



# International Covenant on Civil and Political Rights

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## Human Rights Committee

### **Guidelines for the treaty-specific document to be submitted by States parties under article 40 of the International Covenant on Civil and Political Rights**

Adopted by the Committee at its ninety-ninth session (12-30 July 2010) taking into consideration the guidelines on a common core document and treaty-specific documents, as contained in the harmonized guidelines on reporting under the international human rights treaties (HRI/MC/2006/3 and Corr.1)

#### **I. The revised reporting system**

##### **A. Organization of information to be included in the common core document and in the treaty-specific document submitted to the Human Rights Committee.**

1. The present reporting guidelines under the International Covenant on Civil and Political Rights replace all previous reporting guidelines issued by the Human Rights Committee (the Committee).<sup>1</sup>
2. These guidelines must be applied in conjunction with the harmonized reporting guidelines under international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I, hereafter the harmonized guidelines).
3. When drafting the document specific to the International Covenant on Civil and Political Rights (ICCPR-specific document), States should comply with the requirements and take into account the guidance provided in the harmonized guidelines, in particular those concerning: the purpose of reporting (HRI/GEN/2/Rev.6, chap. I, paras. 7-11), the collection of data and drafting of reports (paras. 12-15), periodicity (paras. 16-18), the form of reports (paras. 19-23), and the content of reports (paras. 24-30).
4. States reports submitted according to the harmonized guidelines consist of two parts: a common core document and treaty-specific documents. The common core document should contain general information about the reporting State, the general framework for the

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<sup>1</sup> The previous guidelines were adopted at the seventieth session of the Committee (see CCPR/C/66/GUI/Rev.2 and HRI/GEN/2/Rev.6, chap. III).

protection and promotion of human rights, as well as information on non-discrimination, equality and effective remedies.

5. As provided at paragraph 60 of the harmonized guidelines, the ICCPR-specific document should focus on specific issues relating to the implementation of the Covenant, and should avoid duplication of information already included in the common core document. If a State party, however, has not submitted a common core document, all relevant information must be included in the ICCPR-specific document.

6. In all cases, the Committee encourages States to review the general information given by them in the common core document. If that information is found to be insufficient, States are encouraged to include relevant additional information in the ICCPR-specific document and in the next update of the common core document. In accordance with paragraph 27 of the harmonized guidelines, the Committee may request that the common core document be updated if it considers that the information it contains is out of date.

7. While general factual information on the overall framework for the protection and promotion of human rights, non-discrimination, equality, and effective remedies should be included in the common core document (HRI/GEN/2/Rev.6, chap. I, paras. 40-59), information relating specifically to the implementation of the Covenant and the relevant general comments of the Committee should be provided in the ICCPR-specific document.

8. If States refer to information provided in the common core document or in any other treaty-specific document, they should indicate precisely the relevant paragraphs in which such information is provided.

## **B. Format of the document specific to the International Covenant on Civil and Political Rights**

9. The format of the ICCPR-specific document (the report) should be in accordance with section II, paragraphs 19 to 23, of the harmonized guidelines. Paragraphs should be numbered sequentially.

## **C. Annexes to the report**

10. It is important that the body of the report contain relevant information on the legal provisions guaranteeing the rights recognized by the Covenant, as well as the remedies available in relation to those rights so as to ensure that the report is clear and comprehensible without reference to annexes. Nevertheless, it would be helpful if States provided copies, in one of the working languages of the Committee (currently English, French or Spanish), of their legislation and other relevant texts for distribution to all members of the Committee to facilitate the consideration of the report.

## **D. Preparation of the report at the national level**

11. The attention of States is drawn to the information requirements in paragraph 45 of the harmonized guidelines.

## **II. Periodic reporting obligations**

12. Upon ratifying the Covenant, every State party undertakes to submit within a year of the Covenant's entry into force for that State an initial report on the measures it has

adopted, which give effect to the rights recognized in the Covenant and progress made in their enjoyment; and thereafter periodic reports whenever the Committee so requests (art. 40, para. 1, of the Covenant). For subsequent periodic reports, the Committee has adopted a practice of stating, at the end of its concluding observations, a date by which the following periodic report should be submitted. States that do not comply with their reporting obligations will become subject to the Committee's procedure, as provided in rule 70 of its rules of procedure, permitting the consideration of States' situations in the absence of a report.

### **III. General guidance and requirements for reporting under the Covenant**

13. The present guidelines apply to a State party's initial report to the Committee, for States from which the Committee has requested a full periodic report, or for those wishing to submit a full periodic report. The Committee's method for examining all other periodic reports is outlined in paragraph 14 below.

#### **A. Focused report based on replies to list of issues**

14. At its ninety-seventh session in October 2009, the Committee decided to implement a new procedure, designed to assist States parties in the preparation of focused reports and to strengthen their capacity to fulfil their reporting obligations in a timely and effective manner. According to this procedure, the Committee will prepare and adopt lists of issues to be transmitted to States parties prior to the submission of a report. The States parties' replies to the lists of issues will constitute their subsequent periodic report under article 40 of the Convention.

