



**International Convention on the
Elimination of All Forms of Racial
Discrimination**

Distr.: General
18 January 2008
English
Original: French

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Seventy-first session

SUMMARY RECORD OF THE 1839th MEETING

Held at the Palais Wilson, Geneva, on
Tuesday, 14 August 2007, at 3 p.m.

Chairperson: Mr. De GOUTTES

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The meeting was called to order at 3.15 p.m.

ORGANIZATIONAL AND OTHER MATTERS

Meeting with States parties to the Convention

1. The CHAIRPERSON welcomed the numerous delegations that had travelled to participate in the latest meeting. The previous meeting had taken place on 19 August 2003, the day of the horrendous attack on the headquarters of the United Nations in Baghdad, which had cost Sergio Vieira de Mello, High Commissioner for Human Rights, his life.

2. Since the time, in 2006, that the High Commissioner for Human Rights had engaged in reflection on the working methods the United Nations treaty bodies (HRI/MC/2006/2), a consensus appeared to have emerged among the human rights treaty bodies and States parties to those treaties around two ideas. Firstly, all stakeholders had deemed it preferable to defer consideration of the project to create a unified standing treaty body to replace the seven bodies created under treaties so as not to lose sight of the specificity of each one, particularly of the Committee on the Elimination of Racial Discrimination, at a time when racial and ethnic tensions were multiplying throughout the world. Second, despite the increased need to rationalize and harmonize the treaty bodies' procedures and working methods – respecting the specificity of each – harmonization and standardization must not be confused. Those ideas had been accepted at the sixth session of the inter-committee meeting and the nineteenth meeting of the chairpersons of the human rights treaty bodies, held from 18 to 22 June 2007.

3. An important document had been prepared and adopted in 2006 by the eighteenth meeting of the chairpersons of the human rights treaty bodies, entitled "Harmonized guidelines on reporting under the international human rights treaties". Under those guidelines, prepared on the basis of those adopted by each treaty body, it was recommended that States parties should submit reports that were as concise as possible and submit two documents: firstly, a common core document containing up-to-date general and demographic information showing the overall framework for human rights protection in the country; and second, for each treaty body a specific report on implementation of the articles of the treaty in question, also taking into account the concluding observations adopted by the relevant committee during consideration of the previous periodic report. The Committee on the Elimination of Racial Discrimination was revising its own guidelines for States parties' specific reports to the Committee, and the new guidelines would doubtless be completed by the end of the current session.

4. Progress had been made on the rationalization and harmonization of the Committee's working methods. The current practice was for the Committee to mandate a rapporteur to make an in-depth study of a given country's periodic report. The rapporteur compiled a list of issues on the implementation of each article of the Convention, which was transmitted to the State party concerned about one month prior to the session at which the Committee was to consider the report. He recommended States parties to transmit their replies to the Committee sufficiently in advance, i.e. at least one week before the date scheduled for consideration of reports so that the rapporteur could make a proper study of them.

5. Following current practice for the consideration of reports in plenary, delegations were invited to reply orally to the questions contained in the list of

issues, which were put to them immediately following the introduction of the head of delegation of the country concerned. The relevant country rapporteur then analysed the report to be considered, and other Committee experts then put additional questions to the delegation. The Committee had in recent years endeavoured to have a highly interactive question-and-answer exchange with all delegations, a method that had yielded positive results.

6. Regarding the phase of adoption of the Committee's concluding observations and recommendations, which took place in a closed meeting, the Committee had instituted the new practice of identifying a number of particularly important issues on which, if necessary, it asked the State party to communicate information within one year.

7. On follow-up to the Committee's concluding observations, a new practice initiated in 2004 had been entrusted to a Committee expert designated as focal point for the Committee's concluding observations. The focal point, whose two-year mandate had been established in 2005, collaborated closely with the country rapporteur and his/her recommendations were communicated to the States parties. Also, in March 2006 the Committee had invited States parties to appoint a national representative to serve as interlocutor with the Committee's focal point.

