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Summary record of the 2926th meeting

Held at the Palais des Nations, Geneva, on Tuesday, 16 October 2012, at 3 p.m.

Co-Chairperson: Ms. Majodina (Human Rights Committee)

Committee on the Elimination of Discrimination against Women

Fifty-third session

Summary record of the 1092nd meeting

Held at the Palais des Nations, Geneva, on Tuesday, 16 October 2012, at 3 p.m.

Co-Chairperson: Ms. Pimentel (Committee on the Elimination of Discrimination against Women)

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The meeting was called to order at 3 p.m.

Opening remarks

1. **The Co-Chairperson** (Human Rights Committee) said that she looked forward to positive results from the joint meeting of the Committee on the Elimination of Discrimination against Women and the Human Rights Committee. The latter had been examining individual communications since 1977 and had made a significant contribution to civil rights jurisprudence. It had been the first body to establish a follow-up procedure to encourage States to implement its Views. Two of the main challenges facing it were the failure of States parties to systematically implement its Views and the lack of human resources in the Petitions Unit. Her Committee supported the report of the United Nations High Commissioner for Human Rights on strengthening the human rights treaty body system but believed that more resources were needed to implement the proposals contained therein.

Individual complaint procedure

2. **Sir Nigel Rodley** (Human Rights Committee) said that, while in the past his Committee had for the most part managed to keep up with the flow of individual communications, it was now facing a growing backlog. It was his understanding that the Committee on the Elimination of Discrimination against Women followed a two-stage approach to individual communications, with discussions held first at the working group level and then in plenary. The procedure used by his Committee was somewhat different. Communications were first screened by the secretariat, and those failing to present a modicum of relevant information on the substance of the case or evidence that domestic remedies had been exhausted were not pursued any further. The rest were submitted to the Special Rapporteur on new communications and interim measures, who registered those cases that could usefully be submitted to the relevant State party for a response. Following an exchange of observations and responses between the State party and the author, the secretariat prepared a draft recommendation and submitted it to the member of the Working Group on Communications who served as special rapporteur for the communication in question. He or she made changes as necessary, after which the Working Group considered the draft recommendation, again making changes if it saw fit, before submitting it for consideration in plenary.

3. The Special Rapporteur on new communications and interim measures was also responsible for requesting interim measures when necessary. That was usually done in cases where it was feared that the author might be harmed; protection measures were also requested with growing frequency for individuals who might be at risk of retaliation. One as yet unresolved issue was how to prevent retaliation once consideration of the communication had been completed: the option of involving Human Rights Council special procedures mandate holders in those prevention efforts was being explored.

4. **Ms. Šimonović** (Committee on the Elimination of Discrimination against Women) said that her Committee had been monitoring the implementation of the Convention on the Elimination of All Forms of Discrimination against Women for 30 years and had been considering communications under the Optional Protocol to the Convention for 10 years. She gave an overview of her Committee's history, including changes in the location, length and number of its sessions.

5. The Optional Protocol, which had entered into force on 22 December 2000, had introduced both the communication procedure and the inquiry procedure. The latter authorized the Committee to conduct inquiries into allegations of grave or systematic violations, by States parties, of the rights set out in the Convention. The Working Group on Communications submitted under the Optional Protocol was made up of five members

elected every two years. As at 13 October 2012 it had registered 47 cases; by the end of the current session the Committee itself would have taken 12 decisions on admissibility and adopted 15 Views on the merits of individual communications. The number of cases had grown significantly in the past two years, and if that growth continued as expected, it would pose multiple challenges. The High Commissioner's report on treaty body strengthening contained proposals that could help to address some of those challenges, such as establishing a database of regional and treaty body jurisprudence on individual cases.

6. Increasing numbers of requests for inquiries under the inquiry procedure also posed a challenge, and at its previous session her Committee had adopted a decision asking for a working group to be established to conduct preliminary evaluations of such requests.