15. As stated above at paragraph 13, this procedure will not be applied to States parties' reporting obligations in their initial report or to a previous report that has already been submitted and is awaiting consideration by the Committee. It will be applied to all periodic reports unless the Committee decides otherwise or if the State concerned informs the Committee of its wish to submit a full report. In particular, where a fundamental change has occurred in the State party's political or legal approach to ensuring the enjoyment of Covenant rights, a full article-by-article report may be required, including information on new legal or administrative measures that may have been introduced.

16. States not subject to the procedure described in paragraph 14 should follow the guidance provided in paragraphs 18 to 104 below for preparing the content of their report.

17. Reports should adhere to section III, paragraphs 24 to 26 and 29 of the harmonized reporting guidelines.

#### **B. Contents of the report**

18. The report should deal specifically with and be structured so as to follow every article in parts I, II and III of the Covenant. The terms of these articles must, together with general comments issued by the Committee, be taken into account in preparing the report.

19. The starting point for preparing all ICCPR-specific reports is the Covenant. For reports other than initial reports, the other points to be taken into account are: (a) the concluding observations of the Committee for the previous report (particularly concerns and recommendations); (b) summary records of the Committee's deliberations; and (c) an examination of the progress made towards, and the current situation concerning, the

enjoyment of Covenant rights by persons within the territory or subject to the jurisdiction of the State.

20. The report should provide information on the machinery developed at the national level to ensure follow-up to the previous concluding observations, including information on the involvement of civil society in this process (if not already provided in the common core document, as requested under paragraph 46 of the harmonized guidelines).

21. **Reservations and declarations.** General information on reservations and declarations should be included in the common core document in accordance with section III, paragraph 40 (b), of the harmonized guidelines. In addition, specific information in respect of reservations and declarations to the Covenant should be included in the ICCPR-specific report. Any reservation to or declaration relating to any article of the Covenant by the State party should be explained and its continued maintenance clarified. In addition, States parties should provide information on any reservations or declarations they may have lodged with regard to similar obligations in other human rights treaties.

22. **Factors and difficulties.** Article 40 of the Covenant requires that reports indicate the factors and difficulties, if any, affecting the implementation of the Covenant. Explanations should be provided regarding the nature, extent of, and reasons for every such factor. Where difficulties exist, details should be provided on the steps taken to overcome them.

### C. Optional Protocols

23. States should take full account of the guidance provided by the Committee in its general comment No. 33 (2008) on their obligations under the Optional Protocol to the Covenant. If the State party has ratified the Optional Protocol and the Committee has issued Views entailing the provision of a remedy under that Optional Protocol, the report should include information about the steps taken to provide such a remedy, and regarding how the State party ensures that any such circumstances thus criticized do not recur.

24. If a State party that has abolished the death penalty is not a party to the second Optional Protocol to the Covenant, it is encouraged to indicate factors impeding its accession and whether it intends to become a party in the future.

## IV. Guidance and requirements for reporting under specific provisions of the Covenant

25. In relation to the rights recognized in the Covenant, the report should provide information including:

- Whether the State party has adopted a national framework law, policies and strategies for the implementation of each Covenant right.
- Any mechanisms in place to monitor progress towards the full realization of each right.
- Sufficient disaggregated data and statistics to enable the Committee to assess this progress, including the information required under appendix 3 of the harmonized guidelines regarding indicators for assessing the implementation of human rights, taking into account the framework and tables of illustrative indicators outlined by the Office of the United Nations High Commissioner for Human Rights (HRI/MC/2008/3).

26. Legal norms should be described, but description is not sufficient; the factual situation and the practical availability, effect and implementation of remedies for violation of each relevant Covenant right should be explained and examples provided.

27. State parties should make their reports comprehensive, within applicable page limitations, but focus on the most urgent problems arising in the reporting period. In reporting on particular Covenant rights, the following elements are possible topics for discussion. Though no report can cover all these elements, consideration of these elements may assist a structured discussion of the State party's implementation of particular Covenant rights. When needed, States parties can refer in their ICCPR-specific report to information included in the common core document.

## Article 1

28. In the light of the provisions of article 1 and general comment No. 12 (1984) on the right to self-determination,<sup>2</sup> indicate:

- In what manner the right to self-determination has been implemented, and describe the constitutional and political processes which in practice allow the exercise of this right.
- Any factors or difficulties preventing the free disposal by peoples of their natural wealth and resources and to which extent this affects their enjoyment of other rights set forth in the Covenant.
- The ways and means by which the State party recognizes and protects the rights of indigenous peoples, if any, to ownership of the lands and territories that they traditionally occupy or use as sources of livelihood.
- The extent to which indigenous and local communities are duly consulted, and whether their prior informed consent is sought in any decision-making processes affecting their rights and interests under the Covenant; relevant examples should be provided.

## Article 2

29. In the light of the provisions of article 2 and general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant, provide information on:

- How article 2 is applied, setting out the principal legal measures that the State party has taken to give effect to Covenant rights.
- Which judicial, administrative and other competent authorities have jurisdiction to secure Covenant rights.
- Whether the Covenant is incorporated into domestic law in such a manner as to be directly applicable.

