



## International Covenant on Civil and Political Rights

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### Human Rights Committee

#### **Report on follow-up to the concluding observations of the Human Rights Committee (109th session, 14 October–1 November 2013)**

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

1. The present report is submitted in accordance with rule 101, paragraph 3, of the Committee's rules of procedure, which reads: "The Special Rapporteur shall regularly report to the Committee on follow-up activities."

2. The report sets out the information received by the Special Rapporteur for follow-up on concluding observations between the 107th and 109th sessions, and the analyses and decisions adopted by the Committee during its 109th session. All the available information concerning the follow-up procedure used by the Committee since its eighty-seventh session, held in July 2006, is outlined in the table below.

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##### *Assessment of replies*

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##### Reply/action satisfactory

A Response largely satisfactory

##### Reply/action partially satisfactory

B1 Substantive action taken, but additional information required

B2 Initial action taken, but additional information and measures required

##### Reply/action not satisfactory

C1 Response received but actions taken do not implement the recommendation

C2 Response received but not relevant to the recommendations

##### No cooperation with the Committee

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

D2 No response received after reminder(s)

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*Assessment of replies*

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The measures taken are contrary to the Committee's recommendations

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

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## Eighty-seventh session (July 2006)

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*United Nations Interim Administration in  
Kosovo (UNMIK)*

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<b>Concluding observations:</b>	CCPR/C/UNK/CO/1, 27 July 2006
<b>Follow-up paragraphs:</b>	13, 18
<b>Second reply:</b>	Reply to the letter from the Committee dated 12 November 2012, received on 12 February 2013

### Follow-up history:

*April–September 2007:* Three reminders were sent.

*10 December 2007:* Request by the Special Rapporteur to meet with the Secretary-General's Special Representative or his designated representative.

*11 March 2008:* First follow-up reply from UNMIK. Reply incomplete with regard to paragraphs 13 and 18.

*11 June 2008:* Request by the Special Rapporteur to meet with a UNMIK representative.

*22 July 2008:* Meeting with Mr. Roque Raymundo.

*7 November 2008:* Second follow-up reply: incomplete. Request for supplementary information on paragraphs 13 and 18.

*12 November 2009:* Third follow-up reply: incomplete.

*28 September 2010:* Letter from the Committee requesting additional information.

*10 May 2011:* Request by the Special Rapporteur to meet with the Secretary-General's Special Representative for Kosovo.

*20 July 2011:* The Special Rapporteur met with the Director of the UNMIK Office of Legal Affairs (Mr. Tschoepke), who indicated that information would be forwarded by UNMIK before the October 2011 session.

*9 September 2011:* Letter from UNMIK stating that, while its institutional mandate no longer permitted it to implement the Committee's recommendations, it was committed to collecting information from international organizations involved in the situation.

*10 December 2011:* Letter from the Committee acknowledging the commitment by UNMIK to collect information on the implementation of the Committee's recommendations.

*22 December 2011:* Letter from the Committee to the Office of Legal Affairs (Ms. O'Brien) requesting advice on the general status of Kosovo and on the strategy to adopt

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in the future to maintain a dialogue with Kosovo.

*13 February 2012:* Fourth follow-up reply from UNMIK.

*12 November 2012:* Letter from the Committee indicating the lack of information with regard to part of paragraph 13 (access of the relatives of disappeared or abducted persons to information on their fate, and to adequate reparation) and regarding paragraph 18 (actions taken to create the conditions of security that are necessary for the sustainable return of displaced persons).

*12 February 2013:* Additional reply from UNMIK on paragraphs 13 and 18.

**Paragraph 13: UNMIK, in cooperation with PISG [the Provisional Institutions Self-Government], should effectively investigate all outstanding cases of disappearances and abductions and bring perpetrators to justice. It should ensure that the relatives of disappeared and abducted persons have access to information about the fate of the victims, as well as to adequate compensation.**

**Summary of the UNMIK reply:**

With regard to access by the relatives of those disappeared or abducted to information on the fate of the victims, article 5 of the Law on Missing Persons (Law No. 04/L-023 of 14 September 2011) guarantees the right of family members to be informed of the fate of missing persons.

EULEX Kosovo (European Union Rule of Law Mission in Kosovo) forensic experts have handed over the remains of 330 victims to their families and 80 are subject to ongoing investigations. There are, however, 1,760 persons still missing. EULEX and the Department of Forensic Medicine coordinate with family associations, individual families and other stakeholders to exchange information.

With regard to access to adequate reparation by the relatives of those disappeared or abducted, article 6 of the Law on Missing Persons foresees that a court can grant a daily fee to the relatives from the properties of the missing person.

In addition, article 5 of the Law No. 04/L-054 on the status and the rights of the martyrs, invalids, veterans, members of Kosovo Liberation Army, civilian victims of war and their families, in force since 1 January 2012, provides for a family pension for the close family of a missing civilian person.

According to the UNMIK reply dated 12 November 2009 (CCPR/C/UNK/CO/1/Add.3), although claims for compensation by family members of victims could be addressed to the Kosovo courts, generally, the criminal courts stated in criminal judgments that injured parties could pursue property claims in civil litigation. However, many families of missing persons did not have the financial resources to hire private attorneys to represent them in compensation claims. According to the information provided at the time, families of missing persons could obtain legal aid in compensation claims through the Legal Aid Commission. It is unknown if, with the new regime (after the unilateral declaration of independence), this is still the case.

**Committee's evaluation:**

**[A]:** With regard to access to information by the relatives of those disappeared or abducted about the fate of the victims, the response is largely satisfactory.

**[B1]:** With regard to access to adequate reparation by the relatives of those disappeared or abducted, substantive action has been taken, but UNMIK should provide additional

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information indicating which measures are in place to guarantee:

- (a) Access to adequate compensation to the relatives of the victims, which should cover material and moral damages; updated information on whether the relatives of missing people can access free legal aid in civil compensation claims, as well as how many compensation claims have been filed and how many have been granted, should be included;
- (b) Other forms of reparation, if appropriate, such as rehabilitation, restitution and satisfaction for the victims and their families.

**Paragraph 18: UNMIK, in cooperation with PISG, should intensify efforts to ensure safe conditions for sustainable returns of displaced persons, in particular those belonging to minorities. In particular, it should ensure that they may recover their property, receive compensation for damage done and benefit from rental schemes for property temporarily administered by the Kosovo Property Agency.**

**Summary of the UNMIK reply:**

- Ensuring safe conditions for sustainable returns of displaced persons:

In response to security incidents affecting returnees, international organizations have issued public condemnations strongly urging Kosovo to take actions to enhance security.

