



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixty-fifth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 1669th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 19 August 2004, at 10 a.m.

Chairman: Mr. YUTZIS

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* The summary record of the second part (closed) of the meeting appears as document CERD/C/SR.1669/Add.1.

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The meeting was called to order at 10.25 a.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

Guidelines on an expanded core document and treaty-specific targeted reports, and harmonized guidelines on reporting under the international human rights treaties (HRI/MC/2004/3)

1. The CHAIRMAN welcomed Mr. Filali, the Rapporteur for the inter-committee meeting on draft guidelines on an expanded core document and a member of the Committee on the Rights of the Child. As Rapporteur for the inter-committee meeting, he had been given the mandate of establishing dialogue with the treaty bodies on their working methods, and particularly on the format, content, scope and nature of State party reports. The subject had been under discussion in all the treaty body secretariats within the Office of the High Commissioner for Human Rights, and was currently being considered by the treaty bodies.
2. Mr. FILALI (Rapporteur for the inter-committee meeting) thanked the Committee for its invitation and outlined developments in the area of the harmonization of the reporting process, as detailed in the document entitled “Guidelines on an expanded core document and treaty-specific targeted reports, and harmonized guidelines on reporting under the international human rights treaties” (HRI/MC/2004/3). The guidelines had been discussed at the third inter-committee meeting in June 2004, when he had been appointed Rapporteur for follow-up, with responsibility for ascertaining the position of each treaty body on the guidelines.
3. After summarizing the four sections of the guidelines, he said that consensus had been reached on several issues at the meeting of chairpersons in June 2004. They had agreed on chairpersons’ mandates and the need for a comparative study of reports and working methods, in order to increase harmonization between committees. The chairpersons had also agreed that terminology and follow-up procedures should be standardized, and lists of issues should be clear and refer only to the latest developments in a State party. They had agreed to include the guidelines in their committees’ agendas, and to continue work on harmonizing the reporting process.
4. The CHAIRMAN emphasized that no final decisions had been reached at the meeting of chairpersons; it was the responsibility of each treaty body to debate all the issues and decide on the best course of action. He invited Committee members to respond to the Rapporteur’s statement.
5. Mr. de GOUTTES asked whether any consensus had been reached on the length of the treaty-specific targeted reports. Had a common position been reached on whether lists of issues should be sent straight to the State party by the country rapporteur, or should a working group or the whole committee endorse the lists beforehand? It would be interesting to learn whether there was a rapporteur for follow-up in other committees.
6. Mr. KJAERUM said that it would be useful to have further information on the advantages of the proposed system over current practice, particularly in terms of time and resources saved. He wondered how the Rapporteur for the inter-committee meeting envisaged the inclusion of issues of concern to a particular committee in the expanded core document. If

the question of discrimination, which was of great concern to the present Committee (CERD), had been addressed in the expanded core document, would it also be taken up in the treaty-specific targeted report?

7. Mr. VALENCIA RODRÍGUEZ asked what the periodicity of the expanded core document would be. It would incorporate so much detail that it would quickly become obsolete.

8. Mr. AMIR said that it would be useful to learn whether other committees would be interested in the methodology recently adopted by CERD for country visits. When country rapporteurs visited States parties, they had a much clearer picture of the situation than could be gained from reading reports submitted by Governments and other organizations. If other committees had not instituted such visits, it would be useful to learn whether that was for financial or other reasons.

9. Mr. FILALI (Rapporteur for the inter-committee meeting) said that, while he would gladly answer those questions and any others the Committee wished to ask, his main aim was to learn what the Committee thought of the guidelines.

10. After much discussion at the inter-committee meeting on the length of reports, consensus had been reached on a maximum of 60 pages for the expanded core document and the initial treaty-specific targeted reports. Subsequent treaty-specific targeted reports should not exceed 40 pages.

11. Lists of issues had also provoked lengthy debate. The chairpersons had agreed that work should continue in order to improve the lists, making them more precise and urging States parties to focus exclusively on latest developments rather than giving an account of the past history of every issue.

12. Responding to Mr. Kjaerum's question, he said the proposed system would facilitate the reporting process for States parties. Reports would be easier to write, since all general information would be included in the expanded core document, thus averting the possibility of repetition. Committees would also benefit from having access to information on developments of concern to other treaty bodies. Committees would be able to take the concluding observations of other treaty bodies into account when drawing up their lists of issues. Country rapporteurs, committees and States parties would thus be able to save time and resources. The proposed system should enable States parties to provide more specific information to each treaty body. Committees should facilitate the regular submission of treaty-specific targeted reports by ensuring that those reports could be submitted to all committees at around the same time. The proposed periodicity for submission of reports was 18 months.