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<sup>2</sup> For all general comments adopted by the Human Rights Committee, see the compilation of general comments and general recommendations adopted by human rights treaty bodies (HRI/GEN/1/Rev.9, Vol. I, chap. II).

- If not, whether its provisions can be invoked before and given effect to by courts, tribunals and administrative authorities, and provide examples of cases in which the Covenant has been invoked.
- Whether the Covenant rights are guaranteed in the Constitution or other laws and to what extent.
- Whether Covenant rights must be enacted or reflected in domestic law by legislation so as to be enforceable.
- The judicial and other appropriate remedies in place enabling victims to obtain redress in case their Covenant rights have been violated, including information on the obstacles to the effectiveness of existing remedies.

30. Provide information about any national or official institution or machinery exercising responsibility in implementing Covenant rights or in responding to complaints of violations of such rights, and give examples of their activities in this respect.

31. Indicate which measures have been taken to raise levels of awareness about the Covenant among public officials and State agents, in particular through training of judges, lawyers and law enforcement officers.

32. Provide information on the dissemination of information about the Covenant and any remedies enabling individuals to obtain redress in case their Covenant rights have been violated. Also provide details on the dissemination of information about State party reports to the Human Rights Committee and concluding observations on these reports among the population at large.

### **Articles 2, paragraph 1, 3 and 26**

33. Part 3 of the common core document should contain information on non-discrimination and equality, which are matters of particular interest to the Committee in relation to several provisions of the Covenant, in particular articles 2, paragraph 1, 3 and 26. Whereas, however, information to be included in the common core document is of a general nature, information included in the ICCPR-specific document should be more detailed, taking into account the requests for specific information set out in paragraphs 38 to 41 below.

34. States should provide disaggregated statistical data and endeavour to analyse this information insofar as it is relevant to the implementation of their obligations under articles 2, paragraph 1, 3 and 26. Such information should allow comparison over time and indicate data sources.

35. In the light of articles 2, paragraph 1, and 26 as well as general comment No. 18 (1989) on non-discrimination, indicate:

- The legislative and administrative measures and recent court decisions relating to protection against discrimination in law and fact, in any field regulated and protected by public authorities, on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status such as those identified in the practice of the Committee.
- The discrimination grounds included as well as those excluded from national legislation and the significance of the omission of any discrimination ground.
- Measures, including any positive measures or affirmative action, taken to diminish or eliminate conditions which cause or help to perpetuate discrimination prohibited by the Covenant.

- Whether cases of discrimination which may be practiced by public authorities, private persons or private bodies, have been encountered during the reporting period, as well as information about mechanisms for reporting such cases and steps taken to eliminate such discrimination.

36. In the light of article 2, paragraph 1, and general comment No. 15 (1986), indicate the position of aliens, both in law and practice and, when providing information on the measures adopted to ensure that the enjoyment of the rights enshrined in the Covenant takes place without any discrimination prohibited by article 2, paragraph 1, indicate how the question of nationality is being addressed.

37. In the light of the provisions of article 3 and general comment No. 28 (2000), provide information on the situation regarding the equal enjoyment of Covenant rights by men and women, including the actual role of women in society. Indicate all legislative and other steps taken to eliminate stereotypes that discriminate against women and to put an end to discriminatory actions, both in the public and in the private sectors, which impair the equal enjoyment of rights by women and men.

38. When reporting under each Covenant right, provide information regarding the enjoyment of this right by women, addressing in particular:

- The proportion of women in positions of responsibility in both the public and the private sector and the measures taken to promote the representation of women in Parliament and in senior positions in Government as well as in the private sector.
- Measures to ensure equal pay for equal work for women and men.
- Whether the State party has adopted legislation which specifically criminalizes domestic violence and provide information on its scope and content.
- What measures have been taken to ensure that acts of domestic violence are effectively investigated and perpetrators prosecuted and sanctioned.
- Other steps taken to combat domestic violence such as training for judges, prosecutors, police and health officers and awareness-raising campaigns for women on their rights and available remedies, as well as information on the number of safe shelters and the resources allocated to the assistance of victims of domestic violence.
- Discrimination in minimum age of marriage.
- Unequal rights in marriage.
- Equality in divorce arrangements, including regarding custody of children.
- School attendance by girls.
- Transmission of nationality to children.
- Legislation on rape, including spousal rape.
- Measures taken to eliminate traditional practices and customs affecting the dignity and personal integrity of women and girls.

#### **Article 4**

39. In the light of article 4 and general comment No. 29 (2001), provide information on the date, extent of, effect of, and procedures for imposing and for lifting any derogation under article 4. Full explanations should be provided in relation to every article of the Covenant affected by the derogation.

