

CENTRAL AFRICAN REPUBLIC

Follow-up - State Reporting Action by Treaty Bodies

CCPR, A/62/40 vol. I (2007)

CHAPTER VII. FOLLOW-UP ON CONCLUDING OBSERVATIONS

220. In chapter VII of its annual report for 2003 (A/58/40, vol. I), the Committee described the framework that it has set out for providing for more effective follow-up, subsequent to the adoption of the concluding observations in respect of States parties' reports submitted under article 40 of the Covenant. In chapter VII of its last annual report (A/61/40, vol. I), an updated account of the Committee's experience in this regard over the last year was provided. The current chapter again updates the Committee's experience to 1 August 2007.

221. Over the period covered by the present annual report, Mr. Rafael Rivas-Posada continued to act as the Committee's Special Rapporteur for follow-up to concluding observations. At the Committee's eighty-fifth, eighty-sixth and eighty-seventh sessions, he presented progress reports to the Committee on intersessional developments and made recommendations which prompted the Committee to take appropriate decisions State by State. In view of Mr. Rivas-Posada's election to the Chair of the Committee, Sir Nigel Rodley was appointed the new Special Rapporteur for follow-up on concluding observations at the Committee's ninetieth session.

222. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the following comprehensive table.¹ Over the reporting period, since 1 August 2006, 12 States parties (Albania, Canada, Greece, Iceland, Israel, Italy, Slovenia, Syrian Arab Republic, Thailand, Uganda, Uzbekistan and Venezuela) have submitted information to the Committee under the follow-up procedure. Since the follow-up procedure was instituted in March 2001, only 12 States parties (Brazil, Central African Republic, Democratic Republic of the Congo, Equatorial Guinea, Mali, Moldova, Namibia, Surinam, Paraguay, the Gambia, Surinam and Yemen) and UNMIK have failed to supply follow-up information that has fallen due. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the process of the next periodic report on the part of the State party.

223. The table below takes account of some of the Working Group's recommendations and details the experience of the Committee over the last year. Accordingly, it contains no reference to those States parties with respect to which the Committee, upon assessment of the follow-up responses provided to it, decided before 1 August 2006 to take no further action prior to the period covered by this report.

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Eighty-seventh session (July 2006)

State party: Central African Republic

Report considered: Second periodic (due since 1989), submitted on 3 July 2005.

Information requested:

Para. 11: Efforts to mobilize public opinion against female genital mutilation; measures to criminalize female genital mutilation and ensure that the perpetrators are brought to justice (arts. 3 and 7).

Para. 12: Steps to ensure reports of torture and ill-treatment are investigated by an independent authority and the culprits are put on trial and punished; better training for State agents; compensation for victims; precise figures on violations reported, numbers of people put on trial and convicted, including current and former members of the Central Office for the Prevention of Banditry; reparation made to victims over the past three years (arts. 2, 6, 7 and 9).

Para. 13: Action to ensure the death penalty is not extended to new crimes; abolition of the death penalty and accession to the Second Optional Protocol to the Covenant (arts. 2 and 6).

Date information due: 24 July 2007

Next report due: 1 August 2010

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Note

1/ The table format was altered at the ninetieth session.

CCPR, CCPR/C/SR.2564/Add.1 (2008)

HUMAN RIGHTS COMMITTEE

Ninety-third session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)* OF THE 2564th MEETING

Held at the Palais Wilson, Geneva,

on Wednesday, 23 July 2008 at 11.25 a.m.

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FOLLOW-UP TO CONCLUDING OBSERVATIONS ON STATE REPORTS AND TO
VIEWS UNDER THE OPTIONAL PROTOCOL

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Report of the Special Rapporteur for follow-up on concluding observations (CCPR/C/93/R.1)

1. Sir Nigel RODLEY, Special Rapporteur for follow-up on concluding observations, introduced his report contained in document CCPR/C/93/R.1.

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4. He recommended that reminders should be sent to Barbados, Brazil, the Central African Republic, Chile and Madagascar requesting additional information...