The Organization for Security and Co-operation in Europe (OSCE) implements training to enhance the effective functioning of community protection mechanisms at municipal level and the effectiveness of community policing. When there is resistance to returns, international organizations facilitate inter-ethnic dialogue. UNMIK and OSCE also monitor freedom of movement of communities, through reports on the provision of humanitarian bus transportation by Kosovo institutions. OSCE has secured the reinstatement of two suspended lines. No information has been provided on action undertaken by the local government.

According to the UNMIK reply dated 13 February 2012, 10 per cent of the minorities had returned to Kosovo. No more updated numbers have been provided since then.

- Post-conflict property restitution:

The work of the Kosovo Property Claims Commission (KPCC) within the Kosovo Property Agency (KPA) continues with regard to the assessment of property claims resulting from the 1998–1999 conflict. Since its creation in March 2011, the Supreme Court KPA Appeal Panel has decided on appeal the KPCC decisions. It has adjudicated more than 300 property cases.

- Compensation for damage done:

According to the UNMIK reply dated 13 February 2012 (CCPR/C/UNK/CO/1/Add.4) the KPA Supervisory Board approved the criteria and procedures for a compensation scheme, and prospective donors were approached to fund the compensation scheme. The declaratory orders issued by the Housing and Property Claims Commission, stating that claimants had some form of ownership over properties destroyed during the conflict, were transferred to EULEX.

- Rental schemes:

According to the UNMIK reply dated 13 February 2012 (CCPR/C/UNK/CO/1/Add.4),

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KPA operates a rental scheme that makes it possible for the owner (most of the time abroad) to receive a fixed income from their property by authorizing KPA to rent it.

**Committee's evaluation:**

**[B2]:** Additional measures remain necessary to ensure safe conditions for sustainable returns of displaced persons. UNMIK should indicate which measures are in place, including with regard to coordination between central and municipal level in the implementation of return strategies, community policing and community security mechanisms.

**[B2]:** More information is necessary with regard to the implementation of the KPA compensation scheme. The Committee requests UNMIK to provide additional information as soon as possible once such measures are being adopted.

**[A]:** With regard to post-conflict property restitution and rental schemes, the response is largely satisfactory.

**Recommended action:** A letter should be sent, informing UNMIK of the discontinuation of the follow-up procedure. Pending issues should be raised in the next list of issues or list of issues prior to reporting.

**Next periodic report:** See CCPR/C/SRB/CO/2, paragraph 3.

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## **Ninety-eighth session (March 2010)**

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*Uzbekistan*

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<b>Concluding observations:</b>	CCPR/C/UZB/CO/3, 24 March 2010
<b>Follow-up paragraphs:</b>	8, 11, 14, 24
<b>First reply:</b>	Due 24 March 2011; received 30 January 2012
<b>Committee's evaluation:</b>	Additional information required on paragraphs 8 [B2/D1], 11 [B1/B2/C1], 14 [B2] and 24 [D1]
<b>Second reply:</b>	Reply to the Committee's letter of 13 November 2012, received on 11 February 2013

**Paragraph 8: The State party should conduct a fully independent investigation and ensure that those responsible for the killings of persons in the Andijan events are prosecuted and, if found guilty, punished, and that victims and their relatives are given full compensation. The State party should review its regulations governing the use of firearms by the authorities, in order to ensure their full compliance with the provisions of the Covenant and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990).**

**Follow-up question:**

On paragraph 8, the Committee reiterated its request for information on:

- (a) The actions taken for the investigation of the Andijan events and prosecution of those responsible and on the decisions adopted against 39 internal affairs officials and members of the military; and

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(b) The measures taken to revise the regulations governing the use of firearms by the authorities, in order to ensure their full compliance with the provisions of the Covenant and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

**Summary of State party's reply:**

The State party repeats its previous reply (see CCPR/C/UZB/CO/3/Add.1, paras. 4, 5 and 6) on the investigation of the Andijan events and prosecution of those responsible, and on the decisions adopted against 39 internal affairs officials and members of the military. It does not provide any information on the measures taken to revise the regulations governing the use of firearms by authorities.

**Committee's evaluation:**

**[C1]:** On subparagraph (a), the State party repeats its previous reply. No response to the specific request for additional information has been provided.

**[D1]:** On paragraph (b), no reply was received on the revision of regulations governing the use of firearms by authorities.

**Paragraph 11: The State party should:**

- (a) Make sure that an inquiry is conducted by an independent body in each case of alleged torture;**
- (b) Strengthen its measures to put an end to torture and other forms of ill-treatment, to monitor, investigate and, where appropriate, prosecute and punish all perpetrators of acts of ill-treatment, so as to avoid impunity;**
- (c) Compensate the victims of torture and ill-treatment;**
- (d) Envisage audiovisual recording of interrogations in all police stations and places of detention;**
- (e) Make sure that the specialized medical-psychological examination of alleged cases of ill-treatment is carried out in line with the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol);**
- (f) Review all criminal cases based on allegedly forced confessions and use of torture and ill-treatment and verify whether these claims were properly addressed.**

**Follow-up question:**

The Committee requested additional information on:

- (a) The independence of the authority in charge of the investigation into cases of torture and other cruel, inhuman or degrading treatment or punishment, given that such authorities depend on the Ministry of Interior;
- (b) Measures taken other than training to put an end to torture and other forms of ill-treatment and to avoid impunity;
- (c) The proportion of cases in which victims of torture and other forms of ill-treatment have received compensation, and on the nature and amount of the reparation received, as well as on the psychosocial attention that they receive;
- (d) The practical implementation of the principles of criminal procedure law with regard to the audiovisual recording of interrogations in all police stations and places of

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detention: the proportion of investigative units, temporary detention cells, remand centres, police cells and prisons that are equipped for the audiovisual recording of interrogations; and the proportion of cases in which such recording is carried out;

(f) The actual implementation of the legal prohibition of forced confessions and of the use of torture and ill-treatment, and on the decisions adopted in such cases.

**Summary of State party's reply:**

On subparagraphs (a) and (b): The State party repeats its previous reply (see CCPR/C/UZB/CO/3/Add.1, paras. 14–17 and 19).

On subparagraph (c): The State party repeats its previous reply (see CCPR/C/UZB/CO/3/Add.1, paras. 30 and 31) that the Code of Criminal Procedure provides for an individual's rehabilitation, including its grounds and consequences, as well as the procedure for compensation and the restoration of other rights. It refers to other provisions of domestic law regulating the issue of compensation for damage caused by the unlawful actions of the initial inquiry bodies, preliminary investigating bodies, procurator and courts.