40. Describe the constitutional mechanism by which a state of emergency can be declared in the country, including the powers of the executive branch under such circumstances.
41. Explain the role of State authorities, such as military and police, during the period of emergency, and specify what mechanisms are available to review the exercise of extraordinary powers of such authorities during a period of emergency in a manner consistent with the requirements of the Covenant.
42. Indicate whether any state of emergency has been declared during the time span the report covers, the precise content of the official act of declaration, and, as the case may be, the act of termination of the state of emergency. Also indicate whether the State party has immediately informed the other States parties to the Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. Was further communication made, through the same intermediary, on the date on which it terminated such derogation?
43. Also indicate the measures adopted regarding any particular Covenant right and, regarding each derogable right, indicate the scope of, and reasons for, the derogation.
44. In addition, provide information on:
- How the State party ensures that its anti-terrorism legislation is compatible with the rights guaranteed by the Covenant.
  - The definition of terrorism under national law, and all derogations from ordinary law which exist in counter-terrorism legislation.
  - Administrative or judicial cases in which the measures on counter-terrorism adopted at the national level pursuant to Security Council resolution 1373 (2001) have been applied.
  - How the State party protects the values of the Covenant when complying with the sanctions regime of the Security Council.

## Article 6

45. In the light of the provisions of article 6 and general comment No. 14 (1984) on the right to life, provide information on:
- All measures taken to prevent any arbitrary deprivation of life, measures taken to punish those responsible should it occur, and remedies and compensation to victims.
  - Cases of extrajudicial executions, investigations carried out and their outcome, including for deaths that have occurred during past disturbances, and remedies and compensation for the families of victims.
  - Cases of forced disappearances of individuals and action taken to prevent disappearances, as well as procedures established and followed to investigate complaints regarding missing persons effectively, especially when such complaints allegedly involve security forces or other public authorities.
46. Provide information on:
- Rules and regulations governing the use of force and firearms by the police and security forces and their compliance with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.



- Whether any violations of these rules have occurred and if so, whether any lives were lost as a result of the excessive use of force by the military, the police or any other law enforcement agency.
- Any investigations that have been carried out to establish the responsibility of, and to punish those found responsible for such acts.
- Measures taken to prevent the recurrence of further abuses.

47. Provide information on:

- The current situation in relation to capital punishment and on any initiatives and plans aiming at further reducing or totally abolishing capital punishment.
- The crimes punishable by the death penalty and whether its application in such cases is mandatory or not.
- The number of death sentences issued during the reporting period, the number of sentences carried out, the nature of the crime, the age, ethnic origin and sex of those sentenced to death, the method of execution, the number of sentences commuted or suspended and the number of persons awaiting execution.
- The situation of persons under 18 or pregnant women who have committed an offence punishable by the death penalty.
- Which courts are competent to impose capital punishment, the procedures to be followed, the possibility to appeal a death sentence, and the additional right to seek pardon or commutation of the sentence.

48. Provide information on:

- Birth rates and pregnancy and childbirth-related deaths of women.
- Measures taken to help women prevent unwanted pregnancies and to ensure they do not have to undergo life threatening clandestine abortions.
- Measures to protect women from practices that violate their right to life, such as female infanticide and so-called honour killings.

## Article 7

49. In the light of the provisions of article 7 and general comment No. 20 (1992), describe the place accorded to the prohibition of torture and cruel, inhuman or degrading treatment in national law, indicating in particular:

- The definition of torture and cruel, inhuman or degrading treatment.
- Laws regarding torture, cruel or inhuman punishment and whether and to what extent they constitute a crime.
- The penalties applicable for acts of torture and cruel, inhuman or degrading treatment, whether committed by public officials or other persons acting on behalf of the State, or by private persons in any territory under the jurisdiction of the State party.
- Whether national law prohibits the use and admissibility in judicial proceedings of statements or confessions obtained through torture or other prohibited treatment.
- What control mechanisms have been instituted to ensure that persons arrested or detained are not subjected to torture or ill-treatment.

- The procedures under which complaints about torture or ill-treatment by the police, security forces or prison officials can be filed and are investigated and prosecuted.
- Whether any complaints have been made during the reporting period and how allegations of torture or ill-treatment have been investigated and with what results.
- What kind of remedies, including the right to obtain compensation, is provided by national law for the victims of torture and ill treatment, as well as the procedure which complainants must follow. Information should be provided on specific cases in which compensation has been obtained during the reporting period, including details on the nature of the complaint and compensation granted.
- In States using the death penalty, information on regulations concerning the treatment of persons on death row.

50. Indicate:

- Measures taken to ensure dissemination of information to the population at large concerning the prohibition of torture and cruel, inhuman or degrading treatment.
- Whether the prohibition of torture and cruel, inhuman or degrading treatment forms an integral part of the operational rules and ethical standards of law enforcement officials.
- What measures have been taken to that effect, including training and instruction for law enforcement officials on the prohibition of torture and ill-treatment.

51. Indicate:

- Which measures the State party has taken to ensure that it does not extradite, deport, expel or otherwise remove any person from its territory, where there are substantial grounds for believing that there is a risk of irreparable harm for the person concerned either in the country to which removal is to be effected or in any country to which the person may be subsequently removed.
- Whether specific measures have been taken to make relevant judicial and administrative authorities aware of the need to ensure compliance with the Covenant obligations in such matters.

52. Provide information on correctional methods in schools and other educational establishments, including corporal punishment and the measures taken for its abolition and prohibition.