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39. The draft report of the Special Rapporteur for follow-up on concluding observations was adopted.

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CHAPTER VII. FOLLOW-UP TO CONCLUDING OBSERVATIONS

194. In chapter VII of its annual report for 2003,²⁰ the Committee described the framework that it has set out for providing for more effective follow up, subsequent to the adoption of the concluding observations in respect of States parties' reports submitted under article 40 of the Covenant. In chapter VII of its last annual report (A/62/40, vol. I), an updated account of the Committee's experience in this regard over the last year was provided. The current chapter again updates the Committee's experience to 1 August 2008.

195. Over the period covered by the present annual report, Sir Nigel Rodley acted as the Committee's Special Rapporteur for follow-up on concluding observations. At the Committee's ninety-first, ninety-second and ninety third sessions, he presented progress reports to the Committee on inter-sessional developments and made recommendations which prompted the Committee to take appropriate decisions State by State.

196. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the following comprehensive table.²¹ Over the reporting period, since 1 August 2007, 11 States parties (Bosnia and Herzegovina, Brazil, Hong Kong Special Administrative Region (China), Mali, Paraguay, Republic of Korea, Sri Lanka, Suriname, Togo, United States of America and Ukraine), as well as the United Nations Interim Administration Mission in Kosovo (UNMIK), have submitted information to the Committee under the follow up procedure. Since the follow up procedure was instituted in March 2001, 10 States parties (Barbados, Central African Republic, Chile, Democratic Republic of the Congo, Equatorial Guinea, Gambia, Honduras, Madagascar, Namibia and Yemen) have failed to supply follow up information that has fallen due. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the process of the next periodic report on the part of the State party.

197. The table below takes account of some of the Working Group's recommendations and details the experience of the Committee over the last year. Accordingly, it contains no reference to those States parties with respect to which the Committee, upon assessment of the follow up responses provided to it, decided before 1 August 2007 to take no further action prior to the period covered by this report.

198. The Committee emphasizes that certain States parties have failed to cooperate with it in the performance of its functions under Part IV of the Covenant, thereby violating their obligations (Gambia, Equatorial Guinea).

20/ *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 40 (A/58/40), vol. I.*

21/ The table format was altered at the ninetieth session.

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Eighty-seventh session (July 2006)

State party: Central African Republic
Report considered: Second periodic (due since 1989), submitted on 3 July 2005.
Information requested: Para. 11: Mobilize public opinion against female genital mutilation; criminalize female genital mutilation; ensure that perpetrators are brought to justice (arts. 3 and 7). Para. 12: Ensure that all allegations of enforced disappearances, summary and arbitrary executions and torture and ill-treatment are investigated by an independent body and that perpetrators are prosecuted and appropriately punished; improve training for law enforcement personnel; compensation for victims; detailed information on complaints, the number of persons prosecuted and convicted, including current or former members of the Central Office for the Prevention of Banditry, and compensation paid to victims over the past three years (arts. 2, 6, 7 and 9). Para. 13: Ensure that the death penalty is not extended to new crimes; abolition of the death penalty; accession to the Second Optional Protocol to the Covenant (arts. 2 and 6).
Date information due: 24 July 2007
Date information received: NONE RECEIVED
Action taken: <u>28 September 2007</u> A reminder was sent. <u>10 December 2007</u> A further reminder was sent. <u>20 February 2008</u> The Special Rapporteur requested a meeting with a representative of the

State party, 18 March 2008 The Special Rapporteur requested a meeting with a representative of the State party.

1 April 2008 Consultations were held during the ninety-second session. The delegation committed itself to transmitting the Special Rapporteur's and the Committee's request to the Government. No responses were provided.

11 June 2008 A further reminder was sent by way of follow-up to the consultations which took place between the Special Rapporteur and the State party during the ninety-second session.

Recommended action: A reminder should be sent.

