

Human Rights Committee: Efforts and Obstacles

اللجنة المعنية بحقوق الانسان: الجهود والعوائق

Lefkir boulanouar

University of Mohamed El Bachir El Ibrahimi -Bordj Bou Arreridj-

Boulanouar.lefkir@univ-bba.dz

Date of submission:04/03/2024 Date of final acceptance:22/09/2024 Date of publication :september2024

Abstract:

The United Nations, and The Human Rights Committee (hereinafter called the committee) have made efforts to develop mechanisms, methods, and modalities of its work. However, the civil and political rights guaranteed by the International Covenant on civil and political rights (hereinafter called the covenant) continue to be widely violated and require increased protection. To identify the obstacles affecting task performance, we studied working rules and examined practices based on United Nations reports and databases. We have thus concluded that the number of cases before the committee and the tasks assigned to it are not commensurate with its capabilities.

Keywords: Reporting procedure; Complaint procedure; Treaty Bodies; General comments; civil and political rights.

ملخص:

بذلت الأمم المتحدة واللجنة المعنية بحقوق الانسان (تسمى فيما يلي: اللجنة) جهودا لتطوير آليات وأساليب وطرائق عملها، إلا أن الحقوق المدنية والسياسية التي يكفلها العهد المدني للحقوق المدنية والسياسية (يسمى فيما يلي: العهد) مازالت تتعرض لانتهاكات على نطاق واسع وتتطلب مزيدا من الحماية، مما استدعى منا دراسة قواعد عمل اللجنة وفحص ممارساتها للوقوف على العوائق التي تؤثر على أدائها لمهامها، خلصنا من خلال ذلك إلى أن عدم امتلاك اللجنة لآليات تنفيذية، فضلا عن كثافة القضايا والمهام المطروحة أمامها، يشكلان العائقين الأساسيين الذين يؤثران على عمل اللجنة.

الكلمات المفتاحية: آلية التقارير؛ آلية الشكاوى؛ الآليات التعاھدية؛ التعليقات العامة؛ الحقوق المدنية والسياسية.

Auteur correspondant: Lefkir Boulanouar

Introduction:

According to Article 28 of the International Covenant on Civil and Political Rights, the Human Rights Committee consists of eighteen independent experts who are citizens of the states parties to the covenant. These experts are elected based on their integrity, competence, and legal experience in the field of human rights, have moral character, and serve in their personal capacity.

The human rights committee is entrusted with the task of monitoring the implementation by states parties the International Covenant on civil and political rights of their obligations, relying on receiving and examining reports, receiving and studying complaints among states that accept this procedure, receiving and studying individual complaints and general comments.

This committee cooperates and coordinates with various other human rights protection mechanisms, both treaty and non-treaty, global and regional, and all stakeholders, including non-governmental organizations.

The committee's working methods and procedures are constantly evolving through the guidelines adopted by it, general comments, and various reviews, whether in the framework of the General Assembly's review of the Treaty System, the annual meeting of chairpersons of treaty bodies, or through its findings at its sessions held three times a year.

Despite all those efforts to strengthen the mechanisms, methods, and modalities of the committee's work, there are still many obstacles hindering its performance of its tasks, as evidenced by the reality of the rights protected by the covenant, which necessitate examining those efforts and obstacles to contribute to enhancing its effectiveness in the performance of its tasks.

For this purpose, we have adopted descriptive and analytical methods to study the rules followed by the committee in its work and the reality of its practical practice through texts and the data provided by the reports and databases of the United Nations and analyze them in order to identify the shortcomings in those efforts and identify obstacles that affect its work.

We relied on the standards and classifications set by the United Nations in analyzing reports and data, in addition to their recency, focusing on cases where human rights are more vulnerable to violation, such as emergencies, counter-terrorism, and armed conflicts. We aimed for our findings to be measurable by using the figures and statistics provided in UN databases.

Among the most important previous studies that addressed the topic, we mention :

1. Mohammed Khalil Al-Mousa, "The Status of General Comments in International Human Rights Law : An Analytical Study of the General Comments of the Human Rights Committee," *Studies in Sharia and Law Sciences*, Vol. 45, No. 4, Supplement 3, 2018.

The article raises a fundamental issue regarding the basis from which general comments derive their legal value and their legal status in relation to State parties. The study concluded that the general comments of the Committee possess legitimacy both structurally and procedurally, meaning in terms of the content of the comments and the process of their preparation and approval.

2. Saraghni Bouzid, "Treaty Bodies as Mechanisms for the International Protection of Human Rights: The Human Rights Committee as a Model," *Academic Journal for Legal Research*, Vol. 13, No. 1, 2016.

The article examines the effectiveness of treaty bodies in protecting human rights, using the Human Rights Committee as a case study. The study focused on the mechanisms of reviewing reports and receiving complaints, concluding that a strong respect for the principle of sovereignty and reliance on diplomatic means in monitoring States' compliance with their commitments are significant obstacles to the Committee's performance of its duties.

3. Omar Saadallah, "The Human Rights Committee: Tasks, Conditions, and Limits," *Journal of Studies and Research*, Zian Ashour University - Djelfa, Vol. 5, No. 10, 2013.

The article investigates the Committee's contribution to the implementation of international human rights law and international humanitarian law by examining the nature of the Committee, its tasks, and the limits imposed by the Charter's provisions.

Most of these studies, and others, relied on the nature of the Committee and the content of its mechanisms and procedures in terms of preparation, processing, and approval by reviewing the Covenant's provisions and UN decisions, focusing on inputs in assessing its work.

In contrast, our study primarily focused on outputs, namely the results of the Committee's work and practices as presented in UN reports and databases, while not neglecting the inputs.

We divided this study into two main sections, namely:

The first section: Working Mechanisms of the Human Rights Committee

The second section: The Reality of Civil and Political Rights Under the Protection of the Human Rights Committee

I. Working Mechanisms of the Human Rights Committee

To carry out its tasks, the committee uses a set of mechanisms: the reporting system and the system of individual complaints. In addition, the Committee publishes its interpretation of the provisions of the covenant, or what is known as general comments.

With regard to state complaints, as of March 26, 2021, the issuance of the declaration provided for in Article forty-one of the covenant was limited to fifty states out of a total of 173 States Parties to the Covenant¹, and none of these states, according to the reports of the human rights committee, has filed a complaint against another state party to the covenant alleging that it violated the rights protected by the covenant. In contrast, thousands of individual complaints², we will exclude the state complaint mechanism from our study, which focuses primarily on practice

I.1. Reporting procedure

Reporting is a mandatory procedure for states, imposed by all human rights treaties³, including Article forty of the covenant, and it is constantly evolving due to the constant review of this mechanism, both in terms of the functions it performs and the reports and content it produces.

