

## KENYA

# NGO assessment of the follow-up actions of the State party in implementing UN Human Rights Committee's recommendations

The fourth periodic report of Kenya on the State's compliance with the International Covenant on Civil and Political Rights (ICCPR) was reviewed by the UN Human Rights Committee (the Committee) at the Committee's 131<sup>st</sup> session in March 2021. As the result of the review, the Committee issued its Concluding Observations (CCPR/C/KE/CO/4) with several recommendations to the State party. The Committee's Concluding Observations also states in paragraph 53 that "*In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party is requested to provide, by 26 March 2023, information on the implementation of the recommendations made by the Committee in paragraphs 19 (violence against women), 41 (forced eviction) and 49 (participation in public affairs) above*".

The recommendations made in these three paragraphs are selected by the Committee for its follow-up procedure ("*follow-up recommendations*"), as they are *implementable within two years* and/or *require immediate attention*.

This assessment form was developed by the Centre for Civil and Political Rights (CCPR) in order to facilitate civil society assessment of the implementation of follow-up recommendations by the State party and more effectively contribute to the Committee's follow-up procedure. The report was developed through consultations with non-governmental organizations and government agencies as well desktop research. All information was compiled by Gitau Mwangi, consultant.

## Violence against women

Para. 18. The Committee is concerned about: (a) Continuing female genital mutilation and a reported increase in cases during the COVID-19 pandemic; (b) Reports of other harmful traditional practices in the State party, including wife inheritance, ritual cleansing and child marriage; (c) Sexual offenses, including gang rape, being perpetrated against women in the 2017 election, and a lack of access to protection and remedies among victims; (d) High levels of domestic violence, which have significantly increased during the COVID-19 pandemic, as well as weaknesses in the legal and institutional response, including weak implementation of the Protection against Domestic Violence Act of 2015, and a failure to criminalize marital rape; (e) Safe spaces for women who have been subjected to violence not being available to women in all of the State party’s territory; (f) The lack of information about minority women, including those with albinism, and their experiences of violence (arts. 2, 3, 6, 7, 24 and 26).

Recommendation of the HR Committee (para. 20)	Action taken by the State	(Further) measures required / other comments
<p>The State party should:</p> <p>a) Continue and expand its efforts to prevent and address female genital mutilation, including through prosecution and punishment, awareness</p>	<p>The Kenya Anti-Female Genital Mutilation (FGM) Board and other stakeholders have launched a digital mobile application to help in the war against the female cut in Samburu County. The app, called Pasha, will be used to report and track cases of FGM by allowing people to make reports anonymously.<sup>1</sup> No data however exists as to the number of cases that have been reported.</p> <p>The Government introduced a module on GBV in the 2022 Kenya Demographic Health Survey to help in scaling up FGM programmes from an evidence-based point of view and strengthening the use of gender statistics. The government incorporated this data into the KDHS survey. The 2022 prevalence rate is at 22% which should guide action. This information is helping the Anti-FGM board to develop strategies/actions that are evidence-based.</p>	<p>a) Despite the introduction of a module on GBV in the Kenya Demographic Health Survey to help in scaling up FGM programmes from an evidence-based point of view, the collection of more reliable and accurate data and tight coordination among the various actors remains paramount.</p> <p>b) Despite the digital mobile application to help in the war against the female cut in Samburu County it needs to be said that having mobile and internet connectivity in this area might be a</p>

<sup>1</sup> <https://nation.africa/kenya/counties/samburu/anti-fgm-board-launches-new-app-in-fight-against-female-cut-in-samburu-4029190>