On subparagraph (d): The State party indicates that article 91 of the Code of Criminal Procedure provides for the use of audio and video recordings, photography and other technical means for recording evidence. In order to prevent the unlawful treatment of parties to criminal proceedings, the question of additional equipping of temporary detention cells, investigation detention facilities and facilities of penitentiary system with special technical means, audio and video-recording equipment is being studied.

On subparagraph (f): The State party repeats its previous reply (see CCPR/C/UZB/CO/3/Add.1, paras. 43–48) on the prohibition of coercion of a suspect, accused person, defendant, victim, witness or other person involved in a case into giving testimony by means of violence, threats, infringement of their rights or by other illegal measures, as well as on the inadmissibility of evidence obtained by use of any of the above unlawful means.

**Committee's evaluation:**

[C1]: The State party repeats its previous reply and provides no information on the specific issues as requested in the Rapporteur's letter of 13 November 2012.

**Paragraph 14: The State party should:**

**(a) Amend its legislation to ensure that length of custody is fully in line with the provisions of article 9 of the Covenant;**

**(b) Ensure that the legislation governing judicial control of detention (habeas corpus) is fully applied throughout the country, in compliance with article 9 of the Covenant.**

**Follow-up question:**

The Committee requested additional information on the measures taken to amend domestic legislation and guarantee its compliance with the provisions of article 9 of the Covenant, and to ensure that the legislation governing judicial control of detention (habeas corpus) is fully applied throughout the country.

**Summary of State party's reply:**

The Code of Criminal Procedure defines the grounds and procedure for the detention of

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persons suspected of having committed an offence for 72 hours. Within this period, it is necessary to conduct a medical examination of the person and to take procedural actions to secure incriminating evidence, to submit the materials to the prosecutor with a request for remand in custody, and to transmit the prosecutor's ruling and materials of the case to court not later than 12 hours before the expiration of the period of detention.

The State party further repeats its previous reply (see CCPR/C/UZB/CO/3/Add.1, paras. 54–56) on the possibility of extending the period of detention by court order for a further 48 hours and on the introduction of the institution of habeas corpus in Uzbekistan. It also submits that article 9 of the Covenant does not specify any precise time limits, but only states that any person arrested or detained on a criminal charge shall be brought promptly before a judge.

Regular control over the legality and reasonableness of court decisions on the use of remand in custody during pretrial proceedings has been established following the adoption of the joint directive of the General Prosecutor's Office, the Ministry of Internal Affairs, the National Security Service and the Supreme Court of Uzbekistan of 17 August 2010 on further strengthening the protection of the rights and freedoms of citizens in the application of preventive measures in the form of imprisonment and sentencing to deprivation of liberty.

**Committee's evaluation:**

[C1]: The recommendation has not been implemented. No measures appear to have been taken to amend the existing 72-hour period of detention of persons suspected of having committed an offence before bringing them before a judge. The State party's reply also lacks information on measures taken to ensure that the legislation governing judicial control of detention (habeas corpus) is fully applied throughout the country.

**Paragraph 24: The State party should allow representatives of international organizations and NGOs to enter and work in the country and guarantee journalists and human rights defenders in Uzbekistan the right to freedom of expression in the conduct of their activities. It should also:**

- (a) Take immediate action to provide effective protection to journalists and human rights defenders who were subjected to assaults, threats, and intimidations due to their professional activities;**
- (b) Ensure the prompt, effective, and impartial investigation of threats, harassment, and assaults on journalists and human rights defenders and, when appropriate, prosecute and institute proceedings against the perpetrators of such acts;**
- (c) Provide the Committee with detailed information on all cases of criminal prosecutions relating to threats, intimidation, and assaults of journalists and human rights defenders in the State party in its next periodic report;**
- (d) Review the provisions on defamation and insult (arts. 139 and 140 of the Criminal Code) and ensure that they are not used to harass, intimidate, or convict journalists or human rights defenders.**

**Follow-up question:**

The Committee requested information on:

- The protective measures adopted to prevent assaults, threats, and intimidations against journalists and human rights defenders due to their professional activities.

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- The review of the provisions on defamation and insult (arts. 139 and 140 of the Criminal Code) and on the measures taken to ensure that they are not used to harass, intimidate, or convict journalists or human rights defenders.

**Summary of State party's reply:**

The Committee's assertion concerning cases of assaults of, threats to and intimidation of journalists and human rights defenders and their criminal prosecution due to their professional activities does not correspond to reality. When reported to competent authorities, such cases are examined in accordance with the requirements of national legislation and necessary measures are taken, including initiation of criminal cases where applicable.

**Committee's evaluation:**

[C2]: The recommendation has not been implemented. No new measures appear to have been taken since the examination of the State party's report. The State party denies the existence of the problem. No information is provided on the review of the provisions on defamation and insult and on the measures taken to ensure that these provisions are not used to harass, intimidate, or convict journalists or human rights defenders.

**Recommended action:**

A letter should be sent informing Uzbekistan of the discontinuation of the follow-up procedure. Pending issues should be raised in the next list of issues.

**Next periodic report:** Uzbekistan submitted its next periodic report (fourth) on 5 April 2013.

**101st session (March 2011)***Slovakia*

<b>Concluding observations:</b>	CCPR/C/SVK/CO/3, 28 March 2011
<b>Follow-up paragraphs:</b>	7, 8, 13
<b>First reply:</b>	Due 28 March 2012; received 28 March 2012
<b>Committee's evaluation:</b>	Additional information required on paragraphs 7 [C1], 8 [B2] and 13 [C1]
<b>Second reply:</b>	Reply to the Committee's letter of 12 November 2012, received on 29 April 2013
<b>NGO information:</b>	the European Roma Rights Centre (ERRC) and the Center for Civil and Human Rights (CCHR-P)

**Paragraph 7: The State party is encouraged to ensure that such a bill is enacted into law to provide a remedy to persons who allege an infringement of their rights arising from the incompatibility of provisions of national law with international treaties that the State party has ratified.**

*Slovakia*

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**Follow-up question:**

The Committee requested additional information on the remedies available for victims for the violation of their rights under the Covenant.

**Summary of State party's reply:**

The State party repeats its previous reply that it would not be possible to enact bill No. 38/1993 Coll. so as to provide a remedy to persons for infringement of their rights under the Covenant, because that would require an amendment of the Constitution.

**NGO information:**

ERRC and the CCHR-P are not aware of any action taken by the State party to enact the above-mentioned law.

**Committee's evaluation:**

[C2]: The State party has not taken measures to implement the recommendation other than stating that the enactment of the referred law would require amending the Constitution.

