



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

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Seventy-first session

SUMMARY RECORD OF THE 1835th Meeting

Held at the Palais Wilson, Geneva,
on Friday, 10 August 2007, at 3 p.m.

Chairperson: Mr. GOUTTES

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The meeting was called to order at 3.15 p.m.

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

Second meeting of the Working Group on the Harmonization of Working Methods of Treaty Bodies (HRI/MC/2007/2/Add.1)

1. Mr. PILLAI said that he had represented the Committee at the second meeting of the Working Group on the Harmonization of Working Methods of Treaty Bodies, held in Geneva on 17 and 18 April 2007, and presented the major points of the report of the Working Group (HRI/MC/2007/2/Add.1). The Committee's proposal to establish a unified body for the consideration of communications had received scant support from the representatives of other bodies. On the other hand, the Working Group had agreed that there were considerable opportunities for the harmonization and coordination of working methods with regard to communications, and that encouragement should be given to a better exchange of information on the matter. The Working Group had recommended the convening of seminars or workshops with treaty body members involved in communication procedures to discuss harmonization of working methods and transmit their views to the harmonization mechanism to be established. The Working Group had also recommended that the Office of the United Nations High Commissioner for Human Rights (OHCHR) should develop and implement a dissemination strategy in relation to communications procedures.

2. There had been general agreement that a mechanism to encourage harmonization of working methods could serve as a vehicle for information exchange and could make recommendations on specific areas where a common approach might be desirable. The mechanism could also reflect on the relationship between the treaty bodies and the Human Rights Council, as well as the new gender agency. On the other hand, it should not duplicate existing structures, nor should there be a multiplicity of mechanisms. The possibility of the inter-committee meeting/annual meeting of chairpersons (ICM/MC) itself acting as such a mechanism was discussed, as was its effectiveness, and whether it should meet more often. There were two alternatives for the mechanism: creation of a working group consisting of one representative of each treaty body with flexible membership depending on the items to be discussed, or creation of a body to coordinate the harmonization of working methods, composed of the chairpersons and representatives of the treaty bodies.

3. The report of the Working Group on the Harmonization of Working Methods of Treaty Bodies on the work of its second meeting had been submitted to the sixth inter-committee meeting of the human rights treaty bodies.

Sixth inter-committee meeting of the human rights treaty bodies (informal document, English only)

4. Mr. SICILIANOS said that he had represented the Committee at the sixth inter-committee meeting of the human rights treaty bodies, held at OHCHR in Geneva from 18 to 20 June 2007, and drew the Committee members' attention to the report, circulated informally, which summarized the work of the meeting. Under item III, on strengthening the human rights treaty body system: harmonization of working methods and follow-up to the recommendations of the fifth inter-committee meeting and the eighteenth meeting of chairpersons (paras. 6-13 of the report), he had had the opportunity to present the activities of the Committee on the

Elimination of Racial Discrimination. With regard to one of the most important issues discussed at the meeting, namely the harmonization of working methods in the framework of treaty body reform (item IV), the participants had recommended that the inter-committee meeting should be held twice annually, including the chairpersons of human rights treaty bodies. Most of the participants thought that the meetings should not have decision-making power but should simply act in an advisory capacity (paras. 16 and 17 of the report). Under item V, on strengthening the human rights treaty body system and streamlining reporting requirements, Christoph Spenlé, an expert from the Swiss Ministry of Foreign Affairs, had presented a very useful DVD, which could considerably assist States parties in preparing their reports. Under agenda item VI, on reservations to treaties, Mr. Sicilianos had met with members of the International Law Commission in Geneva on 15 and 16 May 2007. He would present a report on that subject in due course. The participants at the sixth inter-committee meeting had also heard from representatives of the following specialized agencies: UNICEF, UNHCR, ILO, UNESCO, WHO and the World Bank. The idea of establishing focal points between each treaty body and the specialized agencies had been put forward at that time. Under item VIII, non-governmental organizations (NGOs) had made statements and comments on three main issues: reform of the treaty body system; improved cooperation and harmonization among treaty bodies; and interaction between the treaty bodies and the Human Rights Council. The NGOs had suggested, among other things, the convening of more formal meetings with the treaty bodies. One representative had suggested organizing videoconferences to obtain information from local organizations in developing countries that lacked sufficient means to send representatives to Geneva.

5. The participants in the sixth inter-committee meeting had also had a discussion with the High Commissioner for Human Rights and the chairperson of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. A representative of the German Institute for Human Rights had presented the conclusions of a round table held in Berlin on the role of national human rights institutions in the treaty body processes. In addition, the participants had discussed human rights and transnational corporations and had analysed at length the issue of indirect discrimination in employment. Under item XII, on statistical information, it should be noted that a working group on human rights indicators had been set up.