Next report due: 1 August 2010

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VII. FOLLOW UP TO CONCLUDING OBSERVATIONS

237. In chapter VII of its annual report for 2003,²⁰ the Committee described the framework that it has set out for providing for more effective follow up, subsequent to the adoption of the concluding observations in respect of States parties' reports submitted under article 40 of the Covenant. In chapter VII of its last annual report (A/63/40, vol. I), an updated account of the Committee's experience in this regard over the last year was provided. The current chapter again updates the Committee's experience to 1 August 2009.

238. Over the period covered by the present annual report, Sir Nigel Rodley acted as the Committee's Special Rapporteur for follow-up on concluding observations. At the Committee's ninety-fourth, ninety-fifth and ninety-sixth sessions, he presented progress reports to the Committee on inter-sessional developments and made recommendations which prompted the Committee to take appropriate decisions State by State.

239. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the following comprehensive table.²¹ Over the reporting period, since 1 August 2008, 16 States parties (Austria, Barbados, Bosnia and Herzegovina, Chile, Costa Rica, Czech Republic, France, Georgia, Honduras, Hong Kong Special Administrative Region (China), Ireland, Libyan Arab Jamahiriya, Madagascar, Tunisia, Ukraine and United States of America), as well as the United Nations Interim Administration Mission in Kosovo (UNMIK), have submitted information to the Committee under the follow up procedure. Since the follow up procedure was instituted in March 2001, 11 States parties (Botswana, Central African Republic, Democratic Republic of the Congo, Equatorial Guinea, Gambia, Namibia, Panama, Sudan, the former Yugoslav Republic of Macedonia, Yemen and Zambia) have failed to supply follow up information that has fallen due. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the process of the next periodic report on the part of the State party.²²

240. The table below takes account of some of the Working Group's recommendations and details the experience of the Committee over the last year. Accordingly, it contains no reference to those States parties with respect to which the Committee, upon assessment of the follow up responses provided to it, decided before 1 August 2008 to take no further action prior to the period covered by this report.

241. The Committee emphasizes that certain States parties have failed to cooperate with it in the performance of its functions under Part IV of the Covenant, thereby violating their obligations (Gambia, Equatorial Guinea).

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Eighty-seventh session (July 2006)

State party: Central African Republic

Report considered: Second periodic (due since 1989), submitted on 3 July 2005.

Information requested:

Para. 11: Mobilize public opinion against female genital mutilation; criminalize female genital mutilation; ensure that perpetrators are brought to justice (arts. 3 and 7).

Para. 12: Ensure that all allegations of enforced disappearances, summary and arbitrary executions and torture and ill-treatment are investigated by an independent body and that perpetrators are prosecuted and appropriately punished; improve training for law enforcement personnel; compensation for victims; detailed information on complaints, the number of persons prosecuted and convicted, including current or former members of the Central Office for the Prevention of Banditry, and compensation paid to victims over the past three years (arts. 2, 6, 7 and 9).

Para. 13: Ensure that the death penalty is not extended to new crimes; abolition of the death penalty; accession to the Second Optional Protocol to the Covenant (arts. 2 and 6).

Date information due: 24 July 2007

Date information received: NONE RECEIVED

Action taken:

28 September 2007 A reminder was sent.

10 December 2007 A further reminder was sent.

20 February 2008 The Special Rapporteur requested a meeting with a representative of the State party.

18 March 2008 The Special Rapporteur requested a meeting with a representative of the State party.

1 April 2008 Consultations were held during the ninety-second session. The delegation committed itself to transmitting the Special Rapporteur's and the Committee's request to the Government. No responses were provided.

11 June 2008 A further reminder was sent by way of follow-up to the consultations which took place between the Special Rapporteur and the State party during the ninety-second session.

22 September 2008 A reminder was sent.

16 December 2008 The Special Rapporteur requested a meeting with a representative of the State party.

29 May 2009 A reminder was sent to the State party.

Recommended action: If no information is received, consultations should be scheduled for the ninety-seventh session.

Next report due: 1 August 2010

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20/ *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 40 (A/58/40), vol. I.*

21/ The table format was altered at the ninetieth session.