**Paragraph 8: The State party should strengthen its efforts to combat racist attacks committed by law enforcement personnel, particularly against Roma, by, inter alia, providing special training to law enforcement personnel aimed at promoting respect for human rights and tolerance for diversity. The State party should also strengthen its efforts to ensure that police officers suspected of committing such offences are thoroughly investigated and prosecuted, and if convicted, punished with appropriate sanctions, and that the victims are adequately compensated.**

**Follow-up question:**

The Committee requested additional information on the compensation received by victims of racist acts perpetrated by law enforcement officers, as well as on the available mechanisms of investigation, prosecution and punishment of law enforcement officers who have committed such crimes.

**Summary of State party's reply:**

- Reference is made to article 128(1) of the Criminal Code which sanctions crimes committed by public officials, including the police corps. In addition, committing an extremist crime or racially motivated *χρime* by a public official is a reason for applying a stricter criminal sanction.
- The Act on the compensation of persons injured by violent criminal acts enables financial compensation to victims of violent crimes without any discrimination.
- Victims of crimes have the right to be informed in writing of their rights in criminal proceedings, as well as to be informed about NGOs *προσπίδινγ* free legal aid. Legal representation can also be sought from these NGOs.
- Criminal acts committed by the police force are investigated by the Department of Control and Inspection Service of the Ministry of Interior; in such cases a police investigator integrated in the Inspection Section acts in the criminal process, and all decisions issued by the police investigator on the merits of the case are reviewed by the prosecutor's office.

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*Slovakia*

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**NGO information:**

**CCHR-P:**

The State party has not taken sufficient action to eliminate racist attacks by the police, and statistical data on police ill-treatment is not collected. Some training has been conducted by law enforcement agencies but the impact of these training efforts has not been evaluated. As for the investigation of racist attacks, CCHR-P is not aware of any progress to ensure thorough investigation of such acts. In many cases of police ill-treatment against Roma, there is a lack of effective investigation, and investigators often discontinue proceedings at the early stage of criminal investigation. The impartiality of the investigation carried out by the special section of the Ministry of Interior is disputable.

**ERRC:**

The principal document dealing with cases of extremism is the Concept Paper for Combating Extremism 2011–2014. While the concept paper introduces various training measures directed to the police and aimed at fighting extremism and describes the phenomenon of extremism in detail, it lacks practical elements. There was no evidence that the training took place in reality. A protocol for the police on how to investigate and prosecute hate crimes was still absent.

**Committee's evaluation:**

[B2]: With regard to training for law enforcement personnel, while the Committee appreciates the fact that some training has been carried out by the State party, it requires more information on the frequency of this training and whether they integrated the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

[C1]: On the mechanism of investigation, the Committee regrets that no information was offered on whether compensation has actually been provided to victims of racial attacks. Additional information is required concerning the mechanism for the investigation carried out by the special section of the Ministry of Interior in order to assess its adherence to international standards of investigation, including impartiality. Moreover, no information was provided on the prosecution and punishment of law enforcement officers who committed such crimes.

**Paragraph 13: The State party should take the necessary measures to monitor the implementation of Act No. 576/2004 Coll. to ensure that all procedures are followed in obtaining the full and informed consent of women, particularly Roma women, who seek sterilization services at health facilities. In this regard, the State party should introduce special training for health personnel aimed at raising awareness about the harmful effects of forced sterilization.**

**Follow-up question:**

The Committee considered that positive actions have been taken, but that no information is provided on the actions taken to monitor the implementation of Act No. 576/2004 to ensure that all procedures are followed in obtaining the full and informed consent of women, particularly Roma women, who seek sterilization services at health facilities. The Committee therefore reiterates its recommendation and requests the State party to provide information on the issue.

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**Summary of State party's reply:**

- The law amending Act No. 576/2004 modified the procedure for obtaining women's consent to perform sterilization, as well as the forms for giving informed consent in the State language and minority languages.
- A draft decree of the Ministry of Health is being prepared on guidelines to be followed prior to obtaining the women's consent and to performing the sterilization; it was expected to have been operationalized by 1 April 2013.
- Training for health professionals is provided by the Ministry of Health on forced sterilization of Roma women.

**NGO information:**

**CCHR-P:**

Following the European Court of Human Rights decision (*V.C. v. Slovakia*) against Slovakia in which the Court decided in favour of a Romani woman who was involuntarily sterilized by a Slovak State hospital, the Slovak Minister of Justice expressed regret at the illegal interference with the Romani woman's rights and in other cases of illegal sterilization. In February 2012 an advisory body to the Government issued resolution No. 37 on unlawful sterilization; inter alia, the resolution recommended that the State party issue relevant regulations for hospitals on unifying the process of performing sterilization with informed consent, as well as monitor the implementation of the existing legislation on performing sterilization and carry out training for health personnel. However, the resolution has not been implemented by the State party. CCHR-P is not aware of any training carried out for health personnel aimed at raising awareness about the harmful effects of forced sterilization.

**ERRC:**

The Ministry of Labour, Social Affairs and Family proposed legislation to offer free-of-charge (voluntary) sterilization for women from socially excluded communities. The bill was shelved immediately after release due to civil society criticism. ERRC states that Slovak authorities have never recognized that forced sterilization was a systematic issue.

**Committee's evaluation:**

**[B2]:** The State party's reply lacks information on how in practice it is guaranteeing that the fully informed consent of women is obtained prior to sterilization. No information is provided on if and how the implementation of the Act No. 576/2004 is monitored. Additional information is also required on the draft decree prepared by the Ministry of Health on guidelines to be followed prior to obtaining the women's consent and performing the sterilization, and on steps taken to ensure its implementation.

**Recommended action:** A letter should be sent reflecting the Committee's analysis and informing Slovakia of the discontinuation of the follow-up procedure. Pending issues should be raised in the next list of issues.

**Next periodic report:** 1 April 2015

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## **102nd session (July 2011)**

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*Bulgaria*

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*Bulgaria*

<b>Concluding observations:</b>	CCPR/C/BGR/CO/3, 25 July 2011
<b>Follow-up paragraphs:</b>	8, 11, 21
<b>First reply:</b>	Due 19 August 2012; received 31 January 2013.

**Paragraph 8: The State party should take the necessary measures to eradicate all forms of harassment by the police and ill-treatment during police investigations, including prompt investigations, the prosecution of perpetrators and the adoption of provisions for effective protection and remedies to the victims. The requisite level of independence of the judicial investigations involving law enforcement officials should be guaranteed. The State party should ensure the creation and implementation of an independent oversight mechanism on prosecution and convictions in the cases of complaints against criminal conduct by members of the police.**

**Summary of State party's reply:**

The State party reiterated that the Permanent Commission on Human Rights and Police Ethics was established by the Ministry of Interior to ensure a permanent mechanism for monitoring and supervision of the activities of the police.

