



# International Covenant on Civil and Political Rights

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## HUMAN RIGHTS COMMITTEE

Ninety-fourth session

### SUMMARY RECORD OF THE FIRST PART (PUBLIC)\* OF THE 2569th MEETING

Held at the Palais Wilson, Geneva,  
on Monday, 13 October 2008, at 10 a.m.

Chairperson: Mr. RIVAS POSADA

## CONTENTS

OPENING OF THE SESSION

STATEMENT BY THE HIGH COMMISSIONER FOR HUMAN RIGHTS

SOLEMN DECLARATION BY THE NEWLY ELECTED MEMBER OF THE  
COMMITTEE UNDER ARTICLE 38 OF THE COVENANT

ADOPTION OF THE AGENDA

ORGANIZATION OF WORK AND OTHER MATTERS

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\* No summary record was prepared for the second part (closed) of the meeting.

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*The meeting was called to order at 10.15 a.m.*

1. The CHAIRPERSON declared open the ninety-fourth session of the Human Rights Committee.

STATEMENT BY THE HIGH COMMISSIONER FOR HUMAN RIGHTS

2. Ms. PILLAY (High Commissioner for Human Rights) said that it was a great pleasure for her to meet the members of the Committee, the protectors of human rights standards upon whom she herself had relied throughout her career, for the first time. The Committee could count on the full support of her Office (OHCHR) in its work.

3. When she had addressed the Council for Human Rights for the first time, on 8 September 2008, she had stressed the essential role of treaty bodies in creating a human rights culture. She had also pointed out that the important thing was not only to encourage the universal ratification of international human rights instruments but also to ensure their implementation at the national level. The United Nations in general and OHCHR in particular had a key role to play in that respect. The strengthening of field offices that had been decided upon by her predecessor, Louise Arbour, was an important measure in that regard. The recommendations adopted by treaty bodies should be one of the pillars of OHCHR's strategy of engagement in countries.

4. She was sure that the Committee's work had had a real impact and had helped to promote the achievement of civil and political rights in many countries. Its recommendations had led directly or indirectly to important changes in States' legislation, policies and practice. Those that had been made following consideration of individual communications had very often culminated in the granting of compensation, commutation of death sentences or holding of new trials. The follow-up procedures established by the Committee enabled it to have a more accurate picture of what action had been taken on its views and concluding observations. Those procedures could certainly be enhanced with the support of OHCHR for still greater efficiency in the implementation of recommendations. As a former judge, she was particularly interested in the development of the Committee's jurisprudence, which was becoming truly universal. She also welcomed with great interest draft general comment no. 33 on States parties' obligations under the Optional Protocol to the Covenant and hoped that it would be widely disseminated when adopted. She noted with satisfaction that many States parties, NGOs and other parties concerned had submitted observations on the text before its second revision by the Committee. She had also been informed that the Committee was continuing to discuss its methods of work under the Optional Protocol in order to address the backlog of communications, and she assured it that she and OHCHR, especially the Petitions Unit, would do everything they could to help in that endeavour.

5. She fully supported efforts to make its activities better known, in particular by establishing a strategy for the media. Relevant and useful as the recommendations and opinions of treaty bodies were, they were unfortunately not known to the vast majority of law practitioners, the media and the public at large. It was therefore essential to make their role more visible and their work more accessible in order to promote and encourage the application of human rights standards throughout the world. Although she did not yet know all the details, she was nevertheless aware of the difficulties encountered by the Committee, whose workload was constantly

growing, and of its efforts to find a solution. She intended to help it to establish long-term solutions, particularly in the context of the harmonization of the methods of work of treaty bodies, and would listen to its proposals with interest. She wished to maintain a continuous dialogue with the Committee and the other treaty bodies, and had already initiated consultations with the Human Rights Treaties Branch and intended to spend the necessary time in the weeks and months to come studying questions relating to the reform of treaty bodies.

6. She welcomed the Committee's decision to consider during the session the links between treaty bodies and the Human Rights Council in the context of the Universal Periodic Review, on the basis of the preliminary recommendations drawn up by Ms. Chanet and Ms. Wedgwood. She was sure that effective cooperation between the treaty bodies and the Human Rights Council was possible and that the institutional links between the two systems could be strengthened. She looked forward to discussing with the Committee ways of enhancing its interaction with other bodies concerned with the same issues, including the Secretary-General's Special Adviser on the Prevention of Genocide. Everything possible must be done to prevent that extremely serious crime. States must be helped to address the deep causes of acts as heinous as those committed, for example, in Rwanda. As the Human Rights Council had requested the previous March, OHCHR was currently engaged in preparations for a seminar on the prevention of genocide. That event would not only mark the sixtieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide (9 December 2008) but would also provide an important opportunity to study prevention strategies that could be adopted.

