



# International Covenant on Civil and Political Rights

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## Human Rights Committee 129th session

### Summary record of the second part (public)\* of the 3723rd meeting

Held via videoconference on Thursday, 16 July 2020, at 4 p.m. Central European Time

*Chair:* Mr. Fathalla

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\* The summary record of the first part (closed) of the meeting appears as document [CCPR/C/SR.3723](#).

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*The public part of the meeting was called to order at 4.50 p.m.*

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

*Progress report by the Special Rapporteur for follow-up to Views (CCPR/C/127/R.2)*

1. **The Chair**, recalling that the Committee's 128th session had been suspended on account of the coronavirus disease (COVID-19) pandemic, invited the Deputy Special Rapporteur for follow-up to Views to present the draft report that the Committee had been due to consider at that session.

2. **Mr. Santos Pais** (Deputy Special Rapporteur for follow-up to Views), introducing the report, said that he would like to propose a change of methodology, in view of the steady increase in the number of cases for which proactive follow-up by the Committee was required. He proposed that the Committee should close all cases in which the action taken by the State party had been deemed satisfactory or partially satisfactory, keep open any cases where further dialogue was needed and suspend cases for which neither the State party nor the victim had provided further information in the previous five years. The Committee would not be expected to ensure proactive follow-up on cases that had been suspended, unless one of the parties submitted an update.

3. In addition, he proposed the development of a strategy to ensure coordination between the follow-up procedure and the consideration of State party reports. Where relevant, country-specific web pages on follow-up to Views would be prepared and posted on the Committee website, to complement the rolling list of cases subject to the follow-up procedure.

4. **The Chair** said he took it that the Committee wished to adopt the proposals presented by the Deputy Special Rapporteur regarding the methodology for the follow-up procedure and the preparation of country-specific web pages.

5. *It was so decided.*

6. **Mr. Santos Pais**, referring to case No. 2348/2014 (*Nell Toussaint v. Canada*), said that the State party had rejected the Committee's assessment of the case and had refused to take any further measures to give effect to the Views. He therefore proposed that the Committee should assign E grades for adequate compensation and non-repetition, and that it should decide to keep the follow-up dialogue open, since the State party had not yet taken satisfactory action.

7. **Mr. Shany**, noting that the State party seemed mistakenly to view the follow-up procedure as an opportunity to reargue the case, said that he agreed with the proposal to assign two E grades. Regarding the overall decision, however, he saw little point in keeping the follow-up dialogue open, given that the State party had clearly stated that it did not intend to implement the recommended measures. He proposed that the Committee should close the dialogue and note that the State party's follow-up had been unsatisfactory. The substantive issues raised by the case could be taken up during the next periodic review of the State party.

8. **Mr. Ben Achour**, agreeing with Mr. Shany, said that, in cases where the State party had explicitly refused to implement the recommended measures, there was no point in keeping the follow-up dialogue open.

9. **Mr. Muhumuza** said that, on the contrary, if the Committee decided to close the dialogue simply because the State party had rejected its assessment of the case, it would be doing a disservice to the victims of human rights violations. The Committee's job was to hold States parties accountable and to enforce the Covenant. It should stand by its findings and keep the follow-up dialogue open.

10. **Mr. Santos Pais** said that if the Committee decided to close the case, it would lose the opportunity to engage further with the State party and overcome the State party's objections to the recommended measures. He could think of cases where States parties had changed their position after further dialogue. He would therefore prefer to keep the dialogue open.

