adopt the proposals made by the Special Rapporteur with regard to France, with the exception of the recommended action, which would be discussed after the meeting on methods of work.

76. *It was so decided.*

The former Yugoslav Republic of Macedonia

77. **Mr. Politi** said that the paragraphs chosen for follow-up were numbers 15, 16 and 23 of the third periodic report of the former Yugoslav Republic of Macedonia (CCPR/C/MKD/CO/3).

78. Paragraph 15 related to measures to combat human trafficking and guarantee protection and reparation for victims. A B grade was proposed in respect of the information provided, but the Committee would request updated information on the status of the State party's draft national strategy for combating human trafficking and illegal migration and the progress made in identifying victims and bringing perpetrators to justice. A C grade was proposed regarding the lack of information on adequate protection and reparation for victims.

79. A B grade was proposed for paragraph 16 on measures to ensure full respect for freedom of movement. The Committee would request specific information on whether border management policies and practices to prevent potential asylum seekers from leaving the country were still in effect and whether they conformed with articles 2, 12 and 26 of the Covenant. Furthermore, the State party would be requested to comment on allegations of discriminatory targeting and ethnic profiling of Roma and to provide further information on the number of complaints of discrimination against Roma by border authorities.

80. Lastly, regarding paragraph 23 on the mass surveillance of communications, a C grade was proposed with regard to the lack of information received on whether interference with the right to privacy complied with the principles of legality, proportionality, and necessity. A B grade was proposed in respect of the establishment of the Public Prosecutor's Office for the prosecution of offences related to and arising from the content of illegal interception of communications, but the Committee would require additional information on its activities to date. The recommended action was to send a letter reflecting the evaluation of the Committee.

81. **Ms. Cleveland** said that the summary of replies in respect of follow-up to paragraph 16 should make it clear whether the State party had provided any new information or was simply reiterating old information on its legal framework. The lack of clarity made it hard to tell if the proposed grade was appropriate.

82. **Mr. Politi** asked the secretariat to confirm whether the statistical information provided by the State party was recent. If it was, then an effort had clearly been made to supply new information and a B grade was justified.

83. **The Chair** said that the secretariat confirmed that the statistical information provided was recent. As the recommended action for the former Yugoslav Republic of Macedonia was the same as that for France, he suggested that the Committee return to its consideration of the matter after its meeting on methods of work.

84. *It was so decided.*

Uzbekistan

85. **Mr. Politi** said that the paragraphs chosen for follow-up were numbers 11, 13 and 19 of the Committee's concluding observations on the fourth periodic report of Uzbekistan (CCPR/C/UZB/CO/4).

86. Paragraph 11 referred to states of emergency and counter-terrorism. A B grade was proposed with regard to the preparation of a bill on states of emergency, but the Committee would require information on its status and content. A C grade was proposed in respect of the absence of measures to bring counter-terrorism legislation in line with the Covenant and to ensure that persons suspected of, or charged with, terrorism or a related crime were

provided with legal safeguards and were not subject to arbitrary and unlawful restrictions of their rights.

87. Regarding paragraph 13 on torture, two E grades were proposed. The Committee did not agree that the State party's definition of torture complied with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and regretted the erroneous application of the principle of non-discrimination to justify the admissibility of amnesties for persons convicted of torture and ill-treatment.

88. Lastly, with regard to paragraph 19, a B grade was proposed in respect of the State party's measures to eliminate forced labour, but the Committee would require further information on those measures, the impact of the two action plans adopted in 2016 and the number of cases of forced labour reported, and the remedies provided to victims since 2016. A C grade was proposed with regard to the lack of information provided on financial transparency and measures to address corruption and prevent death during the cotton harvest. The recommended action was to send a letter informing the State party of the discontinuation of the follow-up procedure, and requesting it to include the information requested in its next periodic report.

89. **Mr. Santos Pais**, referring to paragraph 13, said that it might be appropriate to change the grade from E to D, since the State party had provided some information on its definition of torture and its stance on torture committed by private individuals.

90. **The Chair** reminded the Committee that a D grade signified the failure to provide a follow-up report. Perhaps Mr. Santos Pais meant to suggest a C grade.

91. **Mr. Politi** said that it was clear from the final part of the summary of the State party's reply that its definition of torture was not in accordance with the Covenant. He would, however, consider a C grade if other Committee members so wished.

92. **The Chair** invited the Committee to indicate whether it considered it appropriate to propose a C grade, to the effect that the information provided by the State party did not pertain to the implementation of the Committee's recommendations, or an E grade, to the effect that the State party rejected or adopted a position contrary to the recommendations.

