



**United Nations**

# **Report of the Human Rights Committee**

**129th session  
(29 June–24 July 2020)**

**130th session  
(12 October–6 November 2020)**

**131st session  
(1–26 March 2021)**

**General Assembly**

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**Seventy-sixth Session**

**Supplement No. 40**





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*Note*

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## I. Jurisdiction and activities

### A. States parties to the International Covenant on Civil and Political Rights and to the Optional Protocols

1. As at 26 March 2021, 173 States were parties to the International Covenant on Civil and Political Rights and 116 States were parties to the first Optional Protocol to the Covenant. Both instruments have been in force since 23 March 1976. The Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty, entered into force on 11 July 1991. As at 26 March 2021, 89 States were parties to that Protocol.
2. Also as at 26 March 2021, 50 States had made the declaration provided for under article 41 (1) of the Covenant. In this connection, the Committee appeals to States parties to make the declaration under article 41 of the Covenant and to consider using this mechanism with a view to making implementation of the provisions of the Covenant more effective.
3. All information on the status of the treaties, including reservations and declarations made by States parties, is available at <https://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en>.

### B. Sessions of the Committee

4. The Committee has held three sessions since the adoption of its previous annual report. The 129th session was held from 1 to 26 July 2020, the 130th session from 12 October to 6 November 2020 and the 131st session from 1 to 26 March 2021. Owing to the coronavirus disease (COVID-19) pandemic, the meetings were held online.

### C. Election of officers

5. On 1 March 2021, the Committee elected the following officers for a term of two years, in accordance with article 39 (1) of the Covenant (for a list of Committee members, see the annex):

|                     |  |
|---------------------|--|
| <i>Chair:</i>       | Photini Pazartzis                              |
| <i>Vice-Chairs:</i> | Arif Bulkan, Furuya Shuichi and Vasilka Sancin |
| <i>Rapporteur:</i>  | Duncan Laki Muhumuza                           |

6. During the 129th, 130th and 131st sessions, the Bureau of the Committee held several meetings. Pursuant to the decision taken at the seventy-first session, the Bureau records its decisions in formal minutes, which are kept as a record of all decisions taken.

### D. Special Rapporteurs

7. During the period covered by the present report, the Special Rapporteurs on new communications and interim measures, Christof Heyns and Yuval Shany in the previous composition of the Committee and Arif Bulkan and Hélène Tigroudja in the current composition, registered 259 communications, which they transmitted to the States parties concerned. They also issued 90 decisions calling for interim measures of protection pursuant to rule 94 of the Committee's rules of procedure. At the 131st session, Mr. Bulkan and Ms. Tigroudja were formally appointed Special Rapporteurs on new communications and interim measures for a two-year term.
8. The Special Rapporteur for follow-up on Views, Andreas Zimmermann, the Deputy Special Rapporteur for follow-up on Views, José Manuel Santos Pais, the Special Rapporteur on follow-up to concluding observations, Marcia V.J. Kran, and the Deputy Special Rapporteur on follow-up to concluding observations, Vasilka Sancin, carried out their functions during the reporting period. At the 131st session, Mr. Santos Pais and Mr. Furuya

were appointed Special Rapporteur and Deputy Special Rapporteur for follow-up on Views. Ms. Sancin and Mahjoub el-Haiba were appointed Special Rapporteur and Deputy Special Rapporteur for follow-up on concluding observations. Tania María Abdo Rocholl was appointed Rapporteur for reprisals.

## **E. Working Group on Communications and country report task forces**

9. Country report task forces met during the 129th, 130th and 131st sessions to consider and adopt lists of issues on the reports of Armenia, Cambodia, China (Hong Kong and Macao), Ethiopia, Georgia, Iraq, Ireland, Kyrgyzstan, Luxembourg, Panama, Qatar, the Russian Federation and Zambia. Country report task forces also adopted lists of issues prior to reporting, under the simplified reporting procedure, on Burkina Faso, the Congo, the Democratic People's Republic of Korea, Fiji, Gabon, Grenada, Guinea-Bissau, Guyana, Iceland, Indonesia, Libya, Malawi, Maldives, Malta, Nepal, Sao Tome and Principe, Seychelles, the United Republic of Tanzania, Yemen and Zimbabwe.

10. At the 129th session, the Working Group on Communications was composed of Arif Bulkan, Furuya Shuichi, Photini Pazartzis, José Manuel Santos Pais, Yuval Shany, Hélène Tigroudja, Andreas Zimmermann and Gentian Zyberi. Ms. Pazartzis was designated Chair-Rapporteur. The Working Group met from 22 to 26 June 2020 through the Webex platform.

