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HUMAN RIGHTS COMMITTEE

Seventy-fifth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)\* OF THE 2012th MEETING

Held at the Palais Wilson, Geneva,  
on Monday, 8 July 2002, at 10 a.m.

Chairperson: Mr. BHAGWATI

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\* The summary record of the second part (closed) of the meeting appears as document CCPR/C/SR.2012/Add.1

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

OPENING OF THE SESSION (item 1 of the provisional agenda)

1. The CHAIRPERSON declared open the seventy-fifth session of the Human Rights Committee. He informed the Committee that Sir Nigel Rodley had been taken ill the previous Thursday and rushed to hospital. Sir Nigel was doing quite well but would remain in hospital for another week.

OPENING STATEMENT ON BEHALF OF THE UNITED NATIONS  
HIGH COMMISSIONER FOR HUMAN RIGHTS

2. Mr. RAMCHARAN (United Nations Deputy High Commissioner for Human Rights), speaking on behalf of the United Nations High Commissioner for Human Rights, conveyed good wishes to Sir Nigel Rodley for a speedy recovery. The Human Rights Committee was one of the most important bodies in the treaty system and among human rights groups in general. The Millennium Declaration adopted by the General Assembly in 2000 had stressed the importance of capacity-building for human rights, and the International Covenant on Civil and Political Rights was important in that respect. The general comments, jurisprudence and practice of the Human Rights Committee provided a vital foundation on which to build.

3. Human rights were of the essence in the United Nations and were central to the achievement of its vision of a world of peace and justice, grounded in economic and social progress and individual freedom. Each generation must vindicate the idea of human rights and do its utmost to spread a universal culture of human rights. The Committee would be inspired in its work by the aspirations of each generation. At the inception of the United Nations, there had been a vision of an international bill of human rights comprising three parts: a declaration, one or more covenants, and measures of implementation. Work was still under way on the latter.

4. Given the experience of the Committee and the United Nations in general, the human rights cause must be advanced through the following strategies. First, good governance was crucial to protect and ensure human rights. Secondly, the rule of law was essential; if the courts in a particular country were not playing their part in protecting human rights, it was hardly conceivable that the international community would be able to fill the void. Thirdly, following from that, the independence of the judiciary was crucial in promoting and protecting human rights. He noted that the Commission on Human Rights had a special rapporteur on that subject. Fourthly, equality and non-discrimination were central to human rights and had constituted the basis for debates concerning the establishment of the United Nations and the drafting of the Universal Declaration of Human Rights. Fifthly, the implementation of human rights treaties, both in letter and in spirit, was crucial to the advancement of human rights. Sixthly, combating gross violations of human rights was largely the task of the Commission on Human Rights, along with the petitions and complaints procedures. If no attempt was made to bring justice to those whose human rights were being grievously violated, then human rights endeavours would become hollow. Seventhly, reconciliation and justice were crucial to the human rights endeavour. Following armed conflict, societies trying to restore human rights must find a

balance between reconciliation and justice. Eighthly, human rights played an important role in development. The International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights must be given pride of place in the efforts of development agencies, and of Governments, in the pursuit of development strategies. From time to time, the Committee should consider how its work was linked to development efforts.

Ninthly, within the important work of capacity-building for human rights, emphasis must be placed on establishing effective national protection systems. In that respect, six questions must be answered. Was the constitution of the country in conformity with international human rights law? Were there areas where legislation needed to be brought into conformity with human rights law? Could courts of justice apply human rights law? Were there protective institutions, such as an ombudsman or national human rights committee? Were the vulnerable parts of the population being monitored, with a view to providing protection if necessary? Finally, were education and information on human rights provided? The notion that each country should have a protective system underpinned the work of the Human Rights Committee.

5. The tenth strategy concerned human rights education; while the fundamental building-blocks were in place, much more needed to be done in order to promote education and information concerning the Covenants. Eleventh, emerging problems such as developments in biotechnology needed to be examined from a human rights perspective. Twelfth, committees such as the Human Rights Committee had an important role to play in enhancing international cooperation and development and developing human rights. The work of the Committee was extremely important and the preceding comments served to relate that work to the wider strategy of the human rights community.