93. **Ms. Cleveland** said that she supported an E grade. On two occasions, the Committee had urged the State party to revise the relevant provision of its criminal code to bring it in line with the definition of torture contained in the Covenant and the Convention against Torture. The State party's denial of the need to amend that provision was tantamount to a rejection.

94. **Ms. Kran** said that she concurred with Ms. Cleveland. The State party's denial of the need to amend its criminal code was a clear rejection of the Committee's repeated recommendations. The E grade should be maintained.

95. **The Chair** said that he took it that the Committee wished to adopt the E grade proposed by the Special Rapporteur.

96. *It was so decided.*

97. *The draft report of the Special Rapporteur for follow-up to concluding observations as a whole, as amended, was provisionally adopted, pending the Committee's discussion on the follow-up procedure.*

Follow-up to Views under the Optional Protocol to the Covenant

Draft report of the Special Rapporteur for follow-up to Views (CCPR/C/121/R.1)

98. **Ms. Pazartzis** (Special Rapporteur for follow-up to Views) introduced her report (CCPR/C/121/R.1), which contained follow-up information received and processed between March 2016 and July 2017 regarding 10 States parties and 24 communications. One proposal for a new communication would be included, information on which had been received after the preparation of the report. An annex featuring the table of cases and the status of follow-up was available on the extranet.

99. **Ms. Cleveland** thanked Ms. Pazartzis and the secretariat for an excellent report. She wished to draw attention to some discrepancies between it and the report of the Special Rapporteur for follow-up to concluding observations.

100. The description of the grading criteria used for the report did not follow the streamlined summary of the grading criteria that had been established for the follow-up reports and reproduced in the report on follow-up to concluding observations. The description should be replaced in the draft report and an effort should be made to match the descriptions in subsequent reports.

101. No list of States parties that had failed to respond to requests for follow-up information had been included. Such a list should be prepared and made public to avoid giving States parties an incentive not to cooperate with the follow-up process.

102. The words “no information” continued to be employed for a number of assessment criteria. However, under the new grading system, a C grade could be issued if States parties had reported but failed to provide information on particular aspects of the Committee’s recommendations. The present report could remain unchanged, but an effort should be made to conform practices in the future.

103. **The Chair** said that the number of cases considered under the follow-up procedure necessitated a systematic approach. In the past, the Committee had been reluctant to allocate D grades when States parties omitted information on particular aspects of the Committee’s recommendations. The matter should be discussed at the meeting on working methods.

104. **Mr. Shany** reminded the Committee that Ms. Cleveland had proposed allocating C grades, not D grades. A list of States parties that had failed to reply to information requests would be easy to prepare: he proposed studying reports for which a D grade had been allocated and indicating which of them remained open.

105. **The Chair** said that D grades could only be allocated once a reminder to reply had been sent to the State party concerned. The frequency of reminders and the grounds for sending them had yet to be discussed. Again, the Committee’s meeting on methods of work would be a more appropriate occasion to address such matters.

106. **Ms. Cleveland** said that the Committee had previously discussed the need to make publically available the list of States parties that had not provided follow-up information, with letters sent to States to remind them to submit information. A D rating could be awarded if a country failed to submit follow-up information after receiving a reminder letter.

107. **Ms. Pazartzis** said that any discrepancies between the grading criteria used in the follow-up progress reports on concluding observations and individual communications would be addressed. It could be difficult to compile a comprehensive and structured list of States that had failed to provide follow-up information.

108. **Ms. Hadjoudj** (Office of the United Nations High Commissioner for Human Rights) said that the awarding of a D rating presupposed that systematic reminders to provide information had been sent to the relevant States parties. Given the volume of cases addressed by the Committee, it would be very time-consuming to systematically identify all instances in which a D rating could be awarded.

109. **The Chair** said that assessment ratings could be discussed further in relation to working methods at a later date.

110. *It was so decided.*

111. **Ms. Pazartzis**, drawing attention to the proposed assessment and decision of the Committee with regard to case No. 2157/2012 (*Belamrania v. Algeria*), proposed that the Committee should close the follow-up dialogue, with a note of unsatisfactory implementation of the Committee’s recommendation. D ratings had been awarded in all categories, although State party representatives had pledged to provide follow-up information at a meeting in July 2017 with the Special Rapporteur on follow-up to Views. Instead of closing the follow-up dialogue, it could be possible to suspend it while awarding the State party E ratings in all categories.

