



# General Assembly

## HR/CT/728

Department of Public Information • News and Media Division • New York

Human Rights Committee  
101<sup>st</sup> Session  
2775<sup>th</sup> Meeting (AM)

### **CONCLUDING CONSIDERATION OF TOGO REPORT, HUMAN RIGHTS COMMITTEE EXPRESSES**

#### **CONCERN OVER SLOW PASSAGE OF DRAFT LAWS THROUGH NATIONAL ASSEMBLY**

##### **Experts Raise Questions over Criminal Code, 'Deplorable' Prison Conditions**

Commending the Government of Togo for having abolished the death penalty and adopted a press code, experts of the Human Rights Committee expressed concern today at the number of draft laws awaiting passage in the National Assembly, especially a draft Criminal Code, and urged their adoption as soon as possible to prevent the perception that a lack of political will was interfering with much needed reform.

As the Committee concluded its two-day consideration of Togo's fourth periodic report, several experts pressed the 11-member delegation to explain the process by which Parliament passed draft laws, and pointed out that violations committed during the country's 2005 presidential elections had not been fully investigated, as a result of which suspects remained in prison. "This was a very long time ago," said Chairperson Zonke Zanele Majodina in concluding remarks.

Other Committee experts, citing cases of arbitrary detention and torture, said there appeared to be neither independent measures by which detainees could seek recourse nor judicial remedy. Further, the draft law on the freedom of assembly must be amended to ensure it was in full compliance with the International Covenant on Civil and Political Rights. Topping it all, prison conditions were "deplorable", and reports on the implementation of planned changes were needed to assuage such serious concerns.

Responding to some of those concerns, Yacoubou Koumadjo Hamadou, Minister for Arts and Culture, said the Government was making progress on the enactment of laws, but asked for the Committee's understanding regarding the obstacles faced by a country which for 20 years had been in the throes of a socio-political crisis that had left it near collapse and cut in half. A sheer "survival reflex" had required a focus on priorities other than passing laws, he said, noting that today, Togo boasted institutions that stood on their own and called attention to the most outstanding cases requiring it.

Explaining legislative procedure, he said two bodies presented draft laws: one that sent bills for action by the National Assembly and the Assembly itself, which could adopt laws on its own. "Some speed is needed," he said, emphasizing that the Government would do its utmost to ensure a quickened pace of adoption.

He acknowledged that the description of Togo's prisons was the reality, adding that measures were being taken to relieve the most crowded prisons by releasing detainees who had served more than half their sentences. "We are fighting for this," he asserted.

As for concerns about the draft Criminal Code's article 88, which criminalizes homosexual acts, he said: "We also have our moral values", which must be taken into account when legislation was enacted. The draft text took the Committee's concerns into account, but the Government preferred to raise awareness rather than vote on a text that contravened what Togo sought to achieve. The majority should not turn against the minority that the Government was trying to protect, he stressed.

Christine Chanet, expert from France, said she did not see the need to change the entire draft Criminal Code in order to change a single provision, including the standard for legal assistance from the first hour of detention. She noted that the delegation, in describing remedies available to all detainees, had said it was necessary first to prove that the detention was arbitrary or illegal. However, that was a misreading of the Covenant, she said, emphasizing that problems must be dealt with as they were, not postponed for some future, all-encompassing bill for which she, at least, saw no purpose.

To that point, another delegation member responded by saying the new Criminal Code would set out all provisions for legal assistance and insisted that police must charge suspects. The detainee would have the right to remain silent until the arrival of a lawyer. As for habeas corpus, there was currently no text stipulating the judicial authority before which a detainee must be presented in any case of detention, arbitrary or not. Hopefully, the new Criminal Code would rectify that situation.

The Human Rights Committee will reconvene at 3 p.m. tomorrow, 16 March, to take up the third periodic report of Slovakia.