8. Two issues of particular concern to the Committee were, firstly, the large number of States parties' with an accumulated delay in submitting periodic reports. As things stood, of the 173 States parties to the Convention, 18 were more than 10 years overdue, 8 of those more than 20 years overdue, and 4 more than 15 years overdue. In addition, 30 States parties were more than 5 years overdue in submitting their reports and 4 of the States more than 10 years overdue had not submitted their initial reports.

9. The Committee's second concern was States parties' late requests for deferral of consideration of their periodic reports, sometimes at the very last minute, on the grounds that a delegation could not be present; that situation caused serious disruption to the Committee's agenda. The Committee therefore proposed, as other treaty bodies had done, that deferral requests that reached the Committee later than two months before the date scheduled for consideration of a report would not be granted and that the State party's report would be considered in the delegation's absence.

10. Regarding other practices and procedures followed by the Committee, the latter had played a pioneering role in two specific fields, having been the first treaty body to have instituted, in 1993, early-warning measures and an urgent-action procedure, which prevented existing problems from degenerating into conflicts, and provided an immediate response to serious breaches of the Convention. The Committee had extended the urgent-action procedure to genocide-type situations, for which specific indicators had been established.

11. For the implementation of the urgent-action procedure, in 2004 the Committee had established a standing working group composed of five experts representing each of the geographical regions and mandated to monitor emergency situations. At its recent sessions the Committee had been alerted by many NGOs, under that procedure, to the situation of indigenous communities that reported discrimination against them in the exercise of their political, economic, social or cultural rights, and violations of their land rights.

12. The Committee had also played a pioneering role by adopting the review procedure applied to States with too long an accumulated delay in the submission of their periodic reports. That procedure consisted in sending the States parties concerned a letter of reminder and a list of issues and setting, if appropriate, a date for consideration of their periodic reports. If those States parties did not honour their obligation to submit their reports by the appointed date, the Committee examined the situation in the country without a report, on the basis of all other available information. The procedure had been patently effective, since 12 States parties that had received letters of reminder had promptly submitted their reports to the Committee. In March 2007 the Committee had also suggested that it should undertake, with the agreement of the relevant authorities, follow-up or evaluation visits to countries the reports of which were long overdue.

13. Regarding the procedure for the examination of individual communications under article 14 of the Convention, 51 of the 173 States parties to the Convention had recognized the competence of the Committee in that area. A working group had been mandated to study the complaints received by the secretariat of the Committee and prepare the Committee's draft opinions. Since 2004, a Committee member was responsible for the effective follow-up of draft opinions dispatched to States parties. Furthermore, under the treaty-body reform system, the Committee had proposed, at the meeting held in Liechtenstein in July 2006, the creation of a single body to examine all individual communications to the treaty bodies concerning breaches of human rights conventions.

14. The Committee had also improved its liaison with other stakeholders in the human rights protection system. For instance, it had enhanced its cooperation with the national human rights institutions, allowing them to attend public meetings for the consideration of the periodic reports of States parties, with their consent. That system had proven entirely satisfactory to all parties.

15. The Committee had also enhanced its cooperation with the non-governmental organizations (NGOs). In addition to the parallel reports they drew up, NGOS now held regular informal meetings with Committee members who so wished, immediately before consideration of States parties' reports. The Committee also maintained regular contact with the United Nations specialized agencies and the Human Rights Council mandate holders, particularly the Special Rapporteur on all contemporary forms of racism, the Independent Expert on minority issues, the Special Rapporteur on freedom of religion or belief and the Special Adviser to the Secretary-General on the Prevention of Genocide.

16. It would be useful if speakers would focus on two topics: the rationalization and harmonization of the Committee's procedures and working methods, and relations between the treaty bodies and the Human Rights Council.

