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HUMAN RIGHTS COMMITTEE

Ninety-first session

SUMMARY RECORD OF THE 2510th Meeting

Held at the Palais Wilson, Geneva,
on Friday, 2 November 2007, at 10 a.m.

Chairperson: Mr. RIVAS POSADA

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The meeting was called to order at 10.05 a.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 3)

1. The CHAIRPERSON invited the Secretary of the Committee to provide an update on work relating to communications.
2. Mr. GILLIBERT (Secretary of the Committee) said that the Committee had declared four communications inadmissible; it had found violations of the Covenant in seven cases; in three cases it had concluded that there had not been a violation of the Covenant; and it had completed its consideration of two other communications. It had thus reviewed 16 cases in all. The consideration of five communications by the working group and 11 cases by the full Committee would be reported at the ninety-second session in March 2008.
3. Sir Nigel RODLEY noted that it had been decided to devote a week of plenary meetings to the consideration of communications. He asked that members be consulted before the dates were decided upon, to ensure everyone could participate, given each person's heavy workload.
4. Following exchange of views between Mr. O'FLAHERTY, Ms. CHANET, Ms. MOTOC, Mr. AMOR and Mr. IWASAWA, the CHAIRPERSON said that the Secretariat would ask members to confirm their availability in writing.
5. Mr. SHEARER said he had been considering ways to speed up the review of communications at plenary meetings. The first idea he wanted to put forward was that the Committee could economize on the presentation of each case by the Rapporteur on communication, since the other members already had the draft text and should have read it.
6. Mr. AMOR, Sir Nigel RODLEY and Mr. O'FLAHERTY expressed support for that idea.
7. The CHAIRPERSON pointed out that a decision to that effect had already been taken; the rapporteurs only had to present a communication, and briefly, when that was necessary.
8. Mr. AMOR said that he was opposed to merely suppressing the presentation of communications, because the role of the special rapporteur should still be important. To avoid swinging from one extreme to the other, the Chairperson could rule that the Rapporteur had five minutes to deal with the legal issues raised by the case.
9. The CHAIRPERSON said it was easy to apply rules that had already been adopted in a flexible and rational manner. The point at issue was to avoid reading out facts, on the assumption that all members of the working group had the text of the relevant draft recommendations. Matters relating to the date of the autumn session and the additional week would be considered at the following session.
10. Ms. PALM regretted that individual opinions were not systematically attached to the Committee's findings, or at least mentioned. A dissenting opinion which she herself had formulated had thus been silenced. When the name of a member appeared in the findings, the least one could do was to specify that it was a different opinion.
11. The CHAIRPERSON said that the problem was clearly one of organization and time. Once the text of the decision was published, dissenting members had two

weeks to make their opinion known in writing. After that, it was no longer possible to attach their opinion to the original text of the findings.

12. Mr. SCHMIDT (Office of the High Commissioner) explained that everything was done to ensure that individual opinions were attached to the findings in the Committee's annual report. That was also why volume II of the 2007 report had been published two weeks late. Committee members had two weeks to express an individual opinion, counted from the day on which the decision was made available to them in their working language. But certain language versions only became available several weeks after the end of the session. It was also true that the text of an individual opinion only arrived two or three months later.

13. When States parties knew that communication had been considered, they sometimes insisted on gaining access to the text of findings as quickly as possible. The existence of individual opinions was systematically mentioned in a footnote, stating that the text thereof would be sent to them as soon as it became available.

14. Mr. O'FLAHERTY considered it essential that individual opinions be attached to the findings, since they formed part of the Committee's jurisprudence. To simplify the Secretariat's task, the Committee could officially adopt a two-week delay, which currently seemed to be in line with simple usage. After that, the Secretariat would be officially authorized to publish the findings, without waiting any longer for the text of individual opinions, whatever the reasons put forward to justify a delay.

15. Ms. CHANET noted that some countries did not understand the practice of dissenting opinions, and the Committee should provide examples of them. The inseparable nature of the decision and individual opinions needed to be preserved, without delaying the transmission of the decision to the State party or its posting on the Internet.

16. The CHAIRPERSON announced that the Committee had completed its work and would then hold its traditional press conference.

CLOSURE OF THE SESSION

17. Following an exchange of congratulations and thanks, the CHAIRPERSON declared ninety-first session of the Human Rights Committee closed.

The meeting rose at 10.50 a.m.