



International Covenant on Civil and Political Rights

Distr.: General
9 February 2009
English
Original: French

Human Rights Committee

Ninety-seventh session

Summary record of the first part (public)* of the 2656th meeting

Held at the Palais Wilson, Geneva, on Monday, 12 October 2009, at 10 a.m.

Chairperson: Mr. Iwasawa

Contents

Opening of the session

Statement by the Deputy High Commissioner for Human Rights

Adoption of the agenda

Organizational and other matters

* There was no summary record of the second part (closed) of the meeting.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meeting of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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

Opening of the session

1. **The Chairperson** declared the ninety-seventh session of the Human Rights Committee open.

Statement by the Deputy High Commissioner for Human Rights

2. **Ms. Kang Kyung-wha** (Deputy High Commissioner for Human Rights) said that the High Commissioner apologized for not coming to the meeting, and wished the Committee every success in its ninety-seventh session. Over the past few months the Office of the United Nations High Commissioner for Human Rights had been engaged in elaborating its strategic priorities for the next biennium, 2010–2011, on the basis of broad regional consultations held with the Office's field presences, of a review of past experience and of the Office's comparative advantages. The priority objectives were of direct relevance to the Committee's work: ensuring the realization of human rights in the context of migration; eliminating discrimination; protecting human rights in situations of armed conflict, violence and insecurity; combating impunity and strengthening accountability, the rule of law and democracy; protecting economic, social and cultural rights, in particular in the context of the economic, food and climate crises; and strengthening international human rights mechanisms and the progressive development of international human rights law. Within that framework the Office hoped to be able to make the most of its limited resources, at Headquarters and in the field, in order to fulfil its very broad mandate.

3. The United Nations Human Rights Council had held its twelfth session from 14 September to 2 October 2009. In her opening speech, the High Commissioner had underscored the importance of the role played by the treaty bodies, through both the reporting and individual complaints mechanisms, and their contribution to the universal periodic review process. The High Commissioner had highlighted the overall progress made in the human rights protection system, marked by the increase in the number of human rights instruments and corresponding monitoring bodies, as well as by greater compliance by States parties with their reporting obligations. She had also stressed that the demands placed on the treaty bodies and the Office were increasing. Having welcomed those developments as positive and encouraging, she had invited all stakeholders, including the treaty bodies, to initiate a process of reflection on how to streamline and strengthen the treaty body system to achieve better coordination of their work and interaction with the Special Procedures of the Human Rights Council and the universal periodic review process.

4. In her statement to the Council, the High Commissioner had also stressed that developments over the past year had put in sharp focus the need to promote and protect human rights more effectively. She had referred particularly to the effects of the economic crisis, the persistence of armed conflict, and continuing discrimination and violence against women, minorities, migrants and other vulnerable groups, issues which were all of great relevance to the Committee's work. During its twelfth session, the Council had adopted a resolution on freedom of opinion and expression, in which it had reaffirmed the rights contained in the Covenant, and which might be of interest to the Committee in the drafting of its new general comment on article 19. The Office was looking forward to the new general comment, which would doubtless reflect the Committee's creativity. That innovative approach was also apparent in the Committee's work to strengthen its follow-up activities on concluding observations and views under the Optional Protocol, as well as in its efforts to revise its reporting guidelines.

5. The Committee's active role in enhancing the entire human rights treaty body system was of crucial importance. The tenth Inter-Committee Meeting, which would take place at the end of November, would be devoted to a discussion on follow-up to concluding

observations and views of treaty bodies, in order to identify best practices in respect of follow-up and consider possible areas of harmonization. There was no doubt that the Committee members who would attend the Inter-Committee Meeting would make a valuable contribution to the discussions.

6. On 25 September 2009, the Lao People's Democratic Republic had ratified the International Covenant on Civil and Political Rights, becoming its one hundred and sixty-fifth State party. That ratification had followed the efforts made by the Office of the United Nations High Commissioner for Human Rights Regional Office for South-East Asia in Bangkok, which, in cooperation with the United Nations Development Programme (UNDP) international law project in Laos, had organized a series of training sessions, the last of which had been held in June 2009, focusing, *inter alia*, on the Covenant, reporting obligations, and the follow-up procedure for concluding observations. Brazil had ratified the Optional Protocols to the Covenant on 25 September 2009, bringing the number of States parties to the two Optional Protocols to 113 and 72 respectively. Furthermore, since the Committee's previous session, Bulgaria had submitted its third periodic report, and Kuwait had submitted its second periodic report.

7. The agenda for the current session was once again very heavy. The Committee would examine five periodic reports and adopt five lists of issues. As for each session, the Committee would consider a large number of communications, and progress reports submitted by the Special Rapporteur on follow-up to views, Ms. Wedgwood, and the Special Rapporteur on follow-up to concluding observations, Mr. Amor. The Committee could be assured of the full support of the Office and all services of the Secretariat to assist in its work.

8. **The Chairperson** thanked the Deputy High Commissioner for her statement and for her Office's support. One of the main obstacles to the work of the Committee, particularly since the Human Rights Council had been established, was that some session documents were not translated into all the working languages of the Committee in time. Any support that the Office could give to improve that situation would be most appreciated.

