



# International Covenant on Civil and Political Rights

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## Human Rights Committee 102nd session

### Summary record (partial)\* of the 2829th meeting

Held at the Palais Wilson, Geneva, on Thursday, 28 July 2011, at 11.10 a.m.

*Chairperson:* Ms. Majodina

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\* No summary record was prepared for the rest of the meeting.

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*The discussion covered in the summary record began at 11.10 a.m.*

**Working methods (A/66/24683)**

1. **The Chairperson** invited the members of the Committee to continue their discussion of the twelfth Inter-Committee Meeting, which had been held from 27 to 29 June in Geneva, and of Inter-Committee Meetings in general.
2. **Mr. Rivas Posada** said that he had represented the Committee on several occasions at the Inter-Committee Meetings and had developed a clear idea of the institution's underlying dynamics. The Inter-Committee Meeting had emerged and derived its justification from the proposals for an overall reform of the treaty bodies' working methods and for the harmonization and streamlining of their procedures. One key idea, which had originally had considerable force but had fortunately lost momentum and eventually petered out, was that of a single treaty body. Nevertheless, the Inter-Committee Meeting had continued to perceive itself as a driving force for changes in the system and as an advisory body. It had assumed a role that transcended its initial mandate, seeking not only to improve working methods but also to bring about substantive reforms. He had strongly opposed that development, as well as proposals to increase the number of Inter-Committee Meetings to two, three or even four a year. At the same time, he recognized the usefulness of maintaining contacts among the treaty bodies.
3. He had chaired an Inter-Committee Meeting at which Mr. Sicilianos of the Committee on the Elimination of Racial Discrimination had proposed the establishment of a single treaty body to deal with individual communications. He had clearly been attempting to salvage part of the earlier proposal to merge the treaty bodies and had received support from Mr. de Gouttes, a member of the same Committee. In view of the strong opposition expressed at the time, inter alia on account of the numerous legal impediments, he (Mr Rivas Posada) had assumed that the idea had been rejected once and for all. It was therefore with dismay that he had learned of recent attempts to resurrect it. He urged the Committee to adopt an unambiguous position against the initiative, which would seriously undermine its mandate to ensure the proper implementation of the Optional Protocol.
4. All in all, he was convinced that the Meeting of Chairpersons had taken a wise decision when it had agreed to abolish the Inter-Committee Meeting and to replace it with ad hoc thematic working groups.
5. **Mr. Amor** said that the idea of entrusting the consideration of communications to a single working group, regardless of its composition, was premature, legally indefensible and politically inappropriate. When Mr. Sicilianos had made the proposal, he had pointed out that any such initiative would necessitate a review of the treaties concerned and a complex procedure to ensure that the treaty bodies' jurisprudence and experience were taken into account. He had proposed to Mr. Sicilianos that, by way of a long-term compromise, steps could be taken to entrust all communications to the Human Rights Committee. The discussion had proceeded no further.
6. **Sir Nigel Rodley** said that the idea of joint follow-up to concluding observations had been taken up by the Inter-Committee Meeting and endorsed by the Meeting of Chairpersons in 2010, but it seemed that no further action had been taken by the Office of the United Nations High Commissioner for Human Rights. He wondered whether any measures had been taken to give effect to the proposal.
7. **The Chairperson** said that the secretariat would make the necessary enquiries.
8. She briefed the Committee on the twenty-third Meeting of Chairpersons, which she had attended on 30 June and 1 July 2011. The Meeting had endorsed the points of

agreement of the twelfth Inter-Committee Meeting and of the latter's working group on follow-up.

9. A background note on the expertise and independence of treaty body members had been circulated. The issue had first been raised in 1997, when the Meeting of Chairpersons had discussed, *inter alia*, State party nomination practices. It had emphasized the need for equitable geographical distribution and gender balance and for nominees to indicate their availability. In 2008 the Inter-Committee Meeting had reaffirmed those principles. In 2009 the Meeting of Chairpersons had further noted the uneven representation of the various regions. The latest Meeting of Chairpersons had agreed that the secretariat should prepare a document providing guidance on the eligibility and independence of treaty body members. Due account should be taken, *inter alia*, of the relevant guidelines of the Human Rights Committee. The document should include disaggregated data on the current composition of the treaty bodies, including the professional background and current positions of members, existing rules and regulations in each treaty body, and comparative data, including the rules and regulations applicable under regional human rights systems.

10. A background note had also been provided on enhancement of the Meeting of Chairpersons. In August 2009 the eighth Inter-Committee Meeting had requested the secretariat to prepare a briefing note on the history of the Inter-Committee Meeting and the Meeting of Chairpersons for distribution to all treaty bodies so that it could take a decision on a possible merger in 2010. However, the ninth Inter-Committee Meeting had merely requested further information.

