

Distr.: General 30 September 2015

Original: English

Committee on the Rights of Persons with Disabilities

Concluding observations on the initial report of Kenya*

I. Introduction

1. The Committee considered the initial report of Kenya (CRPD/C/KEN/1) at its 206th and 207th meetings (see CRPD/C/SR.206 and 207), held on 18 and 19 August 2015, respectively, and adopted the following concluding observations at its 222nd meeting, held on 28 August 2015.

2. The Committee welcomes the initial report of the State party, which was prepared in accordance with the Committee's reporting guidelines. It also appreciates the State party's written replies (CRPD/C/KEN/Q/1/Add.1) to the list of issues prepared by the Committee (CRPD/C/KEN/Q/1).

3. The Committee appreciates the constructive dialogue held during the consideration of the report and commends the State party for its high-level delegation. The Committee also welcomes the independent participation of the Kenya National Commission on Human Rights.

II. Positive aspects

4. The Committee notes that the Convention is an integral part of the Kenyan Constitution. It welcomes the measures taken by the State party since the ratification of the Convention, including the following:

(a) The introduction of an indicator on disability mainstreaming for public service contracts;

(b) The adoption of a contingency plan by the National Disaster Operations Centre that recognizes persons with disabilities as a particular group in disaster situations;

(c) The adoption of affirmative action measures in the area of employment for persons with disabilities;

(d) The adoption of the National Social Protection Policy in 2012, which includes benefits for persons with disabilities;

* Adopted by the Committee at its fourteenth session (17 August-4 September 2015).





(e) The establishment of a cash transfer programme for persons with "severe disabilities".

III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1-4)

5. The Committee is concerned about measures to ensure the effective implementation of the Convention and the delay in the amendment of the Persons with Disabilities Act 2003. It observes with concern that derogatory terminology against persons with disabilities persists in the Constitution and in other pieces of legislation, such as the Local Government Act, the Election Act, the Mental Health Act and the Marriage Act.

6. The Committee calls upon the State party to:

(a) Complete as a matter of priority and within a specific time frame the process to review the Persons with Disabilities Act 2003 and bring it into line with the provisions of the Convention and the human rights-based approach to disability;

(b) Ensure adequate processes in parliament to enact various bills pending approval regarding the rights of persons with disabilities;

(c) Adopt measures to amend and/or repeal legislation that includes derogatory terminology against persons with disabilities;

(d) Raise awareness among members of parliament with regard to the Convention and convey their involvement in implementing the Committee's concluding observations.

7. The Committee observes with concern the absence of specific legal and policy frameworks for implementing the Convention at the county and municipal levels. It is concerned about the lack of mechanisms to ensure permanent and formal consultation with organizations of persons with disabilities in processes to enact legislation, and in the discussion and adoption of public policies, both at the national and the county levels.

8. The Committee recommends that the State party:

(a) Adopt measures to ensure that county governments and all local authorities allocate budgetary resources and establish action plans to implement the Convention with targets and indicators to monitor their results;

(b) Establish formal mechanisms and protocols, at the national, county and municipal levels, and conduct consultations with organizations representing persons with disabilities, in line with the State party obligations under article 4.3 of the Convention, including the required financial resources, and promote the meaningful participation of organizations of persons with disabilities in both rural and urban areas.

B. Specific rights (arts. 5-30)

Equality and non-discrimination (art. 5)

9. The Committee is concerned that mediation and conciliation prevail on claims by persons with disabilities. It is also concerned about the absence of information on the definition of reasonable accommodation and that the denial of such accommodation is not considered a form of discrimination.

10. The Committee recommends that the State party:

(a) Enforce measures to ensure that cases of discrimination against persons with disabilities can be invoked before courts and that victims receive appropriate redress;

(b) Define in its legislation the principle of reasonable accommodation in all areas, in line with article 2 of the Convention, and ensure legal recognition of the denial of reasonable accommodation as a form of discrimination.

Women with disabilities (art. 6)

11. The Committee is concerned about the multiple forms of discrimination faced by women with disabilities and the absence of measures to prevent and combat different forms of discrimination against them. It is also concerned about the lack of information on public policies and programmes on gender equality that include the rights of women and girls with disabilities.