7. In its Views, the Committee made both specific recommendations to the State party on remedies for the individual concerned and general recommendations on how to address systemic problems that might lead to future violations. Not only the State concerned, but also other States might need to ensure that their legislation was in line with those general recommendations. Thus far her Committee had been following up on both specific and general recommendations, but it was currently discussing ways to better organize its follow-up efforts. While they had yielded positive results in some cases, many States lacked mechanisms to ensure the implementation of Views issued by treaty bodies. That issue might well be addressed jointly by all the treaty bodies.

8. The provisions of the Convention on the Elimination of All Forms of Discrimination against Women were mainly formulated as principles and obligations rather than as rights, which posed a challenge to its implementation. The Convention also lacked an explicit article on violence against women, though her Committee had attempted to fill that gap through its general recommendation No. 19, which stipulated that States could be held responsible for private acts if they failed to act with due diligence to prevent violations of rights or to investigate and punish acts of violence. The due diligence principle had subsequently been incorporated into several regional and international instruments. More and more comparative jurisprudence dealing with discrimination against women was emerging at the regional level: for example, the European Court of Human Rights had recently referred to her Committee's jurisprudence in one of its decisions.

9. **Ms. Patten** (Committee on the Elimination of Discrimination against Women) asked whether the Human Rights Committee had addressed the issue of reservations in its jurisprudence. She also wished to know whether, and at what stage, that Committee sought clarification of facts relating to communications and how it dealt with *amicus curiae* briefs.

10. **Mr. Bouzid** (Human Rights Committee) asked whether, in the practice of the Committee on the Elimination of Discrimination against Women, interim measures could be requested only by the author of a communication or also by NGOs or individuals not directly involved in the case. In his view, treaty bodies should make reference to, but not rely on, regional case law, because only Europe and the Americas had regional courts and the treaty bodies worked in an international arena where all cultures should be represented.

11. **Mr. Iwasawa** (Human Rights Committee) said that he had been selected to fill the new post of Case Monitor and would be responsible for proposing a system of case management within the Human Rights Committee. As his Committee registered on average 100 cases per year, his role was to decide which ones were to be considered at each session. He had prepared a paper on possible selection criteria, which the Committee would discuss at its current session.

12. **Mr. Thelin** (Human Rights Committee) said that his Committee had recently adopted a grading system for the follow-up given to its Views. Under the system, it either closed or suspended each case and graded the follow-up as satisfactory or unsatisfactory. The Committee had also re-emphasized the legal validity of its Views through its general

comment No. 33 on the obligations of States Parties under the Optional Protocol. It systematically made reference in its Views to its competence to take decisions on individual communications as stipulated in the Optional Protocol.

13. **Mr. Flinterman** (Human Rights Committee) said he would be interested to hear the philosophy behind the other Committee's decision to include general as well as specific recommendations in its Views.

14. **Ms. Hayashi** (Committee on the Elimination of Discrimination against Women) said that two types of recommendations were made in her Committee's Views — specific ones on remedies for the authors of communications and general ones — for example, on amending legislation or providing training to members of the judiciary. She in turn enquired about the Human Rights Committee's related practices and any developments or trends.

15. **Ms. Bareiro-Bobadilla** (Committee on the Elimination of Discrimination against Women) asked how the Human Rights Committee handled situations when States parties complied with the form but not the substance of the recommendations contained in its Views.

16. **Sir Nigel Rodley** (Human Rights Committee) said that his Committee's approach to recommendations and remedies focused chiefly on guarantees of fair compensation and non-recurrence, but where criminal violations were involved, it also called for investigation and prosecution. The current tendency was to seek specific, case-pertinent remedies in preference to those of a more general nature, although lack of information sometimes impeded the formulation of sufficiently well-tailored recommendations.

17. With regard to reservations, he noted that under the *Guide to Practice* recently adopted by the International Law Commission (A/66/10/Add.1), when a reservation to an instrument was declared invalid, the State party remained a party to the relevant treaty and/or optional protocol without the benefit of the reservation. That had also been the position taken in his Committee's general comment No. 24. In some instances, the Committee had found that reservations concerning the death penalty were incompatible with the object and purpose of both the Covenant and the Optional Protocol. Continuing violations such as enforced disappearance raised particular problems in relation to reservations.