<p>raising, sensitization, cross-border cooperation and data collection.</p>	<p>The Declaration to End Cross-Border FGM adopted at the inaugural regional inter-ministerial meeting in April 2019 and its action plan launched in 2021, ensure all the five East African states are part of the anti-FGM plan. The action plan was developed by Kenya, Uganda, Tanzania, Ethiopia, and Somalia. It includes the development of a comprehensive plan on regional human rights issues. Implementation of the action plan will curb cross-border FGM. However, people are not aware of it: the government needs to sensitize the communities on its contents and strengthen surveillance systems. It also needs to train law enforcers and health workers in identifying possible FGM cases, and how to prevent and manage them.</p> <p>With support from the UNFPA, the Office of the Director of Public Prosecutions (ODPP) has developed and launched the Standard Operating Procedures (SOPs)<sup>2</sup> which will aid in the prosecution of FGM cases in the country. The main objective of the procedures is to standardize and bring consistency and efficiency in investigation and prosecution of FGM cases. The procedures will be used as a basis for addressing disparities in the investigation and prosecution of FGM cases. The ODPP established a special Anti-FGM unit comprising of 50 female prosecutors that will exclusively handle FGM cases in the country.<sup>3</sup> In its annual report 2020-2021 the ODPP has filed 495 cases against FGM perpetrators.<sup>4</sup></p> <p>The FGM Board has reached approximately 14 million people with Anti-FGM messages through print, broadcast, radio stations, newspapers, and social media.<sup>5</sup> Additionally, the Anti-FGM board</p>	<p>challenge. This may hinder people from reporting these cases. The government needs to think about how to improve this, and how to use other alternative lines to report FGM cases like hotlines.</p> <p>c) More sensitization is needed to the relevant stakeholders on the action plan to ending cross border FGM.</p> <p>d) Full implementation of the standard operating procedures on FGM is needed by the office of the director of public prosecution. This includes allocating resources, building capacities of prosecutors and training prosecutors on the SOPs.</p> <p>e) There is a need to transition government policies to schools, especially those with direct effect on them like Anti-FGM policies.</p>
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<sup>2</sup> <https://www.odpp.go.ke/wp-content/uploads/2021/12/SOP-Manual-Rapid-Reference-Guide-on-Prosecution-of-FGM-Cases.pdf>

<sup>3</sup> <https://allafrica.com/stories/202106220253.html>

<sup>4</sup> <http://www.parliament.go.ke/sites/default/files/2022-05/Annual%20Report%20of%20the%2021st%20Century%20Prosecution%20Service-%20Office%20of%20the%20Director%20of%20Public%20Prosecutions%20Kenya%20for%20the%20year%202020-2021%281%29.pdf>

<sup>5</sup> <https://www.treasury.go.ke/wp-content/uploads/2023/01/Social-Protection-Culture-and-Recreation-Sector-Report.pdf>

	<p>have an MoU with Kenya Commercial Bank to help sensitize grade 8 pupils.</p> <p>Moreover, the FGM Board through support from the UNFPA was able to operationalize some sub county steering committees in hotspot counties. Capacities of 42 officers were built.<sup>6</sup> More funding is required to continuous support these committees.</p> <p>In the FY 2021/22 the allocation increased to KES 124 million up from the KES 97.5 million allocated in FY 2020/2021 to cater for activities to end FGM as per the presidential directive.<sup>7</sup></p>	<p>f) The Anti-FGM board require a new Strategic Plan- as they are still operating on the 2018-2022 plan.</p> <p>g) There is a need for adequate funding to adequately operationalize sub county steering committees and ensure continuous support for them.</p>
<p>b) Take concrete steps to eradicate other harmful traditional practices, including wife inheritance, ritual cleansing and child marriage.</p>	<p>We still don't have a comprehensive strategy to eliminate harmful cultural practices.</p> <p>We still don't have a Draft National Action Plan to Ending Child Marriage</p> <p>Kenya enacted a children's Act 2022 which prohibits child marriage.</p>	<p>a) The State should develop a comprehensive strategy to eliminate harmful cultural practices through a consultative process with all relevant stakeholders.</p> <p>b) The State should develop a national action plan to ending child marriage through a consultative process with all relevant stakeholders.</p> <p>c) Full implementation of the Children's Act 2022 is needed.</p>