### Background

The Human Rights Committee, the 18-member expert body that monitors global implementation of the International Covenant on Civil and Political Rights, continued its 101<sup>st</sup> session today as it considered the fourth periodic report of Togo. For more information, please see Press Release [HR/CT/727](#) of 14 March.

### Committee Experts' Comments and Questions

CORNELIS FLINTERMAN, expert from the Netherlands, said the Committee on the Elimination of Discrimination against Women had requested that Togo introduce legislation to create equality between men and women. In response, Togo had developed a draft law on persons and the family, and another amending its Criminal Code to make violence against women a separate crime. He asked about the time frame for and obstacles to the speedy adoption of those important draft laws, and what had been done to change entrenched mindsets.

MARGO WATERVAL, expert from Suriname, asked the delegation to explain the process by which a draft law was passed in Parliament, and about the ages of detained minors.

### Delegation's Responses

When the floor was opened for response, a member of the delegation of Togo said the strategy document on poverty reduction took women's issues into account, in particular the protection of women against violence, especially rural women. It focused on social mobilization, with a view to changing the customs and beliefs of decision-makers with respect to promoting women's rights throughout Togolese society. The Government was also working to change the structures for promoting women's rights, she said. It had set up village water stations to alleviate the burden of carrying water, and child-care centres to help women — or even girls — care for their children and siblings.

As for enactment of the Criminal Code, she said it took into account the Convention on the Elimination of All Forms of Discrimination against Women, and the process had evolved "quite a bit". Regarding efforts to change mindsets, she said most actions revolved around social mobilization, citing the Government's partnership with women's groups through the Groupe de réflexion et d'action femme, démocratie et développement — or "GF2D" project — in which legal experts visited remote areas to promote women's rights. In 2010, the Government had organized a "day of reflection" for parliamentarians, to raise awareness of the need to pass laws to protect women, she said, recalling that discussion had focused on budget allocations for women's rights. "If they have a larger budget they'll be in a better position to promote women's rights — or what they consider women's rights — around the country."

Turning to female genital mutilation, she said the Government had been working since 1996 to eliminate the practice, which at that time had affected 12 per cent of Togolese women. A 1998 law had banned the practice nationally and prescribed punishment for perpetrators. Training and awareness-raising

had been provided, especially for magistrates and women who engaged in and promoted the custom, to make them aware that they must fight it. A subsequent 2007 study to evaluate results had found the practice significantly decreased, she said, noting that today, only 6.9 per cent of Togolese women were subjected to female genital mutilation. Thanks to financing from a German non-governmental organization, in the last three years, the Government had been reaching out to rural communities where it was more heavily practised. Neighbouring countries had also been informed and the project was to be expanded to Ghana, she said, adding that the practice had been eradicated in some villages, thanks to those efforts.

YACOUBOU KOUMADJO HAMADOU, Minister for Arts and Culture, said in response to queries posed [yesterday](#) that the delegation's composition reflected a desire to make headway. The head of delegation was a minister from the opposition party, he pointed out, adding that besides his own ministerial duties, he was also a member of a civil society organization, Togolese League for Human Rights. The magistrate on the delegation had been Attorney-General and was today the head of a penitentiary centre. "These are not people who are prepared to go along with human rights violations," he stressed, confirming also that juveniles and adults were not held together in detention centres.

Emphasizing that he could not say that "what we are unaware of has never existed", he said that as a lawyer, he had become aware of people without birth certificates, which made it difficult for them to determine whether they were juveniles or adults. On prison overcrowding, he said prisons fell under the purview of the Ministry of Justice, which deferred security oversight to the Ministry of Security. The Government was working to recruit agents who would be under the exclusive auspices of the Justice Ministry, which was also responsible for ensuring compliance with international standards.

Turning to threats against the organizers of an event on 12 February, he said the right to demonstrate was recognized, and today it would not be possible to ban a demonstration without presenting verifiable objective criteria. "We must make sacrifices if we want to build the rule of law," he stressed. The Government was also making progress on enacting laws, he said, asking the Committee to understand that various obstacles made that difficult. On the abolition of the death penalty, he said that naturally took time when dealing with people with a given history. However, "the person who goes slowly goes surely", he stressed, adding that abolition had been "definitive".