18. Clarification from the parties was rarely sought during the consideration of a communication, largely because, to maximize efficiency, the secretariat was expected to resolve any inconsistencies at an earlier stage. In exceptional circumstances, if the Working Group on Communications found that an article not cited by the author could be pertinent to a case, it might ask one or both parties to consider referring to it. However, such situations were unlikely to arise if the author was represented by competent legal counsel.

19. To the best of his recollection, his Committee's position on amicus curiae briefs was that they could be admitted as attachments to a party's own submissions.

20. **Mr. Thelin** (Human Rights Committee), explaining his Committee's approach to follow-up, said that remedies often consisted of several parts, one of which usually involved some form of compensation. Where State parties were reluctant to provide it, the Committee's recommendations were met with anything from silence to a nuanced response, rejection or an attempt to reopen the case. In such situations, his Committee sought an exchange of views or informal meeting to clarify any misunderstandings. It generally met with three or four States parties at each session for that purpose.

21. Frequently, a lack of interministerial coordination was at the root of the problem. For that reason, his Committee encouraged States parties to establish coordinating mechanisms, and they were usually responsive to such requests. Where further action was

considered pointless, cases were abandoned. Upon closure, case files were marked “satisfactory compliance” or “unsatisfactory compliance”, depending on the outcome.

22. **Ms. Šimonović** (Committee on the Elimination of Discrimination against Women) said that fortunately for her Committee, the procedures for interim measures and follow-up that had been developed by the Human Rights Committee had been codified in articles 5 and 7, respectively, of the Optional Protocol to the Convention. Article 5 authorized her Committee to request interim measures at any time. Those requests were generally initiated by the petitioner, but the Working Group on Communications had on one past occasion issued a request on its own initiative.

23. The Committee’s initial position on whether recommendations should encompass general as well as case-specific remedies had been that only remedies addressing individual concerns were needed. However, it had since decided that general recommendations addressing systemic problems and calling for concrete responses, such as legislative amendments at the national level, were also required.

24. The broader scope of such recommendations had raised new challenges. Her Committee had amassed a long list of general recommendations that overlapped with the case-specific ones issued in the periodic reporting process. At some point, a detailed analysis of the relationship between the two would be needed.

25. In the meantime, case-specific recommendations would continue to be balanced by recommendations of a general nature. In a recent case, her Committee had urged the State party to enact a law on domestic violence, establish shelters for victims and adopt other support and protection measures, besides calling for immediate action to protect the victim and her family. Follow-up on that case had revealed visible improvements at the national level. The challenge lay in identifying the most pressing general issues.

Treaty body strengthening process

26. **Ms. Popescu** (Committee on the Elimination of Discrimination against Women) said that her Committee fully supported the process of reflection on the human rights treaty body system initiated in 2009 and recognized the need for strengthening and harmonization. It was currently examining, with a view to their implementation, the proposals made by the United Nations High Commissioner for Human Rights in her June 2012 report.

27. The strengthening process should be conducted in a manner that respected the universality, indivisibility and equal significance of all human rights while giving high prominence to the specific need to protect women against discrimination. Treaty bodies should maintain the power to determine their own rules of procedure and working methods, in line with the Addis Ababa guidelines on the independence and impartiality of members of the human rights treaty bodies. The treaty body system could not function efficiently and credibly without sufficient human and financial resources.

28. With regard to specific proposals concerning reporting, her Committee recognized the need to alleviate the reporting burden for States parties, to tackle non-reporting, to improve the quality of constructive dialogues and to further prioritize concluding observations. It had not taken a decision on whether to accept the proposal to establish a comprehensive reporting calendar: it saw merit in the attempt to better regulate reporting and prevent backlogs, although close analysis of the financial implications and possible impacts would be required, together with capacity-building at the State party and secretariat level.