53. Provide information on measures taken to deal with traditional practices and customs affecting the dignity and personal integrity of women and girls such as female genital mutilation.

54. Include information on laws and practices governing experimentation on human beings and describe existing control mechanisms to verify that consent is obtained.

## **Article 8**

55. Indicate what legal and other measures have been taken to prevent and combat slavery including contemporary forms of slavery and all other forms of servitude (such as bonded labour, enforced domestic work, forced marriages, abduction of women and children, and all forms of human trafficking). Information should be provided, where applicable, on:

- Legislation combating trafficking and all forms of servitude.

- Prosecution of traffickers.
- Concrete measures taken to protect and rehabilitate victims of trafficking.
- Training of all public officials involved in addressing trafficking.
- Measures taken to address the demand for trafficking.

56. Indicate whether hard labour is used as a measure of punishment under domestic law and what the actual practice is.

57. Describe existing kinds of work or service that are an ordinary consequence of a court order for persons under detention and for persons under conditional release, including hiring out to private enterprises.

## Article 9

58. In the light of the provisions of article 9 and general comment No. 8 (1982) on the right to liberty and security of persons, provide information on all deprivations of liberty provided by law or occurring in practice, whether in criminal cases or in other cases such as mental illness, vagrancy, drug addiction, educational purposes or immigration control and on legislation prohibiting, and safeguards against, any form of arbitrary detention.

59. Indicate:

- How soon and under what conditions a person is informed of the reasons for his or her arrest, how soon he or she can contact a lawyer and a doctor, and how soon his or her family is notified.
- The requirements for placing persons in police custody, the length of such custody and the rights of persons while in police custody.
- The length of detention pending trial and any mechanisms and measures taken with a view to reducing the duration of such detention.
- Statistical data on the number of persons held in remand and their percentage in relation to the entire prison population.
- The duration of detention without charges for terrorism suspects.
- What safeguards exist against incommunicado detention and abuses of such practices, as well as conditions for visits while in detention.

60. Indicate whether a central register exists and the modalities of access to this register for the persons concerned.

61. Indicate the conditions of exercise of the right to control by a court of the legality of all forms of deprivation of liberty and on effective remedies, including compensation for all persons unlawfully detained, including statistics on the number of complaints of unlawful detention and their outcome.

62. Provide information on detention in psychiatric hospitals, on measures taken to prevent abuses in this field, on appeals available to persons interned in psychiatric institutions and on the number of complaints registered during the reporting period, as well as the outcome of these complaints.

63. Provide information on the detention of asylum-seekers and irregular migrants, including their rights to legal aid, judicial remedies and their right to be informed of the reasons for their detention.

**Article 10**

64. In the light of the provisions of article 10 and general comment No. 21 (1992) on humane treatment of persons deprived of their liberty, provide information on:

- National legislative and administrative provisions regarding the treatment of all persons deprived of liberty.
- The concrete measures that have been taken by the competent authorities to monitor the effective application of rules regarding the treatment of persons deprived of their liberty.
- The system for supervising penitentiary establishments and measures to remedy specific problems such as overcrowding, inadequate or obsolete infrastructure, lack of sanitary conditions, disease, malnutrition and violence between prisoners.
- How impartial supervision, independent inspections of detention centres, and the availability and accessibility of complaints mechanisms for detainees are ensured.
- Whether the various applicable provisions form an integral part of the instruction and training of the personnel who have authority over persons deprived of their liberty and whether they are strictly adhered to by such personnel.
- Whether arrested or detained persons have access to such information and have effective legal means enabling them to ensure that those rules are respected, to complain if the rules are not respected, and to obtain adequate compensation in the event of a violation.
- The treatment of accused juvenile persons and of juvenile offenders, including the age groups of persons treated as juveniles.
- Whether juveniles are separated from adults and all measures and detention conditions specific to them regarding education, reduced working hours and contact with relatives.

65. Indicate to what extent the State party is applying the following United Nations standards applicable to the treatment of prisoners:

- Standard Minimum Rules for the Treatment of Prisoners (1957)
- Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988)
- Code of Conduct for Law Enforcement Officials (1979)
- Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- United Nations Standard Minimum Rules for the Administration of Juvenile Justice

66. Provide information on the operation of the penitentiary system in the State party, including:

- The disciplinary system in place in penitentiary establishments, solitary confinement and high-security detention, and conditions under which prisoners have contact with the outside world.
- How the separation of accused persons from convicted persons is effected.
- How the treatment of accused persons differs from that of convicted persons.

67. Specify the legislative, administrative and practical measures taken to ensure the rehabilitation of convicted persons, including measures taken to provide them with education, vocational training and guidance. Information on work programmes for prisoners should be included, as well as whether a system of assistance to prisoners after their release is in place, and its results.

68. Provide information on the treatment of the elderly in long-term care homes as well as on the protection of patients against abuse in residential health institutions, in particular those dealing with mental health.

69. Provide information on detention conditions for asylum-seekers and irregular migrants, including their separation from other detainees.