17. Mr. DE ARÍSTEGUI LABORDE (Spain) said that the Chairperson's statement had provided a very clear conspectus of the Committee's efforts to rationalize its working methods. He would like to know whether specific criteria were applied in the designation of country rapporteurs. Regarding the lists of issues prepared by those rapporteurs, Spain considered the Committee to have made considerable progress on its working methods in communicating to States parties questions relating to their reports. That practice had facilitated the smooth consideration of reports and had fostered better interaction between the delegations and the

Committee. Spain was therefore in favour of maintaining that practice, but urged States to reply to the lists of issues in good time.

18. Regarding the procedure for the consideration of periodic reports, Spain would like the dialogue between the Committee and delegations to focus on the questions to which States parties had furnished replies.

19. He would like to know how many of the individual communications submitted under article 14 of the Convention the Committee had declared admissible and inadmissible over the previous year.

20. Mr. LAST (United Kingdom) said that he welcomed the opportunity for direct discussion with the Committee and hoped that another opportunity would arise before another four years had elapsed. Where the list of issues drawn up by the country rapporteurs was concerned, the United Kingdom would like the Committee to draft questions relating to the State party's periodic report at the session preceding the one at which it was to be considered so that the State party had plenty of time in which to answer appropriately. A number of treaty bodies had achieved positive results with that method, and it was a pity that the Committee had not adopted it.

21. Since 2003, other treaty bodies had been discussing States parties' preparation of a targeted report focusing on the list of issues communicated to them. He would like the Committee to adopt that practice and require States parties that submitted regular periodic reports to it to concentrate on information on their implementation of certain key provisions of the Convention. He would appreciate Committee members' views on the matter.

22. Ms. LAURENSEN (New Zealand) congratulated the Committee on its work in favour of participation of national human rights institutions in the dialogue between the Committee and States parties' delegations. A representative of a New Zealand human rights institution had participated in that type of dialogue at the current session, and her country had found the formula to be highly satisfactory.

23. Her country had recently had to submit, in the course of one week, a periodic report to the Committee on the Elimination of Discrimination against Women and another to the Committee on the Elimination of Racial Discrimination. The persons responsible for preparing those documents had been quite disturbed by the differences in the two bodies' reporting requirements. While New Zealand understood that those differences were frequently linked to the treaty bodies' history and specific practices, she would like the Committee to explain in detail what it expected of States parties' periodic reports, how the country rapporteurs' lists of issues were drawn up and how the Committee prepared its concluding observations and recommendations.

24. New Zealand considered that the rapporteurs' questions helped States parties to prepare for their dialogue with the Committee, and felt that States parties should communicate their written replies at least one week before the date of consideration of their periodic reports. Like the United Kingdom, her country would like the Committee to consider the possibility of asking States parties that regularly submitted their periodic reports to submit from time to time reports focusing on the implementation of certain provisions of the Convention.

25. Mr. BERG (Sweden) expressed the hope that such meetings would take place more frequently. The Committee had consistently endeavoured to enhance its working methods. His country was due to submit its periodic report in 2008 and the Swedish authorities would like to receive the country rapporteur's questions at least one month before the scheduled date of its consideration in plenary. Sweden was in favour of the idea of targeted reports but felt that the Committee must be able to ask States parties for information on all issues it deemed appropriate.

26. Ms. STUEWER (Canada) welcomed the Committee's efforts to harmonize the treaty bodies' working methods, and its determination to strengthen its links with the Special Rapporteurs and special procedure mechanisms.

27. With reference to the guidelines on the form and content of reports to be submitted by States parties to the international human rights treaties (HRI/GEN/2/Rev.4), the scale of the task was enormous, consisting as it did in making all promotional materials and human rights instruments available in all national, local, minority or indigenous languages in order to promote human rights throughout the country.

