



International Covenant on Civil and Political Rights

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Summary record of the first part (public)* of the 4111th meeting**

Held at the Palais Wilson, Geneva, on Wednesday, 27 March 2024, at 3 p.m.

Chair: Mr. Soh (Vice-Chair)

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* The summary record of the second part (closed) of the meeting appears as document CCPR/C/SR.4111/Add.1.

** No summary record was issued for the 4110th meeting.

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In the absence of Ms. Abdo Rocholl, Mr. Soh (Vice-Chair) took the Chair.

The meeting was called to order at 3.10 p.m.

Follow-up to concluding observations on State party reports

Draft report of the Special Rapporteur for follow-up on concluding observations (CCPR/C/140/R.1, CCPR/C/140/R.1/Add.1, CCPR/C/140/R.1/Add.2, CCPR/C/140/R.1/Add.3 and CCPR/C/140/R.1/Add.4)

1. **Mr. Yigezu** (Special Rapporteur for follow-up on concluding observations) said that the draft report on follow-up to the Committee's concluding observations (CCPR/C/140/R.1) had four addenda, which related, respectively, to Finland (CCPR/C/140/R.1/Add.1), Paraguay (CCPR/C/140/R.1/Add.2), Tunisia (CCPR/C/140/R.1/Add.3) and Uzbekistan (CCPR/C/140/R.1/Add.4). The Committee had received information from various non-governmental organizations in connection with Finland and Tunisia. His overall recommendation in all four cases was that the follow-up procedure should be discontinued and that the State party should be asked to include the requested information in its next periodic report.

Finland

2. **Mr. Yigezu**, drawing attention to the proposed evaluation of the information received from Finland (CCPR/C/FIN/FCO/7) on follow-up to the Committee's concluding observations on the seventh periodic report (CCPR/C/FIN/CO/7), said that the three sets of recommendations that had been selected by the Committee for priority follow-up were those presented in paragraph 15, on hate speech and hate crimes; paragraph 19, on violence against women; and paragraph 43, on the rights of the Sami Indigenous people.

3. He recommended that the Committee should assign a B grade for the State party's follow-up to paragraph 15. The State party had made efforts to combat discrimination, hate speech and hate crimes, including through the approval of statutory amendments and the adoption of a Government statement to Parliament on equality and non-discrimination. Nevertheless, the statement reportedly did not include proposed measures against hate speech; the State party had provided scant information on the efforts made to encourage the reporting of hate crimes; and hate crimes remained under-reported. The Committee should request statistical data on the number of complaints of hate speech and hate crimes filed, the investigations initiated and their results, including the number of prosecutions and convictions. In the light of an apparent increase in hate crimes and persistent issues with the identification and processing of hate as a motive in the country's criminal procedure, the Committee should reiterate its recommendations and request additional information on measures taken to improve the identification and investigation of such acts.

4. With regard to paragraph 19, he proposed that the Committee should assign a B grade for the action taken in respect of subparagraphs (a), (c), (d) and (e). The Committee should welcome the State party's efforts to enhance the accessibility and effectiveness of restraining orders, while regretting the lack of specific information on measures taken to encourage the reporting of violence against women. The Committee should reiterate its recommendation and request information in that respect. The increase in the number of shelters for victims of violence was welcome, but the space available for families remained insufficient. The Committee should express concern about reports of inadequate funding and uneven regional distribution of such shelters and the lack of culturally appropriate shelters for speakers of the Sami language. It should reiterate its recommendation in that respect. The new legislation on sexual offences, the amended definition of rape and the establishment of a working group to consider penal provisions on forced marriage were welcome. Nevertheless, cases involving abuse of a position of authority were reportedly still categorized as sexual abuse rather than rape, and forced marriage was still not a separate criminal offence and was not adequately addressed in the legislation. The Committee should reiterate its recommendation on that matter. The Committee should note with satisfaction the steps taken by the State party to provide training on the handling of cases of violence against women, while expressing concern at reports of low participation rates. It should reiterate its recommendation in that regard and request further information on the number of training sessions held and their