7. OHCHR had organized a seminar on 2 and 3 October to study the links between freedom of expression and the need to strengthen protection against hate, discrimination, hostility and violence, and the implications of articles 19 and 20 of the Convention in that respect. She hoped the discussion would help to provide guidelines for States in which more and more multicultural and multiracial communities were living.

8. The CHAIRPERSON thanked the High Commissioner for raising the question of cooperation among treaty bodies and said he had no doubt that the current debate would be the beginning of a fruitful dialogue on ways of facilitating the work of those bodies. The Committee had for some time been encountering major difficulties in relation to inadequate resources and the time allocated to its activities and to the delays to its work caused by the processing of documents, particularly the translation of reports and communications. He was therefore bound to welcome the support which the High Commissioner had just offered, and he hoped that it would lead to specific solutions.

9. Ms. MOTOC said that the members of the Committee were greatly honoured by the presence of the High Commissioner and were aware of her interest in its work. She was glad to see the post of High Commissioner being occupied by a representative of the African continent, whose past career as a judge was an essential asset, in view of the importance of the links between the law and human rights. Like the other members of the Committee, she endorsed the High Commissioner's strategic approaches and hoped that there would be many opportunities to meet and work together with her.

10. Mr. AMOR said he hoped the direct contacts between the Committee and the High Commissioner would continue, as they were the best way to cooperate effectively in working together to promote human rights. He would like to know her point of view on the question of harmonizing the methods of work of the various treaty bodies and on ways of making relations between the Committee and the Human Rights Council as useful as possible.

11. Sir Nigel RODLEY said he would like to revert to the relationship between activities in the field and normative activities. He regretted that they had long been separated and that one had often been given prominence to the detriment of the other, and he hoped that they would henceforth go together and that the importance of work to develop the law and to make it applicable would be recognized within the United Nations system. As it was too soon to expect detailed replies from the High Commissioner, he would like to know her general approach and, in particular, whether she intended to promote the institutional protection of human rights, as represented by the treaty bodies and special procedures.

12. Mr. SHEARER said that the Committee took its role as the protector of human rights standards very seriously. In that context, he wondered what attitude should be adopted when human rights were suddenly threatened in a country or a flagrant violation ought to be speedily condemned: for example, Iran had apparently just adopted a draft law on the crime of apostasy, under which conversion to Christianity was punishable by death. The Committee had, by its very function, to react to situations of such gravity, but the question was how it should do so. Could it, for example, issue a statement or should it wait to receive a report from the country concerned or a communication condemning the problem?

13. Mr. O'FLAHERTY noted that OHCHR sometimes found it difficult to reconcile field activities and its work as the secretariat of the treaty bodies. He regretted the fact that the discussions in the Committee and other treaty bodies did not give more prominence to commitment in the field, for example by contributing to the preparation of programmes for a particular country. Field offices had an essential role to play in following up the recommendations of all committees; unfortunately, that potential was not sufficiently exploited. It would therefore be useful to study with OHCHR means of enhancing and improving cooperation with field offices.

14. The issue raised by Mr. Shearer was particularly interesting. It would be a good idea to reflect on the Committee's role in the context of the rapid alarm system and, more generally, of the specific action that could be taken in view of the increased power that OHCHR had enjoyed for some years. On the question of the harmonization of the methods of work of the treaty bodies, members of the Committee were looking forward to hearing how the High Commissioner intended to move the debate forward, on the basis of the broad approaches proposed by Ms. Arbour.

15. Mr. SANCHEZ-CERRO said that OHCHR should endeavour to improve knowledge of international human rights law among legal and prison staff, in particular in Africa, Asia and Latin America, where major shortcomings existed in that area. No less priority should also be given to the training of police forces, especially in countries experiencing large immigration flows, since the number of offences committed against immigrants in Europe was alarming. Lastly, human

rights jurisdictions should be strengthened, chiefly in Africa and Asia, where the situation of those institutions was particularly precarious.

16. Ms. MAJODINA, noting that national human rights institutions played an essential role in the promotion and protection of human rights and made a substantial contribution to the work of the treaty bodies, emphasized the need to support the work of those institutions, which had proliferated over the past five years but which, especially in Africa, were not fully operational, in particular because of increasing interference by the authorities in their work. She hoped that the High Commissioner would devote all necessary attention to that issue.