He said a 20-year socio-political crisis had led to the near collapse of the economy, and the country had been cut in half. The "survival reflex" had required a focus on priorities other than "passing laws", he emphasized, adding that Togo had started down the reform path with serenity. Having made enough headway in enough areas, the country today had institutions that stood on their own and called attention to the most outstanding cases requiring attention, he said, citing the case of a detainee who had died during a transfer. The man in question had been moved from a judicial police station and had "fallen victim to his own vices". A magistrate had issued an injunction instructing that he be transferred to a hospital, but he had passed away.

As for concerns about article 88 of the Criminal Code, he said "we also have our moral values", which must be taken into account when legislation was enacted. The text being drafted took the Committee's concerns into account, but the Government preferred to raise awareness rather than vote on a text that contravened what Togo sought to achieve. The majority should not turn against the minority that the Government was trying to protect, he stressed.

Regarding comments about the "deficient" budget for the National Human Rights Commission, he said the Commission had a consistent budget because it must shed light on the "unfortunate events" the country had experienced. The goal was to reconcile Togolese citizens who had lost sight of the need to live as a community, and had committed reprehensible acts.

Touching on other areas, he said there were two bodies that presented draft laws: one which sent bills to the National Assembly, and the Assembly itself, which could adopt laws on its own. "Some speed is needed," he said, adding that the Government would do its utmost to quicken the adoption of various bills. Once passed, the President adopted a text allowing the legislation to enter into force, which could happen on the day of passage or the day after a bill was passed.

Finally, he clarified that youth under age 18 were recognized as minors, emphasizing that the detention of anyone under age 13 was not legal.

## Experts' Comments and Questions

MICHAEL O'FLAHERTY, expert from Ireland, requested more information on the treatment of ethnic groups. Referring to paragraph 13 of the 2008 concluding observations of the Committee on the Elimination of Racial Discrimination, he said no criminal penalty had been imposed on leaders and authors of journalistic articles inciting ethnic hatred and violence. What was the State doing to address ethnically motivated abuses? he asked. Citing that Committee's conclusion that Togo's laws were not up to the task of protecting the property rights of indigenous peoples, he said that although paragraph 18 of its concluding observations took note of Government efforts to restore an ethnic balance, that was still not the case in a number of public services, notably the army. Could the delegation provide an update of the situation?

Welcoming the delegation's reply that a workshop would be convened on the Committee's concluding observations, he asked about the possibility of establishing a single, integrated, ongoing consultative process in connection with Togo's commitments to various treaty bodies.

FABIÁN OMAR SALVIOLI, expert from Argentina, said that, in its reply to question 18, the delegation had mentioned a programme of modernization in which 20 judges and other judicial staff had been appointed since 2007, as well as the establishment of training centre. Did the curriculum include human rights case law and education, particularly on gender and women's rights? he asked. What measures was the State taking to ensure that the competitive process for entry into the judiciary was immune to favouritism, particularly for people from the same ethnic group as the President? He also requested additional details on the State's reply concerning the presumption of guilt, saying it had not initially appeared compatible with the presumption of innocence as set out in the Covenant, but conceding the possibility that he was misunderstanding it.

Noting that the draft bill on legal assistance seemed important and valuable, he recalled the delegation's response that it was now in a better position to make progress on draft legislative bills than it had been in the past. Could it better predict when the bill would be passed and enter into force? Likewise, when would the bill on reparations for judicial errors enter into force, and what measures was the State taking to educate the public about it? Was it setting up separate institutions to fulfil the reparations function?

He also noted the delegation's reply on the right to freedom of assembly and the possibility of constitutional restrictions. It had stated that limitations and restrictions on that right were perfectly consistent with the Covenant, he recalled, requesting further explanation.