impact. The State party's follow-up to subparagraph (b) merited a C grade. The Committee should express regret at the lack of information on steps taken during the reporting period to ensure the investigation of cases of violence against women, and the prosecution and conviction of those responsible. The Committee should reiterate its recommendations and request further information on steps taken to ensure the prompt and thorough investigation of such cases, including statistical data on prosecutions, convictions and penalties. It should request additional information on the procedures and guidelines in place to ensure that cases of recurring violence were investigated appropriately.

5. As for paragraph 43, he considered that the State party's follow-up warranted a C grade. While the Committee should welcome the bill submitted in December 2023 to amend the Sami Parliament Act, it should express regret at the continued delays and concern about the removal of some provisions from the bill. It should request further information in that regard. The Committee should also express concern that the amendments made to the Mining Act reportedly did not require the authorities to obtain the Sami people's free, prior and informed consent before granting permission for mining activities in their territory. Furthermore, while acknowledging the information provided regarding training on the rights of the Sami people, the Committee should express regret at reports of persistent hate speech and harassment. It should also reiterate its recommendations.

6. **The Chair** said he took it that the Committee wished to adopt the Special Rapporteur's proposals.

7. *It was so decided.*

Paraguay

8. **Mr. Yigezu**, drawing attention to the proposed evaluation of the information received from Paraguay ([CCPR/C/PRY/FCO/4](#)) on follow-up to the Committee's concluding observations on the fourth periodic report ([CCPR/C/PRY/CO/4](#)), said that the three sets of recommendations that had been selected by the Committee for priority follow-up were those presented in paragraph 13, on human rights violations during the period of the dictatorship; paragraph 29, on pretrial detention and fundamental safeguards; and paragraph 35, on the independence of the judiciary.

9. He proposed that the Committee should assign a B grade for the State party's follow-up to paragraph 13. The Committee should request further information on the outcome of the pending legal cases related to human rights violations during the period of the dictatorship and on the number of appeals lodged and their results. While it should note the State party's efforts to search for missing persons, identify remains and ensure compensation for victims and their families, the Committee should express regret at the fact that many requests for compensation had been denied. The Committee should reiterate its recommendations and request updated information on compensation, including on the draft legislation on that matter.

10. In respect of paragraph 29, he considered that the action taken by the State party warranted a B grade. While the Committee should welcome the State party's efforts to reduce the use of pretrial detention and ensure that non-custodial alternatives were given due consideration, it should express regret at the lack of information on the results of those efforts. The Committee should note with satisfaction the measures taken to promote alternatives to pretrial detention, but should express regret at the lack of statistics on the use of such alternatives. The Committee should reiterate its recommendations and request additional information on the draft legislation establishing a special procedure for the lifting of pretrial detention; the impact of the project on restorative justice in the juvenile criminal justice system; and data on pretrial detention and the use of non-custodial alternatives. The Committee should also reiterate its recommendation regarding legal aid and request further details in that respect.

11. Turning to paragraph 35, he proposed that the State party's follow-up should be given a B grade. The measures taken to fight corruption and to promote transparency and accountability in the judiciary were welcome. Nevertheless, the Committee should request information on their impact. The lack of specific information on measures taken to eradicate all forms of interference in the judiciary by other branches of government and on

investigations into allegations of interference and corruption was regrettable. The Committee should request statistical data on such investigations and their results, including any prosecutions and convictions, and should reiterate its recommendation in that regard.

12. **The Chair** said he took it that the Committee wished to adopt the Special Rapporteur's proposals.

13. *It was so decided.*

Tunisia

14. **Mr. Yigezu**, drawing attention to the proposed evaluation of the information received from Tunisia (CCPR/C/TUN/FCO/6) on follow-up to the Committee's concluding observations on the sixth periodic report (CCPR/C/TUN/CO/6), said that the three sets of recommendations that had been selected by the Committee for priority follow-up were those presented in paragraph 8, on the Constitutional Court; paragraph 30, on the state of emergency and counter-terrorism; and paragraph 48, on freedom of peaceful assembly and excessive use of force by State agents.