11. At the 130th session, owing to the exceptional COVID-19-related constraints, the Working Group on Communications met in three subgroups, by language, through the Webex platform. The Working Group was composed of Yadh Ben Achour, Arif Bulkan, Furuya Shuichi, Christof Heyns, Bamariam Koita, Photini Pazartzis, Hernán Quezada Cabrera, Vasilka Sancin, José Manuel Santos Pais, Yuval Shany and Hélène Tigroudja. Mr. Shany was designated Chair-Rapporteur. The Working Group met from 5 to 9 October 2020.

12. At the 131st session, the Working Group on Communications again met in three subgroups, by language, through the Webex platform. The Working Group was composed of Tania María Abdo Rocholl, Yadh Ben Achour, Arif Bulkan, Furuya Shuichi, Hernán Quezada Cabrera, Photini Pazartzis, Vasilka Sancin, José Manuel Santos Pais and Hélène Tigroudja. Mr. Santos Pais was designated Chair-Rapporteur. The Working Group met from 22 to 26 February 2021.

## **F. Derogations pursuant to article 4 of the Covenant**

13. Article 4 (1) of the Covenant stipulates that, in time of public emergency which threatens the life of the nation, States parties may take measures derogating from certain of their obligations under the Covenant. Pursuant to article 4 (2), no derogation is allowed from articles 6, 7, 8 (1) and (2), 11, 15, 16 and 18. Pursuant to article 4 (3), any derogation must be immediately notified to the other States parties through the intermediary of the Secretary-General. A further notification is required upon the termination of the derogation<sup>1</sup> or in the event of an extension thereof. During the period covered by the present report, Armenia, Azerbaijan, Chile, the Dominican Republic, Ecuador, Georgia, Guatemala, Latvia, Namibia, Paraguay, Peru and Senegal made such initial notifications. The following States extended the derogations they had initially made: Armenia, Chile, Dominican Republic, Ecuador, Georgia, Guatemala and Peru. All such notifications are available from <http://treaties.un.org>.

## **G. Concluding observations and follow-up to concluding observations**

14. Since its forty-fourth session, held in March 1992,<sup>2</sup> the Committee has adopted concluding observations. It takes the concluding observations as a starting point in the preparation of the list of issues for the consideration of the subsequent State party report. During the period under review, concluding observations were adopted on two States parties.

<sup>1</sup> See *Official Records of the General Assembly, Sixtieth Session, Supplement No. 40*, vol. I (A/60/40 (vol. I)), chap. I, para. 28.

<sup>2</sup> Ibid., *Forty-seventh Session, Supplement No. 40* (A/47/40), chap. I, sect. E, para. 18.



At its 131st session, the Committee adopted concluding observations on Finland and Kenya.<sup>3</sup> The concluding observations are available from the website of the Office of the United Nations High Commissioner for Human Rights (OHCHR) under “Human rights bodies/Treaty bodies/Treaty bodies database” ([www.ohchr.org](http://www.ohchr.org)) and from the Official Document System of the United Nations (<http://documents.un.org>) under the symbols indicated.

15. During the 129th, 130th and 131st sessions, the Special Rapporteur and the Deputy Special Rapporteur for follow-up on concluding observations submitted interim reports to the Committee. During its 129th session, the Committee reviewed the following States parties under the follow-up process: Bosnia and Herzegovina, Italy, Mongolia and Thailand. During its 130th session, the Committee reviewed the following States parties under the follow-up process: Eswatini, Honduras, Madagascar and Serbia. During its 131st session, the Committee reviewed the following States parties under the follow-up process: Jamaica, Republic of Moldova, San Marino and Slovakia.

16. During the period under review, follow-up comments were received from States parties. Follow-up information was also received from non-governmental organizations.

17. All information on follow-up to concluding observations, including follow-up reports, can be found on the OHCHR website.

## H. Communications and follow-up to Views

18. Individuals who claim that their rights under the Covenant have been violated by a State party and who have exhausted all available domestic remedies may submit written communications to the Committee for consideration under the Optional Protocol. No communication can be considered unless it concerns a State party to the Covenant that has recognized the competence of the Committee by becoming a party to the Optional Protocol.