The Ministry of Interior has also established a special registration system for complaints of alleged ill-treatment by police officers. Another monitoring mechanism, established within the administrative structure of the Ministry, is the Inspection Directorate, which can investigate and proceed with complaints against any Ministry of Interior employee or police officer for alleged violations of the law.

The Code of Ethics for civil servants at the Ministry was amended in December 2011. It prescribes ethical standards relating to the conduct and public image of civil servants, and includes rules aimed at preventing human rights violations. Violations of the rules of conduct of civil servants are considered a disciplinary offence, in which case the appropriate disciplinary action is brought against the offender.

According to the latest amendments to the Ombudsman Act, on 10 April 2012, the Ombudsman will act as the national preventive mechanism under and in accordance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In March 2012, the Police Academy started a new course on "Police Practices and Human Rights". The course covers the legal amendments related to the recently introduced "absolute necessity" criterion in the use of firearms, equipment and physical force. Special emphasis is given to the prohibition of torture, cruel or degrading treatment or punishment. Also in March 2012, the Police Academy conducted a training course on "Combating Hate Crimes". In December 2011, a training seminar was held for members of the Standing Committee on Human Rights and Police Ethics on "Recent decisions of the European Court of Human Rights in the context of police ethics".

**Committee's evaluation:**

**[B2]:** While the report indicates local measures to implement the Committee's recommendation, including training organized for police officers, additional information should be requested on:

- (a) Information and data on investigations, the prosecution of perpetrators and the adoption of provisions for effective protection and remedies to the victims;
- (b) Data on the incidence of all forms of harassment by the police and ill-treatment

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during police investigations; and

(c) Measures taken to create an oversight mechanism on prosecution and convictions in the case of complaints against criminal conduct by members of the police.

**Paragraph 11: The State party should ensure, as a matter of urgency, the conformity of its legislation and regulations with the exigencies of the right to life, in particular as reflected in the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.**

**Summary of State party's reply:**

The State party reiterates that the use of force, means of restraint and firearms are exhaustively regulated by law. Police officers whose functions involve actions which may affect citizens' rights or freedoms undergo mandatory training.

The Ministry of Interior initiated and held a public discussion on the need to amend the Ministry of Interior Act regarding the use of firearms by police authorities, to bring its provisions in line with the European Convention of Human Rights and other international treaties to which Bulgaria is a party. As a result, the Ministry set up a working group to draft proposals for amendments to the Ministry of Interior Act. The Act on Amendments to the Ministry of Interior Act was adopted and has been in force since 1 July, 2012. An important point is that the "absolute necessity" standard has been introduced for the use of weapons, physical force and means of restraint by police authorities, thus completing the legal framework ensuring that the rights of citizens are respected.

When resorting to physical force and means of restraint, police authorities only apply the force which is absolutely necessary, taking all measures to protect the life and health of persons against whom such force is applied. The use of physical force and means of restraint in relation to persons who are visibly minors and to pregnant women is prohibited; the prohibition does not apply to riot control measures where all other means have been exhausted. The use of life-threatening force to arrest or prevent the escape of a person who is committing or has committed a violent offence is prohibited where such person does not endanger the life and health of others.

**Committee's evaluation:**

[B1]: Positive measures were taken by the State party. A copy of the Act on Amendments to the Ministry of Interior Act, in force since 1 July 2012, should be requested to assess its compliance with international standards on the use of lethal force and article 6 of the Covenant.

**Paragraph 21: The State party should make sure that the principle of independence of the judiciary is fully respected and understood, and should develop awareness-raising activities on the key values of an independent judiciary aimed at the judicial authorities, law enforcement officials and for the population at large.**

**Summary of State party's reply:**

The principle of the independence of the judiciary is firmly enshrined in the State party's Constitution and in the Judiciary System Act. The State party reiterated the importance of articles 117, 119 and 121 of the Constitution and article 20 of the Code of Criminal Procedure.

**Committee's evaluation:**

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*Bulgaria*

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**[C1]:** No measures have been adopted and the Committee reiterates its recommendation. Additional information should be provided by the State party on the progress realized by the State party to ensure that the principle of independence of the judiciary is fully respected, in particular if the State party has conducted any awareness-raising activities on the key values of an independent judiciary aimed at judicial authorities, law enforcement officials and/or for the population at large.

**Recommended action:** Letter reflecting the Committee's analysis.

**Next periodic report:** 29 July 2015

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## 103rd session (November 2011)

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*Kuwait*

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<b>Concluding observations:</b>	CCPR/C/KWT/CO/2, 2 November 2011
<b>Follow-up paragraphs:</b>	18, 19, 25
<b>First reply:</b>	Due 18 November 2012; received 27 April 2012
<b>Committee's evaluation:</b>	Additional information required on paragraphs 18 [C2], 19 [B2 and D1] and 25 [C1].
<b>Second reply:</b>	Reply to the Committee's letter of 12 November 2012, received on 6 April 2013.

**NGO information:** Alkarama Foundation: 1 July 2013; 25 July 2013

**Paragraph 18: The State party should abandon the sponsorship system and should enact a framework that guarantees the respect for the rights of migrant domestic workers. The State party should also create a mechanism that actively controls the respect for legislation and regulations by employers and investigates and sanctions their violations, and that does not depend excessively on the initiative of the workers themselves.**

**Follow-up question:**

Regarding paragraph 18, the Committee considered that the recommendation contained therein was not implemented and that additional information is necessary on:

- Measures adopted by the general authority established under Act No. 6/2010 to overcome the negative aspects of the sponsorship system and on its competency with regard to domestic workers and
- Human and financial resources for the general authority mentioned.

**Summary of State party's reply:**

Pursuant to Act No. 6/2010 on Private Sector Labour, a general authority to address workforce issues under the Ministry of Labour and Social Affairs is to be established. The bill concerning the establishment of the general authority in question has passed a first reading in the National Assembly, and was referred to the Committee on Social and Health Affairs for comments before going to second reading. The structural body of the general authority was set out and will be taken up once the bill is promulgated.

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*Kuwait*

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As for the general authority on domestic workers, its role will be complementary to the current one played by the Ministry, including the monitoring of accommodation centres of domestic workers.

Besides the creation of the above-mentioned authority, the Ministry of Labour and Social Affairs has taken other measures to combat the negative aspects of the sponsorship system, through issuing rulings in line with Act No. 6/2010, as well as relevant ministerial decisions, including on domestic workers' salaries and freedom of domestic workers to change their employers.

**NGO information:**

The sponsorship system remains in place and no firm steps have been taken to abolish this system. The 2010 labour law does not cover migrant domestic workers.