I.1.1. Functions of the Reporting procedure

This procedure performs several important functions for the promotion and protection of human rights, the most important of which are⁴:

1. A comprehensive review of the compatibility of the state's laws, administrative procedures, and practices with its obligations under the covenant.
2. Monitoring the extent to which individuals actually exercise civil and political rights.
3. Providing the basis for assisting the state to develop clear policies that prioritize implementing with the provisions of the covenant.
4. Enabling an effective assessment of the progress made in the fulfillment of the obligations contained in the covenant.
5. Enabling the state to identify the difficulties and challenges facing the efforts made for the progressive and full realization of all the rights set forth in the covenant.
6. Exchanging information and good practices between the states parties and the committee and reaching a better understanding of the common problems faced by states will help reach collective experiences that can be used by the committee to formulate its observations, guidance, and recommendations, both to the state concerned and to the state's parties in general.
7. The dialogue conducted by the committee between the state party concerned and a group of independent and experienced experts during its consideration of reports makes it possible to identify areas requiring improvement, make suggestions and highlight good practices that other states can benefit from in their efforts to implement the covenant⁵.
8. The committee's cooperation and coordination with various other mechanisms, such as the Human Rights Council and other treaty bodies, contribute to ensuring that the work and roles performed by each of them are not duplicated, that they do not overlap, and that the scope of protection is expanded to include the largest number of rights. In addition, coordination with NGOs and other actors through the so-called shadow reports contributes to monitoring the real state of compliance of states under the covenant.

I.1.2. Types of Reports

The reporting mechanism includes: initial reports, periodic reports. The committee may also request additional reports from states.⁶

1. Initial Reports

This type of report is submitted by the state during the first year in which it becomes a party to the covenant, it includes the human rights situation on its territory, the guarantees it provides for the protection of the rights set forth in the covenant, by addressing the constitutional and legal framework, and the efforts made by the state to fulfil its obligations under the covenant, in addition to describing the status of the existing situation with regard to the realization and enjoyment of the rights set forth, and identifying the challenges and obstacles to the implementation of the covenant⁷.

The initial report forms the basis for the discussion of subsequent periodic reports because it contains background information concerning the state concerned. This information is not repeated in periodic reports unless it is necessary to update it or in case of non-submitting the initial reports.

2. Periodic Reports

The state concerned shall submit the periodic report on the date fixed by the committee at the end of the concluding observations on the previous report submitted by the state, the content of which is specified in the forty-first article of the Covenant and the guidelines as amended at the seventieth session of the committee⁸.

Periodic reports contain information on the human rights situation, developments that have taken place during the period since the previous report, legislative and administrative measures taken by the state concerned in response to the concluding applications made by the committee during the examination of the previous report⁹, and it recalls the challenges and obstacles that may adversely affect the state's implementation of the provisions of the covenant¹⁰.

3. Additional Reports

Article forty, paragraph 1(B), provided that the committee could request state parties to submit additional reports whenever it deemed appropriate, even if they were obliged to submit periodic reports on time.

We distinguish two types of Additional reports:

3.1. Supplementary Reports

Its purpose is either to obtain supplementary information that the committee deems necessary due to a lack of information provided in the periodic or preliminary report in order for the examination to be complete or the inability of state representatives to answer the questions posed during the examination of the report. A state may resort to providing additional information to the committee on its own initiative to improve its image, in response to what the dialogue may show of the lack of accuracy of the information contained in the report¹¹.

3.2. Emergency Reports

There were different views between supporters and opponents of the right of the committee to request emergency reports from state parties to the covenant that are in emergency situations¹². In 1982, the commission decided to postpone the discussion on this topic¹³.

In 1991, the members of the committee agreed that the committee could request emergency reports from states parties, and the chairman of the committee expressed this by saying that: "recent developments in the field of international law now make it easier for the committee to request states to submit emergency reports"¹⁴.

The committee subsequently amended rule 66 of its rules of procedure to include in Paragraph 2 the possibility of requesting emergency reports from member states, where it stipulated that the committee may request the submission of this type of report either within periodic reports, or at a time specified by the committee to address the request, or any time outside the period of its sessions in the event of an exceptional situation¹⁵.

I.1.3. Content of Reports:

Each of the treaty committees has issued guidelines on the content, format and method of preparation of reports, compiled at the request of the General Assembly in one volume¹⁶.

Through these principles, the committee seeks to ¹⁷:

1. Strengthening the ability of states to meet their reporting obligations in a timely and effective manner.
2. Improving the effectiveness of the treaty monitoring system.
3. Enabling all committees to follow a single approach when considering reports submitted to them.
4. Ensuring equality and justice in the treatment of cases that are put to each committee, regardless of the entity concerned.

Facilitate the collection of all necessary information for the consideration of reports by committees without the need for supplementary information.

According to these guidelines the report is divided into two parts:

Part I: includes the Common Core document, containing:

1. Defining the reporting state in terms of its demography, social and cultural characteristics, constitutional and political system, and legal structure.
2. Measures taken by the state to strengthen the protection of human rights, such as the ratification of human rights treaties, the development of national structural, organizational, and legal frameworks, the obligation to prepare reports, and the involvement of actors in their preparation with reference to the participating parties, how and nature of their participation.
3. Providing general information on the actions and measures taken or planned to be taken to ensure effective follow-up to the concluding observations issued by the committee after the examination of its state report.
4. Information on the extent to which non-discrimination, equality, and fair trial guarantees are guaranteed.

When preparing periodic reports, the state concerned should update the information provided in the Common Core document if there is something that requires it¹⁸.

Part two: In this context, article 66, paragraph 1, of the rules of procedure of the human rights committee stipulates that this document contains the measures taken by states to ensure the enjoyment of the rights protected by the covenant, the results achieved in this field, and the obstacles and challenges facing the state concerned hindering its efforts to implement the covenant¹⁹.

This is in accordance with the text of Article II, the second paragraph of the covenant, which obliges states to take internal measures to give effect to the rights contained in the covenant²⁰.

In order to address the problem of the non-compliance of states in the preparation of their reports with the text of Article Fortieth of the Covenant and the obvious difference in their form and content, the committee adopted guidelines on the preparation of reports, through which it ensures the unification of these reports and a complete picture of the progress achieved in²¹.

The committee has adopted an optional procedure called the simplified reporting procedure, similar to a number of treaty committees, including the Committee Against Torture and the Committee on the Protection of the Rights of Migrant Workers. In order to facilitate the drafting of reports and their consideration by the bodies, the committee hereby sends to the states' parties to the covenant a list of issues called pre-report issues, where the responses to those issues constitute the content of the report prepared by the state in accordance with Article 40 of the covenant.²²

I.2. General Comments

In view of the different understanding and interpretation by states of the provisions of the Covenant and the consequent difference in implementation, the human rights committee, like other treaty bodies, has adopted general comments on the basis of the text of Article 40, paragraph 4, in which it deals with specific topics or articles of the covenant in order to explain and interpret them on the basis of its experience gained from studying the reports of states²³. These comments derive their binding character from the fact that they are issued by the only supervisory authority established by the covenant.

I.2.1. Preparation of General Comments

To prepare draft general comments, the committee usually sets up a working group consisting of five of its members, representing various regional groups, one week before its session, before presenting them to it for discussion and adoption, including topics and materials on which the committee issues general comments

In preparing general comments, the committee shall rely on the following principles²⁴:

1. "To address general comments to states parties in accordance with the fourth paragraph of Article 40 of the covenant;
2. To encourage cooperation among states parties in the implementation of the covenant;
3. To summarize the experiences obtained by the committee from the processing of states' reports;
4. To grab the attention of states parties to issues related to the improvement of reporting procedures and the implementation of the covenant;
5. To value efforts to protect the rights protected by the covenant."

I.2.2. Public Comment Functions

The role played by the committee through these comments represents a kind of indirect protection exercised by the committee as an organ for the promotion of human rights and the provision of appropriate conditions for protection, rather than as a protection organ²⁵.

