



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-first session

SUMMARY RECORD OF THE 1098th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 17 January 2006, at 10 a.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 10.10 a.m.

MEETING WITH STATES PARTIES

Briefing by the Committee on its experience of meeting in two chambers

1. The CHAIRPERSON said that the Committee had decided to meet in two chambers in order to clear the backlog of States parties' reports awaiting consideration and to cope with the large number of country reports it expected to receive under the two Optional Protocols to the Convention. The composition of the two, nine-member chambers had been determined by drawing lots. The process had produced serendipitously well-balanced chambers in terms of geographical distribution and gender. The process would be repeated after two sessions so as to ensure a rotation of members between the chambers. He drew attention to the fact that the Committee was the only treaty-monitoring body to have achieved a real gender balance. Country reports had likewise been allotted to the chambers by drawing lots. General comments, recommendations and concluding observations would, however, be discussed and approved by the Committee as a whole in a plenary meeting.
2. Although it was too early to reach any final conclusions, it was already clear that the new method of meeting in two chambers had reduced the backlog to a level such that country reports could be reviewed within 12 months of their submission. The Committee was currently in contact with countries whose reports were overdue in order to discover what help they needed to expedite the submission process. In fact only five countries still had to submit their initial reports under the two Optional Protocols. No other treaty-monitoring body was so up to date in its consideration of States parties' reports.
3. While the new working method had increased the Committee's capacity to review reports, a number of practical obstacles had been encountered owing to the difficulties of mustering the human resources required by the Office of the United Nations High Commissioner for Human Rights in order to process the growing number of reports.
4. Ms. KHATTAB, speaking in her capacity as Chairperson of Chamber B, said that the two-chamber system was permitting greater interaction with States parties and closer dialogue with them.
5. The CHAIRPERSON drew attention to the problems ensuing from a delegation's cancellation of its participation in a meeting at the very last moment. He invited the representatives of States parties to comment on the Committee's new working method.
6. Mr. OUVRY (Belgium) asked how the Committee intended to ensure consistency in the two chambers' deliberations.
7. Mr. CERDA (Argentina), noting that concluding observations would be adopted by the Committee as a whole in a plenary meeting, wondered if the experts who had not been members of the chamber considering the country report in question would not be placed at a disadvantage when discussing the concluding observations on that report.

8. He wished to know if only the experts of the chamber reviewing the country report would have dealings with the non-governmental organizations (NGOs) from that particular country, or whether all the Committee members would have an opportunity to contact them.
9. Mr. SOUFAN (Lebanon) said that, while the system used to divide the Committee into two chambers was reminiscent of the method of appointing members of a court of appeal, he was curious to know how Committee members could approve concluding observations when they had not participated in the initial deliberation of country reports.
10. Mr. TALIBOS (Azerbaijan) wished to know if the fact that the Committee was meeting in two chambers would make reporting easier or more difficult for States parties. How would the members of the chamber which had not taken part in the consideration of a country report be able to contribute to the adoption of the concluding observations in a plenary meeting?
11. Ms. AJAMAY (Norway) welcomed the introduction of the two-chamber system, since it had enhanced the credibility of the treaty-monitoring process by speeding up the consideration of country reports. Did the Committee intend to retain that system? Her Government approved of the method of choosing the members of the chambers and believed that discussions might be more fruitful in the smaller setting they provided.
12. Ms. DEMPSTEAD (New Zealand) enquired as to the action the Committee would have taken if the method of selecting the members of the chambers had produced a poorer geographical and gender balance. Were the different legal systems also represented in a balanced manner?
13. The CHAIRPERSON said that, as far as the adoption of the concluding observations was concerned, it was premature to judge the effectiveness of the participation of those Committee members who had not considered the country report in question. Admittedly the members of the chamber which had reviewed it would have an advantage. Nevertheless, the day before the draft concluding observations were discussed, the members of the chamber which had not examined the relevant country report would receive a country brief prepared by the secretariat. It was in any case impossible for each and every Committee member to examine all 16 reports in depth. On the other hand, the Committee had considerable experience in drafting concluding observations and a body of precedents to guide it when appraising compliance with the Convention. Moreover the members trusted each other's judgement. Hence the concluding observations could be deemed to reflect the opinion of the whole Committee, which was striving to achieve the same coherence and consistency in its approach to the two Optional Protocols.
14. One of the benefits of the new working method was that it permitted more in-depth dialogue with the States parties during consideration of their reports. The Committee would appreciate countries' feedback in that connection.
15. Corrective action would be taken if the process of drawing lots produced chambers lacking in balance. Whether the two-chamber system became permanent would depend on the approval of funding by the General Assembly, the number of reports to be considered and the Committee's experience with the new working method. Its retention might make it possible to reduce the number of sessions held every year from three to two, thereby reducing the pressure on members.