The envisaged general authority, a Government-owned company, has not yet been yet established (as of July 2013), although that should have been achieved by end of 2012.

**Committee's evaluation:**

[C1]: The recommendation has not yet been implemented, and the State party's reply does not provide any new information with regard to the creation of the general authority. Additional information should be required on the expected timeline for the creation of the authority mentioned in accordance with Act No. 6/2010, and on measures taken by the authority to "eliminate the negative aspects of the sponsorship system" since the adoption of the Committee's concluding observations.

**Paragraph 19: The State party should adopt legislation to ensure that anyone arrested or detained on a criminal charge is brought before a judge within 48 hours. The State party should also guarantee that all other aspects of its law and practice on pretrial detention are harmonized with the requirements of article 9 of the Covenant, including by providing detained persons with immediate access to counsel and contact with their families.**

**Follow-up question:**

Complementary information was sought by the Committee on the:

- Steps taken to adopt the bill referred to in the State party's follow-up report that amends article 60(2) and 69 of the Code of Criminal Procedure and
- Measures taken to ensure that everyone arrested or detained on a criminal charge is brought before a judge within 48 hours.

**Summary of State party's reply:**

The State party did not submit any additional information on the above-mentioned issues.

**NGO information:**

On 1 July 2013, the Alkarama Foundation stated that the State party had satisfied the recommendation in March 2012 by adopting the Act No. 3/2012 amending Act No. 17/1960 that reduces the period of police custody to 48 hours (new art. 60(2) of the Code of Criminal Procedure), and reduces the period of pretrial detention to 10 days (new art. 69 of the Code of Criminal Procedure). The new amendments appeared to be respected in practice.

In the most recent submission submitted by the Alkarama Foundation on 25 July 2013,

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*Kuwait*

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Alkarama claims that the changes in legislation may not reflect the facts on the ground and that it is not aware of measures taken to ensure that anyone arrested is brought before a judge within 48 hours.

**Committee's evaluation:**

**[B1]:** The State party has made substantial progress in implementing the recommendation contained in paragraph 19, but additional information is required about the application of the new law adopted.

**Paragraph 25: The State party should revise the Press and Publication Law and related laws in accordance with the Committee's general comment No. 34 (2011) in order to guarantee all persons the full exercise of their freedoms of opinion and expression. The State party should also protect media pluralism, and should consider decriminalizing defamation.**

**Follow-up question:**

The Committee considered that no information was provided and that the recommendation had therefore not been implemented. Taking into consideration the State party's comment that the issue of restrictions on freedom of expression "does not fall within the purview of the Ministry of the Interior", the Committee recalled paragraph 4 of its general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant, and thus requested additional information on measures to implement paragraph 25 as a whole.

**Summary of State party's reply:**

The State party did not submit any additional information on the implementation of paragraph 25.

**NGO information:**

The State party has not revised the Press and Publications Law; instead it adopted in May 2013 a law on the protection of national unity, which puts further strain on the exercise of the freedom of expression. Moreover in April 2013 a draft law called the unified media law was presented, which further restricts the freedom of expression. In addition, the number of defamation lawsuits against media organizations and individuals has only risen since November 2011.

**Committee's evaluation:**

**[E]:** It appears that the exercise of the freedom of expression has become more of a concern since the last review. The State party has not withdrawn from its previous stand that the freedom of expression falls outside the mandate of the Ministry of Interior, with a resulting lack of reply on the implementation of paragraph 25 of the Committee's concluding observations. It further has not provided any information on measures taken to comply with paragraph 25. No additional information to be sought since it is the second time that the State party has ignored the Committee's requests to provide information on the implementation of paragraph 25.

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

**Next periodic report:** 1 April 2015

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## 104th session (March 2012)

### *Guatemala*

<b>Concluding observations:</b>	CCPR/C/GTM/CO/3, 28 March 2012
<b>Follow-up paragraphs:</b>	7, 21, 22
<b>First reply:</b>	Due 19 April 2013; received 20 June 2013

**Paragraph 7: The State party should ensure that the reparations measures adopted under the National Reparations Programme systematically include comprehensive care with cultural and linguistic relevance, with a focus on psychosocial support, restoration of dignity and recovery of historical memory. For that purpose, the State party should establish mechanisms for coordination and partnerships with the sectors specializing in that field, and provide the institutions that help to implement the reparations measures with specialized staff and the necessary resources to carry out their functions throughout the country.**

#### **Summary of State party's reply:**

The State party reiterated that the National Reparations Programme, established by the National Reconciliation Act, aims to fully compensate victims of the internal armed conflict by providing comprehensive reparations focused on restoration of the dignity of victims. The Programme provides reparation to the victims, which not only includes economic reparations, but also psychosocial care, symbolic reparations, medical assistance, and others.

The Guidelines on Criteria to Implement Reparation Measures covers the following reparation measures: restoration of the dignity of the victims; symbolic reparations; cultural reparation; psychosocial care; rehabilitation; material restitution; and economic reparation.

#### **Committee's evaluation:**

[B2] While the report indicates measures to implement the Committee's recommendation, additional information should be requested on:

- (a) The implementation of reparation measures with a focus on restoration of dignity, psychosocial support, rehabilitation and recovery of historical memory;
- (b) The number of compensation claims filed in 2012; and
- (c) The remedies provided for victims in 2012, disaggregated by type of reparation measures.

**Paragraph 21: In order to promote and facilitate the mechanisms for justice, truth and reparation for victims of forced disappearances committed during the armed conflict, the State party should adopt draft act No. 3590 on the establishment of a national commission to investigate the whereabouts of disappeared persons, provide it with the necessary human and material resources and establish a single centralized registry of disappeared persons.**

#### **Summary of State party's reply:**

The State party reiterated that efforts are continuing to adopt draft act No. 3590. The draft act was reviewed by the Congressional Commission on Public Finance and Currency, which gave a favourable opinion in August 2007. In March 2011, the Commission on Legislative and Constitutional Affairs also gave a favourable opinion.

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*Guatemala*

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Since 22 November 2012, some consultations have been carried out with governmental ministries. Currently, the Minister of Culture and Sports is being consulted and four additional ministries remain to be consulted. Following these consultations, the draft act will be discussed in Congress.

**Committee's evaluation:**

**[B2]:** Additional measures remain necessary to adopt the draft act No. 3590 on the establishment of a national commission to investigate the whereabouts of disappeared persons. The Committee requests the State party to provide additional information as soon as possible once such measures are being adopted.