6. The High Commissioner for Human Rights had noted with interest the decisions on working methods and follow-up to concluding observations that the Committee had adopted during the previous session. She had particularly welcomed the Committee's decision to appoint a special rapporteur for follow-up on concluding observations. The Committee against Torture had followed that example by instituting a similar follow-up procedure. Parallel to those developments, the High Commissioner's Office was considering ways in which it could support and strengthen the follow-up process for all committees, and the establishment of a treaty body recommendation unit had recently been approved. That unit would have the task of assisting committees in their follow-up activities and compiling best practices in the area of follow-up.

7. The first inter-committee meeting of treaty bodies, held on 26-28 June 2002, had been evaluated positively by participants, who had agreed that another inter-committee meeting should be convened in two years. If implemented, the recommendations adopted by the participants on harmonization of working methods would help to improve collaboration among treaty bodies. The High Commissioner encouraged the Committee to devote some time to discussing those recommendations.

8. At its previous session, the Committee had discussed the first draft of a general comment on article 2 of the Covenant. Since that provision contained elements that were of relevance to the work of all the treaty bodies, the High Commissioner welcomed the Committee's decision in principle to circulate revised draft general comments to other treaty bodies and interested

agencies for comment. The participants in the inter-committee meeting had agreed that draft general comments prepared by each treaty body should be circulated to other treaty bodies for comment where appropriate.

9. In concluding, on behalf of the High Commissioner for Human Rights, he wished the Committee a productive and successful session in pursuing its work, which was of the highest importance in protecting human rights.

#### ADOPTION OF THE AGENDA (item 2 of the provisional agenda) (CCPR/C/147)

10. The agenda was adopted.

#### ORGANIZATIONAL AND OTHER MATTERS (agenda item 3)

##### Adoption of the programme of work

11. The CHAIRPERSON drew the Committee's attention to the tentative timetable for the consideration of reports, contained in document CCPR/C/147.

12. Mr. SCHMIDT (Secretary of the Committee) noted that non-governmental organizations (NGOs) and specialized agencies would be heard by the Committee during the first plenary meeting of the Committee, in closed session, in accordance with the decisions on working methods adopted by the Committee on 5 April 2002 (document CCPR/C/75/CRP.7/Add.3, section B, II, para. 12).

13. The CHAIRPERSON said that, if there was no objection, he would take it the Committee wished to adopt the programme of work as presented.

14. It was so decided.

##### Report of the Chairperson/Rapporteur of the pre-sessional working group

15. The CHAIRPERSON informed the Committee that Ms. Chanet had kindly agreed to act as chairperson/rapporteur of the pre-sessional working group when the Chairperson/Rapporteur, Sir Nigel Rodley, had been taken ill.

16. Ms. CHANET, speaking on behalf of the Chairperson/Rapporteur of the pre-sessional working group, said that the group had met on 1-5 July 2002 and had adopted 15 recommendations in respect of the 18 communications before the Committee. A document on the first three articles of the Optional Protocol had been considered and would be submitted to the Committee. The working group had also heard a briefing on Egypt by Amnesty International.

17. Mr. LALLAH thanked Ms. Chanet for the report and wished Sir Nigel Rodley a speedy recovery.

18. He considered that the briefing given to the pre-sessional working group constituted a breach of the Committee's new procedures; the Committee as a whole would have benefited from such a briefing.

19. Mr. SCHMIDT (Secretary of the Committee) said that the transition to the new procedures was under way, but Mr. Lallah had raised a valid point. A full briefing would be given to the plenary Committee in October 2002.

20. The CHAIRPERSON agreed with Mr. Lallah. He took it the Committee wished the Bureau to ensure that no such breach occurred in the future.

21. It was so decided.

The public part of the meeting rose at 10.45 a.m.