9. **Ms. Kang Kyung-wha** (Deputy High Commissioner for Human Rights) said that while the Office apologized for the fact that all the documents had not been translated in time for the Committee's current session, the work of the Human Rights Council had taken on proportions that no one could have foreseen, and that the considerable increase in related work was inevitably having an effect on the capacity of the Conference Services Division to complete the other tasks before it. The Office of Internal Oversight Services had been asked to conduct a needs assessment of the Human Rights Council's conference services requirements. That assessment had been submitted to the Fifth Committee and it was hoped that, following the examination of the assessment, further resources would be allocated to the United Nations Office at Geneva in order to enable it to respond to the Council's needs while fulfilling its other obligations.

10. **Mr. Pérez Sánchez-Cerro** asked how the Office intended to meet the six priority objectives it had set for the coming two years, when its workload was already so heavy. Furthermore, serious human rights violations continued to be committed in some countries around the world, to which the Human Rights Council was not responding firmly or effectively enough. It would be useful to know what the Office intended to do to overcome the Council's deficiencies in that regard.

11. **Ms. Wedgwood** said that, given the increasing attention that the Human Rights Council and Office of the United Nations High Commissioner for Human Rights were giving in their work to armed conflict, it might be useful for them to take on some experts in the field of international law on armed conflict.

12. **Ms. Kang Kyung-wha** (Deputy High Commissioner for Human Rights) said that the Office must indeed strengthen its competencies in respect of international human rights law and international humanitarian law, since it was increasingly required to interpret those standards, particularly in the context of peacekeeping missions. Several staff members were already working with the International Committee of the Red Cross to deepen their knowledge of the subject.

13. Regarding the Human Rights Council, she said it was necessary to remember that the Council was an intergovernmental body and that the Office did not have any influence at all on its decisions, even though it did not always agree with them. The delay in considering the report of the fact-finding mission on the conflict in Gaza, for example, had been particularly disappointing. The establishment of the universal periodic review procedure had not affected the activities of the Office, since it has been provided with the necessary additional posts and its work in that area was welcomed by all those involved. In that regard, she invited the Committee to read the report of the Office of Internal Oversight Services on the efficiency with which the Office of the High Commissioner was carrying out its mandate (A/64/203). The Conference Services Division, on the other hand, was facing a significant lack of resources and the huge workload for the translation and documentation services created by the universal periodic review was, of course, affecting the whole United Nations Office at Geneva. It was necessary to recognize that strategic priorities were a real challenge for a body like the Office of the High Commissioner: it should not be forgotten that the Office had the broadest possible mandate in terms of the promotion and protection of human rights, and that it must fulfil that mandate with resources that were very limited in comparison to those available to other United Nations bodies. It therefore had to adopt a more strategic approach and was making significant progress in doing so. In fact it did not have much choice, since all United Nations bodies were now required to adopt a results-based management approach, from the initial planning stage to the final evaluation stage. Special working groups comprising members of the different services of the Office of the High Commissioner were already focusing on each of the six strategic priorities set for the next biennium, in order to interpret them. Those strategic priorities must be streamlined and made more precise, and the resources required to implement them must be calculated.

14. **The Chairperson** thanked the deputy High Commissioner for Human Rights and invited the members of the Committee to consider the next items on the provisional agenda.

Adoption of the agenda (CCPR/C/97/1)

15. *The agenda was adopted.*

Organizational and other matters

16. **The Chairperson** informed the members of the Committee that Mr. Ayat had resigned after the ninety-sixth session and that elections would be held in November to fill the vacant post. He invited the Chairperson-Rapporteur of the Working Group on Communications to report on the Working Group's activities.

17. **Mr. Salvioli** (Chairperson-Rapporteur of the Working Group on Communications) said that the Working Group, comprising Ms. Keller, Ms. Majodina, Ms. Motoc, Mr. O'Flaherty, Mr. Rivas Posada, Mr. Thelin and himself, held six meetings from 5–7 October 2009. Mr. Bhagwati and Mr. Fathalla, who should have participated, had been unable to attend. The Working Group had before it 24 draft recommendations and decisions, of which it had considered 22. It had recommended that the Committee should declare six of the communications inadmissible, and a further six admissible, one of which would be presented to the Committee plenary. It also recommended that the Committee should examine the comments on 10 communications: for 6 of them it was proposed that the

Committee should find a violation of the Covenant; for 2 others no violation should be found, and for the remaining 2, there were two proposed options. The Working Group had decided to postpone consideration of one draft recommendation until its next session. Lastly, it would need to meet for around one hour to consider the recommendation for one particular case.

18. **Mr. O’Flaherty** wished to point out that since it had not had the necessary quorum the Working Group had been unable to meet on the last two days of the week. The same problem had arisen at the previous session. It was therefore essential for members of the Committee who wished to participate in the Working Group to commit to the Group’s work for the whole week.

19. **The Chairperson** recalled that the rules of procedure set the quorum for the Working Group on Communications at five members. It was therefore essential that any members who were unable to attend one of the Group’s meetings should make their absence known in advance, in order to ensure that a replacement could be found. All members of the Committee were in fact qualified to participate in the Group’s work. He thanked the Working Group, and invited the members of the Committee to move to the consideration of agenda item 4. The Committee would first of all meet with representatives of intergovernmental organizations in closed session, and then with representatives of NGOs in public session.

The first part (public) of the meeting rose at 10.55 a.m.