19. Consideration of communications under the Optional Protocol is confidential and takes place in closed meetings (art. 5 (3)). The Committee’s final decisions (Views, decisions declaring a communication inadmissible and decisions to discontinue the consideration of a communication) are made public. The names of the authors are disclosed unless the Committee decides otherwise at the request of the authors.

20. An overview of States parties’ obligations under the Optional Protocol is contained in the Committee’s general comment No. 33 (2008).

### 1. Progress of work

21. The Committee started its work under the Optional Protocol at its second session, in 1977. Since then, 3,727 communications concerning 94 States parties have been registered for consideration by the Committee, of which 367 were registered during the period covered by the present report. At present, the status of the 3,727 registered communications is as follows:

(a) Consideration concluded by the adoption of Views under article 5 (4) of the Optional Protocol: 1,737, in 1,289 of which violations of the Covenant were found;

(b) Declared inadmissible: 791;

(c) Discontinued or withdrawn: 527;

(d) Not yet concluded: 1,990.

22. At its 129th, 130th and 131st sessions, the Committee adopted Views on 97 cases and concluded the consideration of 27 cases by declaring them inadmissible. The Views and final decisions adopted by the Committee at all three sessions are available through the treaty body case law database (<http://juris.ohchr.org>), as well as from the details on jurisprudence available on the OHCHR website (by session).<sup>4</sup> They are also accessible through the treaty

<sup>3</sup> See [CCPR/C/FIN/CO/7](#) and [CCPR/C/KEN/CO/4](#).

<sup>4</sup> See [http://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/SessionsList.aspx?Treaty=CCPR](http://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/SessionsList.aspx?Treaty=CCPR).

body database on the OHCHR website and from the Official Document System of the United Nations.

23. For the period under review, the Committee decided to discontinue the consideration of 31 communications for such reasons as withdrawal by the author, because the author or counsel failed to respond to the Committee despite repeated reminders or because authors with expulsion orders pending against them were ultimately allowed to stay in the countries concerned.

24. The table below sets out the pattern of the Committee's work on communications over the past nine years (communications dealt with from 2011 to 31 December 2020).

| <i>Year</i> | <i>New cases registered</i> | <i>Cases concluded<sup>a</sup></i> | <i>Pending cases at 31 December</i> |
|-------------|-----------------------------|------------------------------------|-------------------------------------|
| 2020        | 170                         | 155                                | 1 193                               |
| 2019        | 413                         | 134                                | 1 178                               |
| 2018        | 190                         | 101                                | 746                                 |
| 2017        | 167                         | 131                                | 635                                 |
| 2016        | 211                         | 113                                | 599                                 |
| 2015        | 196                         | 101                                | 532                                 |
| 2014        | 191                         | 124                                | 456                                 |
| 2013        | 93                          | 72                                 | 379                                 |
| 2012        | 102                         | 99                                 | 355                                 |
| 2011        | 106                         | 188                                | 352                                 |

<sup>a</sup> Total number of cases decided (by the adoption of Views, decisions of inadmissibility and decisions to discontinue consideration).

25. By the end of the 131st session (26 March 2021), some 335 communications were ready to be prepared by the secretariat for the Committee to take decisions on admissibility and/or the merits. Unless there is a significant increase in the capacity of the secretariat to process communications, however, the Committee's ability to address its backlog in that regard will continue to be seriously compromised.

26. During the period under review, the Committee, through its Special Rapporteurs on new communications and interim measures, transmitted 183 new communications to States parties under rule 92 of the Committee's rules of procedure, requesting information or observations relevant to questions of admissibility and the merits.

## **2. Cooperation by States parties in the examination of communications**

27. In several cases decided during the period under review, the Committee noted that States parties had failed to cooperate in the procedure by not providing observations on the admissibility and/or the merits of the authors' allegations. The Committee strongly regretted the situation and recalled that good faith implementation of the Optional Protocol required States parties to transmit to the Committee all information at their disposal. In the absence of a reply by States parties, due weight had to be given by the Committee to the author's allegations, to the extent that they had been properly substantiated.

## **3. Issues considered by the Committee**

28. A review of the Committee's work under the Optional Protocol from its second session, held in 1977, to its 131st session, held in March 2021, can be found in the Committee's annual reports from 1984 to 2020, which contain summaries of the procedural and substantive issues considered and summaries of the decisions taken by the Committee. The full texts of the Views adopted by the Committee and of its decisions declaring communications inadmissible under the Optional Protocol are available in the treaty body database.