11. **The Chair** said he took it that the Committee wished to adopt the proposal presented by the Deputy Special Rapporteur regarding case No. 2348/2014.
12. *It was so decided.*
13. **Mr. Santos Pais**, referring to case No. 2001/2010 (*Q v. Denmark*), said that, although the State party had reported that the author's application for naturalization had been reopened, the author was not satisfied with the action that had been taken. The author had noted, for example, that there had been neither compensation nor reconsideration of his request for exemption from the language skills requirement in the naturalization process.
14. The Committee should assign C grades for adequate compensation, reconsideration of the author's request for exemption from the language skills requirement, and non-repetition, and should decide to keep the follow-up dialogue open.
15. **The Chair** said he took it that the Committee wished to adopt the proposal presented by the Deputy Special Rapporteur regarding case No. 2001/2010.
16. *It was so decided.*
17. **Mr. Santos Pais**, referring to case No. 2753/2016 (*C.L. and Z.L. v. Denmark*), said that the State party had decided to grant asylum to the author and his son, after reviewing their asylum application. He therefore proposed that the Committee should assign two A grades for the State party's efforts to review the deportation decision and to refrain from expelling the author and his son while their request for asylum was being reconsidered. He proposed that the Committee should decide to close the follow-up dialogue and should note that the recommended measures had been implemented satisfactorily.
18. **The Chair** said he took it that the Committee wished to adopt the proposal presented by the Deputy Special Rapporteur regarding case No. 2753/2016.
19. *It was so decided.*
20. **Mr. Santos Pais**, referring to cases No. 2747/2016 (*Sonia Yaker v. France*) and No. 2807/2016 (*Miriana Hebbadj v. France*), said that the State party had rejected the Committee's assessment of the cases and the authors' counsel had lost contact with the authors. He proposed that the Committee should indicate that it had no information regarding the steps taken to provide the authors with an effective remedy, that it should assign an E grade for non-repetition and that it should decide that the cases were to remain pending until contact with the authors had been re-established.
21. **Ms. Pazartzis** said that, while she agreed with the proposal to assign an E grade for non-repetition, she proposed that the Committee should assign a C grade for steps taken to provide the authors with an effective remedy, in view of the lack of relevant information. Regarding the overall decision, she would be in favour of closing the cases, since the State party clearly had no intention of complying with the Committee's Views and the authors' counsel had lost contact with the authors.
22. **Mr. Santos Pais** said that a C grade would not be appropriate for the State party's efforts to provide the authors with an effective remedy, as no information had been provided on financial compensation. He would prefer to keep the cases open in order to give the authors time in which to re-establish contact with the Committee.
23. **Mr. Shany** said that, in his view, the Committee could close cases in which it had lost contact with the authors. The cases in question could be raised with the State party in the context of the periodic review process.
24. **The Chair** said that the Committee seemed to be in favour of closing the cases but of retaining the assessments proposed by the Deputy Special Rapporteur. He took it that the Committee wished to adopt the proposal presented by the Deputy Special Rapporteur, as amended, regarding cases No. 2747/2016 and No. 2807/2016.
25. *It was so decided.*
26. **Mr. Santos Pais**, referring to case No. 1756/2008 (*Turdukan Zhumbaeva v. Kyrgyzstan*), said that, apart from the payment of compensation, which the author's counsel considered inadequate, the State party had not provided any other form of reparation or rehabilitation to the family, nor had it taken any measures of satisfaction. He therefore

proposed that the Committee should assign a C grade for investigation and prosecution and a B grade for full reparation, including appropriate compensation, and should indicate that no information had been provided in respect of non-repetition. He further proposed that the Committee should close the follow-up dialogue and should note that the implementation of the Committee's measures had been partially satisfactory.

27. **Ms. Pazartzis** said that she supported the proposal presented by the Deputy Special Rapporteur to close the follow-up dialogue. However, in accordance with the usual format of the reports of the Special Rapporteur for follow-up to Views, the paragraph setting out the Committee's decision should not include a statement of the reasons for the decision.

28. **The Chair** said he took it that the Committee wished to adopt the proposal presented by the Deputy Special Rapporteur, as amended, regarding case No. 1756/2008.

29. *It was so decided.*

30. **Mr. Santos Pais**, referring to case No. 2273/2013 (*Andrea Vandom v. Republic of Korea*), said that the State party had neither provided the author with adequate compensation nor abolished the policy of mandatory drug testing for foreign language tutors. He therefore proposed that the Committee should assign a C grade for adequate compensation and a B grade for non-repetition, and should keep the dialogue open.

31. **The Chair** said he took it that the Committee wished to adopt the proposal presented by the Deputy Special Rapporteur regarding case No. 2273/2013.

