



**International covenant  
on civil and  
political rights**

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HUMAN RIGHTS COMMITTEE

Ninety-third session

SUMMARY RECORD (PARTIAL)\* OF THE 2540th MEETING

Held at the Palais Wilson, Geneva,  
on Monday, 7 July 2008, at 10 a.m.

Chairperson: Mr. RIVAS POSADA

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

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The meeting was called to order at 10.35 a.m.

OPENING OF THE SESSION AND STATEMENT BY THE ACTING HIGH COMMISSIONER FOR HUMAN RIGHTS

1. The CHAIRPERSON declared open the ninety-third session of the Human Rights Committee. He welcomed the Acting High Commissioner for Human Rights, and also the new Secretary of the Committee.
2. Ms. KYUNG-WHA KANG (Acting High Commissioner for Human Rights) highlighted a number of important developments that had taken place since the previous session of the Committee. The Secretary-General had launched a campaign in preparation for the sixtieth anniversary of the Universal Declaration of Human Rights that would engage the entire United Nations system in promoting the ideals and principles of the Declaration. In addition to advocacy work by United Nations agencies at the local level, the website of the Office of the United Nations High Commissioner for Human Rights (OHCHR) included updated information on the range of activities planned for the occasion that sought to raise global awareness. In particular, the proposed designation of a week for dignity and justice for detainees from 6 to 12 October 2008 sought to raise the profile of human rights issues relating to detention and improve respect for detainees' rights worldwide. She invited the Committee to consider ways in which it could contribute to those and other initiatives.
3. In addition, the Working Group on the Universal Periodic Review (UPR) mechanism had held two sessions and reviewed 32 countries, including France and the United Kingdom, whose reports the Committee would consider during the present session. Compilations for the UPR had drawn on the concluding observations of treaty bodies, reports of special procedures, observations and comments by the State party concerned, and other United Nations documents. The reviews and final reports had emphasized treaty body recommendations and the importance of ratifying human rights treaties and removing reservations. In turn, the Committee against Torture had referred to the commitments expressed by Indonesia during the UPR in its concluding observations, adopted in 2008. The Rapporteurs designated to present recommendations on the relationship of the Committee to the Human Rights Council would consider the implications of the UPR for their work and how the review might use aspects of that process.
4. Three Committee representatives had attended the Seventh Inter-Committee Meeting and the Twentieth Meeting of Chairpersons of the Human Rights Treaty Bodies in June 2008, at which the relationship of the UPR to treaty body mechanisms had been discussed. The Inter-Committee Meeting had recommended that the compilations of OHCHR should be made available routinely to treaty bodies and noted that, in their dialogue with States parties, treaty bodies could refer to the pledges and commitments made by States parties during the review. The chairpersons of treaty bodies had emphasized that the treaty body system and the UPR mechanism were complementary and underlined the importance of maintaining dialogue, as well as the need for effective cooperation between the treaty bodies and the Human Rights Council, and for strengthening institutional links between the two systems.

5. The Seventh Inter-Committee Meeting had focused on the working methods of treaty bodies, including their coordination and further harmonization. It had recommended that one of its two annual meetings should be devoted to improving and harmonizing the working methods of the treaty bodies and decided that the Eighth Inter-Committee Meeting would take up the following questions: revised treaty-specific guidelines, follow-up to concluding observations, consideration of a country situation in the absence of a report, and the UPR mechanism. It had also recommended that a working group on the harmonization and/or identification of best practices in respect of follow-up should be established and report to the Ninth Inter-Committee Meeting, to be held in 2009.
6. Reporting guidelines were one aspect of harmonization under discussion. Three committees had already adopted treaty-specific targeted reporting guidelines to complement the guidelines on a common core document. Others were making concrete progress towards that objective and were encouraged to adopt their revised guidelines by the end of 2009.
7. Following two rounds of expert consultations to consider proposals on selected human rights indicators, a user's manual on statistical information relating to human rights would be developed and workshops convened at the country level. In addition, consultations would be held with other stakeholders and United Nations institutions.
8. With regard to signature and ratification of the Covenant and its two protocols, Pakistan had signed the Covenant on 17 April 2008 and Honduras had ratified the Second Optional Protocol on 1 April 2008. As to compliance with reporting obligations under the Covenant, Uzbekistan had submitted its third periodic report and Mexico had informed the Committee that it would submit its fifth periodic report by the end of July 2008. States parties had expressed concern that there could be a gap of up to two years between the submission and consideration of reports.
9. Since the previous session, there had been welcome developments with regard to other international human rights instruments and treaty bodies. In June, the Human Rights Council had adopted and transmitted to the General Assembly the draft optional protocol submitted by the Working Group on an optional protocol to the International Covenant on Economic, Social and Cultural Rights. The Convention on the Rights of Persons with Disabilities and its Optional Protocol had entered into force on 3 May 2008. Of the 27 current States parties, 16 were also parties to the Optional Protocol. The Committee on the Rights of Persons with Disabilities, which would be elected by November 2008, was mandated to consider State party reports and, under the Optional Protocol, was competent to consider individual or group communications alleging violations by a State party to the Convention. The Optional Protocol also provided for an inquiry procedure, which States parties could opt out of at the time of signature, accession or ratification.
10. The Office would continue to work to raise awareness and improve understanding of the treaty body system and to facilitate implementation of its recommendations at the national level. It continued to organize activities to that end, as part of its project to strengthen the implementation of treaty body recommendations by enhancing national protection mechanisms. Its activities included plans for a web page and booklet compiling information and good practices with respect to follow-up to and implementation of treaty body recommendations.