29. During the period under review, the Committee examined and found violations of the Covenant in the following communications: *Volchek v. Belarus* (CCPR/C/129/D/2337/2014),

*Malei v. Belarus* (CCPR/C/129/D/2404/2014), *Reviako v. Belarus* (CCPR/C/129/D/2455/2014), *Timoshenko et al. v. Belarus* (CCPR/C/129/D/2461/2014), *Koreshko v. Belarus* (CCPR/C/129/D/2482/2014), *Malashenak v. Belarus* (CCPR/C/129/D/2486/2014), *Toregozhina v. Kazakhstan* (CCPR/C/129/D/2503/2014), *Sadykov v. Kazakhstan* (CCPR/C/129/D/2456/2014), *Sotnik v. Russian Federation* (CCPR/C/129/D/2478/2014), *Baytelova v. Kazakhstan* (CCPR/C/129/D/2520/2015), *Akhmedyarov v. Kazakhstan* (CCPR/C/129/D/2535/2015), *Pretelt de la Vega v. Colombia* (CCPR/C/129/D/2930/2017), *Velásquez Echeverri v. Colombia* (CCPR/C/129/D/2931/2017), *A.G. et al. v. Angola* (CCPR/C/129/D/3106/2018-3122/2018), *Mukhlisov v. Kazakhstan* (CCPR/C/130/D/2457/2015), *Kekzhan et al. v. Kazakhstan* (CCPR/C/130/D/2661/2015), *Huseynova v. Azerbaijan* (CCPR/C/130/D/2845/2016), *Mammadov et al. v. Azerbaijan* (CCPR/C/130/D/2928/2017), *Goldade et al. v. Belarus* (CCPR/C/130/D/2330/2014), *Markhotko v. Belarus* (CCPR/C/130/D/2713/2015), *Sambetbai v. Kazakhstan* (CCPR/C/130/D/2418/2014), *Alekseev v. Russian Federation* (CCPR/C/130/D/2727/2016), *Dafar v. Algeria* (CCPR/C/130/D/2580/2015), *Zhao v. Netherlands* (CCPR/C/130/D/2918/2015), *Berkaoui v. Algeria* (CCPR/C/130/D/2639/2015), *Rsiwi v. Algeria* (CCPR/C/130/D/2843/2016), *Abessolo v. Cameroon* (CCPR/C/130/D/2587/2015), *X v. Iceland* (CCPR/C/130/D/2818/2016), *Eliseev v. Kyrgyzstan* (CCPR/C/130/D/2500/2016), *Ismagulova and Taukina v. Kazakhstan* (CCPR/C/130/D/2664/2015), *A.S. et al. v. Italy* (CCPR/C/130/D/3042/2017), *Dzhuraev v. Kyrgyzstan* (CCPR/C/130/D/2160/2012), *F.N.N. et al. v. Democratic Republic of the Congo* (CCPR/C/130/D/2396/2014), *Uulu v. Kyrgyzstan* (CCPR/C/130/D/2400/2014), *Yuldashev v. Kyrgyzstan* (CCPR/C/130/D/2405/2014), *Chynbekov v. Kyrgyzstan* (CCPR/C/130/D/2429/2014), *Boyarkin and Popchenko v. Kyrgyzstan* (CCPR/C/130/D/2432/2014), *Bagale v. Nepal* (CCPR/C/130/D/2777/2016), *Tholal et al. v. Maldives* (CCPR/C/130/D/3248/2018), *Farah v. Djibouti* (CCPR/C/130/D/3593/2019), *Kurtinbaeva v. Kazakhstan* (CCPR/C/130/D/2540/2015), *Tikhonov v. Kazakhstan* (CCPR/C/130/D/2551/2015), *Alekseev v. Russian Federation* (CCPR/C/130/D/2757/2016), *Kekerko and Sekerko v. Belarus* (CCPR/C/130/D/2572/2015 and CCPR/C/130/D/2573/2015), *Mirzakhadzhaev v. Kyrgyzstan* (CCPR/C/130/D/2526/2015), *V.I. v. Kyrgyzstan* (CCPR/C/130/D/2451/2014), *Kitumaini et al. v. Democratic Republic of the Congo* (CCPR/C/130/D/2731/2016), *Rezazade v. Kyrgyzstan* (CCPR/C/130/D/2866/2016), *Vanchev v. Bulgaria* (CCPR/C/130/D/2820/2016), *Usekeev v. Kyrgyzstan* (CCPR/C/130/D/3000/2017), *Malinovsky et al. v. Czech Republic* (CCPR/C/130/D/2839/2016), *Nurlanuly v. Kazakhstan* (CCPR/C/130/D/2546/2015), *Kulumbetov v. Kazakhstan* (CCPR/C/130/D/2547/2015), *Narymbaev v. Kazakhstan* (CCPR/C/130/D/2521/2015), *B.B. v. Sweden* (CCPR/C/131/D/3069/2017), *Gurbanova et al. v. Azerbaijan* (CCPR/C/131/D/2952/2017), *Ibragimov v. Kazakhstan* (CCPR/C/131/D/2452/2014), *Tsukanov v. Kazakhstan* (CCPR/C/131/D/2676/2015), *Correa Barros v. Bolivarian Republic of Venezuela* (CCPR/C/131/D/2652/2015), *Ivanov v. Russian Federation* (CCPR/C/131/D/2635/2015), *Ersaliev v. Uzbekistan* (CCPR/C/131/D/2574/2015), *Chakupewa et al. v. Democratic Republic of the Congo* (CCPR/C/131/D/2835/2016), *Muhirhi v. Democratic Republic of the Congo* (CCPR/C/131/D/2772/2016), *Madhewoo v. Mauritius* (CCPR/C/131/D/3163/2018), *Toregozhina v. Kazakhstan* (CCPR/C/131/D/2688/2015), *Hidalgo Rea v. Mexico* (CCPR/C/131/D/3259/2018), *Aliyev et al. v. Azerbaijan* (CCPR/C/131/D/2805/2016), *Borokiv v. Belarus* (CCPR/C/131/D/2695/2015), *Dobrotvor v. Belarus* (CCPR/C/131/D/2622/2015), *Rubtsov v. Belarus* (CCPR/C/131/D/2679/2015), *Burakov v. Belarus* (CCPR/C/131/D/2692/2015), *Andreev v. Belarus* (CCPR/C/131/D/2863/2016), *Katsora and Nepomnyashchikh v. Belarus* (CCPR/C/131/D/2867/2016) and *Belova et al. v. Belarus* (CCPR/C/131/D/2891/2016).