While State assistance to the private media was valuable, there were reports of numerous instances of repression against the print media, with officials and media regulators initiating trials against journalists, he said. For example, a journalist from Radio Metropolis had been assaulted by military personnel several years ago. A week later, the police commander had stopped a demonstration to protest the attack and, subsequently, the chair of the radio station had been threatened. Had any action been brought to bear on the physical and intellectual authors of the attack? he asked. Other journalists had been forced to leave their homes following threats occasioned by their journalism, and on 25 August 2010, a journalist had been abused in an official vehicle, the plates of which had been identified. Asking whether any action had been taken against those in charge of that vehicle, he indicated that he was not seeking explanations for those specific incidents, per se, but was concerned about the general atmosphere in Togo.

He went on to cite registration difficulties reported by non-governmental organizations, particularly those critical of State operations, stressing that while public scrutiny might sometimes be unfair, it was essential for the Covenant's guarantees actually to work. He requested more information on the registration process. Referring to a demonstration in Togo on 14 March, during which human rights non-governmental organizations had issued a statement concerning the bill on freedom of association, he said it was important for civil society to be heard.

Ms. WATERVAL, expert from Suriname, said the Committee was satisfied with the delegation's answer that no religious organizations had encountered registration problems. On question 23, however, it had not addressed the fact that the High Audiovisual and Communications Authority lacked authority and autonomy, and was used as a tool to control and stifle criticism of the State. She said the State should set out criteria for guidance that did not infringe on the relevant rights, and establish a reparations mechanism to address violations of the freedom of expression. What, in the Government's view, constituted irregularities or excesses with respect to freedom of expression? she asked. How would the State ensure

that the Authority was independent and autonomous? What weight did decisions made by the National Human Rights Commission have in the Authority, and were they enforceable? What compensation was available to those whose right to freedom of expression was violated by the Authority?

Turning to question 24, she said the State's practice on freedom of assembly was clearly restrictive, given the permission requirements involved. The Government must reconsider those requirements, she said, asking what steps were being taken to ensure that the police force was not used to intimidate demonstrators. Had the State considered changing the registration requirements for human rights organizations?

IULIA ANTOANELLA MOTOC, expert from Romania, recalled that during the period when the Declaration on the Rights of Indigenous Peoples had been adopted, there had been some reticence among African nations, who had argued that there was a difference between minority rights and those of indigenous peoples. While not true of Togo, how did the Government distinguish between minority rights and indigenous rights? she asked.

Regarding freedom of expression — particularly the way in which the Government was using radio stations and the authorization required of them — she asked why three radio stations, reportedly critical of the State, had recently been closed. Some non-governmental organizations were also concerned about restrictions on the freedom of assembly, she said, noting that despite reforms, the relevant law still did not seem to be in line with the Covenant.

LAZHARI BOUZID, expert from Algeria, requested further information on the situation of stateless persons, asking whether the Government intended to join the Convention relating to the Status of Stateless Persons. Noting that Togo's refugees committee studied initial cases as well as appeals, he asked whether the Government was considering separating those functions.

#### Delegation's Responses

LEONARDINA RITA DORIS WILSON-DE SOUZA, Minister for Human Rights, Consolidation of Democracy and the Rule of Law, said the delegation had applied a participatory approach in preparing for the annual periodic review of human rights. A broad strategy document had been distributed across all ministries and to non-governmental organizations, including those dealing with human rights. The relevant report would be presented on 6 October, prior to which a workshop with civil society would be held, she said, adding that a "human rights training day" would deal with all sorts of issues.

Another member of the delegation, discussing training for new judges and members of the judiciary, said instruction on the treaties and conventions to which Togo was a signatory would be provided, adding that the High Commissioner on Human Rights had already begun discussions on those and related matters. Prison wardens underwent human rights training, especially in relation to detainees.