<sup>6</sup> ibid

<sup>7</sup> ibid

<p>c) Take all necessary measures to provide effective remedies, [to women who were victims of violence, including sexual violence, in the period surrounding the 2017 elections and to punish such acts of violence:</p>	<p>The government is Implementing the Standard Operating Procedures (SOP) on Investigation and Prosecution of serious offences committed by Police Officers. However, this is being done at a very slow pace on sexual violence cases.</p> <p>The Judiciary has launched a Sexual and Gender-based Violence court in Mombasa, Siaya and Kisumu Counties<sup>8</sup>. This brings the number of SGBV courts in the country to three. The specialized courts<sup>9</sup> will be similar to those in South Africa, Zimbabwe, and Namibia in its management and prosecution of SGBV cases. The SGBV Court is a reinforcing prompt of the urgency to align the Criminal Justice System towards a coordinated structure that preserves the dignity of victims and enhances fair trial within the tenets of the Constitution.</p> <p>When it comes to SGBV cases, the Chief Justice directed the courts to implement the 'no adjournment policy'. "I am disturbed by the fact that our data suggests that 56% of adjournment was occasioned by external parties, reason being that witnesses or parties were not present," said Chief Justice Martha Koome<sup>10</sup>. She further urged courts to expedite cases in trial and said it should not take more than three years, or one year for those cases on appeal.<sup>11</sup></p> <p>To date, the government has not developed a plan or program to ensure reparation for victims and survivors of the 2017 human rights</p>	<p>a) The government to fully Implement the Standard Operating Procedures (SOP) on Investigation and Prosecution of serious offences committed by Police Officers.</p> <p>b) The victim Protection (Trust Fund) Regulations should be fully implemented. The Board is in place and the regulations are in parliament. There is need for strategic collaboration between CSOs and government in coming up with this fund. There is a lot to learn from the Victims fund put in place by the ICC to support victims of the 2007/08 post-election violence.</p> <p>c) Kenya should develop a program on reparations for victims of SGBV during elections in consultation with victims of SGBV during elections and other stakeholders. The Restorative Justice Fund was</p>
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<sup>8</sup> <https://www.kenyanews.go.ke/chief-justice-koome-unveils-sgbv-courts-in-the-lake-region/#:~:text=Chief%20Justice%20Martha%20Koome%20has,in%20Mombasa%20in%20March%202022>.

<sup>9</sup> [https://www.unodc.org/documents/southernafrica/Publications/CriminalJusticeIntegrity/GBV/Report\\_on\\_Criminal\\_Justice\\_System\\_-\\_web.pdf](https://www.unodc.org/documents/southernafrica/Publications/CriminalJusticeIntegrity/GBV/Report_on_Criminal_Justice_System_-_web.pdf)

<sup>10</sup> <https://twitter.com/CJMarthaKoome/status/1501955950319710217?lang=en>

<sup>11</sup> <https://www.judiciary.go.ke/be-defenders-of-the-no-adjournment-policy-cj-koome/>