This function entrusted to the committee enables it to bring the covenant up to date with modern conditions, which may have evolved substantially since the adoption of the covenant. For this purpose, at its thirteenth session, it issued the first set of general comments dealing with the provisions of Articles 2, 3, and 4 of the Covenant and subsequently issued a number of other comments, revising and amending its previous comments in the light of new experiences²⁶.

I.2.3. Content of Public Comments:

Through the general comments, the committee commented on some articles of the covenant, detailed how they are implemented, and addressed issues related to the fulfillment by state parties of the obligations guaranteed by the covenant; for example, Comment No. 29²⁷ dealt in detail with topics related to the application of Article 4 of the covenant, which regulates the state of emergency, including:

The importance of the provisions of the fourth article in the protection of human rights in such circumstances, and coordination between what is contained in the fourth article and article forty of the covenant, so that the information contained in the reports of states is sufficient and accurate on their laws and practices related to the use of extraordinary powers, and the formal and objective conditions that must be

In view of the fact that states have not given the required attention to general comments, the committee has adopted the inclusion of these comments regularly among the pre-report issues to which we referred earlier, or under the simplified reporting procedure. In order to examine the extent to which the state complies with the criteria set out in the general comments²⁸.

I.3. Individual Complaints procedure

Article I of the First Additional Protocol to the Covenant gives individuals the possibility to submit complaints against their states to the committee for consideration, alleging violation of their rights protected under the Covenant, provided that the state concerned is a party to the covenant²⁹.

Articles I to VI covered the stages through which the complaint passes, starting from its filing until the issuance of the committee's opinion and its notification.

I.3.1. Filing a Complaint

Every individual who has alleged an attack on one of his rights protected by the covenant has the right to submit a written complaint to the committee for consideration after he has exhausted all available domestic remedies³⁰. The complaint goes through several stages before being processed, the first of which is sending the complaint to the secretariat of the committee, and then the latter sends it to the Special Rapporteur on letters, who can request additional information from the

complainant within a period not exceeding two months. The complaint is then sent to the relevant committee for comment and response within two to six months³¹.

I.3.2. Admissibility of the Complaint

The complaint shall be submitted to a working group consisting of five members elected by the committee, which shall meet for one week in closed session prior to the session of the committee and may request the complainant or the complaining state to provide it with any information relating to the complaint. The committee first considers the admissibility of the complaint on the basis of the following formal conditions³²:

1. That the complaint concerns a violation of a right provided for in the covenant;
2. The complainant must be a national of a state party to the protocol to submit the complaint in writing;
3. The author of the letter must be known. This right should not be used arbitrarily, and the submitted letter should not be incompatible with the provisions of the covenant;
4. The complainant or his representative may submit his complaint to the committee, and it may be submitted by other persons if it turns out that the victim cannot submit it himself;
5. The violations that are the subject of the letter must not be earlier than the date of entry into force of the Optional Protocol. However, letters that are the subject of violations that occurred earlier but whose effects remained beyond the entry into force of the protocol can be accepted;
6. The complainant has exhausted all internal grievance methods, unless the internal grievance procedures exceed reasonable deadlines;
7. The letter should not be considered by any international investigation or settlement body.

Article ninety-two of the rules of procedure gave the committee the power to request the state concerned take interim measures when the persons claiming to be victims needed urgent protection and could not afford to wait until the committee's opinion³³.

I.3.3. Consideration of the Subject of the Complaint

After the formal acceptance of the complaint by the committee, it begins consideration of its subject in closed sessions by notifying the complaining state and requesting that it submit its observations on the subject of the complaint within six months. The committee then transmits the state's response to the complainant for comment within two months. After reviewing all the information and documents submitted by the parties, the committee may request additional information from them and may also use one of the relevant United Nations bodies in order to fully and correctly establish the facts of the complaint³⁴.

I.3.4. Issuance of the Committee's Opinion

After studying the subject of the complaint in a closed session, it issues its final opinion on whether the violation subject to the complaint actually occurred or not. It shall be communicated to both the complaining state and the complainant. The final acts of the committee shall be made public, whether they relate to final opinions or decisions on the inadmissibility or suspension of consideration of communications. The committee may also publish the names of the authors of the complaints, unless it responds to the request of the complaints' authors and the defendants not to publish.

II. The Reality of Civil and Political Rights Under the Protection of the Human Rights Committee

After we reviewed in the previous section the reporting mechanism, public comments, individual complaints by analyzing the provisions of the covenant and the first Optional Protocol thereto, and various relevant international documents. In this section, we will try to study the effectiveness of reporting mechanisms and individual complaints, relying on the practical practice documented by various international documents, the general comments are interpretations of the articles of the covenant, which have a guiding role for the implementation of the provisions of the covenant. We will limit ourselves in this axis to being guided by them.

II.1. Effectiveness of the Reporting Mechanism in the Protection of Civil and Political Rights

The effectiveness of the reporting mechanism is demonstrated by the rules followed by the Human Rights Committee in the examination of reports, the concluding observations it issues afterwards, the follow-up to the implementation of those concluding observations and the recommendations they contain, and the extent to which states respond to those recommendations and to the guidelines on reporting.

II.1.1. Examination of Reports

The conventions did not explicitly provide for the organization of an interactive dialogue to examine states' reports, but the treaty committees adopted it as an additional opportunity to provide information on the implementation of treaty obligations and concluding observations issued by treaty bodies at the conclusion of the examination of the previous report, and the process of examining reports is carried out in the following form³⁵:

1. Each report submitted to two consecutive sessions of the committee for examination shall be assigned at the first session to the Working Group on the Country Report, which consists of four to six committee members, including at least one from the reporting state's region, and designates one member as rapporteur.
2. The representative of the state is first requested to make a brief presentation of the report. It may also provide written replies to the list of issues prepared by the Working Group mentioned in the preceding paragraph.
3. The committee examines the report on the basis of each set of materials, taking into account, in particular, the replies submitted by the state concerned on the list of issues. In this context, the chairman of the committee usually invites the members of the committee to ask questions, make observations, and make comments on each of the issues raised and related to the realization of the rights set forth in the covenant.
4. The chairman of the committee invites the representatives of the state party to respond immediately to those issues that do not require further reflection and research; other issues that remain unanswered can be taken up at a later meeting.
5. Representatives of specialized agencies and other relevant international bodies, such as international non-governmental organizations, may be invited to contribute to any stage of the dialogue through informal meetings, and representatives of state parties may attend meetings of the committee when examining the reports³⁶.

After passing the previous stages comes the stage of discussion of the draft concluding observations in a closed meeting of the committee, with a view to its adoption by consensus. Concluding observations are generally divided into: introduction, positive factors, main concerns, and recommendations; the latter take up the bulk of the concluding observations. The state concerned shall then determine the date on which it should submit its periodic report. The concluding observations are then transmitted to the state after their adoption, and the committee publishes them and includes them in the annual report of it

II.1.2. Follow-up to Concluding Observations

Article 101, the third paragraph of the articles of procedure of the committee, provides for the appointment of a special rapporteur on concluding observations, who shall prepare a report within a specified period not exceeding one year from the adoption of the concluding observations, based on the reports of the state concerned or any other sources of information related to the efforts and measures taken to implement the recommendations of the committee. This progress report shall contain proposals to the committee, which shall subsequently discuss them for the adoption of such actions as changing the date of submission of the next report, convening a meeting of representatives of the state with the Special Rapporteur, or requesting additional information, the latter often replacing supplementary reports or reports of necessity required by the state³⁷.