15. In respect of the follow-up to paragraph 8, he recommended that the Committee should assign an E grade. The Committee should express concern that the State party had not yet established a Constitutional Court or set a timeline for its establishment. The Committee should also note with concern that the new Constitution adopted in 2022 weakened the independence of such a court by providing for the direct appointment of its members by presidential decree. The Committee should express regret at the absence of information on measures taken to better define the conditions for removal of members of the Court or to allow any individual to have access to the Court to raise issues concerning the constitutionality of laws in the event of a violation of his or her rights. The Committee should reiterate its recommendations.

16. In respect of paragraph 30, he proposed that the Committee should assign a C grade for the follow-up to subparagraphs (a) and (b). The Committee should express regret at the absence of detailed information to justify the continuous extension of the state of emergency and of updated information on the adoption of legislation in conformity with the provisions of article 4 of the Covenant and the Committee's general comment No. 29 (2001) on derogations from the Covenant during states of emergency. On the other hand, he considered that the State party's follow-up to subparagraphs (c) and (d) warranted an E grade. While noting the information provided regarding the availability and application of judicial review of decisions restricting freedom of movement, the Committee should express concern at reports of arbitrary detention of political figures, dismissal of judges, misuse of house arrest and unwarranted restriction of freedom of movement under the S17 consultation procedure. The Committee should reiterate all four recommendations.

17. He recommended that the State party's follow-up to paragraph 48 should be given a C grade. The Committee should note with regret that the legislative and regulatory framework governing the use of force for the maintenance of law and order still did not fully conform to international standards and should request further information on the steps taken, including training, to ensure that law enforcement officials applied non-violent measures before using force to control or disperse demonstrations. The general nature of the information provided by the State party did not allow for a proper assessment of the implementation of the recommendation in subparagraph (b) on excessive use of force and extrajudicial killings by State agents. He proposed that the Committee should reiterate its recommendation and request the State party to submit, in its next periodic report, detailed information on judicial and administrative complaints received, investigations undertaken and their outcomes, and on redress provided to victims.

18. **Mr. Santos Pais** said that he failed to see how the State party's follow-up to the recommendations contained in paragraph 30 (a) and (b) could merit a C grade. Reports concerning the use of arbitrary detention, dismissal of judges and house arrest suggested that the State party was operating outside the rule of law, in flat denial of its obligations. He therefore proposed that the Committee should assign an E grade for the whole paragraph.

19. **Ms. Bassim** said that she agreed with Mr. Santos Pais that a C grade was too generous for the State party's implementation of paragraph 30 (a) and (b). However, she considered that an E grade would be excessively harsh and recommended that the Committee should assign a D grade instead.

20. **Mr. El Haiba** said that the State party's follow-up to paragraph 8 should be given a D grade rather than an E grade. It had not taken any measures contrary to the recommendations in that paragraph; rather, it had failed to provide any information at all on their implementation.

21. **Mr. Gómez Martínez**, referring to Mr. Santos Pais's comments on paragraph 30, said that he supported the Special Rapporteur's proposal to assign a C grade for subparagraphs (a) and (b). The State party was going through a constitutional crisis, and the instability of the political and social situation in the country was currently preventing it from implementing the Committee's recommendations. However, he did not believe that the State party's inaction amounted to a rejection of the recommendations, so it would be unfair to assign an E grade.

22. **Mr. Ndiaye** said that he agreed with the Rapporteur's recommendation to assign an E grade for paragraph 8. It beggared belief that the State party did not have a Constitutional Court and it was disturbing that all of its members would be appointed by presidential decree. He also supported Mr. Santos Pais's proposal to assign an E grade for the entirety of paragraph 30. The State party was taking measures that were not compatible with the Covenant, including its use of arbitrary detention and house arrest, and had failed to provide an explanation for those actions.

