

LEGAL RIGHTS -CRIMINAL -Presumption of Innocence

IV. CONCLUDING OBSERVATIONS, CONTINUED

ICCPR

- United Kingdom of Great Britain and Northern Ireland, ICCPR, A/57/40 vol. I (2002) 36 at para. 75(17).

(17) Although the Committee appreciates the recent prohibition on drawing negative inferences from a suspect's silence while his or her lawyer is absent, the Committee remains troubled by the principle that juries may draw negative inferences from the silence of accused persons.

The State party should reconsider, with a view to repealing it, this aspect of criminal procedure, in order to ensure compliance with the rights guaranteed under article 14 of the Covenant.

- Benin, ICCPR, A/60/40 vol. I (2004) 30 at para. 83(21).

(21) The Committee is of the view that the requirement that pre-trial detainees and convicts must wear jackets indicating their place of detention constitutes degrading treatment, and that the requirement that pre-trial detainees must wear such jackets during their trial may infringe the principle of presumption of innocence (articles 7 and 14 of the Covenant).

The State party should abolish this measure.

- Tajikistan, ICCPR, A/60/40 vol. I (2005) 70 at para. 92(25).

(25) The Committee is concerned about the possibility, in the State party's law, to refuse to register as candidates for election individuals against whom criminal proceedings are pending, notwithstanding the fact that their guilt has not been established (arts. 25 and 14, para. 2).

The State party should amend its legislation and practice in line with the requirements of 25 and 14, paragraph 2, of the Covenant, so as to ensure that persons merely charged with an offence are presumed innocent and retain their right to stand for elections.