### **Article 11**

70. Provide information on legislation prohibiting imprisonment for failure to fulfil a contractual obligation and whether non-compliance with a court order to fulfil a contractual obligation has resulted in a deprivation of liberty.

### **Article 12**

71. In the light of the provisions of article 12 and general comment No. 27 (1999), provide information on the laws and administrative and judicial practices relating to the right to move freely within the territory of the State and to choose one's place of residence, as well as the freedom to leave the country and the right to enter one's country, including information on remedies available if these rights are restricted. In particular, include information on:

- Any requirements for the registration of persons and formalities or conditions governing the registration of a person as a resident in a particular area.
- Controls imposed on travelling persons and restrictions regarding access to certain areas or conditions or limitations governing the movement of persons within the country, including the movement of non-citizens, in particular asylum-seekers.
- All legal and practical restrictions on the right to leave the country, applied to nationals and/or foreigners.
- Conditions for the issuance of travel documents, including statistics regarding the number of applications submitted for travel; the percentage of applications turned down; reasons for the refusal of documents during the reporting period; conditions allowing for the withdrawal of a person's passport; and requirements of exit visas.
- Any treatment of aliens different from that accorded to nationals and how this difference of treatment is justified.
- Measures that impose sanctions on international carriers which bring to the territory of the State persons without required documents, where those measures affect the right to leave another country.
- Any measures of banishment of citizens under national law, whether such measures have been applied and, if so, under what circumstances.

### Article 13

72. In the light of the provisions of article 13 and general comment No. 15 (1986), provide information on:

- The requirements for the admission of non-citizens, in particular asylum-seekers, to the territory of the State.
- The laws and practice concerning the mandated departure of non-citizens from the territory of the State, the grounds for expulsion and the procedures leading to it, including those for reaching a decision on the legality or illegality of a person's stay in the country; information should include statistics on the number of, and reasons for, expulsions during the reporting period.
- The availability of remedies against expulsion and whether or not they have a suspensive effect. Also indicate whether persons concerned have access to legal assistance.
- The situation of internally displaced persons, if any, and in particular on steps taken to ensure adequate conditions for their return and to address the specific needs of internally displaced persons, in particular their personal security, freedom of movement, and access to personal documents enabling them to seek employment as well as enjoy access to education, health and social services.

### Article 14

73. In the light of the provisions of article 14 and general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial, provide an account of the legislative or other measures taken to ensure full implementation of article 14, including information on:

- The organization of the judiciary, the procedure for appointing judges and qualifications required by them, and statistical information on the representation of women and ethnic minorities in the judiciary.
- Rules governing their status and guarantees for their security of tenure until the mandatory retirement age or the expiry of their term of office.
- Conditions governing their remuneration, promotion, transfer, suspension, dismissal or any disciplinary measures, and cessation of their functions. Information should include any cases of sanctions imposed for corruption.
- The organization and functioning of the Bar.
- The existence of extraordinary courts alongside the regular courts, such as special or military courts and their competencies, including circumstances under which such courts can try civilians.
- The existence of courts based on customary law or religious courts and their competencies, including information on their practices.

74. Indicate which guarantees exist not only in law but also in practice with regard to:

- The right of all persons to a fair and public hearing, including rules and practices for the publicity of trials and judgements as well as rules governing the admission of the public and media (local and international) into courtrooms.
- The right to be presumed innocent until proven guilty according to law.

- The right of all persons charged with a criminal offence to be informed promptly in a language they understand of the nature and cause of criminal charges brought against them.
- The right to legal assistance of one's own choosing, including free legal assistance for indigent defendants, whether nationals or non-citizens, and the right to communicate freely with counsel.
- The availability of free interpreters during the pretrial and trial phases.
- The right of the accused to be tried without undue delay. In this regard, information on delays in practice should be provided. Rules governing trials in absentia should also be described.
- Access to documents and other evidence as well as rules governing the examination of witnesses.
- The right to have one's conviction and sentence reviewed by a higher tribunal and measures taken to ensure awareness of this right for persons concerned.
- Granting of compensation in cases of miscarriage of justice.
- Respect for the principle of *ne bis in idem*.

### **Article 15**

75. Indicate in particular whether the principle of non-retroactive jurisdiction is contained in domestic law and provide the Committee with information on its exact formulation.

76. Specify whether the principle of non-retroactive jurisdiction is actually applied not only in ordinary criminal law but also in military criminal codes both in peacetime and in time of war.

77. Provide information on:

- The legislation and application of the principle according to which the offender benefits from laws that are passed after the commission of the crime and that impose lesser penalties than the law applicable at the time of the commission of the crime.
- Situations in which the change in the law occurs during the trial.
- Situations in which the offender has already been convicted and is serving a sentence based on an older, less favourable law.

### **Article 16**

78. Provide information on the moment at which legal personality is acquired under the law, and as regards regulations governing the definition of legal personality in national law.

79. Provide information on rules concerning birth registration of all children born on the territory of the State party and access to personal identity documents for all.