Touching on other areas, he said Togo recognized the presumption of innocence in principle, but in practice, there had been cases in which the presumption of guilt had been seen, and "we want to get rid of it". Two levels of appeal were being created to provide an administrative remedy, he said, emphasizing that all prisons — except for those in Lomé and one other area — provided separate spaces for minors. The Lomé police district was responsible for minors, he added.

Another delegation member described efforts to ensure an ethnic balance in the recruitment of the armed forces, stressing that quotas had been in use since 2005. Recruits were divided equally among prefectures. Teams were sent to each prefecture, and when there were no volunteers, each team "stayed put" to ensure that people had a chance for recruitment if they wished. There were also quotas for the recruitment of women, he added.

Minister HAMADOU, noting that a bill to protect stateless persons was before the National Assembly, said steps had also been taken to protect minorities, but the notion of "native peoples" did not exist in Togo. Exceptional steps had been taken to allocate \$55 million to help indigent people lacking the means to provide for their own legal defence, he said, adding that a bill on exceptional measures to help such people was in the works and hopefully would become law.

Regarding the closed radio stations, he said the information received by the Committee might have been biased. Citing a "legal vacuum", he said there appeared to be a systematic prohibition of

demonstrations, recalling that a 1994 law prohibited demonstrations on working days and on public thoroughfares. He said that in order to remedy that, as head of the Togolese Bar Association, he had signed a “reply” to a bill, as had the National Human Rights Commission, which had then been taken to the local Office of the High Commissioner for Human Rights.

The idea had been to draft a law preventing abuse by public officials wishing to stop demonstrations, he continued, adding that protests need not be authorized by the Government. The National Assembly had not yet adopted the bill, which reflected civil society concerns, and any provisions that violated the Covenant would be changed. “We are not here to prevent demonstrations,” but rather to halt abuses of the past, he stressed, adding that the text of the bill in question would be provided for the Committee’s consideration.

As for radio stations, he said “we are not going after them”. There were two national radio broadcasters — Radio Lomé and Radio Kara — and only one national television station, the others were privately owned. The closed radio stations had not been in compliance with national regulations, he said. Indeed, democracy was still growing and efforts were under way to create the rule of law, but some bodies did not respect the law as it existed today, he said. If the Government’s steps were out of touch with reality, “we will amend them”, he pledged, insisting that the authorities would not close radio stations simply because they might favour the opposition.

Discussing the High Audiovisual and Communications Authority, he said it was “not in the hands of those in power”, but added that “perhaps we’ve created a monster that has gotten out of our control”, since the idea had been to create an independent body. It enjoyed the same status as the National Human Rights Commission and its chief was a journalist who had hosted a radio journal opposed to the President, he said, emphasizing that the Government had never used it as a tool to repress journalists.

As for what the Government was doing to inform citizens, he said civil society was very active and its relationship with the Government had moved from confrontation to cooperation. Due to a more relaxed environment in public offices, there was now a good relationship with civil society, which was appropriately involved in Government work. “They are not an enemy to be beaten,” he stressed.

#### Experts’ Comments and Questions

YUJI IWASAWA, expert from Japan, said he was happy with the delegation’s detailed responses and the good, constructive dialogue. Following up on questions regarding indigenous peoples, however, he said he had been a Government-nominated member of the Permanent Forum on Indigenous Issues and one of his colleagues from Togo had been an indigenous-nominated member. That was confusing in light of the delegation’s comments to the effect that the country had no indigenous peoples, he said, requesting clarification.

GERALD L. NEUMAN, expert from the United States, asked whether Togo had a judicial remedy for unlawful detention, saying he understood that no effective traditional remedy was currently available, and that a habeas corpus bill was currently under consideration as part of a larger bill. If that was indeed the case, would it not be possible to draft a smaller bill targeting habeas corpus and to pass it more quickly?

Mr. O’FLAHERTY, expert from Ireland, associated himself with Mr. Iwasawa’s question and said he had been struck by the delegation’s answer on indigenous peoples, not least because of the detailed recommendation provided by the Committee on the Elimination of Racial Discrimination in paragraph 17 of its 2008 concluding observations on protecting the land rights of indigenous peoples.