6. Mr. KJAERUM said that the proposal to elaborate a general recommendation on the role of transnational corporations, found in paragraph 44 of the report on the sixth inter-committee meeting of treaty bodies, was a very good one and that the Committee would certainly refer to it often, in particular with regard to the issue of indigenous populations in States parties. That general recommendation could be prepared jointly by several of the treaty bodies concerned.

7. Mr. SICILIANOS said he was in favour of elaborating a general recommendation on the role of transnational corporations in collaboration with the other treaty bodies, as the issue was of concern to all. He suggested that the Committee should propose, at the seventh inter-committee meeting, that the secretariat should lay the groundwork for such a recommendation.

8. With regard to agenda item XIII, he drew attention to the points of agreement that the sixth inter-committee meeting had decided to submit to the nineteenth

meeting of chairpersons of human rights treaty bodies. In order to make progress on harmonizing the working methods of the treaty bodies, the participants had decided that the inter-committee meeting would be convened twice a year, for a one-week session. Such meetings would simply make recommendations and would not have decision-making powers, and any proposal resulting from them would have to be approved by the human rights treaty bodies.

9. The sixth inter-committee meeting had adopted the report and recommendations of the working group on reservations (HRI/MC/2005/7 and Add.1).

10. The sixth inter-committee meeting had asked the secretariat to send a note verbale to all the Permanent Missions to the United Nations Office at Geneva recommending that the approved harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents, contained in document HRI/GEN/2/Rev.4 should be used by States parties when submitting a report to any human rights treaty body. In that regard, it should be noted that the Committee on the Elimination of Racial Discrimination had already recommended that States parties should conform to those guidelines in a model paragraph regularly included in its final observations.

11. As for liaison with United Nations specialized agencies, funds and programmes, the sixth inter-committee meeting had reiterated its recommendation that a mechanism of rapporteurs or focal points should be established in order to enhance cooperation with United Nations specialized agencies.

12. On the subject of NGO participation, the sixth inter-committee meeting had encouraged the secretariat of the committees to establish a user-friendly master calendar for all the treaty bodies so that NGOs could submit their information well in advance, contribute to the lists of issues and present shadow reports. The meeting had again recommended that NGOs should continue to disseminate the conclusions of treaty bodies and report on their implementation.

13. With regard to national human rights institutions, the sixth inter-committee meeting had recommended that conclusions from the round table on the role of national human rights institutions in the treaty reporting process, held in Berlin, Germany, in November 2006, should form the basis for future harmonization meetings of the treaty bodies.

14. As for relations with the Human Rights Council, the sixth inter-committee meeting had reiterated its view that the concluding observations of the various treaty bodies should form part of the basis of the universal periodic review.

15. The inter-committee meeting had recommended that all treaty bodies should actively promote ratification of the other core international human rights treaties, in particular the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.

16. With regard to statistical information related to human rights, the sixth inter-committee meeting had encouraged the secretariat to pursue its work and continue

the validation of the indicators, and it looked forward to the report on those activities that it would submit to the seventh inter-committee meeting in 2008.

Nineteenth meeting of chairpersons of the human rights treaty bodies (informal document, English only)

17. The CHAIRPERSON summarized the nineteenth meeting of chairpersons of the human rights treaty bodies held, in three phases, on 21 and 22 June 2007 and chaired by Mr. Texier, Chairperson of the Committee on Economic, Social and Cultural Rights.

18. The first phase had consisted of a meeting with the President of the Human Rights Council, Luis Alfonso de Alba, who had provided an update on the work of the Human Rights Council at its recent session, and on the adoption of resolution A/HRC/5/L.2 concerning institution-building. In addition, Mr. de Alba had referred to the universal periodic review mechanism, for which the work would be conducted by a working group of three rapporteurs who would prepare a report and establish an interactive dialogue with the State concerned.

19. The second phase had been a meeting of the chairpersons of the human rights treaty bodies and special procedures mandate holders, jointly chaired by Gay McDougall (Chairperson of the meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures of the former Commission on Human Rights and of the Advisory Services Programme) and Mr. Texier. At the meeting, Moroccan Ambassador Loulichki had briefed the meeting on the universal periodic review mechanism. He had explained that the mechanism was a major step forward in the human rights work of the United Nations, aimed at replacing selectivity with a system in which all States were treated on an equal footing. An exchange of views had then brought out the fact that the work of the treaty bodies, whose legal nature and autonomy had been stressed, and the work to be undertaken in the framework of the Human Rights Council's universal periodic review, which was more political in nature, would be complementary.