30. The Committee found no violations of the Covenant in the following communications: *Rosenberg and Jacquard v. France* (CCPR/C/130/D/2584/2015), *Lee et al. v. Republic of Korea* (CCPR/C/130/D/2776/2016 and CCPR/C/130/D/2809/2016), *J.Y. v. France* (CCPR/C/131/D/2944/2017), *Fares v. Canada* (CCPR/C/131/D/2838/2016), *Topoza v. Kyrgyzstan* (CCPR/C/131/D/2700/2015) and *Bessis v. France* (CCPR/C/131/D/2988/2017).

31. The Committee decided that the following communications were inadmissible: *M.R. v. Russian Federation* (CCPR/C/129/D/2427/2014), *D.S. v. Russian Federation* (CCPR/C/129/D/2445/2014), *W.E.O. v. Sweden* (CCPR/C/129/D/2741/2016), *U.M.H. v.*

*Sweden* (CCPR/C/129/D/2742/2016), *J.D.P. and K.E.P. v. Sweden* (CCPR/C/129/D/2743/2016), *B.A.E.W. and E.M.W. v. Sweden* (CCPR/C/129/D/2744/2016), *K.S. et al. v. New Zealand* (CCPR/C/129/D/2769/2016), *M.R.S. v. Spain* (CCPR/C/129/D/2890/2016), *L.M.A. and C.C. v. Canada* (CCPR/C/129/D/2970/2017), *J. v. Lithuania* (CCPR/C/130/D/2674/2015), *J. and A. v. Spain* (CCPR/C/130/D/3599/2019), *P.F. and M.F. v. France* (CCPR/C/130/D/2780/2016), *F.A. v. Denmark* (CCPR/C/130/D/2671/2015), *S.M. v. Denmark* (CCPR/C/130/D/2752/2016), *F.M. v. Denmark* (CCPR/C/130/D/2946/2017), *M.I. v. Sweden* (CCPR/C/130/D/3246/2018), *T. v. Russian Federation* (CCPR/C/130/D/2517/2014), *A.G. v. Netherlands* (CCPR/C/130/D/3052/2017), *R. v. Spain* (CCPR/C/130/D/3639/2019), *B.B. et al. v. Spain* (CCPR/C/130/D/3778/2020), *P. v. Lithuania* (CCPR/C/130/D/3786/2020), *E. v. Spain* (CCPR/C/130/D/3810/2020), *A.P. v. Spain* (CCPR/C/131/D/2558/2015), *R. v. Uzbekistan* (CCPR/C/131/D/2479/2014), *V.S. v. Russian Federation* (CCPR/C/131/D/2433/2014), *O.D. v. Russian Federation* (CCPR/C/131/D/2578/2015), *D.M. v. Serbia* (CCPR/C/131/D/2869/2016), *N.U. v. Belarus* (CCPR/C/131/D/2960/2017) and *J.M.T.C. v. Ecuador* (CCPR/C/131/D/3141/2018).