29. Her Committee was considering the possibility of introducing the simplified reporting procedure, although its adoption would entail adjustments to reporting guidelines, working group arrangements and the structure of concluding observations. Members also

had concerns regarding the sources of the information used to draft lists of questions and the implications of managing two alternative reporting procedures in parallel. They would be interested to hear about the Human Rights Committee's experiences in that regard.

30. While her Committee had already developed specific practices and methodologies for improving constructive dialogues, strengthening the country rapporteurs' role and other matters addressed in the High Commissioner's report, a systematic review was envisaged for harmonization purposes.

31. The Committee welcomed the High Commissioner's proposals for increased cooperation between treaty bodies, other United Nations entities, civil society and national human rights institutions; its own cooperation with the Human Rights Committee and the Committee on the Rights of the Child provided an example of good practice. It envisaged organizing regular, informal meetings with States parties and was open to the possibility of closer cooperation with global organizations such as the International Organization of la Francophonie.

32. The effectiveness of treaty bodies' recommendations and views depended not only on their quality but also on the extent of State party compliance. Follow-up was therefore of great importance and there was a need to harmonize and streamline the approaches of the four treaty bodies that currently used written follow-up procedures and to develop common methodological guidelines.

33. General recommendations and comments were considered important interpretation and implementation tools, and her Committee saw merit in the High Commissioner's proposals that drafting procedures and terminology should be standardized. It also perceived a need to raise the profile of the treaty bodies' work through the use of modern communications technologies and to encourage greater participation in regional and national workshops on the part of independent experts and more systematic use of their expertise. Lastly, strengthening the secretariat's capacity, including in servicing the treaty bodies, was a prerequisite for success in the demanding tasks ahead.

34. **Mr. O'Flaherty** (Human Rights Committee) said that in a statement adopted on 12 July 2012, his Committee had noted that the delivery of sufficient, sustainable resources was integral to the strengthening process and that, without them, many of the relevant proposals could not be realized. The statement also noted that the High Commissioner's report provided a good basis for progress towards a stronger treaty bodies system and that the process of reflection must respect the treaties bodies' integrity and independence.

35. In a preliminary debate on the comprehensive reporting calendar, his Committee had identified merits but also challenges, including fundamental changes to the working practices of all treaty bodies as well as heightened pressure on financial and personnel resources. It welcomed the many suggestions for good practice contained in the report, such as the use of the simplified reporting procedure and common core documents, strict adherence to page limits and more focused concluding observations, which could be implemented across the system irrespective of whether the comprehensive reporting calendar was adopted.

36. The proposal that a joint treaty body working group on communications should be established had not been well received. His Committee's view was that any such initiative must take account of the need for a juridical approach to the consideration of communications built on the substance and procedural provisions of the respective treaties. The Committee was also disappointed by the scant attention given to follow-up, since it considered more extensive, more effective follow-up to be central to a stronger treaty body system.

37. Although treaty bodies should have more extensive opportunities for engagement with the General Assembly, his Committee had not yet formulated a view on how to achieve that. It had also yet to take a view on the written communication on the treaty body system submitted by the Russian Federation in September 2012. His personal opinion was that its content was extremely prescriptive, effectively calling for a significant rollback in the working practices and procedures of all committees. They were all in a vulnerable position, and concerted action on strengthening was needed to move forward.

38. **Ms. Chanet** (Human Rights Committee), supporting the comments made by Mr. O'Flaherty, said that it was important to finalize the message to be sent to the General Assembly and for the two Committees to present a united front in that and all other respects. While the need for effective treaty implementation must be impressed upon States parties, the Committee should be more accommodating in other areas, such as the format of reports and the use of lists of issues. They should remain vigilant about political manoeuvring by States that might affect support for the proposals on treaty body strengthening. Referring to the written communication on the treaty body system submitted by the Russian Federation, which suggested that treaty body experts often went beyond their mandate, made political comments and did not give due consideration to the general political situation in specific countries, she said that Committee experts were elected by States and were mandated to defend human rights.