32. *It was so decided.*

33. **Mr. Santos Pais**, referring to case No. 2680/2015 (*Khairullo Saidov v. Tajikistan*), said that the State party had expressed disagreement with the Committee's findings. According to the author's counsel, the State party had failed to adequately explain, inter alia, why Mr. Saidov's trial had been held in secret, why the investigation into Mr. Saidov had taken eight years to complete and why he had been charged less than a month after he had launched a new political party. He therefore proposed that the Committee should assign an E grade for the State party's efforts to quash the victim's conviction, release him and, if necessary, conduct a new trial, and an E grade for adequate compensation, and should indicate that no information had been provided in respect of non-repetition. He further proposed that the Committee should keep the dialogue open.

34. **The Chair** said he took it that the Committee wished to adopt the proposal presented by the Deputy Special Rapporteur regarding case No. 2680/2015.

35. *It was so decided.*

36. **Mr. Santos Pais**, referring to case No. 2826/2016 (*Kuvvatali Mudorov v. Tajikistan*), said that, with regard to the non-execution of the court decision awarding compensation to the author, the State party had noted that an enforcement order had been issued in the author's favour but had not been submitted to any court. The author had submitted, inter alia, that several of the legal arguments put forward by the Office of the Procurator General were invalid and that the State party had not complied with the Committee's Views. He proposed that the Committee should assign C grades for the enforcement of the court decision and for the State party's efforts to update its enforcement of the decision, on the date of its execution, and should indicate that no information had been provided in respect of non-repetition. He further proposed that the Committee should keep the dialogue open.

37. **The Chair** said he took it that the Committee wished to adopt the proposal presented by the Deputy Special Rapporteur regarding case No. 2826/2016.

38. *It was so decided.*

39. **Mr. Santos Pais**, referring to case No. 2234/2013 (*M.T. v. Uzbekistan*), said that the State party had disputed the allegations made by the author, including those relating to her alleged torture and ill-treatment. The author's counsel had noted, inter alia, that, although the author had identified some of the perpetrators of the violations, no compensation had been awarded. He therefore proposed that the Committee should assign C grades for the State party's efforts to carry out an impartial, effective and thorough investigation into the allegations of torture and ill-treatment and its efforts to initiate criminal proceedings against those responsible, and an E grade for its efforts to provide the author with appropriate

compensation. He further proposed that the Committee should indicate that no information had been provided in respect of non-repetition, should keep the dialogue open and should request a meeting with a representative of the State party at its 128th session. The meeting in question had in fact already taken place.

40. **Mr. Shany** said that the Committee would cause confusion if it stated in a report considered at its 129th session that it would request a meeting with a representative of the State party at its 128th session. He proposed that the session number should not be specified.

41. **The Chair** said he took it that the Committee wished to adopt the proposal presented by the Deputy Special Rapporteur, as amended, regarding case No. 2234/2013.

42. *It was so decided.*

43. *The progress report by the Special Rapporteur for follow-up to Views, as a whole, as amended, was adopted.*

#### **Adoption of the annual report to the General Assembly**

*Draft report of the Human Rights Committee on its 126th, 127th and 128th sessions  
(CCPR/C/128/R.2)*

44. **The Chair** said that he invited the Committee to consider its report on its 126th, 127th and 128th sessions, which had been distributed to members in advance of the meeting. He recalled that the Committee had been due to consider the draft at its 128th session, which had been suspended on account of the COVID-19 pandemic.

45. **Mr. Heyns** (Rapporteur) said that the draft report outlined the Committee's activities at its 126th, 127th and 128th sessions. It included detailed statistics on State party reports and individual communications and addressed such matters as the Committee's cooperation with other bodies, the resource constraints that it was currently facing, and its methods of work, including in the context of the 2020 review of the human rights treaty body system.

46. **The Chair** said he took it that the Committee wished to adopt the report.

47. *The draft report of the Human Rights Committee on its 126th, 127th and 128th sessions was adopted.*

*The meeting rose at 6 p.m.*