22/ As the next periodic report has become due with respect to the following States parties, the Committee has terminated the follow-up procedure despite deficient information or the absence of a follow-up report: Mali, Sri Lanka, Suriname, Namibia, Paraguay, and the Democratic Republic of the Congo.

CCPR, CCPR/C/SR.2709/Add.1 (2010)

Human Rights Committee
Ninety-Eighth session

Summary record (partial) of the 2709th meeting
Held at Headquarters, New York,
on Wednesday, 24 March 2010, at 10 a.m

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**Progress report of the Special Rapporteur for follow-up on concluding observations
(CCPR/C/98/2/CRP.1)**

1. **Mr. Amor**, speaking as Special Rapporteur for follow-up on concluding observations, introduced his report, which related to concluding observations the Committee had adopted from the eighty-fifth through the ninety-fourth sessions. He reviewed, country by country, the status of the response to the concluding observations and the action he had recommended to be taken in each case.

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3. In a number of cases, the report recommended sending initial or further reminders of overdue responses. In others, after several unheeded reminders, he was recommending that he should meet with a State party representative to draw attention to the issue.

4. Reminders would also be sent to several States parties which had not submitted any of the additional information requested subsequently by the Committee. Four States which were due to submit periodic reports and which had ignored repeated reminders and/or meetings with a State party representative about the additional information would be asked to include it in their forthcoming reports. In answer to a query by Mr. O'Flaherty, he said that was done as a matter of policy when periodic reports had fallen due at that stage.

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7. **Mr. Thelin** asked the Special Rapporteur whether the Central African Republic could not also be asked to include its long-delayed response to the concluding observations in its periodic report due in August 2010.

8. **Mr. Amor**, noting that follow-up procedures differed from those involved in reviewing a country situation in the absence of a report, said that he preferred in the case of the Central African Republic to follow the usual sequence, namely, first establishing contact with a State party representative after numerous reminders, before moving on to the next step. He therefore stood by his recommendation, and would seek a meeting in Geneva.

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11. *The recommendations contained in the report of the Special Rapporteur for follow-up on concluding observations, as orally amended, were approved.*

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CCPR, CCPR/C/SR.2738/Add.1 (2010)

Human Rights Committee
Ninety-ninth session

Summary record of the second part (public) of the 2738th meeting
Held at Palais Wilson, Geneva,
on Wednesday 28 July 2010, at 11:25 am

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Follow-up to concluding observations on State reports and to Views under the Optional Protocol

Report of the Special Rapporteur for Follow-up on Concluding Observations (CCPR/C/99/2/CRP.1)

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2. **Mr. Amor**, Special Rapporteur for Follow-up on Concluding Observations, said that, while he commended the excellent work of the secretariat, it was regrettable that the relevant staff did not have more time to devote to follow-up on concluding observations. At the Committee's request, he had undertaken to supply details of the contents of the letters sent to States parties concerning follow-up in which the Committee asked for further information, urged the State to implement a recommendation or, alternatively, noted that a reply was satisfactory.

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6. **Mr. Amor** proposed that, in the case of the Central African Republic, the Committee should send a letter to the State party inviting it to respond to all the Committee's concluding observations in its next report, which was due on 1 August 2010.

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24. **The Chairperson** said that, if there was no objection, he took it that the Committee wished to adopt the Special Rapporteur's recommendations.

25. *It was so decided.*

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Chapter VII: Follow-up to Concluding Observations

203. In chapter VII of its annual report for 2003,¹⁶ the Committee described the framework that it has set out for providing for more effective follow-up, subsequent to the adoption of the concluding observations in respect of States parties' reports submitted under article 40 of the Covenant. In chapter VII of its last annual report,¹⁷ an updated account of the Committee's experience in this regard over the last year was provided. The current chapter again updates the Committee's experience to 1 August 2010.

204. Over the period covered by the present annual report, Mr. Abdelfattah Amor acted as the Committee's Special Rapporteur for follow-up on concluding observations. At the Committee's ninety-seventh, ninety-eighth and ninety-ninth sessions, he presented progress reports to the Committee on intersessional developments and made recommendations which prompted the Committee to take appropriate decisions State by State.

205. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the following comprehensive table.¹⁸ Over the reporting period, since 1 August 2009, 17 States parties (Bosnia and Herzegovina, Chile, Costa Rica, Czech Republic, Denmark, France, Georgia, Japan, Monaco, Spain, the former Yugoslav Republic of Macedonia, Sudan, Sweden, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland and Zambia), as well as the United Nations Interim Administration Mission in Kosovo (UNMIK), have submitted information to the Committee under the follow-up procedure. Since the follow-up procedure was instituted in March 2001, 12 States parties (Australia, Botswana, Central African Republic, Democratic Republic of the Congo, Equatorial Guinea, Gambia, Namibia, Nicaragua, Panama, Rwanda, San Marino and Yemen) have failed to supply follow-up information that has fallen due. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the preparation of the next periodic report by the State party.¹⁹

206. The table below takes account of some of the Working Group's recommendations and details the experience of the Committee over the last year. Accordingly, the report does not cover those States parties with respect to which the Committee has completed its follow-up activities, including all States parties which were considered from the seventy-first session (March 2001) to the eighty-fifth session (October 2005).

207. The Committee emphasizes that certain States parties have failed to cooperate with it in the performance of its functions under Part IV of the Covenant, thereby violating their obligations (Equatorial Guinea, Gambia).

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Eighty-seventh session (July 2006)

State party: Central African Republic

Report considered: Second periodic (due since 1989), submitted on 3 July 2005.

Information requested:

Para. 11: Mobilize public opinion against female genital mutilation; criminalize female genital mutilation; ensure that perpetrators are brought to justice (arts. 3 and 7).

Para. 12: Ensure that all allegations of enforced disappearances, summary and arbitrary executions and torture and ill-treatment are investigated by an independent body and that perpetrators are prosecuted and appropriately punished; improve training for law enforcement personnel; compensation for victims; detailed information on complaints, the number of persons prosecuted and convicted, including current or former members of the Central Office for the Prevention of Banditry, and compensation paid to victims over the past three years (arts. 2, 6, 7 and 9).

Para. 13: Ensure that the death penalty is not extended to new crimes; abolition of the death penalty; accession to the Second Optional Protocol to the Covenant (arts. 2 and 6).

Date information due: 24 July 2007

Date information received: None received.

Action taken:

28 September 2007 A reminder was sent.

10 December 2007 A further reminder was sent.

20 February 2008 The Special Rapporteur requested a meeting with a representative of the State party.

18 March 2008 The Special Rapporteur requested a meeting with a representative of the State party.

1 April 2008 Consultations were held during the ninety-second session. The delegation committed itself to transmitting the Special Rapporteur's and the Committee's request to the Government. No responses were provided.

11 June 2008 A further reminder was sent by way of follow-up to the consultations which took place between the Special Rapporteur and the State party during the ninety-second session.

22 September 2008 A reminder was sent.

16 December 2008 The Special Rapporteur requested a meeting with a representative of the State party.

29 May 2009 A reminder was sent to the State party.

2 February 2010 The Special Rapporteur requested a meeting with a representative of the State party.

25 June 2010 The Special Rapporteur requested a meeting with a representative of the State

Recommended action: A letter should be sent inviting the State party to reply to all concluding observations in its next periodic report.

Next report due: 1 August 2010

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¹⁶ *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 40, vol. I (A/58/40 (vol. I)).*

¹⁷ *Ibid., Sixty-Fourth Session, Supplement No. 40, vol. I (A/64/40 (vol. I)).*

¹⁸ The table format was altered at the ninetieth session.

¹⁹ As the next periodic report has become due with respect to the following States parties, the Committee has terminated the follow-up procedure despite deficient information or the absence of a follow-up report: Austria, Brazil, Central African Republic, Democratic Republic of the Congo, Hong Kong (China), Mali, Namibia, Paraguay, Republic of Korea, Sri Lanka, Suriname and Yemen.