28. She would also appreciate it if the Committee could provide additional information on the role it intended to assign to national human rights defence institutions and NGOs for follow-up to concluding observations. She wondered whether the general reporting guidelines could take into account the current practice whereby States parties submitted two periodic reports in a single document every four years.

29. Mr. DE VYLDER (Belgium) expressed support for the United Kingdom proposal that the Committee should adopt the country rapporteurs' lists of issues at the session preceding that at which the State party's periodic report was to be considered, so that it could have sufficient time to prepare its replies.

30. Given the extent of the area of competence of the Committee on the Elimination of Racial Discrimination, he would like to know how it addressed the question of multiple discrimination and discrimination based on religion.

31. Mr. DIAMESSIS (Greece) said that his country accorded great importance to the reform of the United Nations system and to the harmonization of the treaty bodies' working methods, which would enable States parties to fulfil their obligations under the Convention more satisfactorily.

32. It would be useful if a plan of action were adopted to give practical effect to the recommendations of inter-committee meetings and the meetings of chairpersons of the human rights treaty bodies.

33. Regarding the country rapporteurs' lists of issues, it was high time that the treaty bodies harmonized their practices. The list of issues should not give rise to the preparation of a further detailed report, but should help States parties to prepare themselves for the oral presentation of their periodic reports and should list the main questions to be considered. Therefore, he was not in favour of the list of issues being sent to the State party after the session preceding the one at which its periodic report was to be considered.

34. He endorsed the Spanish suggestion on the possibility of States parties replying in writing to the questions that would have been put to them orally during

consideration of their periodic reports, and that a delegation's oral replies during consideration of the report should be considered to be only preliminary replies.

35. Mr. KOVAR (United States of America) said that his country supported the harmonization of the working methods of the treaty bodies, which should facilitate States parties' preparation of their periodic reports and give them a better grasp of what was expected of them.

36. Given the scope of the Committee's field of competence and the multiplicity of issues relating to the International Convention on the Elimination of All Forms of Racial Discrimination, he endorsed the suggestions made by Spain and the United Kingdom on the need to focus the debate during the dialogue on a number of key questions which, for one reason or another, were particularly significant at the time a given report was being considered. The Committee could ask more searching questions rather than skim the surface of a larger number of questions.

37. The one-month time frame granted to States parties to reply to the country rapporteurs' list of issues was too short if they were expected to draft a new detailed written document necessitating consultation of several ministries and national agencies. Conversely, it was more than enough if, as Greece had proposed, the sole aim of the list of issues was to call the State party's attention to questions likely to be put to them during consideration of its periodic report.

38. The United States of America did not support the Swedish proposal that the Committee could ask States parties during the oral presentation for information on any issue it deemed important. Of course, one would not wish to tie the Committee's hands where an important topic needed to be addressed, but the examination process would be more effective if the discussion was limited to a number of specific questions determined in advance.

39. In order to gain maximum benefit from the oral presentation of periodic reports, it might be best for the Chairperson or country rapporteur to prepare a synopsis of the questions that the various Committee members had communicated to him/her in advance, thus giving the State party more time to reply to the many questions put to it during each consideration of a report.

40. He would like the information presented by States parties on the implementation of the Convention on their territory to appear more systematically in the Committee's concluding observations. In fact, if all the measures a State party had taken were mentioned in that document, national bodies and persons responsible for implementation the Convention would be more disposed to cooperate on the drafting of the next report.

41. Lastly, regarding the early-warning measures and the urgent-action procedure, the Committee should be careful to ensure that the complaints it received corresponded to that procedure before engaged, and particularly that the complaint did not fall under the procedure provided for in article 14 of the Convention, when the State party had made the relevant declaration. The Committee should therefore reserve the urgent-action procedure for conflicts that threatened to degenerate, not to say genocidal situations, so as not to be flooded with complaints that could be examined under other procedures provided in the Convention, for instance during consideration of periodic reports.