11. The Meeting of Chairpersons had reiterated its recommendation that the Meeting should be held in different regions of the world every second year. It had decided to hold the twenty-fourth Meeting in Africa. The agenda would include: consideration of the draft working paper on enhancing the expertise and independence of treaty body members; joint activities that could be undertaken by treaty bodies, including joint statements and general comments or recommendations; and a review of the High Commissioner's final report on the treaty body consultation process. The Meeting had also adopted a statement on the twenty-fifth anniversary of the Declaration on the Right to Development.

12. Lastly, the Meeting had expressed concern about a recent memorandum from the Under-Secretary-General for General Assembly and Conference Management on the strict implementation of word limits for parliamentary documents. The limits were 8,500 words for documents originating in the Secretariat and 10,700 words for documents not originating in the Secretariat. The Meeting had decided to send a letter to the Under-Secretary-General seeking clarification of the policy.

13. **Mr. Iwasawa**, referring to the report of the Chairpersons on their twenty-third Meeting (A/66/24683), drew the Committee's attention to the minor adjustment the Meeting had made to the points of agreement of the Inter-Committee Meeting working group on follow-up: the phrase "where appropriate" had been inserted in the sentence "The Inter-Committee Meeting working group on follow-up recommended that all committees consider extending the deadline for responses from States parties from 90 to 180 days where appropriate, except in the event of an emergency" (annex II, section B, para. (f)). The Human Rights Committee had decided to implement that practice several years before, since experience had shown that the 90-day deadline was too short.

14. **Mr. Lallah** asked whether the twelfth Inter-Committee Meeting or the twenty-third Meeting of Chairpersons had made any assessment of the resources required for additional meetings, such as the consultation for States parties held in Sion in May 2011. He asked whether those meetings were funded from resources originally allocated to treaty bodies. If the issue of resources had not been raised at those meetings, he proposed that it should be included on the agenda of future meetings, particularly in the light of the recent problems

the secretariat had experienced purchasing tickets for members to travel to Committee meetings.

15. **The Chairperson** said that that specific issue had not been discussed. During the Meeting of Chairpersons, budgetary constraints had been one of the factors that had been taken into account in the review of recommendations of successive Inter-Committee Meetings. Most of the recommendations concerning harmonization had not been implemented.

16. **Ms. Chanet** suggested that, at the next Meeting of Chairpersons, a request should be made for information on budgetary transparency. It would be useful to know how the Committee's budget was allocated and how it was spent.

17. **Mr. Fathalla** agreed that it would be useful to have information on the Committee's budget, and also on the budgetary implications of other activities relating to its work.

18. **Mr. Thelin** supported that request and suggested linking it to the undertaking the Director of the Human Rights Treaties Division had given to provide further information on the outcome of the Sion meeting.

19. **Sir Nigel Rodley** recalled that, during the discussion of the abolition of the Inter-Committee Meeting and in the light of the undertaking that there would be thematic meetings in its place, he had enquired about the budgetary appropriation for such meetings. That question should certainly be on the transparency agenda and, if necessary, on the agenda of the Meeting of Chairpersons.

20. **Mr. O'Flaherty** asked whether he was correct in saying that the Inter-Committee Meeting was funded from voluntary contributions and the Meeting of Chairpersons from the regular budget.

21. **Ms. Fox** (Secretary of the Committee) said that she did not have that information to hand. She suggested that the Committee invite the Chief of Programme Support and Management Services to attend a Committee meeting at its following session in order to provide information and answer the Committee's questions on that matter.

22. **Mr. Lallah** asked what would happen if some members of the Committee were unable to attend a session owing to non-compliance with article 36 of the Covenant.

23. **Sir Nigel Rodley** suggested that, in the future, the secretariat should not authorize the travel of any Committee members until the travel of all members had been authorized. For him, it was clear that the Committee could not lawfully hold a meeting if any member was unable to attend for reasons that were beyond his or her control and were within the control of the secretariat.

24. **Mr. O'Flaherty** agreed and suggested that, given the administrative constraints, the secretariat do whatever was necessary to authorize all Committee members' travel requests. He proposed that, if any member of the Committee was precluded from travelling for such reasons, the other members of the Committee should simply not travel to the meeting destination.

25. **Ms. Chanet** agreed that the Committee could not lawfully meet if any member was unable to travel owing to a lack of resources on the part of the Organization.

26. **Mr. Fathalla** said that he failed to understand why the problem had occurred since the number of members, their expense allowances and the length of the session had not changed.

27. **Mr. Thelin** requested that, before any meeting with a representative of the Programme Support and Management Services, the Committee should be given the report

the Director of the Human Rights Treaties Division had undertaken to provide as a basis for informed discussion.

*The discussion covered in the summary record ended at 12.10 p.m.*