### **Article 17**

80. In the light of the provisions of article 17 and general comment No. 16 (1988), indicate the laws and regulations that govern interferences with private life and the precise

circumstances in which such interferences may be permitted. In particular, provide information on:

- The authorities and organs competent to authorize any possible interference and those that are entitled to exercise control over such interference.
- The remedies available to individuals wishing to complain of a violation of their rights under article 17.
- The complaints lodged during the reporting period and their outcome.
- The practical steps taken, including instructions given to police or other authorities to prevent future violations, in particular those that resulted from arbitrary behaviour of public officials.

81. Specify the rules governing:

- Surveillance, electronic or otherwise, and the interception of telephonic, telegraphic or other forms of communication, wire-tapping and the recording of conversations.
- Searches of a person's home.
- Personal and body searches by State officials.
- The gathering and holding of personal information, including genetic data, on computers, databanks or other devices, whether by public authorities or private individuals or bodies, as well as the possibility for individuals to ascertain what personal data concerning him or her is stored and for what purpose, and the right to request rectification or elimination of such data.

82. Indicate legislative provisions protecting individuals from unlawful attacks to personal honour or reputation as well as details on their practical implementation and access to an effective remedy for victims of unlawful attacks.

## **Article 18**

83. In the light of the provisions of article 18 and general comment No. 22 (1993) on the right to freedom of thought, conscience and religion, provide information on:

- The existence of different religions within the State party's jurisdiction.
- The publication and circulation of religious material.
- The measures taken to prevent and to punish offences against the free exercise of one's religion.
- In cases where a State religion exists, how a person's freedom to practice another religion, to convert to another religion, or not to have a religion is guaranteed and on how the application of the principle of non-discrimination on religious grounds is ensured.
- Any procedures that must be followed for the legal recognition and authorization of various religious denominations in the country and their practical application, including information on any refusal of recognition that might have occurred during the reporting period.
- The main status differences between the dominant religion and other denominations, in particular with regard to the granting of subsidies and the protection of, and access to, places of worship, in particular for those belonging to religious minorities.



- The legal regulation and the practice of religious education, in particular where religion is taught in State schools, the possibility for children not to attend religious classes and how the right of parents to ensure the religious education of their children in conformity with their own convictions is guaranteed.
- The fiscal provisions applicable to religions.

84. Also provide information on:

- The status and legal position of conscientious objectors.
- The number of persons that applied for the status of, and those that were actually recognized as, conscientious objectors.
- The reasons considered to justify conscientious objection and the rights and duties of conscientious objectors as compared to those of persons who serve in the regular military service.

## Article 19

85. As far as the right to hold opinions is concerned, indicate the measures adopted by the State party to ensure that no interference takes place, and that in particular the holding of political opinions is not used by public authorities as a reason to discriminate against a person or as a ground to restrict a person's freedom.

86. As regards freedom of expression, provide information on:

- All aspects of circulating information in any form and through any media, including Internet and Internet service providers.
- The legal regime that regulates the ownership and licensing of the press and the broadcasting media, as well as statistics on the existence of non-State controlled media.
- Any incidents of violence or threats of violence against journalists, investigations conducted into such cases and their results.
- The controls exercised with regard to the freedom of expression in general and any cases of persons arrested or detained because of the expression of political views.
- The reasons for granting or for refusing a media license and any controls imposed by public authorities upon the press, other media and the activities of journalists.
- Access of foreign journalists to information, the circulation of imported foreign newspapers and periodicals, and the reasons why their circulation may be restricted or prohibited.
- Legislation on libel and defamation and examples of its application.

87. Provide information on any legal limitations imposed on freedom of expression and justifications for those limitations.

## Article 20

88. Provide information on legislative measures prohibiting propaganda for war.

89. Provide information on legislative measures taken to prohibit advocacy of national, religious or racial hatred that constitutes incitement to discrimination, hostility or violence,

and state the cases, if any, in which such legislation has been applied during the reporting period.

## **Article 21**

90. Provide information on:

- Measures to guarantee the right of peaceful assembly and to ensure the protection of persons who hold assemblies, meet to demonstrate, meet to discuss in public their views, or manifest any opinion.
- Any requirements to obtain the authorization of public authorities to hold an assembly, the procedures to be followed and the conditions to be fulfilled to obtain such an authorization.
- Legislative restrictions placed upon the right of peaceful assembly, including criteria for prohibiting an assembly, as well as any cases recorded during the reporting period where the holding of an assembly was prohibited, and the reasons invoked.
- The instructions given to public officials, in particular police officials, and their attitude towards public assemblies, as well as statistics regarding any registered allegations that violence was used against peaceful and unarmed demonstrators, whether such allegations were investigated, and the eventual results of such investigations.

## **Article 22**

91. Indicate the procedures that regulate the formation of associations, in particular groups working for the promotion of human rights, political parties and trade unions, where and in what instances an authorization must be obtained to establish them, and the controls exercised by public authorities over their activities.

92. In particular, provide full information about:

- Any controls or restrictions imposed on the establishment and activities of political parties, trade unions and associations, as well as penalties imposed, if any, on members of prohibited organizations.
- The number of political parties, trade unions and associations, in particular human rights groups, in the State concerned.
- Whether the registration of any of the parties, trade unions or associations was rejected during the reporting period, the reasons for prohibiting their establishment, the possibility to appeal against a rejected application, and the outcome of appeals, if any, regarding such cases.