16. Ms. Yanghee LEE said that States parties could rest assured that the two chambers held identical views on matters of importance with regard to the Convention and they need not have any concerns about members' level of expertise and impartiality. Furthermore an intranet system enabled the two chambers to access each other's documentation and records. The in-depth country brief prepared by the secretariat contained references to interaction with non-governmental organizations. Such interaction was indeed invaluable.

17. Ms. ALUOCH said that one of the main issues raised by States parties prior to the Committee's division into two chambers, namely that it was extremely difficult for a delegation introducing its country report to deal with the questions asked by 18 Committee members during the dialogue, was no longer a problem. Although the result of a lottery, the distribution of expertise in a variety of disciplines had been very balanced between the two chambers. However, if that had not been the result, it would certainly have been corrected.

18. Mr. KOTRANE said that before adopting the two-chamber approach, the Committee had discussed a number of concerns. Previously, Committee members had often been frustrated because of the limited time available, whereas now they were able to go into more depth in their questioning. With reference to the comparison with the separate chambers of courts of appeal, he pointed out that they were entirely different bodies to the Committee. The courts worked in separate chambers as a matter of course, while the Committee had resorted to two chambers as a result of practical problems. The concluding observations must be adopted by the Committee as a whole in a plenary meeting, unlike the courts which could pronounce judgements in separate chambers.

19. Mr. LIWSKI said that the challenge now was to improve the quality of the concluding observations. The opportunity provided by the division into two chambers to develop more in-depth and specific dialogue with States parties should be reflected in the concluding observations, which had been criticized in the past for being too general.

20. Mr. KRAPPMANN noted that at the current session, the Committee would have 12 meetings in separate chambers and 13 meetings as a plenary body, and therefore members would remain in close contact.

21. The CHAIRPERSON said that the Committee would make every effort to avoid inconsistency between chambers.

Discussion of the reform of human rights treaty body reporting and monitoring

22. The CHAIRPERSON said that at its previous session the Committee had expressed a number of concerns regarding a unified treaty body, primarily that the specificity of its work would be lost. Prior to the entry into force of the Convention in 1990, and despite the theoretical assertion that the other human rights treaties also applied to them, children were rarely discussed, and when they were, it was in terms of satisfying their needs rather than protecting and promoting their rights. The Committee did not wish to regress to such a situation. The Committee had also expressed concern that the current crucial input of non-governmental organizations and specialized United Nations agencies was at risk.

23. It was not clear how a unified treaty body could be established without legislative amendments to the current treaties, and if such a process was undertaken it would be extremely complex. It was crucial to identify what problems the establishment of a unified treaty body was intended to solve. Delayed submission of reports and non-reporting had been discussed over the past two years, and the Secretary-General's proposal that States parties should prepare a single report on all their obligations under the treaty bodies had been rejected. The treaty bodies were currently working on an alternative, namely the expanded common core document, which would include human rights issues common to all the treaty bodies. Guidelines had been drafted for approval at the next inter-committee meeting of human rights treaty bodies.

24. Other problems to be solved included the backlog of reports to be considered by some committees and the need for more harmonized and coordinated activities of the treaty bodies. He had suggested as an alternative to the unified treaty body the establishment of a bureau for the seven treaty bodies composed of the seven chairpersons, duly mandated to organize and coordinate their activities. It could also improve consistency, cross-references in concluding observations and joint general comments. It was, however, important not to lose sight of the advantages of the current system and the important work carried out by the seven treaty bodies.

25. Ms. KHATTAB said that one of the benefits of the current system was that after each session the members of the various committees returned to their home countries and disseminated information and ideas raised at the session. Such a process of interaction would be lost if a permanent body was established in Geneva or New York.

26. A major element in preparing reports for the treaty bodies was raising awareness of human rights, and it would be a great loss if reporting was consolidated into a single process.

27. Mr. FILALI said that the main concern raised at the third inter-committee meeting had been the lack of information on the proposed content of the common element of the expanded core document. A working group composed of one expert from each of the seven committees had been appointed to find solutions to the problem and had held its first meeting in December 2005. It had reviewed directives and discussed what each committee wished to maintain, notably its specificity. Certain States parties had already taken the initiative of submitting country reports reflecting the new proposals, and their experiences should be evaluated before taking a decision.

28. Mr. PARFITT said that the Committee was aware of the financial and human resources involved in preparing the reports, and it was also concerned by the question of duplication of reporting. He supported the idea of a bureau of chairpersons to harmonize reporting. In addition to the general reports, the Committee also dealt separately with reports submitted under the Optional Protocols.

29. Ms. ORTIZ said that from her experience in Latin American countries, it was clear that many of the authorities responsible for children's issues did not have an in-depth knowledge of the Convention, and therefore the challenge of preparing a report provided the opportunity to learn more about it. She supported the idea of an expanded core document which respected the specificity of each committee.