#### 4. Follow-up on Views

32. During the period under review, the Special Rapporteur for follow-up on Views submitted two reports, at the 130th session.

33. At the time of the conclusion of the 131st session, the Committee had determined that there had been a violation of the Covenant in 1,289 of the 1,737 Views adopted since 1977. The Committee has continued the practice, initiated at its 109th session (14 October–1 November 2013), of including in its reports on follow-up to Views an assessment of the replies received from or action taken by States parties; the assessment uses the criteria established for the follow-up procedure to the concluding observations. At its 118th session (17 October–4 November 2016), the Committee decided to revise its assessment criteria. At its 121st session (16 October–20 November 2017), on 9 November 2017, the Committee decided to further revise its methodology and procedure for monitoring follow-up to Views. The Committee continues to note and regrets that many States parties fail to implement the Views adopted under the first Optional Protocol.

#### I. General comments under article 40 (4) of the Covenant

34. At its 129th session, the Committee held the second reading of its draft general comment No. 37 (2020) on the right of peaceful assembly (art. 21 of the Covenant). The Committee adopted the final text on 23 July 2020.

#### J. Staff resources and translation of official documents

35. In accordance with article 36 of the Covenant, the Secretary-General has a duty to provide the Committee with the necessary staff and facilities for the effective performance of its functions. The Committee reiterates its concern regarding the shortage of staff resources and emphasizes once again the importance of allocating adequate staff resources to service its sessions, which includes preparing documents on the implementation of the Covenant and the first Optional Protocol. The Committee reiterates the fact that, unless there is a significant increase in the staff capacity of the Petitions Unit that would allow it to prepare a greater number of communications for consideration by the Committee in the coming years than it has in the past, the Committee's ability to address its backlog will continue to be seriously compromised. In turn, this situation will have a serious impact on victims' rights.

36. The Committee regrets once again the strict word limits imposed under General Assembly resolution 68/268 on key documents, such as general comments, rules of procedure and Views. It also regrets the lack of capacity for some documents to be translated, as the absence of translations continues to have a negative impact on the Committee's work.

## **K. Outreach on the work of the Committee**

37. At its ninety-fourth session, the Committee adopted a paper on a strategic approach to public relations with the media.<sup>5</sup> Since then, the Committee has continued to develop its media strategy, which has included, inter alia, holding press conferences at the end of each session, issuing press statements on relevant individual communications and tweeting.

38. During the 129th, 130th and 131st sessions, OHCHR provided a full webcast of the public parts of all the Committee's sessions, including the examination of all States parties' reports. The webcast may be viewed at <https://webtv.un.org>.

## **L. Submission of the Committee's annual report to the General Assembly**

39. On 13 October 2020, during the 130th session, the Chair attended the online interactive dialogue with the General Assembly, during which he presented the Committee's annual report.

## **M. Adoption of the report**

40. At its 3778th meeting, held on 26 March 2021, the Committee considered the draft of its sixty-third annual report, covering its activities at its 129th, 130th and 131st sessions, held in 2020 and 2021. The report, as amended in the course of the discussion, was adopted unanimously. By virtue of its decision 1985/105 of 8 February 1985, the Economic and Social Council authorized the Secretary-General to transmit the Committee's annual report directly to the General Assembly.

# **II. Methods of work of the Committee under article 40 of the Covenant and cooperation with other United Nations bodies**

41. The present section contains a summary and an explanation of the modifications introduced by the Committee to its working methods under article 40 of the Covenant during the past year.

## **A. Recent developments and decisions on procedures**

42. During the 130th session, the Committee decided to resume, at its 131st session and in spite of the COVID-19 pandemic, its constructive dialogue with States parties under its reporting procedure, and devised a methodology for reviewing countries on an online platform while ensuring that its interaction with all country-specific stakeholders concerned, including United Nations entities, national human rights institutions and non-governmental organizations, would not be hampered. Two States parties were reviewed online at the Committee's 131st session, strictly on a trial and exceptional basis due to the situation caused by the COVID-19 pandemic. The Committee is very clear about its desire to move back to holding in-person sessions as soon as possible.