20. The third phase had consisted of an informal meeting with 75 States parties. The meeting had enabled the chairpersons of the treaty bodies present to brief States on the working methods of their committees and make proposals with a view to their harmonization.

21. The ensuing discussions had revealed a consensus on the complementarity of the work of the committees and the universal periodic review mechanism and on the need to convene two inter-committee meetings each year in order to harmonize the working methods of the treaty bodies. The States parties had reiterated their concern at the proposal for a unified standing treaty body; they preferred an improvement in the existing system through the harmonization of the treaty body working methods.

22. A consensus had also emerged on the guidelines for the presentation and content of States parties' reports. States parties had requested that the list of issues should be sent to them in time for them to respond in detail. Lastly, States parties had drawn attention to the usefulness of the follow-up and review procedures.

23. As a whole, the States parties had seemed to be in full agreement that the working methods of the treaty bodies should be harmonized, in order to make it

easier for States to meet their reporting obligations, given that the increasing number of treaty bodies was making those obligations more onerous.

24. Lastly, the inter-committee meeting had expressed the view, through the chairpersons of the treaty bodies, that it would be useful to invite the committees to review ways and means of further strengthening their ties with the special procedures mandate holders. The meeting had also requested that the work and recommendations of the treaty bodies should be taken into account in the universal periodic review and had stressed the need to increase cooperation between the treaty bodies and the Human Rights Council, in accordance with the specific nature of each.

25. Mr. ABOUL-NASR requested that members of the treaty bodies who were represented by one of their colleagues at inter-committee meetings or meetings of chairpersons of treaty bodies should be systematically informed of the discussions that had taken place at those meetings, so that no decision was taken without their agreement and without prior consultation.

26. The CHAIRPERSON said that it was the Committee's practice to keep its members informed of the deliberations that had taken place at the various meetings previously mentioned, and that the process of appointing members to represent the Committee was completely transparent, as it regularly took place in plenary meetings.

27. Mr. KJAERUM asked how the Committee's proposal to strengthen ties between national human rights institutions and the treaty bodies had been received at the meeting of chairpersons of the treaty bodies.

28. Mr. THORNBERRY noted that the proposal of the Committee against Torture to replace the review of periodic reports with a series of replies to a questionnaire might jeopardize the spontaneity of the discussions between delegations and the members of the Committee.

29. Ms. CONNORS (Office of the United Nations High Commissioner for Human Rights) said that the proposal of the Committee against Torture to replace periodic reports with a precise questionnaire adapted to each State party would ease the burden on States parties, who had complained that the list of issues sent to them by the various committees prior to the consideration of their periodic report often obliged them to prepare a new report presenting updated information on the situation in their country. The point of the questionnaire proposed by the Committee against Torture was precisely to enable the various committees to obtain the most recent possible information.

30. The CHAIRPERSON pointed out that the meeting of chairpersons of the treaty bodies had reached the conclusion that it would be desirable to strengthen cooperation with the national human rights institutions on the basis of the conclusions of the round table on the role of such institutions, held in Berlin, Germany, in November 2006.

31. Mr. SICILIANOS said that the Committee against Torture and the Human Rights Committee had implicitly suggested, in paragraphs 9 and 12 of the report on the sixth inter-committee meeting, replacing periodic reports with an exchange of questions/replies between the delegation and the Committee members, which he felt constituted a reductive view of the dialogue with States parties.

32. Mr. YUTZIS, referring to paragraph 43 of the report on the working methods of the human rights treaty bodies relating to the State party reporting process (HRI/MC/2007/4), noted that the new procedure adopted on a trial basis by the Committee against Torture would not be initiated until 2009. Consequently, the method could not be used as a model for the other treaty bodies until it had proven to be effective in practice. Harmonization, moreover, did not imply making everything uniform, in the current case because the working methods that were specific to a treaty body and whose value was unquestionable should not be abandoned simply to achieve so-called harmonization.

33. Mr. TANG Chengyuan, supported by Mr. PILLAI, said that the harmonizing of working methods was necessary, of course, but it had its limits: the human rights treaties dealt with very specific topics that could not be treated identically by their corresponding treaty bodies. It was therefore unrealistic to create a single body to review the individual communications submitted to the four committees mandated to receive them.

34. Mr. AVTONOMOV, speaking in support of that opinion, recalled with regard to the new method proposed by the Committee against Torture that the list of issues was based on article 9, paragraph 1, of the Convention, under which the Committee could request further information from the States parties. Thus, the list made sense only on the basis of the report, and the replies could not replace the report itself.