39. **Ms. Šimonović** (Committee on the Elimination of Discrimination against Women) said that since the establishment of a unified treaty body system was being explored, her Committee might wish to take stock of its own success, attested to by the fact that it now held three annual sessions and considered individual communications. She asked whether all treaty bodies were to receive equal treatment under the comprehensive reporting calendar and whether differences in their working methods, number of States parties and annual sessions had been taken into consideration. It was possible that her Committee might start doing permanent work in some areas in the long term. It had started to hold sessions in Geneva in order to develop better links with the other human rights bodies that met there. Some progress had been made with establishing those links, but the Committee still had no official relationship with the Human Rights Council, despite the fact that the universal periodic review process made use of the Committee's concluding observations.

40. **Mr. Neuman** (Human Rights Committee) said that cooperation between the Committees could be further strengthened if there were more opportunities for individual conversation among their members about specific issues.

41. **Mr. Flinterman** (Human Rights Committee) said that the treaty bodies must make efforts to bridge the gap between the legal and political branches of the treaty body system: in his view, their Chairpersons should have an opportunity to address both the General Assembly and the Human Rights Council. He suggested that the Chairperson of the meeting of the Chairs of the human rights treaty bodies should address those two forums annually and that the Chairperson of each treaty body should do so on a biennial basis.

42. **Mr. Fathalla** (Human Rights Committee) fully agreed that there should be more interaction between the treaty bodies and States parties. Including the opinions of States parties in the Committees' reports would lend greater weight to the reports. Decisions about the treaty bodies should not be taken by non-States parties. Since the Committees were responsible for the application of their respective treaties, which they achieved by considering State party reports and individual communications, the highest priority should be given to the backlog of reports and communications.

43. **The Co-Chairperson** (Committee on the Elimination of Discrimination against Women) said that many had expressed concern over the proposal to set up a single petitions unit to process all communications, a concern which she shared.

44. **Mr. O'Flaherty** (Human Rights Committee) said that his Committee had not welcomed the suggestion in the report of the High Commissioner on establishing a joint working group on communications. The Committee's own Petitions Unit performed excellent work and should be supported.

45. **Mr. Thelin** (Human Rights Committee) said that he was not keen to introduce the comprehensive reporting calendar, since it lacked flexibility. His Committee had a reporting cycle that took into account the situation in each country, and a rigid calendar would negatively impact on its follow-up procedure. While other committees might have a fixed period for follow-up, under his Committee's mandate the reporting procedure was determined at the Committee's discretion, and States parties could be granted up to six years between reports. He welcomed the suggestion that representatives of the treaty bodies should engage with the General Assembly and suggested that it would be particularly useful to address the Fifth Committee, which was responsible for administrative and budgetary matters.

46. **Mr. Walker** (Office of the United Nations High Commissioner for Human Rights), providing further information on the proposed comprehensive reporting calendar, said that it envisaged a five-year reporting cycle during which the submission of States parties' reports would be evenly spaced. States parties that had ratified all the core human rights treaties, including the optional protocols to the Convention on the Rights of the Child, would be required to submit no more than two reports to the treaty bodies in any given year. The comprehensive reporting calendar applied to all States parties. It would be coupled with the simplified reporting procedure, under which a list of issues was sent to each State party prior to its submission of its periodic report. A Committee's consideration of such reports would thus be based on recent information. The calendar mirrored the one used by the Human Rights Council for the universal periodic review mechanism. It would make it easier for States and other actors to know when reports were to be considered and would thereby increase the visibility of the process and the opportunities to attract media attention.

Venues for sessions

47. **The Co-Chairperson** (Committee on the Elimination of Discrimination against Women) invited members of both Committees to give an account of their response to the decision to transfer their summer sessions from New York to Geneva.

48. **Ms. Chanet** (Human Rights Committee) said that the members of her Committee had learned of the transfer only recently in June 2012. The decision was arbitrary and hard to accept as there were good reasons why the Human Rights Committee should meet in New York. The legality of the decision was also questionable, as article 37 of the Covenant expressly provided that the Committee should "normally meet at the Headquarters of the United Nations or at the United Nations Office at Geneva".