If the committee did not cooperate in general, such as late submission of reports, failure to do so, or failure to send a delegation to examine the report, you record this in the annual report of

the committee after reminding the state of its duties in this area. In the absence of the submission of the report, it may also, after notifying the state The committee may draw on such sources as it deems appropriate to discuss publicly the efforts of the state concerned to fulfill its obligations under the covenant, after which it adopts the concluding observations³⁸.

II.1.3. Sample from Concluding Observations

After examining state reports, the human rights committee often submits concluding observations concerning exceptional circumstances, such as the application of the fourth Article of the Covenant, or fulfilling the obligations under the covenant while combating terrorism, or the application of the provisions of the Covenant during armed conflicts, which are listed below as examples of concluding observations submitted by the committee:

1. Observance of the Provisions of the Covenant during States of Emergency

In its Concluding Observations on The Gambia, the committee expressed concern that Article 35(2) of the Constitution, which provides for the restriction of certain rights in emergency situations, does not fully comply with Article 4(2) of the Covenant and made a recommendation in this regard, inviting the state party to revise this article to bring it into line with Article 4(2), taking into account general comment 29(2001) on derogation from the provisions of the Covenant during emergency situations³⁹.

In its concluding observations on Uruguay, the committee regretted that it had not amended its constitutional provisions relating to the regime to be applied in emergency situations, in particular Articles 31, 168, and paragraph 17, because the reasons justifying the declaration of such situations were too broad and its legal system did not define non-derogable rights, despite the committee's emphasis in its previous concluding observations on the need to respect and implement the provisions of Article 4 of the covenant⁴⁰.

The concluding observations submitted by the committee to Kyrgyzstan regarding its imposition of a state of emergency in 2010 included a reference to various reports documenting its non-compliance with the provisions of Article 4 of the covenant, including the protection of non-derogable rights, during which some of them, such as the right to life and the right not to be subjected to torture, were violated, and recommendations were made to it to amend its laws and adapt the measures taken in these circumstances to fully comply with Article 4 of the covenant⁴¹.

2. Application of the Provisions of the Covenant While Countering Terrorism:

The committee submitted observations to Gambia concerning the broad definition of terrorist acts provided for in Article 2 of the 2002 Anti-Terrorism Act, which confuses terrorist crimes with ordinary crimes, and the lack of information on the application of the law in accordance with the provisions of the covenant. It was recommended that the state review it and include guarantees allowing the enjoyment of the rights set forth in the covenant⁴².

It criticized the information provided to it by Kyrgyzstan on its anti-terrorist laws and their implementation, considering it insufficient, the use of lethal force during special operations, the failure to provide the required information on laws prohibiting the use of lethal force to the extent strictly necessary, and recommended that its anti-terrorist legislation and the procedures for its implementation comply with the provisions of the covenant⁴³.

With regard to the French Anti-Terrorism Law No. 2014/1353, issued on November 13, 2014, it was noted that it is difficult to reconcile its provisions with the rights enshrined in the Covenant and for this, it recommended that it must be revised⁴⁴.

3. Observance of the Provisions of the Covenant During Armed Conflicts:

The human rights committee expressed concern about the disproportionate number of civilian casualties, including children, and the destruction of homes and other civilian infrastructure, including medical facilities and schools, in particular UNRWA schools used as shelters for civilians, and other UN facilities committed by Israel in the Gaza Strip in 2008, 2009, 2012, and 2014. In this regard, it is recommended that Israel recognize that the provisions of the covenant represent the minimum obligation to respect in armed conflicts and occupation, along with the provisions of international humanitarian law, and reform its investigation system and punish the

perpetrators of violations, especially those in positions of command, commensurate with the gravity of the acts committed⁴⁵.

II.1.4. Assessing the Response of States to the Committee's Recommendations

The commission developed a set of criteria for assessing the responses of states, dividing according to the following:

A. Reply/action largely Satisfactory	B. Reply/action partially satisfactory	C. Reply/action not satisfactory	D. No cooperation with the Committee:	E. Information or measures taken are contrary to or reflect rejection of the recommendation.
The State party has provided evidence of significant action taken towards the implementation of the recommendation made by the Committee.	The State party has taken steps towards the implementation of the recommendation, but additional information or action remains necessary	A response has been received, but action taken or information provided by the State party is not relevant or does not implement the recommendation	No follow-up report has been received after the reminder(s).	

Table (01)⁴⁶

It is noted that, although there are a large number of responses classified under categories D, E, and C, the committee does not have effective mechanisms to compel states to implement its recommendations, and its resolutions in this regard have not gone beyond repeating its recommendations, requesting additional information related to the implementation of its recommendations, or temporarily suspending follow-up⁴⁷.

With regard to the reporting obligation, as of March 25, 2022, six countries were late in submitting their initial report and 24 countries were late in submitting their periodic report, 29 of which were delayed for less than five years, while only one was delayed for more than five years.

If we compare it with the period before March 30, 2017, in which the commission registered a delay⁴⁸:

18 states parties at the time of submission of their initial report, some of which are nearly thirty years old (e.g. Equatorial Guinea);

The number of state parties that have exceeded ten years to submit their periodic report reached 13 states; some of them reached 18 years, such as Nigeria and Senegal; and the delay ranged from five to ten years for eleven states;

While the delay was less than five years for twenty-six countries.

We note an improvement in the response of states, but this delay continues to be a concern for the committee, so that in each of its reports it records:

“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”⁴⁹.

Despite the high number of states in breach of that obligation, the committee merely recalled that obligation and the seriousness of its non-fulfillment.

If we link the violation of this obligation, the quality of the decisions that the committee can take, and the fact that the human rights committee, like other treaty bodies, does not have an effective means of implementing its recommendations with the widespread and serious violations of human rights contained in various international reports, including the reports of the human rights committee, we come to one of the main reasons for the persistence of human suffering despite all these efforts.

In fact, the non-submission of reports or their delay may be due to the existence of exceptional circumstances experienced by the state, and this may be due to the heavy burden borne by states due to the large number of treaty or non-treaty mechanisms that require such a procedure, as well as attending and preparing for sessions, which requires alleviating this burden.

On the other hand, even if states have committed themselves to submitting reports on time, they often tend, through the information provided to the committee, to justify their positions and actions and link them to their right to protect their national security, especially in the framework of the so-called fight against terrorism and the necessary special laws and procedures.

II.2. The Effectiveness of the Individual Complaints Mechanism in the Protection of Civil and Political Rights

The complaints system has contributed to clarifying many of the provisions and guarantees of international human rights law and has established many principles, through the opinions issued by the human rights committee in various appeals addressed to it. For example, the principles drawn from the committee's various opinions on individual complaints against states that have attempted to invoke Article IV of the Covenant to justify their conduct during States of emergency⁵⁰:

1. A state invoking the text of Article IV has the burden of proving the factual and legal justification that prompted it to derogate from the obligations arising from the Covenant, and in case of its failure, it is unacceptable for it to invoke this text before the committee to argue that the rights allegedly violated were suspended or restricted by exceptional circumstances;
2. The invocation of the text of the first paragraph of Article IV by the respondent state is admissible only to the extent of the rights that have been notified internationally about their suspension or restriction in accordance with the international notification procedure provided for in the third paragraph of this article;
3. It is not acceptable for the respondent state to invoke the text of the first paragraph of Article IV, or, in other words, exceptional circumstances, to justify any violations committed against the rights and freedoms provided for in the second paragraph of that article.