	<p>violations and post-election violence to receive financial assistance, medical care, or counselling.</p> <p>The Victim Protection (Trust Fund) Regulations were finalised and launched but are yet to be adequately resourced financially hence impeding its full implementation.</p>	<p>established in 2015 through a presidential decree. There is need to fully operationalize this to avoid duplication. Draft policies to implement the Reparation Justice Fund are in parliament, but full implementation is needed.</p>
<p>d) Strengthen its institutional and legal frameworks to address domestic violence, incl. criminalisation of marital rape, targeted measures to protect women from violence during the pandemic and full and effective implementation of the 2015 Protection against Domestic Violence Act.</p>	<p>The government is yet to review of the Sexual Offense Act to recognise marital rape as a crime.</p> <p>The Protection against domestic violence act is not being fully and effectively implemented. There are gaps in accessing essential services such as quality and timely medical treatment, limited access to shelter or safe houses, protection and financial assistance, mental health and psychosocial support, limited access to justice and inadequate funding from both the national and county governments for GBV prevention, response, and monitoring.</p> <p>Chief Justice Martha Koome has condemned the levying of the P3 forms that aids in justice delivery.<sup>12</sup></p> <p>The government has established through the National Council on Administration of Justice (NCAJ) a committee on the review the laws on sexual and gender-based violence (SGBV). The Committee will run for 3 years and has a mandate to review the Sexual Offences Act and other related laws on SGBV, to review and oversee the implementation of policies, guidelines and rules related to the efficient administration of justice.</p>	<p>a) The State should review the Sexual Offense Act to recognise marital rape as a crime through a consultative process with all relevant stakeholders.</p> <p>b) There is a need for full and effective implementation of the Protection against Domestic Violence Act of 2015 as well as the development of a monitoring and evaluation plan.</p> <p>c) The P3 form was revised and there is need for the government to ensure its full implementation.</p> <p>d) There is a need for continuous sensitization of both justice actors and the public that the P3 form is free and should not be charged.</p>

<sup>12</sup> <https://www.the-star.co.ke/news/2022-05-11-cj-koome-condemns-levying-of-p3-forms/>

<p>e) Ensure that safe spaces are available to women who have been victims of violence in all parts of the State party's territory, including rural areas.</p>	<p>Kenya has only 3 government owned safe houses. Nairobi county government is set to construct a KES 88 million safe house for survivors of Sexual and Gender-Based Violence (SGBV).<sup>13</sup> Makueni County has a safe house each to shelter male and female survivors of SGBV.<sup>14</sup> Migori and Meru also have safe houses which are heavily under-resourced both in terms of human resources and financial ones.</p> <p>In FY 2019/20 Makueni county was supported while in FY 2020/21 the target was not achieved due to late disbursement. Only Migori and Nairobi counties were supported. In FY 2021/22 the target was not set due to inadequate funds.<sup>15</sup></p>	<p>Safe Houses should be provided for victims of violence in all the counties including rural areas. They should be adequately resourced both financially and in terms of human resources.</p> <p>Gender Recovery Centres should be set up by the state. It could use existing medical facilities: level 3, 4, 5 to secure space for safe houses, then scale up. In addition, there are many private safe houses that rely on well-wishers. The government should consider having a database of all safe houses in the counties and push to have these resourced in partnership with well-wishers. Then victims can choose where they want to go. The 3 government-owned safe houses are not only not well-resourced but are also not enough.</p>
<p>f) Collect data on minority women subjected to violence in order to</p>	<p>In June 2021, Kenya adopted a gender-based violence indicator in the government's performance monitoring framework. This will ensure that the enforcement and implementation of gender-based violence laws and policies are tracked. With this commitment, the government has also allocated additional resources to prevention and response.<sup>16</sup></p>	<p>Periodic reports on violence against women produced with data from all counties with the gaps and clear recommendations to ensure effective implementation measures is needed.</p>

<sup>13</sup> <https://www.the-star.co.ke/counties/nairobi/2022-03-09-nairobi-to-put-up-sh88m-safe-house-for-gender-violence-survivors/>

<sup>14</sup> <https://nation.africa/kenya/news/gender/makueni-launches-safe-house-for-gbv-survivors-766614>

<sup>15</sup> <https://www.treasury.go.ke/wp-content/uploads/2023/01/Social-Protection-Culture-and-Recreation-Sector-Report.pdf>

<sup>16</sup> [https://gender.go.ke/wp-content/uploads/2022/06/Generation-Equality-Forum\\_Kenya-Roadmap\\_Policy-Brief-COMMITMENTS.pdf](https://gender.go.ke/wp-content/uploads/2022/06/Generation-Equality-Forum_Kenya-Roadmap_Policy-Brief-COMMITMENTS.pdf)