23. **Mr. Yigezu** said that he had given careful consideration to the grading of the State party's implementation of paragraph 30. It would not be appropriate to assign a D grade for any part of that paragraph, since the Committee only did so when the State party had shown no cooperation with the Committee. The State party had not implemented the recommendations contained in subparagraphs (a) and (b) and the information that it had provided was not relevant. That was why he had chosen a C grade, which was still quite a harsh rating. However, the action taken by the State party in relation to the issues raised in subparagraphs (c) and (d) was contrary to the Committee's recommendations and therefore warranted an E grade.

24. **Mr. Santos Pais** said that he would support the Special Rapporteur's proposal to split the Committee's evaluation of paragraph 30 into two grades.

25. **The Chair** said he took it that the Committee wished to adopt the Special Rapporteur's proposals.

26. *It was so decided.*

Uzbekistan

27. **Mr. Yigezu**, drawing attention to the proposed evaluation of the information received from Uzbekistan (CCPR/C/UZB/FCO/5) on follow-up to the Committee's concluding observations on the fifth periodic report (CCPR/C/UZB/CO/5), said that the three sets of recommendations that had been selected by the Committee for priority follow-up were those presented in paragraph 5, on Views under the first Optional Protocol to the Covenant; paragraph 25, on the prohibition of torture and ill-treatment; and paragraph 29, on liberty and security of person.

28. Since no information had been provided by the State party on the measures taken to implement all pending Views adopted by the Committee, he proposed that the Committee should assign a C grade for paragraph 5 and reiterate its recommendation.

29. He considered that the State party's follow-up to paragraph 25 warranted a C grade. The State party had provided relevant information on cases of torture and ill-treatment brought and prosecutions initiated, the strengthening of legislative provisions relating to compensation for victims, and the number of civil and criminal claims concerning torture and ill-treatment that had been heard by courts. However, insufficient information had been provided on the sentences handed down to perpetrators of torture and ill-treatment and on

alternative forms of reparation provided to victims, including rehabilitation. During the reporting period, no criminal cases had been brought concerning reprisals for the submission of complaints of torture and ill-treatment, and no one convicted of a crime of that nature was currently serving a sentence in a penal establishment.

30. He proposed that the Committee should split its evaluation of paragraph 29 into two grades. He recommended assigning a B grade for paragraph 29 (b) because the State party had amended the Code of Criminal Procedure to strengthen safeguards for persons deprived of their liberty, including the mandatory use and storage of video recordings during custody proceedings, the provision of interpreters and the requirement that relatives or friends should be notified immediately upon the application of coercive measures. He nonetheless proposed that the Committee should request the State party to provide further information in its next periodic report on the implementation of those measures and on other fundamental legal safeguards, including the right of persons deprived of their liberty to have access to a lawyer of their choice. On the other hand, the State party's efforts to implement the recommendations contained in paragraph 29 (a), (c) and (d) only merited a C grade. The Committee should reiterate those recommendations while expressing regret that the only relevant information provided consisted of statistics on judicial review of detention, convictions relating to illegal detention and custodial sentences handed down to juveniles.

31. **Mr. Gómez Martínez** said that he wondered whether a D grade might not be more appropriate for the State party's follow-up to the recommendation made in paragraph 5, on which it had provided no information.

32. **Mr. Yigezu** said that D grades were reserved for States parties that did not submit follow-up reports. In the case at hand, a C grade was the only appropriate one.

33. **Mr. Santos Pais** said that he supported the grade proposed by the Special Rapporteur, as the Committee would, in its evaluation, not only assign a C grade, but also express its displeasure and reiterate its recommendations.

34. **The Chair** said he took it that the Committee wished to adopt the Special Rapporteur's proposals.

35. *It was so decided.*

The public part of the meeting rose at 4.40 p.m.