On the basis of these and other principles, the committee examined several complaints alleging violations, and the accused State claimed in return that its right to impose a state of emergency had been used. In doing so, the committee contributed to the redress of individuals and securing their rights that have been violated, such as cases of administrative detention, enforced disappearance, torture, unlawful killing, or violation of judicial guarantees, for example, in the following cases:

- The case of *Božo Mandić v. Bosnia and Herzegovina*, communication No. 2064/2011 dated April 15, 2011⁵¹, in which the appellant raised several substantive issues Alleged violation of a set of rights contained in Articles 2, Paragraph 3, articles 6, 7, 18, 23, paragraph 1, occurred during the Bosnian War in 1992 by the Territorial Defense Forces Serbian;

After examining the complaint, the committee considered that the member state should assume its responsibility to provide it with effective remedies, to bring those responsible for the death to justice without undue delay, to provide the author with psychological rehabilitation and medical care, adequate and appropriate compensation, and appropriate measures of satisfaction, to ensure that such violations do not recur, and to put appropriate means of investigation in cases of extrajudicial killings as well as appropriate measures of compensation within the reach of the families of missing persons.

In its opinion, the committee concluded that the state party is under an obligation to provide the author with an effective remedy, to strengthen its efforts to bring those responsible for the death to justice without undue delay, to provide the author with psychological rehabilitation and medical care, adequate and appropriate compensation, and appropriate measures of satisfaction, to prevent similar violations in the future, and in particular to ensure that investigations into allegations of extrajudicial killings and appropriate measures of compensation are accessible to the families of missing persons.

The committee has gone so far as to direct its control over laws, legislation, and decisions that constitute a violation of the rights established in the covenant. For example, in her views on the communication submitted by P. B. against Algeria on June 18, 2013, Despite the state's protest of the security conditions in the country, which prompted it to declare a state of emergency, which was notified to the United Nations Secretariat in accordance with paragraph 3 of Article 3 of the covenant. However, among its views, the committee calls on the state party to revise its legislation in accordance with its obligation under Article 2, Paragraph 2, and, in particular, to repeal the provisions of Order 06.01 on national reconciliation, which, in its view, are incompatible with the covenant⁵².

In a number of opinions, the committee held that the existence of exceptional circumstances did not exempt the state from the responsibility to compensate victims for violations of their Covenant rights. For example, the commission concluded that Colombia was responsible for compensating the complainant for the murder of his wife in that incident, despite her argument that there was a state of emergency in the country at the time of that incident⁵³.

The committee has continuously developed its working methods to ensure the effectiveness of the individual complaint mechanism, for example:

1. Based on the totality of its previous views on individual communications, the committee adopted at its 118th session a set of guidelines on the redress of victims, including restitution, compensation, rehabilitation, measures of satisfaction, and non-repetition of similar violations⁵⁴.
2. A special rapporteur has been appointed on the follow-up of views, who submits a report to the committee for adoption at each of its sessions, through which he gathers the information he has obtained during each reporting period from various sources, whether from the states parties themselves, non-governmental organizations, or various actors, and maintains a dialogue with the states concerned, urging them to implement⁵⁵.
3. At the end of its views submitted on the occasion of the examination of complaints, the committee requests the state concerned to inform it, within a period not exceeding 180 days, of everything it is doing to give effect to its views, within a period not exceeding 180 days.
4. The committee includes cases of non-response in its annual reports and in follow-up reports, and these issues can also be included in the list of issues submitted to states when preparing or examining the report. All this is done in public, which causes embarrassment and pressure on the state and may prompt it to change its position.

The effectiveness of the committee in dealing with complaints received by it is limited by the lack of cooperation of states in many cases, both by not submitting observations on the admissibility of the communication and the merits of the authors' claims and by the fact that states ignored the implementation of their views⁵⁶. The number of cases submitted exceeded the committee's capacity (see Table 2), and the pressure exerted on the authors by the complaining state⁵⁷. In its annual reports, including the last one, the commission has expressed that its capacity to perform its tasks, including addressing the backlog of cases, is severely limited due to a lack of the sufficient number of staff resources⁵⁸.

Year	New cases registered	Cases concluded	Pending cases at 31 December 2021
2021	212	132	1273
2020	170	155	1193
2019	413	134	1178
2018	190	101	746
2017	167	131	635
2016	24	113	599
2015	196	101	532

Table (02)⁵⁹

Despite the committee's tireless efforts to improve its working methods and the concrete results that we have seen through the many cases it has dealt with and the jurisprudence that has added important rules to the jurisprudence and practice of international human rights law, the committee has continued to receive complaints from a number of victims stating that their situation has not changed and that they have not been given a way to rectify their situation⁶⁰.

Perhaps the main reason is that, under the covenant or the protocol, the committee does not have executive powers to enable it to implement its opinions issued after considering complaints, and even the decisions issued by the committee have not taken the character of decisions or judicial rulings, but the fourth paragraph of Article V of the covenant described them as opinions, so that the matter of their implementation remains left to the good faith of the state or to the extent of its impact on international pressure, and this varies from one state to another.

Conclusion:

The relevant committee plays an important role in monitoring the real state of compliance of states under the Covenant and the protection of civil and political rights in various circumstances experienced by individuals and societies. Especially with the approach developed by the United Nations for cooperation and coordination between the committee and the various mechanisms for the protection of human rights and the tight organization both in terms of its composition and in terms of the clarity of its tasks or in terms of procedures and methods of work and the continuous development of its mechanisms of work, for example, it introduced the so-called intermediate procedure for preparing reports, additional reports, and additional information, relying on other sources in cases of non-cooperation by the state concerned, and adopting the most important measures of reparation such as restitution, compensation, and satisfaction for the victims.

However, the situation of the victims has not changed much, and many of them have not had a way to rectify their situation, and widespread violations continue, and a large number of cases have not been addressed, with the weak response of states to the recommendations of the committee and the existence of many emergency situations, especially military coups in Africa, without taking into account the provisions of Article 4 of the covenant:

1. The committee does not have executive powers either to implement its opinions after considering complaints, to force states to cooperate with it, or to implement its recommendations.
2. The intensity of the issues and tasks before the committee far exceeds the material and human resources available to it.
3. The lack of expansion of the scope of the individual complaints mechanism to states not parties to the first Optional Protocol made it limited in effect, and depriving citizens of other states parties to the covenant.
4. The state complaints mechanism has not been effective in practice because it requires states to accept this procedure, which has been carried out only to a narrow extent, and not resort to it.

5. The weak cooperation of states with the committee, especially with regard to the delay of reports on the date of their submission, examination, and use to justify instead of giving the real situation, or the pressure exerted by states on complainants.
6. The committee issues opinions, not judicial decisions or judgments, following its consideration of individual complaints.
7. It is limited to forcing states to implement their recommendations and cooperate with them, to include cases of non-response in their reports, and to publish those reports to put pressure on states.
8. The intensity of states' obligations to various mechanisms for the protection of human rights, both treaty and non-treaty, global and regional, especially with regard to the submission of reports, attendance, and preparation for courses.