42. Mr. BESSEDIK (Algeria) asked how the Committee dealt with the question of discrimination based on religion. Algeria welcomed the postponement of the consideration of the project for establishing a unified standing body.

43. Regarding rationalization and harmonization of treaty bodies' working methods, the time frame for States parties' written replies to the country rapporteurs' lists of issues was too short. He would like to know whether the Committee on the Elimination of Racial Discrimination, like the Human Rights Committee, had limited the maximum length of pages of the document containing a State party's written replies.

44. He would also like to know whether the country rapporteurs' lists of issues systematically embraced all the articles of the Convention or whether they concentrated on those that were especially pertinent, in view of the country's situation.

45. He would like to know what criteria were used for the appointment of country rapporteurs and whether they continued to monitor the situation of the State party concerned once its periodic report had been considered.

46. Furthermore, he would like to know whether, before undertaking a review procedure, the Committee tried to establish why a State had not submitted a report and whether the Committee intended to suggest ways in which States parties that lacked the resources to send delegations to be present at the consideration of their periodic reports – especially those among the least developed countries – could receive assistance.

47. He would also appreciate learning whether only aggrieved persons could submit an individual communication to the Committee in order to obtain compensation or whether other stakeholders, such as NGOs, could do so in their place; whether the findings relating to consideration of individual communications were also followed up; and how the Committee ensured that they were respected.

48. Lastly, he would like to know how the focal point for the Committee's concluding observations was appointed and whether that person alone was responsible for follow-up to the concluding observations concerning a given State party for a specified period.

49. Ms. OZCERI (Turkey) said that she agreed that the time allowed States parties to reply to the country rapporteurs' questions was insufficient unless the Committee did not expect them to furnish detailed written replies.

50. She wished to know what type of dialogue the Committee planned to institute with the special procedure mechanisms, especially the Special Rapporteurs and the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Plan of Action.

51. Mr. KOMNISKI (Brazil) said that in order to prepare as best they could for presentation of their periodic reports, States parties needed to receive the lists of issues more than a month before the date scheduled for their consideration. What was more, to reply to questions in writing would add immeasurably to States parties' workload. Those with a federal structure needed to consult the authorities at the various tiers of government for preparation of their periodic reports, which was very time-consuming. That was the case in Brazil, which consulted all the municipal,

regional and national authorities and talked to numerous people at all levels of legislative, judicial and executive power, not to mention civil society.

52. Regarding the early-warning measures and urgent-action procedure, he would like to know whether the Committee thought that the countries concerned replied appropriately and objectively to its observations and whether it succeeded in establishing a constructive dialogue with the States in question.

53. Ms. GÓMEZ OLIVER (Mexico) said that her country supported the proposal to create a unified standing treaty body, a measure that was essential in view of the multiplication of United Nations treaty bodies. Mexico had had to prepare and present six periodic reports under the various international instruments to which it was a party, which had posed no end of logistical problems, particularly in establishing the composition of the different delegations.

54. She considered the list of issues very useful in that they facilitated frank dialogue with the Committee. She sought the Committee's opinion on the proposal of the Committee against Torture to accord States parties' written replies the status of official United Nations documents.

55. Mexico attached great importance to the broadest possible consultation of public bodies and civil society organizations for purposes of preparing its periodic reports and therefore supported the proposal that national human rights institutions should participate in the process.

56. Ms. MARKUS (Libyan Arab Jamahiriya) said that the one-month time frame granted to States parties to reply to the list of issues was insufficient, and he welcomed the appointment of a focal point for follow-up of the Committee's concluding observations.

57. Ms. PHUMAS (Thailand) said he would like to know what criteria the Committee applied for using the review procedure for considering implementation of the Convention in the absence of the State party concerned, what the review procedure consisted of, how many States parties had been the subject of that review and how effective it had been.