93. Regarding associations, in particular groups working for the promotion of human rights, provide information on measures taken to promote these associations and to ensure that they can operate freely, also mentioning any financial support granted by the State to such associations.

94. Provide information on:

- The organizational structure and size of trade unions, and the percentage of the total workforce belonging to a trade union.

- Any restrictions concerning trade unions in particular sectors or regarding certain categories of workers, such as migrant workers, and whether trade union rights include the right to strike.
- The regulation of this right, as well as any measures taken to ensure the free exercise of trade union rights.

### **Article 23**

95. In the light of the provisions of article 23 and general comment No. 19 (1990) on the protection of the family, the right to marriage and equality of the spouses, provide information on:

- The treatment of men and women with regard to marriage, to the minimum marriageable age and to any consequences resulting from marriage, such as the nationality of spouses, and the rights and duties between the spouses and towards their children.
- Rights and responsibilities of spouses, including choice of residence, running of the household, education of the children and administration of assets.
- The treatment of requests for divorce, the granting of a divorce, child custody and visiting rights, in particular with regard to non-discrimination between men and women.
- How the necessary protection of any children born in or out of wedlock is ensured in case of dissolution of marriage, and with regard to the paramount interest of the child.
- Rules concerning acquisition or loss of nationality by reason of marriage.
- Measures taken to ensure the effective protection of the family, including a family formed by a permanent cohabitation of partners without formal marriage.
- Rules governing family reunification.
- Polygamy and forced marriages.

### **Article 24**

96. In the light of the provisions of article 24 and general comment No. 17 (1989) on the rights of the child, indicate how legislation and practice ensure that all children on the territory of the State enjoy:

- The right to be registered immediately after birth.
- The right to have a name.
- The right to acquire a nationality.

97. Include information on:

- The age at which children attain their majority in civil matters.
- Rules governing juvenile justice, including information on the minimum age below which children and juveniles shall not be put on trial for criminal offences.
- The age at which a child is considered an adult for the purposes of article 10, paragraphs 2 and 3, of the Covenant.

98. Indicate the measures taken by the State party to ensure that children are protected, in particular:

- How legislation and practice ensure that measures of protection are aimed at removing all discrimination in every field, including inheritance, particularly as between children who are nationals and those who are non-citizens, and as between children born within or outside marriage.
- Special measures of protection taken to protect children who are deprived of their family environment.
- Measures of protection against trafficking.
- Measures to eliminate child labour and economic exploitation of children. Information should be provided on the age at which a child is legally entitled to work and at which he or she is treated as an adult under labour law.

## Article 25

99. In the light of the provisions of article 25 and general comment No. 25 (1996) on the right to participate in public affairs, voting rights and the right of equal access to public service, provide information on:

- The legal provisions that define citizenship in the context of the rights protected in article 25.
- Whether any groups, such as permanent residents, enjoy these rights on a limited basis.
- Any conditions which apply in the exercise of the rights protected by article 25, including grounds invoked for the suspension of those rights or the exclusion of citizens from their enjoyment.

100. Provide information on:

- The electoral system and the measures adopted to guarantee genuine free and periodic elections.
- The practical implementation of these guarantees in the period covered by the report.

101. Provide information on:

- The rules governing the right to vote and the application of those rules during the reporting period.
- The factors which impede citizens from exercising their right to vote, such as illiteracy, language barriers, poverty or impediment to the freedom of movement of voters, as well as measures adopted to overcome these factors.
- The legislative provisions depriving citizens of their right to vote.
- Any restrictions on the right to stand for election, including the legislative provisions excluding any group or category of person from elective office, and grounds for the removal of elected office holders.
- The legal provisions which establish the conditions for holding elective public office, including conditions for nomination, such as age limits and any other qualifications or restrictions which apply to particular offices.

102. Indicate the conditions for access to public service positions, any restrictions which apply and the processes for appointment, promotion, suspension and dismissal or removal

from office as well as the judicial or other review mechanisms which apply to these processes.

103. Indicate how the requirement for equal access to public service is met and whether positive measures have been introduced and if so, to what extent and with what results.

### **Article 27**

104. In the light of the provisions of article 27 and general comment No. 23 (1994) on the rights of minorities, provide information on:

- Which ethnic, religious or linguistic minorities exist on the territory of the State party, including indigenous communities constituting a minority and minorities constituted of non-citizens, such as migrant workers.
  - Which measures, including positive measures of protection, have been taken to ensure that members of such minorities enjoy the right, in community with other members of their group, to their own culture, to profess and practice their own religion, and to use their own language.
  - Which measures have been taken to ensure that indigenous peoples present on the territory of the State party can exercise their cultural rights and lead their particular way of life which may be associated with the use of land resources and traditional activities such as fishing or hunting.
  - Which measures have been taken to ensure the effective participation of members of minority communities in decisions that affect them.
  - Whether, and in which numbers, members of minority groups are represented in central and local government and hold elective offices, participate in the conduct of public affairs and have access to public service.
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