13. The idea of rapporteurs making country visits, as currently happened in CERD and in the Committee on the Rights of the Child, had gained in popularity. Rapporteurs could make the visits either before or after the submission of periodic reports, in order to explain committees' expectations to States parties, to answer their questions or to outline the rationale behind concluding observations.

14. The CHAIRMAN said that in order to take full advantage of the presence of the Rapporteur for the inter-committee meeting, members should express their reactions to the proposed expanded core document.

15. Mr. ABOUL-NASR asked what views the chairpersons had on the reporting required after country visits. Some committees never heard about country visits that had been undertaken by their members. He suggested that there should be an obligation for all members making such visits to write reports on them so as to inform their colleagues of their findings and to enable them to form an opinion of the value of those visits.

16. Mr. TANG Chengyuan said that it would be very time-consuming for States to produce an expanded core document of the length indicated by Mr. Filali. Since that document would be supplemented by targeted treaty-specific reports, the reporting burden on States might actually increase.

17. Mr. AVTONOMOV welcomed the abandonment of the idea of having each State produce a single report summarizing its adherence to the international human rights treaties to which it was a party; such a report would be impossible to draft. There was considerable merit, however, in the proposal to expand the core document. He was not convinced of the value of preparing lists of questions to be put to reporting States in advance of the consideration of their reports, since that would prevent committees from examining new issues that arose after the preparation of the list. In that connection, he noted that CERD sometimes received valuable information at meetings it held with non-governmental organizations immediately before taking up State party reports. Moreover, if States themselves then prepared written answers, the committees might reach a point where the bulk of its work was done in writing prior to the session; that would surely detract from its dialogue with State party representatives, which was one of the most important aspects of its work.

18. As to country visits, one could not gain a complete picture of the situation of human rights in a State simply by travelling to it. On the other hand, visits were an effective means of establishing dialogue with States parties, which was especially important in the case of States that failed to submit reports. Joint visits by representatives of several treaty bodies would be more cost-effective. However, there would need to be a clear agreement concerning the legal and financial framework for such visits.

19. Mr. HERNDL said that he was not convinced of the feasibility of having uniform guidelines on reporting. That would require the cooperation not only of the treaty bodies and their secretariats, but also of the States parties to the various human rights instruments. The treaty bodies were independent mechanisms. Each oversaw the implementation of a different instrument, and each had spent many years evolving its working methods. Consequently, there were considerable differences between them. As to the States parties, they, too, might have developed different procedures for reporting to different committees. He was concerned that imposing uniform practices would destroy the best features of the existing systems.

20. Referring to the report of the third inter-committee meeting of human rights treaty bodies, he asked which body would be responsible for the implementation of the recommendations contained in section VI. It was recommended, inter alia, that each

committee should consider adopting procedures to ensure effective follow-up to its concluding observations. Given that each committee might decide on a different follow-up mechanism, he wondered who would decide whether those mechanisms were satisfactory. Lastly, it would be useful to know whether any of the recommendations had financial implications.

21. Mr. de GOUTTES said that one of the most important functions of the inter-committee meeting and the meeting of chairpersons of the human rights treaty bodies was to avoid duplication of work. Similar coordination was needed between the treaty bodies and other organs of the United Nations system working in the area of human rights. He would cite one recent incident by way of illustration. On 18 August 2004, in the context of its early warning measures and urgent action procedures, the Committee had adopted a decision on the situation in the Darfur region of Sudan. He had subsequently learned through a press release that on the same day a number of special rapporteurs and other experts had issued a statement strongly condemning the massacre that had taken place on 13 August 2004 at Gatumba refugee camp in Burundi. The statement contained an explicit reference to article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination. In such cases, it would be helpful for the special rapporteurs and experts concerned to coordinate with the relevant treaty body before issuing their statement.

22. Mr. THORNBERRY expressed concern that the draft guidelines would alter the balance between the core document and the treaty-specific reports submitted by States parties. It was proposed that the expanded core document should include information on the implementation of substantive human rights provisions common to all or several treaties. In particular, States parties would be required to present information on the situation with regard to all groups of persons that might experience discrimination, on the steps taken to ensure that discrimination in all its forms was prevented and combated, and on any major problems encountered in implementing provisions of conventions relating to non-discrimination. It seemed that much of the information that was now included in treaty-specific reports submitted to the Committee would instead appear in the expanded core document. That would not be true in the case of the other treaty bodies, or at least not to the same extent, because the other instruments contained more narrowly focused norms, whereas the essence of the International Convention on the Elimination of All Forms of Racial Discrimination was that it dealt with non-discrimination in the enjoyment of the full range of human rights.