<p>effectively target measures to ensure their protection.</p>	<p>However, data on minority women subjected to violence is yet be collected and published to enable the government to effectively target measures to ensure their protection.</p>	<p>We recommend to move this from periodic reports to continuously/ongoing processes.</p> <p>We also recommend to nominate an organization like National Gender and Equality Commission to monitor the updating of these data.</p>
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## Forced Eviction

Para. 40. The Committee was concerned about continued reports of forced, and sometimes violent, evictions, including amongst indigenous populations in forest areas, such as the Embobut and Mau forests. The Committee is concerned that such evictions have been undertaken without full regard for due process requirements, such as adequate notice and prior and meaningful consultation with those affected in direct contravention of section 152 (G) of the Land Law (Amendment Act) No. 26 2016, the moratorium declared during the COVID-19 pandemic and judicial decisions. It is also concerned by insufficient access to justice and remedies, including the provision of compensation and resettlement amongst all those affected following failure to enact the Evictions and Resettlement Bill 2012. The Committee also notes, with concern, the lack of information on investigations, prosecutions, convictions and punishments of those who violate legal standards during evictions, including in cases where such violence has led to the death of affected individuals (arts. 6, 7, 12, 17, 26 and 27).

<b>Recommendation of the HR Committee (para. 38)</b>	<b>Action taken by the State</b>	<b>(Further) measures required / other comments</b>
<p>The State party should be:</p> <p>(a) Putting in place a sustainable system of equitable land tenure to prevent forced evictions.</p> <p>(b) When there is no alternative to force evictions, taking all necessary measures to effectively implement the Land Law Amendment Act</p>	<p>The government launched the National Lands Information Management System (NLIMS) and rolled out the digitisation of land records, to ease property registration and introduce transparency in land administration and management. The system will enhance the security of land records, speed up land transactions, efficient allocation of settlement files, reasonable timelines in all settlement transactions and curb fraud and corruption. This has greatly reduced human interactions, delays and inconveniences that were experienced at manual registries.</p> <p>The government is also in the process of amending the National Land Commission Act to enable the Commission to process claims on historical land injustices. It currently no longer has a mandate since</p>	<p>a) There is a need to fast track the rolling out of the National Land information System and digitization of the land records to all counties.</p> <p>b) The State needs to approve the bill seeking to amend the National Land commission.</p> <p>c) Parliament should enact the Evictions and Resettlement Bill 2012 into law. As the Bill envisages remedies for forced evictions, it should include the following: a) declaration of rights, compensation, injunction or any other relief the court may deem appropriate; b) where an eviction is unavoidable and necessary for</p>