112. **The Chair** said that previous decisions to suspend or close follow-up dialogue had resulted in an absence of follow-up information.

113. **Mr. Shany** said that the State party did not fulfil the criteria for E ratings and D ratings would suffice. The dialogue should be suspended rather than closed as it would give the State party, as well as the author and his counsel, further opportunity to provide follow-up information. Close attention should be paid to the case as it concerned reprisals.

114. **Ms. Cleveland** said that she agreed that a D rating would be appropriate. As the Committee's views on the case had only been adopted in October 2016, it would not be advisable to suspend the follow-up yet in view of the absence of information from the State party and the continued risk of reprisals.

115. **Ms. Pazartzis** said that the D ratings awarded could be altered at a later date if additional information was received from the State party. Regarding the Committee's practices, cases had generally been closed when the relevant Views had been implemented to a satisfactory degree. The difference between suspended and closed cases could be discussed at a future meeting.

116. **The Chair** said that the Committee had sometimes suspended cases if it was clear that the State party would not cooperate or did not accept the Committee's Views, or if the continuation of the case served no purpose.

117. **Mr. Ben Achour** said that the State party had a predetermined stance on issues related to the case in hand, so that continuing to pursue follow-up information might be of little benefit to the Committee. He would support closing the dialogue or establishing a deadline for the submission of follow-up information.

118. **Mr. Santos Pais** said that the follow-up dialogue should remain ongoing in order to examine the issue of reprisals in detail.

119. **Ms. Pazartzis** said that the follow-up dialogue could be suspended with a note of unsatisfactory implementation of the Committee's recommendation, taking into account the Committee's large number of cases involving Algeria.

120. **The Chair** said that he took it that the Committee wished to keep the follow-up dialogue ongoing.

121. *It was so decided.*

122. **Ms. Pazartzis**, drawing attention to the proposed assessment and decision of the Committee with regard to cases Nos. 2229/2012 (*Nasir v. Australia*) and 2233/2013 (*F.J. et al. v. Australia*), proposed that the Committee should close the follow-up dialogues, with notes of unsatisfactory implementation of the Committee's recommendations. The State party had disagreed with the Committee's interpretation of law in asylum cases and most of the authors had been released from detention.

123. **The Chair** said that the follow-up dialogues could instead be suspended.

124. **Mr. Shany**, supported by **Ms. Cleveland**, said that the assessment ratings and additional information on case No. 2233/2013 included in the Committee's previous follow-up progress report on individual communications (CCPR/C/119/3) should also be included in the current report. He agreed that the dialogues should be suspended.

125. **The Chair** said that the word limit for the report would need to be taken into consideration when deciding whether to include additional information on cases.

126. **Ms. Pazartzis** said that the assessment ratings from the previous report could be included in the present report.

127. **The Chair** said that he took it that the Committee wished to suspend the follow-up dialogues.

128. *It was so decided.*

129. **Ms. Pazartzis**, drawing attention to the proposed assessment and decision of the Committee with regard to cases Nos. 1966/2010 (*Hero v. Bosnia and Herzegovina*) and

2048/2011 (*Kadirić v. Bosnia and Herzegovina*), proposed that the Committee should keep the follow-up dialogues ongoing.

130. **The Chair** said that he agreed with the Rapporteur's recommendations as the Committee did not have sufficient information to change its assessments of the "publication of views" and "non-repetition" categories. Committee members could discuss how to ensure that States were aware of the need to provide such information at a future meeting.

131. **Mr. Heyns** said that he wished to know why a "no information" assessment had been given in the "publication of views" and "non-repetition" categories.

132. **Ms. Cleveland** said that it should be recalled that the Committee had previously addressed the use of the "no information" assessment and had proposed replacing it with a D rating if the State party had not provided any report and a C rating if the State party had reported but had not fulfilled a given recommendation. In cases Nos. 1966/2010 and 2048/2011, C ratings could be given in the "publication of views" and "non-repetition" categories.

133. **Mr. Santos Pais** said that, in case No. 2048/2011, a B rating could be given in the "prosecution" category as the State party had provided detailed evidence that had been transmitted to the International Tribunal for the Former Yugoslavia and the case had been pursued with no statute of limitation despite the difficulties posed by a lack of direct eyewitnesses.

134. **Mr. Shany** said that, in case No. 1966/2010, it was unclear why the Committee's assessment referred to bringing to justice those responsible by the end of 2015 and the information provided in the report should be discussed further.

The meeting rose at 1.05 p.m.