**Paragraph 22: The State party should publicly acknowledge the contribution of human rights defenders to justice and democracy. It should also take immediate measures to provide effective protection for defenders whose lives and security are endangered by their professional activities and also to support the immediate, effective and impartial investigation of threats, attacks and assassinations of human rights defenders, and to prosecute and punish the perpetrators. The State party should provide the Unit for the Analysis of Attacks against Human Rights Defenders with the human and material resources that it needs to carry out its functions and to ensure the participation at the highest level of State institutions with decision-making power.**

**Summary of State party's reply:**

The State party reiterated its full recognition of the important work carried out by human rights defenders in Guatemala. It firmly denied the existence of campaigns to undermine the initiatives of civil society organizations.

The State party reiterated that, in 2008, the Office for Analysis of Attacks on Human Rights Defenders became operational under ministerial agreement No. 103-2008. Its role is to analyse patterns of attacks on human rights observers and defenders. This agreement served as a basis to develop a national programme for the protection of journalists.

Under the National Programme for the Protection of Journalists, strategies were developed to better coordinate national institutions, with the aim of investigating violations against human rights defenders, recommending technical criteria to determine the risk and vulnerability of human rights defenders and collecting information on the implementation of preventive and protective measures.

The State party plans to establish a cooperation agreement with the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights to strengthen the protection of journalists and social communicators.

The Presidential Commission for Coordinating Executive Policy in the Field of Human Rights (COPREDEH) is the institution responsible for monitoring the security and protective measure requests and lawsuits against Guatemala in the Inter-American System and the United Nations system. The security and protective measures granted to human rights defenders are implemented by the Ministry of Interior, through the national police.

**Committee's evaluation:**

**[D1]:** In relation to the request to publicly acknowledge the contribution of human rights defenders to justice and democracy, no information was provided on whether the

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*Guatemala*

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State party intends to do so. The recommendation has therefore not been implemented and information remains necessary.

**[B2]:** Concerning the effective protection for human rights defenders, additional information should be requested on (a) investigations, the prosecution of perpetrators and the adoption of provisions for effective protection and remedies to the defenders; (b) measures taken to strengthen the measures for protection of human rights defenders; and (c) measures taken to encourage the presentation of claims before the national protective mechanism by human rights defenders.

**[C2]:** Concerning the Office for Analysis of Attacks on Human Rights Defenders, the State party does not provide information on (a) human and material resources provided for the Office; and (b) its efforts to ensure the participation at the highest level of State institutions with decision-making power. The recommendation has therefore not been implemented and information remains necessary.

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

**Next periodic report:** 30 March 2016

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*Turkmenistan*

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**Concluding observations:** CCPR/C/TKM/CO/1, 28 March 2012

**Follow-up paragraphs:** 9, 13, 18

**First reply:** Due 19 April 2013; received 31 August 2012

**NGO information:** Joint submission by the Centre for Civil and Political Rights, the Turkmen Initiative for Human Rights (TIHR) and the International Partnership for Human Rights (IPHR)

**Note by the Secretariat:** The State party provides information on the implementation of most of the Committee's recommendations made in the concluding observations. The analysis takes into account only the information provided on the implementation of the Committee's recommendations made in paragraphs 9, 13 and 18.

**Paragraph 9: The Committee recommends that the State party:**

(a) **Revise its Criminal Code in order to incorporate a definition of torture that is in line with the definition under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;**

(b) **Take appropriate measures to put an end to torture by, inter alia, establishing an independent oversight body to carry out independent inspections and investigations in all places of detention of alleged misconduct by law enforcement officials;**

(c) **Ensure that law enforcement personnel continue to receive training on the prevention of torture and ill-treatment by integrating the 1999 Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol) in all training programmes for law enforcement officials. The State party should also ensure that allegations of torture and ill-treatment are effectively investigated, and that perpetrators are prosecuted and punished with appropriate sanctions, and that the**

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*Turkmenistan*

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**victims receive adequate reparation; and**

**(d) Allow visits by recognized international humanitarian organizations to all places of detention.**

**Summary of State party's reply:**

On subparagraph (a), there is no language in the Criminal Code of Turkmenistan that explicitly makes torture a punishable offence. The Code does, however, cover the infliction of physical and moral suffering under other offences, inter alia: wilfully causing grievous bodily harm (art. 107) and moderate bodily harm (art. 108); battery (art. 112); causing intolerable suffering (art. 113); abuse of authority (art. 181), exceeding authority (art. 182) and abuse of power or office (art. 358); and others.

On subparagraph (b), the establishment of supervisory commissions is allowing extensive civil surveillance of places and conditions of detention. In accordance with the Presidential Decision of 31 March 2010 approving the regulations governing the supervisory commissions, such commissions have been set up under the Cabinet of Ministers in Ashgabat, the provinces, districts and districts with city status to work with convicted persons and persons under surveillance after release from prison. They monitor the compliance with the law by the penal enforcement services and work with convicts serving sentences and persons released on parole. District and city commissions for minors' affairs also monitor the treatment of juvenile offenders.

On subparagraph (c), training for personnel of internal affairs bodies includes a module on international human rights law and standards. In cooperation with international organizations, in particular the Organization for Security and Co-operation in Europe Centre in Ashgabat, and the S.A. Niyazov Institute, regular seminars, courses and training sessions are run for correctional services personnel on international legal standards governing the treatment of prisoners. Seminars were also carried out on topics such as education, rehabilitation, social reintegration of prisoners and the establishment in the job market of convicts, as well as the treatment of drug addicts in rehabilitation centres.

Under the law, criminal proceedings are to be brought without delay against anyone suspected of torture or ill-treatment; a thorough, impartial investigation must be conducted in conformity with the law governing criminal procedure. Where the evidence emerging from preliminary investigations so warrants, suspects are to be charged and sent for trial. Where there is sufficient evidence of guilt, the court may convict the suspect.

On subparagraph (d), the State party submits that, on 16 July 2011, a delegation of the International Committee of the Red Cross (ICRC) visited the AN-R/4 occupational therapy centre at Ahal province police department. Another ICRC delegation visited Turkmenistan from 5 to 11 April 2012. During the visit, a group of ICRC delegates, including a doctor, undertook a fact-finding trip to Dashoguz on 6 April 2012, and to the police-run MK-K/18 institution for juvenile offenders in Mary province on 7 April.

**NGO information:**

On subparagraph (a), the Criminal Code of Turkmenistan still does not contain any provisions that specifically define and provide for liability for torture.

On subparagraph (b), there has been no progress in this respect since March 2012, and the authorities have failed to put in place an independent and effective mechanism to monitor prison and detention facilities. Serious restrictions continue to be imposed on

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*Turkmenistan*

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access to such facilities.