49. She suggested that the two Committees should send a letter to the Secretary-General of the United Nations, with a copy to the Office of Legal Affairs, indicating that the transfer did not respect the provisions of the Covenant and the Convention.

50. Her Committee also challenged the financial rationale for the decision. As budgets were biennial, the 2013 budget had already been allocated and included funding for the New York sessions. Staffing was also an issue; the New York bureau of the Division for the Advancement of Women had recently been expanded specifically so that it could provide support for the Committee on the Elimination of All Forms of Discrimination against Women.

51. **Ms. Acar** (Committee on the Elimination of Discrimination against Women) said that the members of her Committee had learned of the transfer during the July 2012 session

in New York. They had immediately sought the decision's reversal, arguing strongly that a presence in New York was essential to effective cooperation with key actors; New York was the meeting place of the Commission on the Status of Women and the home of the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), besides having a far greater concentration of permanent missions and civil society organizations than Geneva.

52. At a subsequent meeting with the United Nations High Commissioner for Human Rights, her Committee had been informed that the decision was based entirely on budgetary considerations. Committee members had expressed concern about the unilateral, non-transparent and non-participatory manner in which the decision had been taken and had argued that due process has not been respected; according to article 20 of the Convention, the High Commissioner did not have the authority to decide where the Committee should meet.

53. With regard to financial considerations, her Committee had heard that the savings mentioned as the rationale for the transfer would amount to no more than US\$ 70,000. The Committee had already made considerable cost-cutting efforts, for example, by reducing summary record coverage, and in any case the funding for holding the 2013 summer session in New York had already been allocated.

54. The Committee's Vice-Chairperson had raised the issue before the Third Committee of the General Assembly. Her observations had been well received; representatives of the Caribbean Community (CARICOM) had issued a statement supporting the Committee's position.

55. **Ms. Neubauer** (Committee on the Elimination of Discrimination against Women), expressing her support for the suggestion that a letter should be sent to the Secretary-General, said that issues of that importance should be brought to the attention of all relevant entities within the Organization, not just the Office of the High Commissioner for Human Rights.

56. **Ms. Schulz** (Committee on the Elimination of Discrimination against Women) recalled that the High Commissioner had indicated that if the Committees were able to raise sufficient funds through governments or other sources to cover the cost of their New York sessions, the decision could be reversed.

57. **Ms. Patten** (Committee on the Elimination of Discrimination against Women) asked whether the Human Rights Committee had raised the matter with States parties, as her Committee intended do at a meeting scheduled for the following day.

58. **Ms. Belmihoub-Zerdani** (Committee on the Elimination of Discrimination against Women) said that the members of her Committee should insist on at least one meeting in New York each year. Otherwise, the Committee would be denied the visibility that was vital to its work, especially since the United States of America was one of the countries that had not ratified the Convention.

59. **Mr. Flinterman** (Human Rights Committee) requested more information on the outcome of the statement by the Vice-Chairperson of the Committee on the Elimination of Discrimination against Women before the Third Committee of the General Assembly.

60. **The Co-Chairperson** (Committee on the Elimination of Discrimination against Women) said that at the meeting of the Third Committee in New York, the Vice-Chairperson's brief had included submitting a report on the Committee's activities, highlighting the issues relating to the move of the Committee's New York session to Geneva and developing closer ties with other relevant organizations, such as UN Women.

61. **The Co-Chairperson** (Committee on the Elimination of Discrimination against Women) invited members of both Committees to offer suggestions on the substantive contents of a possible joint letter to the Secretary-General on the issue of moving their New York sessions to Geneva.

62. **Ms. Chanet** (Human Rights Committee) suggested that a person from each Committee should be appointed to draft the letter, which should briefly state that the Committees' sessions in New York in 2013 had been moved without prior consultation. There was no need to provide extensive background information. The letter should also include a paragraph noting the advantages of holding an annual session in New York. It should then be stated that the abolition of the New York sessions contravened the treaties, and that as guardian of the treaties, the Secretary-General must ensure their full application.