Mr. BOUZID, expert from Algeria, asked whether the delegation could note the number of lawyers in Togo, and requested additional information on legal assistance and the right of lawyers to accompany their clients to court.

NIGEL RODLEY, expert from the United Kingdom, praised the delegation’s “real candour” and said his question on prison conditions had been prompted by Mr. Neuman’s comments. “Overcrowding” was not really the correct word, he said, pointing out that where prisoners were forced to lie down like farm animals, it was really a question of cruel, inhuman and degrading punishment. He realized that prisons could not be built overnight and appreciated the steps taken to reduce the number of prisoners, but people were being held in violation of their fundamental rights, he said, asking what recourse was available to

them.

### Delegation's Responses

Minister HAMADOU, before responding to the most recent questions, said he had had “misspoken” in discussing minors, who could be legally detained at 14, not 13.

Turning to the last round of questions, he said Togo did in fact have an ethnic group that could be considered indigenous, but it did not meet the Covenant’s criteria for that designation. While that was a verifiable fact, it did not mean their minority rights were not protected, he stressed. Indeed, Togo was prepared to take further action to protect minority rights, and the property rights of indigenous peoples were also protected.

On illegal detentions, he said that, for the moment, those currently detained had no right of remedy because it was necessary first to determine whether a given detention was arbitrary or illegal before the question of a right of remedy was addressed. The State’s efforts were currently focused on that front, he said, noting that the Government did not deny that there were cases of arbitrary detention, but the creation of a mechanism to protect and seek remedy must be undertaken together with civil society.

The Minister said he did not have specific figure on the number of lawyers, but estimated that there were roughly 220 of them for a population of 5 million, and they were all in Lomé, the capital. The State planned to provide incentives to ensure that justice was brought closer to those who needed it, he said, adding that a number of texts emphasizing decentralization were being drafted in that regard. Larger cases would, of course, still be tried in the city, but the State was trying to create motivation and provide legal assistance for the rural areas.

He said it was true that there were no texts on the right of lawyers to accompany their clients to court, but the Justice Minister had prepared a text to fill that gap, he said. When defendants lacked the money to secure representation, the State must provide legal assistance, yet, that applied only at the end of a trial, during sentencing, he said. The State’s intention was to change the prevailing situation so that legal assistance would be provided at the beginning of detention.

The description of prison overcrowding was the reality, he conceded, citing his time as a lawyer, when he had taken part in the publication of a report entitled “Prison in Lomé: Is it a concentration camp or a detention centre?” As a Government Minister, he said, he would not deny the reality of prisons, and measures were being taken to relieve the most crowded prisons through the release of detainees who had served more than half of their sentences. “We are fighting for this. We’ve done it in the past and we will continue to do so,” he asserted.

Another delegation member said there was no full procedure for legal assistance. The Justice Minister had provided an instruction which, while not constituting a law, was intended to ensure that no one was left in police custody without representation. Moreover, the new Criminal Code would set out all provisions for legal assistance, from the first hour of detention. Detainees would also have the right to remain silent until the arrival of a lawyer.

With respect to habeas corpus, he said there was no text stipulating the judicial authority before which a detainee would have to appear in any case of detention, arbitrary or not. The Criminal Code must designate a judge or court for habeas corpus cases, and while that was stipulated in the Constitution, no law directly addressed that question. He stressed that all the relevant codes must be linked and the relevant authorities made aware of their provisions. Hopefully, a single code would eventually be drafted.

Minister WILSON-DE SOUZA said her ministry wished to call on civil society to participate in Government activities this year, some of which would be put in the hands of civil society members who had proven their competence in the past.