<p>No. 26 of 2016 and consistently ensure the implementation of the safeguards contained in section 152(G), including the need for adequate notice and prior and meaningful consultation with and the provision of adequate compensation and/or resettlement of those affected.</p> <p>(c) Strictly upholding the moratorium declared during the COVID-19 pandemic and all judicial decisions on evictions.</p> <p>(d) Improving compensation and resettlement amongst those affected by evictions, including through enacting the Evictions and</p>	<p>its term expired. The Commission received a total of 693 claims on historical land injustices and resolved 126 claims. Since the Commission no longer has a mandate to process these claims, this means that there will be no redress for outstanding claims that are yet to be investigated and processed.</p> <p>In November 2021, 40,000 people were forcefully evicted, their dwellings had been demolished to make way for a link road connecting the city’s industrial zone to a contentious new expressway, plunging them into a humanitarian crisis. Despite the state’s human rights obligations relating to housing and eviction, the government has not offered compensation or alternative location for resettlement. The resides were also not given adequate notice.</p> <p>On 15<sup>th</sup> October 2022 more than 600 residents of Shauri Moyo, Nairobi County were issued with eviction notices to vacate a state-owned five-acre piece of land in the area. They were given three days to vacate the premises. This is despite a court order that directed the eviction notice be put on hold.</p> <p>There has not been a single case brought in court on individuals who breach the law during evictions.</p> <p>The government has initiated a task force to address the registration of unregistered community land in 4 counties, namely Baringo, Garissa, and Samburu. As</p>	<p>the promotion of the general welfare and the public interest, the Government must provide or ensure fair and just compensation for any losses of personal, real or other property or goods, including rights or interest in property and transport to the relocation site; c) where private or community land has been taken, the evicted persons should be compensated promptly, fairly and fully; d) consideration of the circumstances of each case shall allow provision of compensation for losses related to informal property such as slum dwellings.</p> <p>d) The State should take all necessary measures to effectively implement the Land Law Amendment Act No. 26 of 2016 and consistently ensure the implementation of the safeguards contained in section 152 (G), including the need for adequate notice and prior and meaningful consultation with and the provision of adequate compensation and/or resettlement of those affected.</p> <p>e) The State should strictly uphold all judicial decisions on evictions.</p> <p>f) The State should ensure the investigation, prosecution, conviction and punishment of all individuals who</p>
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<p>Resettlement Bill 2012 into law without delay;</p> <p>(e) Ensuring the investigation, prosecution, conviction and punishment of all individuals who breach the law during evictions.</p>	<p>part of its efforts, 23 counties have already received inventories of community land, and the number of registered communities is steadily increasing. The selected pilot counties will serve as a crucial testing ground for the task force's registration initiatives.</p> <p>The National Land Commission (NLC) has allocated a total of 75 billion to communities, with specific attention to Lokichar, where the government has acquired land from 15 different communities. The main focus of this allocation is to ensure fair and just compensation to these communities for the land they have lost due to the government's acquisition.</p> <p>In the current fiscal year, a sum of 23 billion has been allocated for the resettlement of squatters.</p>	<p>breach the law during evictions. It should also collect and provide data of the investigations and prosecutions. Most of these cases are done through ADR like the Waitiki.</p> <p>g) The State should design and implement targeted awareness campaigns that focus on educating communities with unregistered land about the importance of land registration. It should utilize various communication channels, including radio broadcasts, community meetings, and informational pamphlets in local languages, to reach a broader audience effectively.</p>
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### The right to participate in public affairs

Para. 48. The Committee [is concerned that continued impunity for the grave human rights violations that occurred around the 2017 elections, including lethal use of force, assaults, torture and sexual violence by police officers and the failure to provide remedies to victims, including guarantees of non-repetition, could undermine the electoral process in 2022]. It is [also] concerned that the root causes of violence in 2017, including inter alia multiple violations of electoral regulations, voting irregularities, failure to effectively de-centralize the electoral process and challenges faced by the Independent Electoral and Boundaries Commission in effectively and independently implementing their mandate, have not been adequately addressed. The Committee welcomes the Building Bridges Initiative but notes, with concern, a lack of information about the status of its recommendations on the need for legal reform to build trust in the electoral process (arts. 7, 14, 25 and 26).

Recommendation of the HR Committee (para. 40)	Action taken by the State	(Further) measures required / other comments
<p>The State party should intensify efforts to provide remedies to all victims of violence in the context of the 2017 elections, including guarantees of non-repetition.</p> <p>The State party should also take all necessary steps, ahead of the 2022 elections, to prevent violence and ensure the effective and independent functioning</p>	<p>In a landmark decision, 12 Kenyan police officers will face charges of crimes against humanity over a deadly crackdown on post-election protests in 2017. The charges include rape, murder and torture and <u>the case of a six-month-old girl whose death became a symbol of police brutality</u> during the election aftermath. The Office of the Director of Public Prosecution DDP has pronounced the issue of Command responsibility in the Baby Pendo case.<sup>17</sup></p> <p>To date, the government has not developed a plan to ensure reparation for victims and survivors’ of 2017 human rights violations they have not received financial assistance, medical care, or counselling.</p> <p>On 9<sup>th</sup> August 2022, 65 percent of the 22.12 million registered voters turned up to cast their ballots. The drop in numbers was blamed on lack of voter education, low interest by the youth, reduced trust and</p>	<p>a) The government to develop a plan to ensure reparation for victims and survivors’ of 2017 human rights violations to ensure they have received financial assistance, medical care, and counselling. This will include proper budget allocation.</p> <p>b) The fast tracking of the case of the 12 officers charged with crimes</p>