To remove these obstacles or at least alleviate them, we propose the following:

1. To work on the proposal calling for the state to submit a single joint report to all treaty bodies to which it is a party and not to limit coordination between the treaty committees to the annual meeting of chairpersons, and to develop this to establish a permanent bureau that includes representatives of the committees.
2. Adoption by treaty bodies of parallel general comments on common issues.
3. To work on the proposal to hold sessions in regional centers of the United Nations to bring the work of the committee closer to the state's parties and civil society.
4. The UN Security Council should adopt a resolution that considers military coups, at least those that do not comply with the provisions of Article 4 of the Covenant, as a threat to international peace and security because of their impact on human rights.
5. Increase the material and human capabilities of the commission in line with the volume of tasks assigned to it and the issues before it.
6. To give judicial status to the decisions of the committee following its consideration of individual complaints.
7. to provide the committee with executive powers, such as giving it the right to submit a direct report, which can be shared with the rest of the treaty committees to the UN Security Council, including issues and situations that it considers to threaten international peace and security for decision, or giving it the power to refer to the International Criminal Court for crimes within the jurisdiction of the court, and this requires amending the statute of the court.

Citations:

¹ See: United Nations, Report of the Human Rights Committee, available in the link: <file:///C:/Users/pc/Downloads/G2117410.pdf>, p.1, last visit on: 03/08/2023.

² See: United Nations, UN Body Database, available in the link: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/TBSearch.aspx?Lang=en&TreatyID=8&DocTypeID=27, last visit on: 03/08/2023.

³ Mohammed Sarhan, Abdul Aziz. Introduction to the Study of Human Rights Guarantees, a Comparative Study in International Law and Islamic Law, Ain Shams University, Cairo, n.p, 1988, p. 126.

⁴ Fadli, Idris. The International Covenant on Civil and Political Rights, Office of University Publications, Algiers, 2021, P. 211 and beyond; And: United Nations, Compilation of general comments and general recommendations adopted by Human Rights Treaty Bodies, document n^o: HRI/GEN/1/Rev.9 (Vol. I), 27 May 2008, P.P. 8-10, Available at the link: <file:///C:/Users/pc/Downloads/G0842235.pdf>, last visit on: 03/08/2023.

⁵ Saadallah, Omar. The Human Rights Committee, Tasks, Conditions and Limits, Journal of studies and research, Zian Ashour University –Julfa -, Volume V, issue 10, 2013, 266-253.

⁶ Betaher, Boudjlal, Manual of the Mechanisms of the United Nations System for the Protection of Human Rights, Arab Institute for Human Rights, Printing and Artistic Production Unit, Media and Publishing Department, Tunis, 2004, p.41.

⁷ Alwan, Mohammed Yousef, and Mohammed Khalil al Mousa, *International Human Rights Law-Sources and Means of Censorship*, part I, House of Culture for Publishing and Distribution, Amman, 2011, p.256.

⁸ United Nations, Report of the Human Rights Committee Volume I, document n^o: A/63/40 (Vol. I), New York, 2008, Para. 63, Available in the link: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G08/439/42/PDF/G0843942.pdf?OpenElement>, last visit on: 12/08/2023.

⁹ Saragni, Bouzid. *Human Rights Between the Necessity of International Protection and the Requirements of National Sovereignty*, doctoral thesis, Faculty of law and Political Sciences, Abdurrahman Mira University –Bejaia, discussed on 13/03/2017, 194.

¹⁰ United Nations, Rules of procedure of the Human Rights Committee, document no: CCPR/C/3/Rev.10, 11 January 2012, Available at the link: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/400/67/PDF/G1240067.pdf?OpenElement>, last visit on: 12/08/2023.

¹¹ El Kashef, Abdel Rahim Mohamed. *International Monitoring of the Application of the International Covenant on Civil and Political Rights*, Arab renaissance House, Cairo, 2003, p.280.

¹² United Nations, Report of the Human Rights Committee, official records: Thirty-Seventh Supplement No. 40 (A/37/40), New York, 1982, Paras: 340-343, Available at the link: <file:///C:/Users/pc/Downloads/N8225050.pdf>, last visit on: 12/08/2023.

¹³ Op.Cit, Para 344.

¹⁴ United Nations, SUMMARY Record of the 1178th meeting (second part), document N^o: CCPR/C/SR.1178/Add.1, Geneva, 5 November 1992,Para 50, Available at the link: file:///C:/Users/pc/Downloads/CCPR_C_SR.1178_Add.1-EN.pdf, last visit on: 13/08/2023

¹⁵ United Nations, Rules of procedure of the Human Rights Committee, Op.Cit, Article 66, para 2.

¹⁶ United Nations, United Nations, Compilation of guidelines on the form and content of reports to be submitted by States parties to the International Human Rights Treaties, document N^o: HRI/GEN/2/Rev.6, 3 June 2009, Available at the link: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G09/428/29/PDF/G0942829.pdf?OpenElement> last visit on: 13/08/2023.

¹⁷ Ibid,Para 4.

¹⁸ Ibid,Para 18.

¹⁹ United Nations, Rules of procedure of the Human Rights Committee, Op.Cit, Article 66, para 1.

²⁰ International Covenant on Civil and Political Rights, Article 2, para. 2.

²¹ Al-Kashef, Abdul Rahim Mohammed, op. cit. p.277.

²² United Nations, Focused reports based on replies to lists of issues prior to reporting (LOIPR): Implementation of the new optional reporting procedure (LOIPR procedure), Document No: CCPR/C/99/4, Geneva, 29 September 2010, Available at the link: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/453/83/PDF/G1045383.pdf?OpenElement> last visit on: 13/08/2023.

²³ Fadli, Idris, op. cit. p.230.

²⁴ United Nations, Statement on the duties of the Human Rights Committee under article 40 of the Covenant, General Assembly, Official Records: Thirty-Sixth Session, Supplement N^o. 40 (A/36/40), New York, 1981, P101, Available at the link: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N81/248/65/PDF/N8124865.pdf?OpenElement> last visit on: 13/08/2023.

²⁵ Khalil, Said Fahim. *International Protection of Human Rights in Exceptional Circumstances*, Doctoral Thesis, Faculty of Law, Alexandria University, 1993, p.264-265.

²⁶ United Nations, Compilation of General Comments And General Recommendations adopted bay Human Rights Treaty Bodies, Op.Cit, P.P 234-242.

²⁷ Ibidem.

²⁸ Chahine, Jamal. The Right and Protection in Human Rights Conventions, Al-Wafa legal library, first edition, Alexandria, 2017, p.457.

²⁹ The First Optional Protocol to the International Covenant on Civil and Political Rights.

³⁰ Ibid, Article 2.

³¹ Al-Ghamri, Mohammed Awad. The Principle of National Sovereignty and the System of International Protection of Human Rights, Thesis for Obtaining a Doctorate in Law, Cairo University, Faculty of Law, 2009, p.278.

³² Almaidani, Mohammed Amin. International Mechanisms for the Protection of Human Rights, Journal of Legal and Economic Research, Published by the Faculty of Law Beni Suef Cairo, January and July 1994, p.453.

³³ United Nations, Rules of procedure of the Human Rights Committee, Op.Cit, Article 92.

³⁴ al-Ghamri, Mohammed Awad. Op.Cit., p.280-281.