63. **Ms. Jahan** (Committee on the Elimination of Discrimination against Women) asked what action had been taken so far on the issue by the Human Rights Committee. In addition to the statement made at the meeting of the Third Committee, her Committee had discussed its views with the High Commissioner. She queried the wisdom of sending a joint letter at the current juncture, since it was unclear how that would fit in with the action her Committee had already taken.

64. **Ms. Bareiro-Bobadilla** (Committee on the Elimination of Discrimination against Women) said that she supported the idea of taking joint action and highlighted the fact that her Committee had received the support of NGOs on retaining its New York session.

65. **Mr. Thelin** (Human Rights Committee) said that his Committee had sent a letter to the High Commissioner on the loss of the New York session and had also discussed the matter with her. The letter to the Secretary-General should be succinct, perhaps referring briefly to the background to the Committees' concerns, and should explain that from a legal point of view, treaty body members were the ones responsible for making such decisions.

66. **Ms. Rasekh** (Committee on the Elimination of Discrimination against Women), noting the greater impact of a joint letter, supported the comments made by Mr. Thelin and said that the joint letter could be the follow-up action to the statement made by the Vice-Chairperson of her Committee to the Third Committee.

67. **Mr. Kälin** (Human Rights Committee) said that it was entirely appropriate to address the Third Committee, since the financial constraints the treaty bodies were experiencing were the result of decisions made by Member States. He expressed concern, however, that it might not be the appropriate moment to bring the matter to the attention of the Secretary-General. He urged the Committees to exercise great caution when drafting the letter.

68. **Ms. Schulz** (Committee on the Elimination of Discrimination against Women) said that the letter should mention the Committees' support for the High Commissioner's efforts to secure funding, and then address the issue of the New York sessions.

69. **Ms. Patten** (Committee on the Elimination of Discrimination against Women) said that she did not support the idea of referring to funding issues, due to their complex and delicate nature and the current financial situation. She also had reservations about sending a letter at the present time.

70. **Ms. Gabr** (Committee on the Elimination of Discrimination against Women) said that she agreed with the idea of indicating support for the efforts made to provide funding for the treaty bodies but thought that the Committees' difficulties in accepting the financial constraints because of their impact on their work should also be explained.

71. **Mr. O'Flaherty** (Human Rights Committee) said that he was not convinced it would be prudent to send a letter at the current time: it might be incorrectly perceived and have unintended consequences.

72. **Ms. Rasekh** (Committee on the Elimination of Discrimination against Women) recalled that during her Committee's meeting with the High Commissioner, the latter had advised it to take action, vis-à-vis States parties and other actors, with a view to securing funding. A joint letter would therefore support the High Commissioner's position, rather than contradicting it, since the financial constraints were not the result of a decision she had made. If the Committees did not send a joint letter soon, they might be unable to reverse the situation in future.

73. **Ms. Gabr** (Committee on the Elimination of Discrimination against Women) supported the suggestion that States parties should be made aware of the problems faced by her Committee and the Human Rights Committee.

74. **Sir Nigel Rodley** (Human Rights Committee) suggested that, given the time constraints, the Co-Chairpersons should consult their respective Committees with a view to producing a text for the letter and choosing a politically appropriate moment to send it. In the meantime, the Chairperson of his Committee would be meeting with the Secretary-General.

75. **Ms. Chanet** (Human Rights Committee), while supporting that suggestion, said that it was important not to delay unduly in sending the letter. There was nothing wrong in requesting the Secretary-General to help the High Commissioner, who despite her efforts was short of funding, and thereby to assist the Committees in fulfilling their mandates.

76. **Mr. Bruun** (Committee on the Elimination of Discrimination against Women) suggested that the matter of a joint letter should be discussed by each Committee separately and drafts prepared by the Chairpersons and one or two members of each Committee.

77. **The Co-Chairperson** (Committee on the Elimination of Discrimination against Women), endorsing the remarks by the two previous speakers, thanked the members of both Committees for their contributions to the discussion of several important issues relating to their work and to the efforts of treaty bodies in general.

The meeting rose at 6.05 p.m.