23. The CHAIRMAN said that it would be important to find the best possible balance between the expanded core document and treaty-specific reports.

24. Mr. FILALI (Rapporteur for the inter-committee meeting), responding to the points raised by Mr. Aboul-Nasr, said that he had visited Indonesia and the Islamic Republic of Iran after the Committee on the Rights of the Child had adopted its concluding observations on their reports. In addition, the Chairperson and several members of the Committee had recently visited the Democratic People's Republic of Korea to assess the situation with respect to the promotion and protection of the rights of the child in that country. As a general rule, the Chairperson of the Committee reported on all his or her activities, including country visits, in an intersessional letter. In his view, if an expert visited a country in his or her capacity as a member of a treaty body, then the committee in question was entitled to receive a report on the visit.

25. As to the concerns expressed by Mr. Avtonomov, he did not agree that the preparation of a list of issues in advance of the consideration of a State party's periodic report would limit the dialogue with its representatives, since members of treaty bodies were entitled to ask any question they deemed appropriate. Regarding the financing of country visits, in the case of his own Committee, those visits were organized and funded by the various country offices of the United Nations Children's Fund.

26. Responding to the questions raised by Mr. Herndl, he said that his role was to assimilate the opinions and concerns of the members of each treaty body regarding the draft guidelines, and to present them to the next inter-committee meeting and meeting of chairpersons. The aim of the new reporting method was not to unify the work of the treaty bodies, but to harmonize it. Although he understood the Committee's concerns about the issue of non-discrimination being covered in the common core document, it would still be able to request that specific information on that issue be included in the targeted reports of States parties. He had yet to visit the other human rights treaty bodies, and when he had done so, he would have a clearer idea of the subjects of general concern.

27. The issue of emergency situations was particularly serious and would require specific attention. Those involved in both the inter-committee meeting and meeting of chairpersons had agreed that United Nations press releases were official documents and that the treaty bodies should be more actively involved in collaborating with the press section.

28. The CHAIRMAN said that the question raised by Mr. Thornberry about the effect on the Committee's work if information on non-discrimination was found in the new core document rather than in the targeted report, had been of particular importance. It must be recognized that discrimination was an across-the-board issue. It would be useful to know the opinions of the other treaty bodies on that particular point.

29. Mr. SHAHI asked who was responsible for deciding what information should be contained in the new common core document.

30. Mr. FILALI (Rapporteur for the inter-committee meeting) said that although the main issues of the editing and content of the core document were covered in the draft guidelines, committees would not lose their prerogative of requesting specific information in the targeted report. The main objective of the new approach was to encourage the treaty bodies to work together and support each other. He understood the concerns expressed by Mr. Thornberry, since non-discrimination was an issue of particular importance to CERD. The other treaty bodies did, however, deal with certain aspects of non-discrimination. The new approach should serve as a means whereby the different treaty bodies could share their experiences. Advice on that matter could be provided by other treaty bodies that had such mechanisms. Efforts must be made to establish a balance between the expanded core document and the treaty-specific targeted documents.

31. He reminded the Committee that he would be able to provide further information when he had completed his discussions with the other treaty bodies. He had noted the concerns that had been expressed during the current meeting and would endeavour to draw them to the attention of the other committees. The final draft of the guidelines would be discussed and adopted at the next inter-committee meeting and meeting of chairpersons.

32. Mr. de GOUTTES said that a clear distinction between the common core document and the targeted reports should be established and accepted. The targeted reports must of course be aimed directly at each treaty and action must be taken to ensure that the effectiveness of the work done by treaty bodies was not curtailed.

33. The CHAIRMAN emphasized that the objective of the new approach was to harmonize the work of the treaty bodies, rather than to unify it. It must not be forgotten that the new State party reports would consist of two parts: the first, common part would contain statistics, which would be of use to all treaty bodies, and the second, targeted part would contain treaty-specific information. Although the original idea had been to unify the work of the treaty bodies, that had been rejected, since the individual committees would have lost their significance.

34. Mr. AMIR asked how the committees' work would be dealt with by the General Assembly. It was important for each human rights expert to know what happened to the final product of his or her work. He wondered whether the treatment of the Committee's annual report to the General Assembly was effective, and whether its contents were successfully transmitted to the Secretary-General. Would the new system affect the treatment of treaty bodies' annual reports at that level?