58. Mr. IBOU BOYE (Senegal) expressed scepticism about the Committee's growing practice of considering States parties' reports in the absence of a delegation, since its concluding observations could not be of interest unless they stemmed from constructive dialogue with States parties. Also, had the Committee evaluated the effects of its action on the ground so as to have an idea of its effectiveness in the fight against racial discrimination?

59. Nr. KOTANE (South Africa) said that he would like to know Committee members' views on the proposal that States parties should submit a unified report to the treaty bodies and especially whether such a report would help to improve the quality of the information supplied.

60. Ms. REN Xiaoxia (China) expressed her country's unreserved support for the treaty bodies' efforts to harmonize and rationalize their working methods. China considered that current practice should be revised and more time granted to countries to reply to the list of issues, since many developing countries had only limited resources for gathering and presenting the required data. She would also like to know how the country rapporteurs were appointed; it would be useful to appoint a

rapporteur who was familiar with the legal and economic system in the State party concerned.

61. The CHAIRPERSON said that he had noted the States parties' observations and questions with great interest and invited the Committee to respond to them.

62. Mr. THORNBERRY, replying to the question of how country rapporteurs were appointed, explained that as a general rule they were Committee members who volunteered to examine a given country. The Committee ensured as far as it could that candidates had good knowledge of the country concerned and spoke its language. The fact that the Committee had only 18 experts for 173 States parties meant that its members did not always serve as rapporteurs for the same countries.

63. In the 31 general recommendations the Committee had adopted thus far, it had given its interpretation of a given provision of the Convention or of a particular problem. General recommendations could cover all sorts of themes that fell within the Committee's competence, but dealt above all with issues and concerns often arising from the States parties' reports.

64. The Committee was also entertaining the possibility of preparing joint general recommendations with other treaty bodies.

65. On the subject of multiple discrimination, the Committee often studied, during its deliberations, the close and interdependent links between racial discrimination and other forms of discrimination. A case in point, during its seventy-first session it had met with the Special Rapporteur on freedom of religion or belief.

66. Mr. KJAERUM, replying to participants' questions relating to follow-up to the Committee's concluding observations, said that most States parties honoured their obligation to provide the Committee, within one year, with information on the measures it had taken to implement its recommendations. That information was often very extensive and extremely helpful. The Committee had drawn up guidelines explaining to States parties the measures they could take to implement its concluding observations and recommendations (CERD/C/68/Misc.5/Rev.1). Once the additional information had been received from the State party, the focal point for follow-up to the concluding observations examined that information with the relevant country rapporteurs and the deputy focal point, with whom they cooperated closely. Aware that implementation of the Committee's recommendations could pose problems for States parties, the Office of the High Commissioner for Human Rights (OHCHR) had held workshops on the follow-up to concluding observations. A case in point was the meeting in December 2005 of the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women with States parties of the region, where they identified best practices used for implementing those observations. Concerning the list of issues, the Committee planned to modify the procedure in force.

67. Mr. SICILIANOS, responding to the remarks of the representative of Algeria, said that NGOs could represent individuals and submit communications on their behalf. Indeed, article 14 provided that groups of persons could submit communications, provided they had an interest in the action, meaning that they had actually been victims of a breach of the Convention. Experience showed that States parties took into account the opinions and recommendations formulated by the Committee following examination of individual communications in their follow-up to the recommendations. Hence, certain States parties were revising their legislation

while others offered compensation to the victims. In any event, there was genuine dialogue between States parties and the Committee.

68. Regarding treaty-body reform, the vast majority of States parties supported the logic of harmonization of the working methods, while respecting the specificities of each committee. With regard to the list of issues, many agreed that they should be sent to States parties sooner, for example two months prior to the date set for consideration of the report. Regarding the new procedure of the Committee against Torture to give precedence to replies to the list of issues over periodic reports, the Committee against Torture dealt with a very specific subject, unlike the Committee on Racial Discrimination, which examined very diverse situations. In any event, the list of issues must remain an instrument of cooperation between States parties and the Committee.