12. The Committee recommends that the State party:

(a) Systematically collect data and statistics on the situation of women and girls with disabilities living in rural and urban areas, and belonging to ethnic minorities and pastoralist communities;

(b) Strengthen the mandate of the National Gender and Equality Commission, and ensure it is allocated human, technical and budgetary resources specifically aimed at the advancement of the rights of women with disabilities;

(c) Adopt a national strategy with a time frame and indicators to address intersectional discrimination against women and girls with disabilities, including those living in rural and urban areas, and ensure their effective participation in the design, implementation and monitoring of such a strategy.

Children with disabilities (art. 7)

13. The Committee is deeply concerned at the abandonment of children with disabilities who are rejected by their families and at negative stereotypes against them, particularly in rural areas. It is also concerned about the institutionalization of children with disabilities and the prevalence of residential care. It observes with concern the absence of information on the situation of deaf, blind and deaf-blind girls and boys and about measures to ensure their protection and inclusion in society. The Committee takes note of the creation of child assemblies in 47 counties. Nevertheless, it is concerned that children with disabilities, in particular in rural areas, are not systematically involved in decisions that affect their lives.

14. The Committee recommends that the State party:

(a) Adopt as a matter of priority a strategy to combat stereotypes against girls and boys with disabilities within families and in society and implement an early warning mechanism to prevent the abandonment of children with disabilities in urban and rural areas;

(b) Provide community-based services and assistance for girls and boys with disabilities with a view to eliminating institutionalization, and ensure that grants from the Transfer Programme for Orphans and Vulnerable Children reach children with disabilities in rural areas;

(c) Take measures to assess the situation of girls and boys who are deafblind and ensure that public policies and programmes are responsive to their specific needs; (d) Implement measures, in partnership with organizations of persons with disabilities and other civil society organizations, aimed at promoting the right of children with disabilities to be consulted in all matters of concerning their lives, and ensuring that they receive assistance appropriate to their age and disability.

Awareness-raising (art. 8)

15. The Committee welcomes the information on awareness-raising activities among public officials. However, it is concerned about the stigmatization of persons with disabilities in society that hinder the exercise of their rights. It is also concerned that persons with psychosocial and/or intellectual disabilities are disproportionally affected by stigma, which limits their access to education, health and employment.

16. The Committee calls upon the State party to set up a long-term strategy aimed at raising awareness and combating discrimination against persons with disabilities among the public in general, in rural and urban areas, including all aspects covered by the Convention. It also recommends that it carry out mass-media awarenessraising campaigns and workshops in order to foster a positive image of persons with disabilities and their contributions to society. It further recommends that human rights-based training programmes be provided in both the private and the public sectors for all officials, in consultation with organizations of persons with disabilities and in collaboration with human rights institutions and organizations.

Accessibility (art. 9)

17. The Committee is concerned about:

(a) The barriers that prevent persons with disabilities from accessing public transportation in urban and rural areas and the lack of measures to enforce the guarantees concerning accessibility in all areas of life;

(b) The lack of measures to sanction non-compliance with existing accessibility standards.

18. In line with its general comment No. 2 (2014) on accessibility, the Committee recommends that the State party:

(a) Finalize and adopt the draft consolidated national action plan on accessibility and disability rights for the implementation of the Persons with Disabilities Act No. 14 of 2003 and related provisions of the 2010 Constitution;

(b) Effectively implement the regulations of non-compliance as provided in the Persons with Disabilities Act and ensure adjustment orders are issued to noncompliant stakeholders.

Right to life (art. 10)

19. The Committee is concerned by different forms of violence against persons with albinism, in particular girls, including kidnappings, killings and attacks for the purpose of witchcraft practices, and the absence of measures to protect victims and to prosecute and convict perpetrators.

20. The Committee calls upon the State party to:

(a) **Promptly investigate all cases of violence against persons with albinism,** ensuring that they are appropriately prosecuted and punished;

(b) Create shelters and redress services for victims of attacks, including health care, counselling and free legal aid;

(c) Redouble efforts to raise awareness about the dignity and rights of persons with albinism and ensure the involvement of organizations of persons with albinism in any campaigns aimed at eliminating stigmatization and myths that underpin violence against persons with albinism.