35. Mr. AVTONOMOV said that the harmonization of State party reports was an objective process. The work of treaty bodies could not be unified completely, and targeted reports were necessary to show how individual States had or had not implemented the specific provisions of each treaty. The specified length of the common core document must not be restrictive, since States parties would need to give clear information on the situation relating to each treaty they had ratified. They should provide information on their political, economic and social situations and the legal instruments in place for dealing with human rights issues. Core documents in their current form were often outdated. Measures should be taken to ensure that the common core document would be regularly updated, so as to give contemporary information on issues that were of concern to each committee.

36. Mr. ABOUL-NASR pointed out that the General Assembly would not in fact read the annual report of the Committee. It might happen that for political reasons one or two delegations would refer to specific paragraphs of the report, but the report itself constituted a small part of a very large agenda item before the Third Committee. Its existence would be acknowledged, but it would certainly not be read in detail. The most important aspect of the work of CERD was not its report, but its dialogue with States parties, since that was where real progress could be made.

37. Mr. THORNBERRY requested clarification of the extent to which committees would be consulted on the drafting of the guidelines on expanded core documents. Taking account of the committees' views was essential, since the guidelines might significantly alter their working methods. He took it from the guidelines document (HRI/MC/2004/3) that such consultations might be limited to "brainstorming" sessions and inter-committee meetings.

38. He drew attention to paragraph 84, which read: "Each committee may issue treaty-specific guidelines for the preparation of the second part of its reports in accordance with these common guidelines." He wondered whether that meant that the committees would only be requested to adopt the second, treaty-specific part and not the entire document.

39. Mr. LINDGREN ALVES said that the Committee's annual report to the General Assembly was a useful reference document for the Committee itself. However, its impact other than at that level was negligible. The Committee's interactive dialogue with delegations and Governments, on the other hand, was a fundamental element of its work and increased States parties' awareness of the relevance of country reports to fulfilling treaty obligations.

40. When discussing the possibility of a joint core document for all treaty bodies, it was important to remember that States parties were the main players within the United Nations system. The compilation of reports for each treaty body placed a heavy burden on reporting States and often exceeded their financial and technical resources. Consequently, many States considered the preparation of an expanded core document preferable. Given the increasing focus on economic and social rights as the basis for the protection of other human rights, for example, the preparation of a core document containing relevant information would be useful and effective.

41. He proposed that, in its recommendations, the Committee draw attention to the role of periodic reports as one of the most significant elements of the United Nations human rights mechanism. The creation of new mechanisms, on the other hand, would only add to the fragmentation of an already complex system and would accordingly be counterproductive. Efforts should be made within each committee to rationalize working methods. To that end, periodic reports and the Committee's concluding observations should be streamlined. Placing an excessive burden on States parties by requesting comprehensive reports for each treaty body might prompt a desire to review treaty obligations in their entirety.

42. The CHAIRMAN thanked the Committee members for their valuable contributions. The next step was to analyse the proposed guidelines, bearing in mind the various points made, and to adopt a consensual position for submission at the next meeting of chairpersons. Given States parties' call for harmonized guidelines, adoption of an approved text was essential and the Committee's recommendations must be based on its vital concern to bring about compliance with the Convention.

43. It would be interesting to learn the views of the Committee on the Rights of the Child on the proposed text and he wondered whether Mr. Filali might wish to comment.

44. Mr. FILALI (Rapporteur for the inter-committee meeting) said that the Committee on the Rights of the Child shared many of the concerns expressed by members of CERD. The periodic reports were crucial to the implementation of the Convention and it was thus imperative that they should contain sufficient substantive information. In order to improve the quality of the reports, the limitations and concerns of particular countries must be borne in mind and technical assistance must be provided where required.

45. In the experience of the Committee on the Rights of the Child, the dialogue with States parties produced concrete results, such as States parties' withdrawal of reservations to certain provisions of the Convention. In addition, the discussions provided an opportunity to communicate the Committee's concern for the welfare of the population in a given State. They

enhanced Governments' understanding of the Committee's work as a joint effort and the fundamental basis for constructive dialogue and change. Streamlining country reports would increase the Committee's capacity to identify areas of concern and recommend remedial measures.

46. The Committee on the Rights of the Child had identified three factors that were central to the effective implementation of the various human rights instruments, namely, the maintenance of the committees' dialogue with States parties, the provision of technical assistance to enable States parties to produce quality reports, and the consultation of treaty bodies during the drafting of the guidelines on an expanded core document.

47. He assured the Committee that he would include its concerns in his report to the inter-committee meeting and the meeting of chairpersons.

48. The CHAIRMAN thanked Mr. Filali for his observations. He expressed the hope that his important mission of compiling the views and concerns of all treaty bodies would facilitate the formulation of a common position on the proposed guidelines. The Committee would give him all possible support in that difficult task.

The public part of the meeting rose at 12.45 p.m.