## **B. Links to other bodies**

43. On 26 October 2020, at its 130th session, the Committee held an online colloquium with judges from the Inter-American Court of Human Rights. A judge of the Court and a member of the Committee gave presentations on each of the following topics: the impact of COVID-19 on substantive and procedural work; the right of peaceful assembly; and mechanisms for following up on Views and judgments. Referring to the emergency measures taken in response to the pandemic by an increasing number of jurisdictions, the representatives of both mechanisms agreed on the long-term foreseeable need for the

<sup>5</sup> CCPR/C/94/3.

application of broader interpretations of the positive obligations of States and a stricter approach to avoid States derogating from their obligations in respect of the full spectrum of human rights. Moreover, both mechanisms should focus more on the rights of vulnerable groups, given the disproportionate impact of the COVID-19 pandemic on them due to intersectional forms of discrimination and marginalization. The representatives of both mechanisms underscored the link between the right of peaceful assembly and basic rights related to participation in democratic and plural societies and the value of international solidarity and cooperation for reaching successful conclusions, in particular, by the follow-up mechanisms. The President of the Court and the Chair of the Committee stressed that interactions and dialogues among the two mechanisms should continue to take place regularly, with the support of their respective secretariats. A press release on the colloquium has been issued by the Court.<sup>6</sup> In an effort to strengthen the relationship with other treaty bodies and regional human rights mechanisms, the Committee appointed the following focal points: Marcia V.J. Kran for the Committee against Torture and the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Carlos Gómez Martínez for the Committee on Economic, Social and Cultural Rights; Kobauyah Tchamdja Kpatcha for the Committee on the Elimination of Discrimination against Women; Mahjoub El Haiba for the Committee on the Elimination of Racial Discrimination; Wafaa Ashraf Moharram Bassim for the Committee on the Rights of the Child; Gentian Zyberi for the Committee on Migrant Workers; Imeru Tamerat Yigezu for the African human rights system; Carlos Gómez Martínez for the European Court of Human Rights and Hernán Quezada Cabrera for the inter-American human rights system.

### **III. Submission of reports by States parties under article 40 of the Covenant**

#### **A. Reports submitted to the Secretary-General between 17 July 2020 and 26 March 2021**

44. Between 17 July 2020 and 26 March 2021, nine reports were submitted to the Secretary-General, by the following States parties: Burundi (third periodic report), Colombia (eighth periodic report), Cyprus (fifth periodic report), Kuwait (fourth periodic report), Republic of Korea (fifth periodic report), Somalia (initial report), State of Palestine (initial report), Uganda (second periodic report) and United States of America (fifth periodic report).

#### **B. Overdue reports and non-compliance by States parties with their obligations under article 40**

45. The Committee wishes to reiterate that States parties to the Covenant must submit the reports referred to in article 40 of the Covenant on time so that the Committee can duly perform its functions under that article. Regrettably, serious delays have been noted since the establishment of the Committee. The Committee notes with concern that the failure of States parties to submit reports hinders the performance of its monitoring functions under article 40 of the Covenant. The Committee reiterates that States with overdue reports are in default of their obligations under that article.

46. During the reporting period, the Committee continued its practice of reviewing States parties with long overdue reports and in the absence of a report.

#### **C. Periodicity with respect to States parties' reports examined during the period under review**

47. The dates of examination of the State party reports considered during the period under review and the due date for the subsequent reports are indicated in the table below.

<sup>6</sup> See [www.corteidh.or.cr/docs/comunicados/cp\\_108\\_2020.pdf](http://www.corteidh.or.cr/docs/comunicados/cp_108_2020.pdf).

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| <i>State party</i> | <i>Date of examination</i> | <i>Due date for next report</i> |
|--------------------|----------------------------|---------------------------------|
| Finland            | March 2021                 | 2028                            |
| Kenya              | March 2021                 | 2028                            |