Situations of risks and humanitarian emergencies (art. 11)

21. The Committee is concerned about the absence of information on the situation of internally displaced persons with disabilities and those living in refugee camps, and the lack of information on emergencies and disaster strategies in formats accessible to persons with disabilities.

22. The Committee recommends that the State party:

(a) Adopt a national plan to ensure the protection of persons with disabilities in situations of risk and humanitarian emergencies and to ensure universal accessibility and inclusion for persons with disabilities at all stages and levels of all disaster risk reduction policies and their implementation;

(b) Provide information in modes, means and formats of communication accessible to all persons with disabilities, in all of the State party's official languages and indigenous languages about early warning mechanisms in case of risk and humanitarian emergency;

(c) Adopt measures to monitor the situation of persons with disabilities in refugee camps and internally displaced persons with disabilities, and ensure that they are entitled to access all services available, including accessible shelters, water and sanitation, education and health.

Equal recognition before the law (art. 12)

23. The Committee is concerned that different laws of the State party, such as the Children's Act 2001, the Mental Health Act of 1991 and the Marriage Law (2014), deprive persons with disabilities of their legal capacity, in particular persons with intellectual and/or psychosocial disabilities. It is also concerned about the de facto guardianship in families of persons with disabilities that deprive persons with disabilities of their ability to make choices in aspects such as buying food, renting a house or inheritance.

24. The Committee recommends that the State party:

(a) Eliminate all forms of formal and informal substituted decision-making regimes and replace them with a system of supported decision-making, in line with the Committee's general comment No. 1 (2014) on equal recognition before the law;

(b) Repeal legislation and practices that allow for the deprivation of legal capacity on the basis of impairment, and adopt measures to prohibit the deprivation of legal capacity on a customary basis;

(c) Support and facilitate ongoing initiatives to implement article 12, including research by the Kenya National Commission on Human Rights and the models of supported decision-making spearheaded by representative organizations of persons with disabilities;

(d) Develop training and information campaigns for the public about the contents and scope of the right to legal capacity in all areas of life, considering the involvement of all stakeholders, including organizations of persons with disabilities and decision-makers.

Access to justice (art. 13)

25. The Committee is concerned about the barriers that prevent persons with disabilities from gaining access to justice, in particular owing to the absence of reasonable accommodations throughout court proceedings that particularly affect women with disabilities, the lack of information available in accessible formats, additional costs to access sign language interpretation services, and the lack of free legal aid. It is also concerned about obstacles in the prosecution of cases where persons with disabilities have been witnesses or victims. It is further concerned about the legal provisions that restrain the validity of corroborated evidence of persons with intellectual and/or psychosocial disabilities.

26. The Committee recommends that the State party:

(a) Adopt measures to ensure that all persons with disabilities have access to justice, including by establishing free legal aid for persons with disabilities who claim their rights, and by providing information and communications technology in accessible formats, including the Kenyan sign language;

(b) Define explicitly in legal instruments the duty of the judiciary to provide procedural accommodations for persons with disabilities in accordance with article 13 of the Convention;

(c) Develop a capacity-building strategy within the judicial branch on the rights of persons with disabilities, including lawyers, magistrates, judges, prison staff and the Police.

Liberty and security of the person (art. 14)

27. The Committee notes with concern that persons with disabilities can be detained on the basis of actual or perceived impairment, the alleged danger of persons with disabilities to themselves or to others and the alleged need of care and/or treatment, which is incompatible with the Convention. It is also concerned that persons with disabilities who are considered of "unsound mind" and/or "insane" can be subjected to deprivation of liberty and are not entitled to the same guarantees as other persons in criminal procedures.

28. The Committee recommends that the State party:

(a) Amend its legislation to prohibit involuntary placement, in particular, to repeal provisions of the Mental Health Act (1989), amend the Persons Deprived of Liberty Act 2015, which allows detention for the purpose of psychiatry treatment, and ensure that new legislation is fully compatible with article 14 of the Convention in all cases;

(b) Repeal the provisions of the Criminal Procedure Code, Section 166, concerning the declaration of "insanity" and reaffirm the right to a fair trial of persons with disabilities, in accordance with the Convention.