11. As recommended the previous year, a meeting on enhanced cooperation and interaction concerning treaty reporting and follow-up processes among specialized agencies, funds, programmes and treaty body members would be convened in the second half of 2008.

12. At its present session, the Committee would consider the periodic reports of France, Ireland, San Marino and the United Kingdom. In addition, the country task forces would adopt lists of issues relating to the reports of Denmark, Monaco, Spain and Sweden. The Committee would consider over 40 communications and continue to discuss working methods. It would consider the revised draft of its general comment No. 33 on the obligations of States parties under the Optional Protocol to the Covenant. Furthermore, it would consider the progress reports submitted by the Special Rapporteur for Follow-up on Views, and discuss and adopt the annual report to the General Assembly. The Office and secretariat would provide full support to the Committee in fulfilling its mandate.

The meeting was suspended at 10.50 a.m. and resumed at 10.55 a.m.

#### ADOPTION OF THE AGENDA (CCPR/C/93/1)

13. The agenda was adopted.

#### CONSIDERATION OF COMMUNICATIONS UNDER THE OPTIONAL PROTOCOL TO THE COVENANT

14. Ms. CHANET, speaking as Chairperson/Rapporteur of the Working Group on Communications, said that the Group had held nine meetings from 30 June to 4 July and considered 26 draft recommendations. It had adopted 10 inadmissibility decisions, one of which would be referred to the full Committee for further discussion. Three complaints had been unanimously declared admissible. The decisions in those cases would not be referred to the plenary in the absence of an explicit request. The Working Group had adopted 12 draft recommendations on the merits, finding violations of the Covenant in most cases. Separate options would be submitted for consideration by the Committee in one case. Consideration of another draft recommendation had been deferred until the next session because the Working Group had insufficient information regarding the circumstances of the case.

15. The Working Group had also discussed a document prepared by the secretariat at its request, which summarized the issues that the Special Rapporteur on New Communications and Interim Measures was required to address and set out the criteria to be applied in cases where States were requested to respond to questions pertaining to admissibility alone or to both admissibility and the merits.

16. Mr. AMOR said that while it was important to prepare general guidelines for the Special Rapporteur, it would, in his view, be undesirable to lay down hard and fast rules. The Special Rapporteur should be able to exercise a measure of discretion in taking decisions.

17. Ms. MOTOC emphasized the need to clarify the standing of the Special Rapporteur vis-à-vis certain provisions of the Optional Protocol. Mr. Kälin, who had held the office until his recent resignation from the Committee, had frequently bewailed the lack of specific criteria. In particular, it was important to avoid applying double standards.

18. Mr. LALLAH noted that the Committee had drawn up guidelines for dealing with communications on two occasions over the past two decades. He suggested that they should be made available to the Committee when it discussed the matter later in the session.

VOTE OF THANKS TO THE OUTGOING SECRETARY OF THE COMMITTEE

19. Ms. WEDGWOOD proposed a vote of thanks to the outgoing Secretary of the Committee, Mr. Patrice Gillibert.

20. The vote of thanks was endorsed by the Committee.

The discussion covered in the summary record ended at 11.15 a.m.