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## Annex

### Members of the Human Rights Committee, 2020–2021

| <i>Name</i>                     | <i>Country of nationality<sup>a</sup></i> | <i>Term ends 31 December</i> |
|---------------------------------|---|------------------------------|
| <b>129th and 130th sessions</b> |   |                              |
| Tania María Abdo Rocholl        | Paraguay                                  | 2020 <sup>b</sup>            |
| Yadh Ben Achour                 | Tunisia                                   | 2022 <sup>c</sup>            |
| Arif Bulkan                     | Guyana                                    | 2022 <sup>c</sup>            |
| Ahmed Amin Fathalla             | Egypt                                     | 2020 <sup>b</sup>            |
| Furuya Shuichi                  | Japan                                     | 2022 <sup>c</sup>            |
| Christof Heyns                  | South Africa                              | 2020 <sup>b</sup>            |
| Bamariam Koita                  | Mauritania                                | 2020 <sup>b</sup>            |
| Marcia V.J. Kran                | Canada                                    | 2020 <sup>b</sup>            |
| David H. Moore                  | United States of America                  | 2020 <sup>e</sup>            |
| Duncan Laki Muhumuza            | Uganda                                    | 2022 <sup>c</sup>            |
| Photini Pazartzis               | Greece                                    | 2022 <sup>c</sup>            |
| Hernán Quezada Cabrera          | Chile                                     | 2022 <sup>c</sup>            |
| Vasilka Sancin                  | Slovenia                                  | 2022 <sup>c</sup>            |
| José Manuel Santos Pais         | Portugal                                  | 2020 <sup>b</sup>            |
| Yuval Shany                     | Israel                                    | 2020 <sup>b</sup>            |
| Hélène Tigroudja                | France                                    | 2022 <sup>c</sup>            |
| Andreas Zimmermann              | Germany                                   | 2020 <sup>d</sup>            |
| Gentian Zyberi                  | Albania                                   | 2022 <sup>c</sup>            |
| <b>131st session</b>            |   |                              |
| Tania María Abdo Rocholl        | Paraguay                                  | 2024 <sup>f</sup>            |
| Wafaa Ashraf Moharram Bassim    | Egypt                                     | 2024 <sup>f</sup>            |
| Yadh Ben Achour                 | Tunisia                                   | 2022 <sup>c</sup>            |
| Arif Bulkan                     | Guyana                                    | 2022 <sup>c</sup>            |
| Mahjoub el-Haiba                | Morocco                                   | 2024 <sup>f</sup>            |
| Furuya Shuichi                  | Japan                                     | 2022 <sup>c</sup>            |
| Carlos Gómez Martínez           | Spain                                     | 2024 <sup>f</sup>            |
| Marcia V.J. Kran                | Canada                                    | 2024 <sup>f</sup>            |
| Duncan Laki Muhumuza            | Uganda                                    | 2022 <sup>c</sup>            |
| Photini Pazartzis               | Greece                                    | 2022 <sup>c</sup>            |
| Hernán Quezada Cabrera          | Chile                                     | 2022 <sup>c</sup>            |
| Vasilka Sancin                  | Slovenia                                  | 2022 <sup>c</sup>            |
| José Manuel Santos Pais         | Portugal                                  | 2024 <sup>f</sup>            |



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| <i>Name</i>               | <i>Country of nationality<sup>a</sup></i> | <i>Term ends 31 December</i> |
|---------------------------|---|------------------------------|
| Changrok Soh              | Republic of Korea                         | 2024 <sup>f</sup>            |
| Kobauyah Tchamdja Kpatcha | Togo                                      | 2024 <sup>f</sup>            |
| Hélène Tigroudja          | France                                    | 2022 <sup>c</sup>            |
| Imeru Tamerat Yigezu      | Ethiopia                                  | 2024 <sup>f</sup>            |
| Gentian Zyberi            | Albania                                   | 2022 <sup>c</sup>            |

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*Note:* Information on current and past membership of the Committee can be found at [www.ohchr.org/EN/HRBodies/CCPR/Pages/Membership.aspx](http://www.ohchr.org/EN/HRBodies/CCPR/Pages/Membership.aspx).

<sup>a</sup> In accordance with article 28 (3) of the International Covenant on Civil and Political Rights, the members of the Committee shall be elected and shall serve in their personal capacity.

<sup>b</sup> Member elected during the 35th meeting of States parties, held in New York on 23 June 2016.

<sup>c</sup> Member elected during the 36th meeting of States parties, held in New York on 14 June 2018.

<sup>d</sup> Member elected during the 37th meeting of States parties to replace Anja Seibert-Fohr. His term expired on 31 December 2020.

<sup>e</sup> Member elected during the 38th meeting of States parties, held in New York on 17 September 2020, to replace Ilze Brands Kehris. His term expired on 31 December 2020. He served as member of the Committee during the 130th session only.

<sup>f</sup> Member elected during the 38th meeting of States parties.

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