Freedom of torture or cruel, inhuman or degrading treatment or punishment (art. 15)

29. The Committee is concerned about information received on forced medical treatments, physical and chemical restraints and isolation faced by persons with disabilities in psychiatric hospitals. It is also concerned about the absence of measures to ensure that persons with disabilities are allowed to provide their free consent to medical or scientific experimentation.

30. The Committee recommends that the State party:

(a) Establish a mechanism on the prevention of torture, considering in particular the protection of persons with disabilities;

(b) **Provide support to persons with disabilities, including information in** accessible formats, in order to be able to give free and informed consent in relation to medical treatment and scientific experimentation;

(c) Train health-care professionals on the rights of persons with disabilities, specifically on the right to free and informed consent.

Freedom from exploitation, violence and abuse (art. 16)

31. The Committee is concerned about:

(a) Cases of violence and abuse against persons with disabilities, in particular the higher risk that women, girls and boys with disabilities face of physical and sexual violence, both in family settings and in institutions;

(b) Exploitation of children with disabilities through begging, particularly in urban areas;

(c) The limited coverage of gender violence recovery centers and the lack of information on the ability of women with disabilities to gain access to temporary shelters.

32. The Committee recommends that the State party:

(a) Design and implement a strategy with adequate funding for the protection of persons with disabilities, particularly women and children with disabilities, from exploitation, violence and abuse. Such a strategy must include prevention, early recovery, legal remedies, including compensation and reparation, and accessible services and counselling for victims;

(b) Set up an independent mechanism to monitor the conditions in all facilities designed to serve persons with disabilities, in accordance with article 16 (3) of the Convention;

(c) Take the necessary measures to prevent children with disabilities from falling into exploitation by begging and create programmes at the national, county and municipal levels for their rehabilitation, recovery and inclusion in family and community life;

(d) Ensure that gender violence recovery centers are established throughout the country and are accessible for women with disabilities, and collect information about women with disabilities who have benefited from the services at such centers.

Protecting the integrity of the person (art. 17)

33. The Committee observes with concern that women with disabilities have been victims of forced sterilization and that genital mutilation affects women and girls with disabilities, although is a practice prohibited by law.

34. The Committee calls upon the State party to:

(a) Establish mechanisms to monitor health-care facilities and adopt measures to prohibit forced sterilization and ensure that adequate information is provided in accessible formats for all women and girls with disabilities concerning their sexual and reproductive rights;

(b) Implement the recommendations issued by the Committee on the Elimination of Discrimination against Women in 2011 (CEDAW/C/KEN/CO/7) relevant to female genital mutilation, and ensure that the action plan of the Anti-FGM Board includes a compilation of information on the women and girls subjected to such a practice and mechanisms for their reparation and redress.

Liberty of movement and nationality (art. 18)

35. The Committee express concern about the lack of registration of children with disabilities upon their birth, in particular children in situations of internal displacement and those living in refugee camps.

36. The Committee recommends that the State party strengthen the registration programme with the necessary budget and personal resources to ensure that persons with disabilities in all areas of the country, including persons in refugee camps, gain access to identification documents.

Living independently and being included in the community (art. 19)

37. The Committee is concerned about the institutionalization of persons with disabilities and the absence of community support services that provide for inclusion of persons with disability in society.

38. The Committee recommends that the State party:

(a) Adopt a strategy for the de-institutionalization of persons with disabilities, within a time frame and measurable indicators. This strategy must involve the participation of organizations of persons with disabilities;

(b) Launch a comprehensive strategy, with time frame and human rightsbased indicators, to make community-based services available for persons with disabilities;

(c) Take steps to introduce specific budgetary allocations for the promotion of independent living, including cash transfer schemes for personal assistance services.

Freedom of expression and opinion, and access to information (art. 21)

39. The Committee is concerned by:

(a) The limited provision of sign language interpreters in public offices to facilitate access to public services free of charge;

(b) The lack of information on low-cost information and communications technology for persons with disabilities, including those living in rural areas.

40. The Committee recommends that the State party:

(a) Establish jointly with organizations of deaf persons and Kenyan sign language interpreters a mechanism to certify the quality of interpretation services and ensure that opportunities for continuous training are provided for interpreters;

(b) Strengthen measures to grant persons with disabilities access to information and communications technology, including the provision of low-cost software and assistive devices to all persons with disabilities, including those living in rural areas.