35. Mr. THORNBERRY noted that the new method adopted by the Committee against Torture was similar to the review procedure of the Committee on the Elimination of Racial Discrimination, since that procedure consisted of reviewing the situation of a State party in the absence of a report and on the basis of replies to a list of issues. If the Committee were to adopt the new method, the dialogue would risk becoming an inquisitorial and much more limited procedure. In fact, questions that took the delegation by surprise were generally the ones which elicited the most revealing responses, not only for the Committee but also for the States parties themselves.

36. Ms. CONNORS (Office of the United Nations High Commissioner for Human Rights) assured the Committee members that the proposal by the Committee against Torture had been debated at length with States parties, and that it was a possibility primarily aimed at countries whose report had been pending for a long time. Furthermore, since the Committee against Torture had accumulated a backlog of about four years in the consideration of periodic reports, the States parties that would have submitted replies to a list of issues instead of a report would have enough time to prepare the report itself before being invited by the Committee to present their written replies orally. Moreover, the written replies could be even more exhaustive than the periodic report, in some cases reaching more than 100 pages in length, and the Committee against Torture intended to continue to promote the participation of non-governmental organizations and national human rights institutions in the periodic consideration of reports.

37. In response to a comment by Mr. Lindgren Alves, she explained that the proposal that the new working method of the Committee against Torture should serve as a model for the other committees had not been put forward at all by the secretariat but by a number of States parties. The secretariat's view was that it would be up to the committees themselves to decide, after the trial period, whether the practice could be of interest to them. Lastly, in view of the fact that cooperation

with national human rights institutions was approached very differently by the various committees, efforts towards harmonization should be made in that area, and it was to be hoped that the treaty bodies would follow the example of the Committee on the Elimination of Racial Discrimination, which had done pioneering work in the field of collaboration with those institutions.

38. The CHAIRPERSON, summarizing the debates, said he took it that the members of the Committee agreed that harmonization did not mean uniformization, that the working methods might well be improved, while taking due account of the specific nature of each treaty body, and that the Committee did not need to re-examine its working methods systematically, since many of the current methods, such as the early warning measure and urgent procedure, were unquestionably useful.

Discussion on the forthcoming meeting of the Committee with States parties

39. The CHAIRPERSON recalled that the Committee would be holding a meeting with States parties on Tuesday, 14 August 2007, for which its bureau had chosen the following agenda items: improvement of the Committee's working methods; follow-up to the Committee's final observations; follow-up to the Committee's views on individual communications submitted under article 14 of the Convention; reform of United Nations treaty bodies; and relations between the latter and the Human Rights Council.

40. Ms. CONNORS (Office of the United Nations High Commissioner for Human Rights) noted that at the nineteenth meeting of chairpersons of human rights treaty bodies, held on 21 June 2007, informal consultations had been held with representatives of some 75 States parties. On that occasion, the participants had agreed that there was room for improvement and supported further harmonization and coordination of the working methods of the United Nations treaty bodies, including reporting and follow-up procedures, which would make the system more comprehensible and accessible. That topic would fit in well with the list of issues established by the bureau.

41. Mr. AVTONOMOV asked whether the list of issues to be discussed with States parties had been prepared by the bureau of the Committee on the basis of suggestions by the States parties or solely reflected the views of the bureau members.

42. The CHAIRPERSON explained that the list of issues was not exhaustive and that it had been communicated to States parties so that they could add other potential items that they wished to discuss. As they had not done so, it could be assumed that the meeting would discuss the items prepared by the bureau.

43. Mr. SICILIANOS said that the topic of the Committee's working methods was a very broad one, which should make it possible to ask States parties to indicate how, in their view, the Committee should proceed when it had to consider the periodic report of a State party in the absence of a delegation from that party.

44. The CHAIRPERSON said he recognized that the issue of working methods was indeed very wide-ranging. However, it was useful to limit the precise points to be discussed in order to indicate clearly to the participants which practices the Committee intended to continue and which ones could be improved.

45. Mr. LINDGREN ALVES, supported by Mr. THORNBERRY, asked whether the list of issues to be discussed with States parties had already been sent to the permanent missions to the United Nations Office at Geneva and whether the secretariat had any idea of the number of State representatives who wished to participate in the meeting. He also asked how the discussion would be organized in practical terms.

46. Ms. PROUVEZ (Secretary of the Committee) said that the permanent missions had been informed by mail the previous month about the topics that would be dealt with during the meeting with States parties. A fax had again been sent to them recently to remind them of the list of issues prepared by the bureau of the Committee.

47. At the first meeting held with the States parties in 2003, the Chairperson of the Committee had made an introductory statement at the opening meeting, to which representatives of States parties had responded in turn. The Committee experts had then commented on their observations.

The meeting rose at 6.05.