On subparagraph (c), there are no indications that the Turkmen authorities have taken any effective measures to enhance efforts to investigate and punish torture and ill-treatment. Allegations of torture and ill-treatment are not investigated in an independent and adequate way and perpetrators, as a rule, escape accountability, resulting in widespread impunity for abuse.

On subparagraph (d), while the authorities have organized a few “familiarization” visits for ICRC representatives to selected detention sites, this organization has not been granted unhindered access to all places of detention, which would enable it to carry out thorough, including private, discussions with detainees of its choice and repeat visits as often as deemed necessary. While ICRC has not made public any conclusions from the limited visits carried out in Turkmenistan, an ICRC representative was quoted in media as saying that delegates were not able to hold private meetings with inmates during either visit.<sup>1</sup> No other independent international organizations have been allowed to visit any detention facilities in the country.

**Committee’s evaluation:**

**[C2]:** With regard to subparagraph (a):

(a) There has been no revision of the Criminal Code to incorporate a definition of torture.

**[C2]:** With regard to subparagraphs (b) and (c):

(b) No measures appear to have been taken since March 2012 to establish an independent oversight body to carry out independent inspections and investigations in all places of detention. While the State party refers to the existence of monitoring and supervisory commissions, no details on the composition, mandate and independence of supervisory commissions have been provided. Furthermore, these commissions appear to have been set up in 2010, i.e., before the adoption of the Committee’s concluding observations, and thus their establishment cannot be viewed as a measure implementing the Committee’s recommendation to establish an independent oversight body.

(c) Most of the training activities outlined by the State party were conducted before the adoption of the Committee’s concluding observations and thus are not relevant. The few other training activities that were envisaged for June and July 2012 do not relate to prevention of torture and ill-treatment. There is no information indicating that the 1999 Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) has been integrated into all training programmes for law enforcement officials, as recommended by the Committee. No effective measures to enhance efforts to investigate and punish torture and ill-treatment appear to have been taken by the State party. The report lacks statistical information on the number of reported cases of torture and ill-treatment, the investigations and prosecutions initiated, the number of actual criminal convictions, sentences imposed and remedies granted to victims. The Committee therefore reiterates its recommendations.

**[B2]:** With regard to subparagraph (d), although the report refers to a few visits undertaken by ICRC, this organization has not been granted unhindered access to all

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<sup>1</sup> Radio Free Europe/Radio Liberty, “Red Cross Visits Turkmenistan”, 10 April 2012. Available from [www.rferl.org/content/red\\_cross\\_visits\\_turkmenistan/24543440.html](http://www.rferl.org/content/red_cross_visits_turkmenistan/24543440.html).

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places of detention. Additional information should be requested on practical measures taken to allow visits by recognized international humanitarian organizations to all places of detention.

**Paragraph 13: The State party should take measures to eradicate corruption by investigating, prosecuting and punishing alleged perpetrators, including judges who may be complicit. The State party should take all necessary measures to safeguard the independence of the judiciary by guaranteeing their tenure of office, and sever the administrative and other ties with the Executive Office.**

**Summary of State party's reply:**

Judges are independent, subject only to the law, and governed by inner conviction. Interference in the work of a judge from any quarter is inadmissible and punishable by law. The inviolability of judges is guaranteed by law (art. 101 of the Constitution). Under the Courts of Law Act of 15 August 2009, judicial power resides solely with the courts. The judiciary operates independently of the legislative and executive branches.

**NGO information:**

While isolated anti-corruption measures have been taken, there are no indications that the State party has made any systematic efforts (either in the judiciary or elsewhere) to investigate corruption allegations and bring perpetrators to justice.

**Committee's evaluation:**

[C2]: The State party has limited itself to statements that its judiciary is independent and provided no information on the measures taken to implement the Committee's recommendations. The Committee therefore reiterates them.

**Paragraph 18: The State party should ensure that journalists, human rights defenders and individuals are able to freely exercise their right to freedom of expression in accordance with the Covenant, and also allow international human rights organizations into the country. The State party should ensure that individuals have access to websites and use the Internet without undue restrictions. The Committee, therefore, urges the State party to take all necessary steps to ensure that any restrictions on the exercise of freedom of expression fully comply with the strict requirements of article 19, paragraph 3, of the Covenant as further set out in its general comment No. 34 (2011) on freedoms of opinion and expression.**

**Summary of State party's reply:**

The State party submits that legislation regulating media is being further refined and a working group has been created in the Mejlis to draft a media bill. It also refers to a series of activities staged between 2010 and 2012 focused on the legal regulation of the media in the Commonwealth of Independent States and Europe, including activities as part of a partnership project to modernize the media in Turkmenistan.

The Constitution clearly establishes the grounds for regulating the production and use of new information technologies, thereby strengthening civil rights.

The Internet makes it possible for everyone in the multi-ethnic community of Turkmenistan to access information. Higher, secondary specialized and secondary education institutions have Internet access. In the capital city and the provinces there are Internet cafes for general use. The number of users of online services is increasing each year. The provision of Internet services is regulated by the Communications Act, which

*Turkmenistan*

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was passed on 12 March 2010.

**NGO information:**

The State party continues to enforce its information monopoly with the help of State-controlled media and anyone who openly challenges government policies remains highly vulnerable to intimidation and harassment. In a well-documented pattern, surveillance, interrogations, “blacklists” for travel abroad, and arrests and imprisonments on politically motivated grounds are used to put pressure on critical voices (examples of recent cases are provided). International human rights NGOs and United Nations human rights mechanisms continue to be denied access to the country.

Only 5 per cent of the population currently has access to the Internet. Costs for Internet access remain a major obstacle and efforts to promote Internet use are lacking. The Internet remains heavily censored, and access is blocked to online content that authorities do not like, including websites that provide alternative information about the situation in the country, such as foreign news sites, NGO sites and sites associated with the exiled opposition. Internet activity, e.g., on online forums, is monitored by security services.

Freedom of expression continues to be restricted in ways that are not consistent with the provisions of the Covenant.

**Committee’s evaluation:**

[C1]: The State party reply does not respond to the concerns raised by the Committee nor provide information on the implementation of its recommendations. While the drafting of a media bill is a positive development, no information is provided on the measures taken to ensure that:

- (a) Journalists, human rights defenders and individuals are able to freely exercise their right to freedom of expression;
- (b) International human rights organizations are allowed access into the country;
- (c) Individuals have access to websites and use the Internet without undue restrictions; and
- (d) Any restrictions on the exercise of freedom of expression fully comply with the strict requirements of article 19, paragraph 3, of the Covenant. Therefore, the Committee reiterates its recommendations.

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

**Next periodic report:** 30 March 2015

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