30. Mr. KOTRANE said that although the Committee was concerned that the focus on children's rights might be weakened by the treaty body reform, and particularly by the establishment of a unified treaty body, it should not give the impression of being against the idea of reform. The question of children's needs and rights should be viewed as an integral part of the United Nations human rights protection system, which must be holistic. Since the treaty bodies had developed independently, and at different times, there was currently a lack of coordination in their work, which must be rectified through reform.

31. Mr. TALIBOS (Azerbaijan) asked whether a unified treaty body was the expected outcome of the reform process, and what the other States parties' opinions were on the issue. He wondered what the relationship would be between the treaty body system and the new permanent human rights council.

32. Mr. CERDA (Argentina) said that although there had recently been operational improvements in the functioning of the treaty bodies, the problem of duplication of work should not be ignored. His delegation was prepared to discuss all possible avenues for reform, and was aware that the transition to a unified treaty body would be a long and complex process that could take a number of years. If those involved in human rights in Geneva did not address the issue of treaty body reform, it would doubtless be addressed elsewhere. State representatives and the experts involved in the treaty body system must work together to reform that system in the broader context of human rights protection.

33. Ms. SMITH said that she supported the Chairperson's idea of establishing a bureau of the seven treaty body Chairpersons as an effective way of avoiding duplication of work between the treaty bodies. The Convention on the Rights of the Child was often forgotten in discussions on human rights outside the United Nations system, and she was concerned that the Convention would lose its momentum if a unified treaty body was established.

34. The CHAIRPERSON said that the relationship that would exist between the potential unified treaty body or the existing treaty bodies and the new permanent council on human rights was not yet apparent. He was unimpressed by the existing relationship between the treaty bodies and the Commission on Human Rights. It was important to note that the Commission on Human Rights and the new council were political bodies, whereas the treaty bodies were composed of independent experts, and were not guided by political considerations. Any decision to establish a unified treaty body must take into account that it would be successful only if all the States parties to all the treaties were willing to submit reports to it. He did not consider that the only solution to the problem of duplication between the treaty bodies was to establish a unified mechanism; it would be possible to find another solution that retained the positive aspects of the current treaty body system.

35. Mr. SOUFAN (Lebanon) asked whether the Chairperson had been speaking on behalf of all the Committee members when he had suggested the establishment of a bureau of Chairpersons of the seven treaty bodies. He wondered whether the Committee members were concerned that the establishment of a unified treaty body would require certain amendments to be made to the texts of the treaties.

36. Mr. CAMPUZANO (Mexico) said that the reform of the Commission on Human Rights included the possible establishment of a peer review mechanism, by which States members of the new human rights council would review the fulfilment of each others' obligations in respect of human rights. He wondered whether such a system might duplicate the work of the treaty bodies, and whether the treaty bodies had considered how their work could be affected.

37. Mr. OUVRY (Belgium) said that the treaty bodies' impact on the life of civil society was insufficient. A unified treaty body would be more visible to the public than the seven committees. Care must however be taken to avoid limiting the impact of the Committees as specialist bodies in the event that such a system was established.

38. The CHAIRPERSON said that there was general agreement within the Committee that a different solution to that of the unified treaty body should be proposed. As far as he was aware, the concerns that he had expressed were shared by all the Committee members. The Committee had not discussed the possible impact of the peer review mechanism, but was aware of the issue. Clearly, a relationship must be established between the new permanent human rights council and the treaty bodies. Review procedures carried out by the council would not necessarily duplicate the work of the treaty bodies, since the countries that were carrying out the reviews would look at the implementation of the Committee's previous concluding observations and recommendations. He was not sure that a unified treaty body would increase the visibility of the specific treaties and their implementation.

Follow-up to the Committee's concluding observations

39. The CHAIRPERSON said that States parties had expressed concern about the impact of concluding observations at the national level. Although some treaty bodies had procedures for requesting follow-up reports from States parties, the Committee on the Rights of the Child did not have either the capacity or the time to do so, since it already faced a substantial backlog of periodic reports. Regional seminars on follow-up to the Committee's concluding observations, funded by the Office of the United Nations High Commissioner for Human Rights and NGOs, had, however, been held in Damascus in 2003, Bangkok in 2004 and Qatar and Buenos Aires in 2005 and had identified areas of common concern.

40. The Committee was confident that States parties took its concluding observations seriously. The United Nations Children's Fund used the Committee's recommendations in 150 States for programming at the national level. The organization of further seminars did not depend on whether the committees remained separate or merged into one unified body, but rather on funding.

41. Mr. PARFITT said that there were two potential obstacles to holding meetings with States parties to discuss the implementation of the Convention with government ministries: lack of funding and lack of availability of Committee members, many of whom had full-time commitments elsewhere.

The meeting rose at 12.10 p.m.