Respect for private and family life (art. 23)

41. The Committee is concerned about the absence of measures to return children with disabilities currently in orphanages to a family setting. It is also concerned about the measures of the Marriage Act (2014), which prevents persons with intellectual and psychosocial disabilities from marrying.

42. The Committee recommends that the State party:

(a) Take steps to increase information and support to families of children with disabilities to ensure they can be raised within the family home, expand the scope of the transfer fund for children with "severe" disabilities to benefit all children with disabilities and establish a monitoring mechanism on the effective disbursement of the resources through the country;

(b) Review the Marriage Act 2014 in order to repeal provisions that discriminate against persons with psychosocial and/or intellectual disabilities on their right to marriage.

Education (art. 24)

43. The Committee is concerned about the:

(a) Persistence of segregated education institutions in the State party;

(b) Lack of information on the situation of children with a high level of support needs, such as deaf-mute children;

(c) Lack of information on the provision of assistive technologies in classrooms for all children with disabilities in rural and urban areas;

(d) Absence of measures to ensure continuous training of teachers on sign language.

44. The Committee calls upon the State party to:

(a) Establish a time frame for the transition process from segregated to inclusive quality education and ensure that budgetary, technical and personal resources are available to complete the process, and collect disaggregated data on the advancement of the inclusive education system;

(b) Immediately adopt a non-rejection policy for children with disabilities enrolling in regular schools, and provide reasonable accommodation;

(c) Ensure that school facilities are accessible for deaf-mute children, and provide materials and curricula adequate to their needs;

(d) Undertake measures, including by encouraging public-private partnerships, to ensure the provision of assistive technologies in education;

(e) Ensure the training of all teachers in inclusive education and establish a programme for continuous training in sign language in mainstream schools and universities.

Health (art. 25)

45. The Committee remains concerned about the barriers for persons with disabilities in accessing information and services on sexual and reproductive health, and the lack of information on the implementation of specific measures to prevent sexually transmissible infections, including HIV/AIDS, among persons with disabilities. It is also concerned about the lack of information on accessible health-care facilities for persons with disabilities in

rural areas. It is further concerned about the State party's approach to mental health care is based on the medical model.

46. The Committee recommends that the State party:

(a) Strengthen its efforts to ensure that all health policies, programmes and services, including on sexual and reproductive health and those related to HIV/AIDS, are fully accessible and incorporate a gender perspective, especially in rural areas and at the community level;

(b) Adopt measures to establish accessible health-care facilities and technologies for persons with disabilities in urban and rural areas;

(c) Develop a wide range of community-based services that respond to the needs of persons with disabilities and respect the person's autonomy, choices, dignity and privacy, including peer support and other alternatives to the medical model of mental health.

Right to work and employment (art. 27)

47. The Committee is concerned at the very low employment rate among persons with disabilities of about 1 per cent. It is also concerned about the stereotypes surrounding persons with disabilities and their lack of training to access employment opportunities.

48. The Committee recommends that the State party:

(a) Adopt immediate measures to foster compliance with the positive measure of quotas for persons with disabilities in employment, including an effective enforcement mechanism and sanctions for non-compliance, both in the public and the private sectors;

(b) Design work and employment programmes in the open labour market specifically aimed at persons with disabilities, including information on job opportunities in accessible formats and the development of skills to undergo competitive selection processes to access jobs;

(c) Support entrepreneurship among persons with disabilities including by providing training on accessing markets;

(d) Collect periodically statistics and information on persons with disabilities' access to work as a matter of public accountability.

Adequate standard of living and social protection (art. 28)

49. The Committee is concerned about the situation of poverty in households with persons with disabilities both in rural and urban areas and in particular among persons with disabilities in ethnic minority groups. It is also concerned about the lack of regularity in the distribution of support and services in rural areas and the absence of monitoring social assistance services for persons with disabilities.