### Experts' Comments and Questions

CHRISTINE CHANET, expert from France, said she remained concerned about the memo from the Ministry of Justice, stressing that it did not provide a full right. She said she did not see the need to change the entire Criminal Code in order to change a single provision, including the standard for legal assistance from the first hour of detention. She noted that the delegation had said, when pressed for a

second time on remedies available to all people in detention, that it was necessary first to prove that the detention was arbitrary or illegal. However, that was a misreading of the Covenant, she said, emphasizing that problems must be dealt with as they were and not be postponed for some future, all-encompassing bill for which she, at least, saw no purpose.

Mr. BOUZID, expert from Algeria, noted that French was Togo's official working language and asked whether translation services were available in rural areas where French was likely not the lingua franca? Who paid for those services?

### Delegation's Responses

Minister HAMADOU, noting that the Criminal Procedure Code had been overhauled, said that trying to introduce a new law meant going back to "square one". It would require the Government to draft a bill and sending it to the National Assembly with the aim of speeding up procedure so that texts would be adopted quickly. He said he had not suggested that the Government lacked the will to adopt a text requiring assistance for those who could not afford a lawyer.

Concerning the rights of those arbitrarily detained, he said a judge must determine whether a case was indeed one of arbitrary detention. While not denying that there was a problem, he said it was difficult to find a solution.

Minister WILSON-DE SOUZA, in closing remarks, thanked the Committee and said the Government was prepared to hear their recommendations for improving its practices.

### Concluding Remarks

ZONKE ZANELE MAJODINA, Committee Chairperson and expert from South Africa, thanked the delegation for its "frank" report, saying she recognized the difficulties that Togo had faced in more than 20 years of socio-political crisis, which had probably had a negative impact on the human rights situation. She said she understood that the country was working to improve its record, commending the Government for having abolished the death penalty and adopted a press code.

She went on to express concern about the number of draft laws left pending after so many years, especially the draft Criminal Code. Urging its adoption as soon as possible, she said the same was true for the draft Family Code, which had not been finalized. She also cited cases of arbitrary detention and torture, saying there appeared to be no independent measures allowing detainees to seek recourse. There was also no judicial remedy for detainees, she said, adding in reference to detention conditions: "At the end of the day, I think the conditions are deplorable."

Finally, she said violations during the 2005 elections had not been fully investigated, and people were still in prison. That had been a "very long time ago" and pending cases gave the impression that impunity was still very much a problem, despite assurances to the contrary. Furthermore, the draft law on the freedom of assembly must be amended to ensure its full compliance with the Covenant, she emphasized. Issues around the freedom of expression were also a cause of concern, she said, adding that the Committee was not happy about the powers of the High Audiovisual and Communications Authority, and wanted more guarantees of its independence.

### Briefing

Mr. IWASAWA, expert from Japan, then briefed the Committee on his exchange of views with the President of the European Court of Human Rights, saying it had focused on the need to identify relevant cases and verify the status of registration, including through a new mechanism. The discussion had also covered follow-up procedures and respective jurisprudence.

He said he had attended the meeting of the Working Group on Follow-Up from 12 to 14 January and the resulting points of agreement had been distributed to Committee members. They were divided into two sections, follow-up to concluding observations and follow-up to views and decisions, respectively. Some of them covered individual complaints, among other things, and many were consistent with the Committee's procedures, he said. The Working Group on Follow-Up had agreed that procedures and guidelines would be useful and had recommended that they should be drafted in the context of the Inter-Committee Meeting [a gathering of human rights treaty bodies].



The Human Rights Committee could learn from other treaty bodies, such as the Committee on the Elimination of Discrimination against Women and the Committee on the Elimination of Racial Discrimination, he said regarding requests for States parties to publish concluding observations. The Working Group also recommended reducing the burden on rapporteurs, incorporating key words in list-serve correspondence and collecting information on how States parties implemented decisions arising from individual complaints. In other areas, the meeting had recommended that treaty bodies carry out more country visits and engage in intersessional follow-up meetings.

\* \* \* \* \*

---

**For information media • not an official record**