³⁵ The Human Rights Committee, Fact Sheet No. 15 (Rev.1), Genova, 2004, Available at the link: <https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet15rev.1en.pdf>, last visit on: 13/08/2023.

³⁶ United Nations, Rules of procedure of the Human Rights Committee, Op.Cit, Article 68, Para 1.

³⁷ The Human Rights Committee, Fact Sheet No. 15 (Rev.1, Op.Cit, P.P 20-22

³⁸ See: United Nations, Rules of procedure of the Human Rights Committee, Op.Cit, Articles 69-70; See also eg: United Nations, Concluding observations on the Gambia in the absence of its second periodic report, Documene No: CCPR/C/GMB/CO/2, 30 August 2018, Para 1, Available at the link: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/263/82/PDF/G1826382.pdf?OpenElement> last visit on: 13/08/2023.

³⁹ United Nations, Concluding observations on the Gambia in the absence of its second periodic repor, Op.Cit Paras 19-20.

⁴⁰ United Nations, Concluding observations on the fifth periodic report of Uruguay, 2 December 2013, Document N^o: CCPR/C/URY/CO/5, Available at the link: <file:///C:/Users/pc/Downloads/G1349293.pdf>, last visit on: 13/08/2023.

⁴¹ United Nations, Concluding observations on the second periodic report of Kyrgyzstan, 23 April 2014, Document N^o: CCPR/C/KGZ/CO/2, Available at the link: <file:///C:/Users/pc/Downloads/G1442666.pdf>, last visit on: 13/08/2023.

⁴² United Nations, Concluding observations on the Gambia in the absence of its second periodic repor, Op.Cit Paras 21-22.

⁴³ United Nations, Concluding observations on the second periodic report of Kyrgyzstan, Op.Cit Paras13.

⁴⁴ United Nations, Concluding observations on the fifth periodic report of France, 17 August 2015, Document N^o: CCPR/C/FRA/CO/5, Para 10, Available at the link: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Download.aspx?symbolno=CCPR%2FC%2FFRA%2FCO%2F5&Lang=en, last visit on: 13/08/2023.

⁴⁵ United Nations, Concluding observations on the fourth periodic report of Israel, 21 November 2014, Document No: CCPR/C/ISR/CO/4, Para 3, Available at the link: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/225/55/PDF/G1422555.pdf?OpenElement> last visit on: 13/08/2023; See also other examples available at the OHCHR link: https://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=ar&TreatyID=8&DocTypeID=5, last visit on: 13/08/2023.

⁴⁶ The full assessment criteria are contained in: Human Rights Committee, Note by the Human Rights Committee on the procedure for follow-up to concluding observations, document n^o: CCPR/C/161, 23 December 2021, para. 21, Available at: Last visit on: 07/08/2023

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/384/94/PDF/G2138494.pdf?OpenElement>

⁴⁷ United Nations, UN Treaty Body Database, Available at:

https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/TBSearch.aspx?Lang=en&TreatyID=8&DocTypeID=117&DocTypeCategoryID=3, Last visit on: 07/08/2023; See for example: Evaluation of the information on follow-up to the concluding observations on Algeria, Angola, Bulgaria, Viet Nam in a report on follow-up to the concluding observations of the Human Rights Committee, Adopted by the Committee at its 136th session (10 October–4 November 2022).

⁴⁸ United Nations, Report of the Human Rights Committee, 120th, 121st, 122nd sessions, New York, 2018, Document N^o: A/73/40, Annex II, P.P 14-22, Available at the link: <file:///C:/Users/pc/Downloads/G1822162.pdf>, Last visit on: 08/08/2023.

⁴⁹ See for example: United Nations, Report of the Human Rights Committee, document number: A/77/40, New York, 2022, para. 46, Available at the link: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/407/03/PDF/G2240703.pdf?OpenElement> Last visit on: 08/08/2023.

⁵⁰ Khalil, Said Fahim. Op.Cit, p.269.

⁵¹ United Nations, Communication No. 2064/2011, Views adopted by the Human Rights Committee at its 115th session (19 October-6 November 2015), 30 December 2015, Document N^o: CCPR/C/115/D/2064/2011, Paras 10, 11, Available at the link: <C:/Users/pc/Downloads/G1529432.pdf>, Last visit on: 14/08/2023.

⁵² For more details see: United Nations, Views adopted by the Human Rights Committee under article 5 (4) of the Optional Protocol, concerning communication No. 2283/2013, 1 December 2017, Document No: CCPR/C/121/D/2283/2013, Para 10, Available at the link: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Download.aspx?symbolno=CCPR%2FC%2F115%2FD%2F2064%2F2011&Lang=en, Last visit on: 14/08/2023.

⁵³ United Nations, Human Rights Committee selected decisions under the optional protocol (Second to sixteenth sessions), Communication No. 45/1979, Pedro Pablo Camargo v. Colombia,

⁵⁴ United Nations, Guidelines on measures of reparation under the Optional Protocol to the International Covenant on Civil and Political Rights, 30 November 2016, Document No: CCPR/C/158, Available at the link: <file:///C:/Users/pc/Downloads/G1626486.pdf>, Last visit on: 14/08/2023.

⁵⁵ Human Rights Committee, Follow-up progress report on individual communications adopted by the Committee at its 115th session, document n^o: CCPR/C/115/3, 23 December 2015, Para 1, Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/290/58/PDF/G1529058.pdf?OpenElement> Last visit on: 14/08/2023.

⁵⁶ See: United Nations, Report of the Human Rights Committee, document number: A/77/40, Op.Cit, Para 28 and 34.

⁵⁷ Human Rights Committee, Follow-up progress report on individual communications adopted by the Committee at its 115th session, document n^o: CCPR/C/115/3, Op.Cit, P.4.

⁵⁸ United Nations, Report of the Human Rights Committee, document number: A/77/40, Op.Cit, Para 35.

⁵⁹ United Nations, Report of the Human Rights Committee, document number: A/77/40, Op.Cit, Para 25-26.

⁶⁰ See for example: IRAQ, BOLIVIA, NICARAGUA, EGYPT...Concluding Observations, In UN Treaty Body Database, Available at the link: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/TBSearch.aspx?Lang=ar&TreatyID=8&DocTypeID=5, Last visit on: 14/08/2023.

Bibliography:

A- Books:

1. Alwan, Mohammed Yousef, and Mohammed Khalil al Mousa, International Human Rights Law-Sources and Means of Censorship, part I, House of Culture for Publishing and Distribution, Amman, 2011.

2. Bettahar, Boudjellal, Manual of the Mechanisms of the United Nations System for the Protection of Human Rights, Arab Institute for Human Rights, Printing and Artistic Production Unit, Media and Publishing Department, Tunis, 2004.
3. Chahine, Jamal. The Right and Protection in Human Rights Conventions, Al-Wafa legal library, first edition, Alexandria, 2017
4. El Kashef, Abdel Rahim Mohamed. International Monitoring of the Application of the International Covenant on Civil and Political Rights , Arab renaissance House, Cairo, 2003.
5. Fadli, Idris. The International Covenant on Civil and Political Rights, Office of University Publications, Algiers, 2021.
6. Mohammed Sarhan, Abdul Aziz. Introduction to the Study of Human Rights Guarantees, a Comparative Study in International Law and Islamic Law, Ain Shams University, Cairo, n.p, 1988.