<sup>17</sup> <https://www.citizen.digital/news/police-officers-linked-to-death-of-baby-pendo-to-be-charged-with-murder-rape-and-torture-n308304>

<p>of the Independent Electoral and Boundaries Commission.</p> <p>It should also adopt all measures necessary to ensure transparency in voting and in vote counting procedures.</p>	<p>confidence in the political system, poverty and youth unemployment. The Independent Electoral and Boundaries Commission (IEBC) quickly <u>posted</u> scanned copies of the results forms from polling stations and constituencies on its public website. This allowed political candidates, the media, analysts and interested citizens to see the data for themselves, and, if they so wished, to conduct their own tabulations. While some misinformation surfaced, this was quickly rebutted by access to the primary data.</p> <p>This year saw more effort by the National Police Service to ensure effective preparedness of the election by launching the Election Security Management Manual for Police Commander, training of Policing agencies on elections preparedness and deployment of Police Recruits in Electoral Security.</p> <p>There was an electoral security formation that guided the management of the elections by electoral bodies. This was due to pressure from CSOs from the previous elections. This led to a violence free election. 7 incidences of police brutality were reported during the elections and cases of SGBV were those of civilian to civilian.</p> <p>The Independent Electoral and Boundaries Commission released an evaluation report on the 2022 elections.<sup>18</sup> Key among the issues raised was the late enactment of some laws making it hard to effectively implement them and the late disbursement of funding.</p> <p>There was also Late recruitment of the IEBC commissioners which resulted to division among the commissioners leading to disorganization and inconsistent decision making and communications.</p>	<p>against humanity for the 2017 elections.</p> <p>c) Effective Prosecution and Investigation of all cases of violence in the 2022 general elections.</p>
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<sup>18</sup> <https://www.iebc.or.ke/uploads/resources/BUCvyyPvca.pdf>

Assessment grades used by the Committee for its follow-up procedure:

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### **New assessment of follow-up replies<sup>1</sup>**

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- A Reply/action largely satisfactory:** The State party has provided evidence of significant action taken towards the implementation of the recommendation made by the Committee: in this case, the Special Rapporteur for follow-up to concluding observations or views requests no additional information from the State party and the follow-up procedure on the particular issue is discontinued.
  
  - B Reply/action partially satisfactory:** The State party took steps towards the implementation of the recommendation but additional information or action remains necessary. In this case, the Special Rapporteur for follow-up to concluding observations or views requests additional information, within a specific time frame or in the next periodic report, on specific points of the State party's previous reply that require clarification, or on additional steps taken by the State party to implement the recommendation.
  
  - C Reply/action not satisfactory:** Response received but actions or information not relevant or do not implement the recommendation. The action taken or information provided by the State party does not address the situation under consideration. In the case of follow-up to concluding observations, information provided by the State party that reiterates information previously made available to the Committee prior to the concluding observations is considered not relevant for these purposes. The Special Rapporteur for follow-up renews the request for information on steps taken to implement the recommendation.
  
  - D No cooperation with the Committee:** No follow-up report received after reminder(s). The State party has not provided a follow-up report after, inter alia, one reminder and a request for a meeting with the Special Rapporteur for follow-up to concluding observations or views.
  
  - E Information or measures taken are contrary to or reflect rejection of the recommendation:** The State party adopted measures that are contrary to or have results or consequences that are contrary to the recommendation of the Committee or reflect rejection of the recommendation.
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