50. The Committee recommends that the State party:

(a) Take steps to extend urgently the coverage of social protection schemes beyond persons with "severe disabilities" in order to ensure an adequate standard of living to all persons with disabilities who are not currently eligible for social protection schemes, and ensure that support services and social assistance for persons with disabilities are distributed on a regular basis and that progress in the living conditions of persons with disabilities is monitored; (b) Expand the coverage of the national development fund for persons with disabilities and facilitate the involvement of organizations of persons with disabilities in the formulation of their goals and priorities;

(c) Adopt measures to include persons with disabilities in post-2015 development policies, including monitoring with a community and rural focus, and ensure that the needs, perspectives and views of persons with disabilities are taken into account in such policies.

Participation in political and public life (art. 29)

51. The Committee is concerned about restrictions to the right of persons with disabilities to vote and stand for elections and the lack of measures to ensure the secret vote. It is also concerned about the lack of information on accessible information on voting procedures.

52. The Committee recommends that the State party:

(a) Repeal constitutional provisions that restrict the right of persons with disabilities to be elected as members of parliament and to vote on an equal basis with others;

(b) Guarantee full accessibility to polling stations throughout the country in election processes and design and develop election-related information on accessible formats for persons with disabilities.

Participation in cultural life, recreation, leisure and sport (art. 30)

53. The Committee notes that the State party has yet to ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.

54. The Committee encourages the State party to take all necessary steps to ratify and implement the Marrakesh Treaty as soon as possible.

C. Special obligations (arts. 31-33)

Statistics and data collection (art. 31)

55. The Committee is concerned about the lack of systems to collect information on the situation of persons with disabilities, including the barriers that they face to exercise their rights.

56. The Committee recommends that the State systematically facilitate the collection, analysis and dissemination of data disaggregated by sex, age, disability, indigenous communities, refugee or migrant status and geographical location across all sectors, including health, education, employment, political participation, access to justice, social protection and violence, by disability and according to other categories listed above, and that it amend the census questions, in close cooperation with organizations of persons with disabilities, to accurately reflect the population.

International cooperation (art. 32)

57. The Committee observes that organizations of persons with disabilities have not been consulted in the design of international cooperation projects and programmes.

58. The Committee recommends that the State party involve organizations of persons with disabilities in the implementation and monitoring of projects supported

by international cooperation, in order to ensure that they have an impact on progress towards the implementation of the Convention and the framework of the Sustainable Development Goals.

National implementation and monitoring (art. 33)

59. The Committee is concerned about the lack of clarity in the designation of a focal point or focal points for the implementation of the Convention within the Government and for a coordination mechanism. It is also concerned that the Kenya National Commission on Human Rights does not form part of the national mechanism for monitoring the Convention, and that the current mechanism does not comply with the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). It is further concerned at the absence of specific mechanisms for the participation of civil society organizations in the entire process of monitoring the Convention, as set out in article 33 (3) of the Convention.

60. The Committee recommends that the State party appoint explicitly a governmental body to be the focal point for the implementation of the Convention, and consider the appointment of a coordination mechanism under article 33 (1) and elaborate concretely on its prerogatives. It also recommends that the State party establish a national mechanism to monitor the implementation of the Convention, with the participation of the Kenya National Commission on Human Rights, as an institution in compliance with the Paris Principles, in line with article 33 (2) of the Convention, and ensure the full participation of persons with disabilities and their representative organizations in the monitoring process, including by providing the necessary funding.

Cooperation and technical assistance

61. Under article 37 of the Convention, the Committee can provide technical guidance to the State party on any queries addressed to the experts via the secretariat. The State party can also seek technical assistance from United Nations specialized agencies with offices in the country or the region.

Follow-up and dissemination

62. The Committee requests that the State party provide, within 12 months and in accordance with article 35 (2) of the Convention, information on the measures taken to implement the Committee's recommendations as set forth in paragraph 60 above.

63. The Committee also requests that the State party implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and parliament, officials in relevant ministries, local authorities, organizations of persons with disabilities and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.

64. The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.

Next report

65. The Committee requests that the State party submit its combined second, third and fourth reports by no later than 19 June 2022, and include therein information on the implementation of the present concluding observations. The Committee invites the State

party to consider submitting the above-mentioned reports under the Committee's simplified reporting procedure, according to which the Committee prepares a list of issues at least one year prior to the due date set for the report/combined reports of a State party. The replies of a State party to such a list of issues constitute its next report.