17. Ms. CHANET said that the Committee had great expectations of OHCHR, particularly that it would help it to fulfil its role as the protector of international human rights standards, to use the High Commissioner's own term, and that it would help to make States parties aware of its recommendations and decisions. With regard to the Committee's relations with the Human Rights Council, she said that the report that she and Ms. Wedgwood had prepared on the issue identified a number of difficulties which the Committee absolutely had to resolve, and any assistance OHCHR could provide in that respect would be welcome.

18. Mr. IWASAWA noted with satisfaction OHCHR's desire to cooperate with the Committee to improve the world human rights situation. He would like to think that it would help the Committee to make its cooperation with the Human Rights Council more effective, especially in the context of the Universal Periodic Review.

19. Mr. LALLAH, endorsing Mr. Shearer's comment, said that the Committee's only opportunity to raise the problems that occurred in States parties was when it considered their periodic reports; in recent years, however, there had been a decline in human rights in the same countries that had formerly been promoters of human rights, particularly in the name of combating terrorism, giving rise to serious violations of human rights. In that context, it would be appropriate to reflect on how OHCHR and the treaty bodies could combine their efforts to respond more effectively to that type of situation.

20. Ms. PILLAY (High Commissioner for Human Rights) said that she had the greatest respect for the Committee's work, especially its jurisprudence, and she intended to hold regular discussions with it on all matters it wished to raise, either in writing or during informal meetings. The Committee's workload was very heavy and the late translation of some documents hampered its smooth operation; everything possible would be done to improve the situation.

21. Harmonization of the methods of work of the treaty bodies could only be beneficial to the system as a whole, since it would guarantee coherence and facilitate the work of States members and NGOs. The guidelines currently being drawn up by the Committee on that subject would make a valuable contribution to that process, in which OHCHR hoped to take part. It was, however, primarily for the members of the various treaty bodies to determine the way in which harmonization would be implemented. Another area where harmonization was needed was cooperation between treaty bodies and OHCHR teams in the field. She would try to establish the connection between decisions taken in New York and the work done in Geneva.

22. When a State party adopted a measure that was contrary to its obligations under the Covenant, any official condemnation by the Committee of that measure

was legitimate and desirable in that it enhanced the visibility of the treaty bodies and supported the action of OHCHR.

23. Dissemination of the decisions and recommendations of treaty bodies was essential. Mechanisms were in place to inform field personnel of the work of treaty bodies, but more efforts must be deployed to extend that knowledge to States parties and civil organizations.

24. It was too early to reply to the other questions raised by members of the Committee, but she had taken note of them and would give them due attention. She reiterated her desire to maintain a dialogue with the Committee and to give it all the support it might need. She congratulated members of the Committee on their commitment and devotion in the service of the protection of civil and political rights, and warmly thanked those members whose mandate expired on 31 December 2008 for their contribution in advance, as she would not be in Geneva on that date.

SOLEMN DECLARATION BY THE NEWLY ELECTED MEMBER OF THE COMMITTEE (agenda item 2)

25. *At the invitation of the Chairperson, Ms. Keller, the newly elected member, solemnly undertook to perform her functions as a member of the Committee on Civil and Political Rights impartially and conscientiously, in accordance with article 38 of the Covenant and article 16 of the rules of procedure.*

*The meeting was suspended at 11.10 a.m. and resumed at 11.25 a.m.*

ADOPTION OF THE AGENDA (CCPR/C/94/1/Rev.1) (agenda item 3)

26. *The agenda was adopted.*

27. Mr. AMOR said that, in view of the large backlog that had built up in the consideration of communications, it would be preferable to discuss ways of absorbing that backlog already at the current session, especially the possibility of extending the session by one week.

28. The CHAIRPERSON said that the problem had taken on unprecedented dimensions and it was essential to rectify it. He invited the Chairperson-Rapporteur of the Working Group on Communications to report on its work.

29. Ms. PALM (Chairperson-Rapporteur of the Working Group on Communications) said that the Working Group, made up of Ms. Motoc, Mr. Baghwati, Mr. Khalil, Mr. Johnson López, Mr. Sanchez-Cerro and Mr. Rivas Posada, had met from 6 to 10 October 2008. Two other members initially expected had been unable to attend because of professional commitments. The Working Group had considered 23 draft recommendations and decisions; it recommended that the Committee should declare 14 communications inadmissible and one admissible and that it should consider views for eight communications. The Working Group had not received the draft recommendations in all working languages or had received them late, and it would be useful for the Committee to draw the attention of the departments concerned to that difficulty.

30. The CHAIRPERSON invited the Committee to take note of the report of the Working Group on Communications and to continue its discussion on ways of rectifying the delay in the consideration of communications.

*The first part (public) of the meeting ended at 11.35 a.m.*