B – Theses:

1. Al-Ghamri, Mohammed Awad. The Principle of National Sovereignty and the System of International Protection of Human Rights, Thesis for Obtaining a Doctorate in Law, Cairo University, Faculty of Law, 2009.
2. Khalil, Said Fahim. International Protection of Human Rights in Exceptional Circumstances, Doctoral Thesis, Faculty of Law, Alexandria University, 1993.
3. Saragni, Bouzid. Human Rights Between the Necessity of International Protection and the Requirements of National Sovereignty, doctoral thesis, Faculty of law and Political Sciences, Abdurrahman Mira University –Bejaia, discussed on 13/03/2017.

C - Newspaper articles:

1. Almaidani, Mohammed Amin. International Mechanisms for the Protection of Human Rights, Journal of Legal and Economic Research, Published by the Faculty of Law Beni Suf Cairo, January and July 1994.
2. Saadallah, Omar. The Human Rights Committee, Tasks, Conditions and Limits, Journal of studies and research, Zian Ashour University –Julfa -, Volume V, issue 10, 2013.

D - International documents:

1. First Optional Protocol to the International Covenant on Civil and Political Rights.
2. Human Rights Committee, Fact Sheet No. 15 (Rev.1), Geneva, 2004, Available at the link: <https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet15rev.1en.pdf>, last visit on: 13/08/2023.
3. Human Rights Committee, Follow-up progress report on individual communications adopted by the Committee at its 115th session, document no: CCPR/C/115/3, 23 December 2015, Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/290/58/PDF/G1529058.pdf?OpenElement> Last visit on: 14/08/2023.
4. Human Rights Committee, Note by the Human Rights Committee on the procedure for follow-up to concluding observations, document no: CCPR/C/161, 23 December 2021, Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/384/94/PDF/G2138494.pdf?OpenElement> Last visit on: 07/08/2023.
5. International Covenant on Civil and Political Rights.
6. United Nations, Communication No. 2064/2011, Views adopted by the Human Rights Committee at its 115th session (19 October-6 November 2015), 30 December 2015, Document No: CCPR/C/115/D/2064/2011, Available at the link: C:/Users/pc/Downloads/G1529432.pdf, Last visit on: 14/08/2023.
7. United Nations, Compilation of general comments and general recommendations adopted by Human Rights Treaty Bodies, document no: HRI/GEN/1/Rev.9 (Vol. I), 27 May 2008, Available at the link: file:///C:/Users/pc/Downloads/G0842235.pdf, last visit on: 03/08/2023.
8. United Nations, Compilation of guidelines on the form and content of reports to be submitted by States parties to the International Human Rights Treaties, document NO: HRI/GEN/2/Rev.6, 3 June 2009, Available at the link: [https://documents-dds-](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G09/012/01/PDF/G0901201.pdf?OpenElement)

ny.un.org/doc/UNDOC/GEN/G09/428/29/PDF/G0942829.pdf?OpenElement last visit on: 13/08/2023.

9. United Nations, Concluding observations on the fifth periodic report of France, Document No: CCPR/C/FRA/CO/5, 17 August 2015, Available at the link:

https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Download.aspx?symbolno=CCPR%2F%2FFRA%2FCO%2F5&Lang=en, last visit on: 13/08/2023.

10. United Nations, Concluding observations on the fifth periodic report of Uruguay, Document No: CCPR/C/URY/CO/5, 2 December 2013, Available at the link:

<file:///C:/Users/pc/Downloads/G1349293.pdf>, last visit on: 13/08/2023.

11. United Nations, Concluding observations on the fourth periodic report of Israel, Document No: CCPR/C/ISR/CO/4, 21 November 2014, Available at the link:

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/225/55/PDF/G1422555.pdf?OpenElement> last visit on: 13/08/2023.

12. United Nations, Concluding observations on the Gambia in the absence of its second periodic report, Document No: CCPR/C/GMB/CO/2, 30 August 2018, Available at the link:

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/263/82/PDF/G1826382.pdf?OpenElement> last visit on: 13/08/2023.

13. United Nations, Concluding observations on the second periodic report of Kyrgyzstan, Document No: CCPR/C/KGZ/CO/2, 23 April 2014, Available at the link:

<file:///C:/Users/pc/Downloads/G1442666.pdf>, last visit on: 13/08/2023.

14. United Nations, Focused reports based on replies to lists of issues prior to reporting (LOIPR): Implementation of the new optional reporting procedure (LOIPR procedure), Document No: CCPR/C/99/4, Geneva, 29 September 2010, Available at the link: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/453/83/PDF/G1045383.pdf?OpenElement>, last visit on: 13/08/2023.

15. United Nations, Guidelines on measures of reparation under the Optional Protocol to the International Covenant on Civil and Political Rights, Document No: CCPR/C/158, 30 November 2016, Available at the link:

<file:///C:/Users/pc/Downloads/G1626486.pdf>, Last visit on: 14/08/2023.

16. United Nations, Human Rights Committee selected decisions under the optional protocol (Second to sixteenth sessions), Communication No. 45/1979, Pedro Pablo Camargo v. Colombia, Available at the link:

https://www.ohchr.org/sites/default/files/Documents/Publications/SelDec_1_en.pdf, Last visit on: 14/08/2023.

17. United Nations, Report of the Human Rights Committee, document no: A/63/40 (Vol. I), New York, 2008, Available in the link: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G08/439/42/PDF/G0843942.pdf?OpenElement>, last visit on: 12/08/2023.

18. United Nations, Report of the Human Rights Committee, Document No: A/73/40, New York, 2018, Available at the link: <file:///C:/Users/pc/Downloads/G1822162.pdf>, Last visit on: 08/08/2023.

19. United Nations, Report of the Human Rights Committee, document no: A/76/40, New York, 2021, available in the link: <file:///C:/Users/pc/Downloads/G2117410.pdf>, last visit on: 03/08/2023.

20. United Nations, Report of the Human Rights Committee, document no: A/77/40, New York, 2022, Available at the link:

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/407/03/PDF/G2240703.pdf?OpenElement> Last visit on: 08/08/2023.

21. United Nations, Report of the Human Rights Committee, official records: Thirty-Seventh Supplement No. 40 (A/37/40), New York, 1982, Available at the link:

<file:///C:/Users/pc/Downloads/N8225050.pdf>, last visit on: 12/08/2023.

22. United Nations, Rules of procedure of the Human Rights Committee, document no: CCPR/C/3/Rev.10, 11 January 2012, Available at the link: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/400/67/PDF/G1240067.pdf?OpenElement>, last visit on: 12/08/2023.
23. United Nations, SUMMARY Record of the 1178th meeting (second part), document No: CCPR/C/SR.1178/Add.1, Geneva, 5 November 1992, Available at the link: file:///C:/Users/pc/Downloads/CCPR_C_SR.1178_Add.1-EN.pdf, last visit on: 13/08/2023
24. United Nations, UN Treaty Body Database, available in the link: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Home.aspx, last visit on: 03/08/2023.
25. United Nations, Views adopted by the Human Rights Committee under article 5 (4) of the Optional Protocol, concerning communication No. 2283/2013, 1 December 2017, Document No: CCPR/C/121/D/2283/2013, Para 10, Available at the link: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Download.aspx?symbolno=CCPR%2FC%2F115%2FD%2F2064%2F2011&Lang=en, Last visit on: 14/08/2023.