69. Mr. YUTZIS, explaining the reasons for the Committee's decision to send the list of issues to States parties, said that the latter had originally wished to know their country rapporteurs' questions in advance so as to be able to answer them more accurately. States parties were certainly right to ask for more time in order to be able to furnish useful information, but their replies should not replace the periodic report and the interactive dialogue with the Committee, which was much more important. The list of issues should be used only to express doubts and go deeper into certain issues. The rapporteurs could not be expected to have in-depth knowledge of all States parties, their being only 18 of them for 173 States parties.

70. Mr. AVTONOMOV, introducing the Committee's activities relating to the early-warning measures and urgent-action procedure, said that he had been focal point of the working group on that subject only for a short time. Since the sixty-ninth session, the group had prepared a document aimed at clarifying the procedure both for the Committee and for Member states and specifying the criteria for early-warning measures, initiation of the urgent-action procedure and the initiatives that the Committee could take in that context.

71. Concerning the fear expressed by some delegations that the Committee might be flooded with petitions urging it to take action under that procedure and devote too much meeting time to them, the Committee was perfectly aware of that risk and did its best to resort to that procedure as seldom as possible and only in extreme cases. Indeed, it attempted to settle problems raised in those petitions by other means at its disposal, especially by using consideration of the periodic report of the State party concerned to ask it questions relating to the particular problems and expected the focal point to take those petitions into account as part of his/her mandate. The Committee now avoided, as far as possible, resorting to the early-warning measures and urgent-action procedure and, as a general rule, took no more than two decisions per session under that procedure.

72. Mr. THORNBERRY, introducing information that should give delegations a better understanding of the decisions that the Committee had taken in recent years in connection with the early-warning measures and urgent-action procedure, said that urgency was a relative concept under that procedure. Groups petitioning the Committee under the early-warning measures and urgent-action procedure were usually indigenous peoples which, given their size, were more at risk than larger communities. They also had more to lose because, by and large, it was their culture and traditions that were under threat, and violations of their rights were irreversible.

That was why the Committee examined each petition case by case, studying the specific risks incurred by a particular minority in its specific situation.

73. Mr. TANG Chengyuan said that the main purpose of the list of issues was to clarify statements made in the report and to give the Committee more detailed information on the situation in the State party. The list of issues was drawn up exclusively by the rapporteur designated for that country, and States parties should not be too demanding as to their content.

74. Regarding the specific reporting difficulties facing some States parties, countries without a permanent mission in Geneva lacked the resources to send delegations; in future the Committee must find ways of establishing a dialogue with those States.

75. Mr. LINDGREN ALVES informed all delegations that had bewailed the infrequency of the Committee's meetings with States parties that the Committee's meetings were public and that if States parties attended them they would glean up-to-date information on the Committee's work. If they did so they would also see the error of claims that the Convention had many lacunae, since the Committee took into consideration all possible forms of discrimination, including double discrimination and discrimination against migrant workers, refugees, indigenous people and other categories of vulnerable persons based on race or ethnicity. The gaps acknowledged by the Committee had been filled through the adoption of general recommendations on various categories of persons, especially the Roma, indigenous peoples and non-nationals.

76. He opposed the proposal that the Committee should approve the lists of issues at the session preceding the consideration of reports, because the Committee would not have the time to do so during its sessions. Furthermore, most Committee members had professional obligations alongside their function as experts and were not usually in a position to draw up the lists in time for them to be adopted at a given session.

77. Mr. AVTONOMOV said that if the Committee sent out the lists of issues to States parties well in advance there was chance that they would be obsolete by the time it came to the oral examination of the report, the most important stage in the reporting process.

78. Mr. AMIR pointed out that some States parties that had found it difficult to submit their reports had sought technical assistance from the OHCHR and that, all in all, those States should soon be in a position to submit periodic reports.

79. Mr. BESSEDIK (Algeria), replying to Mr. Lindgren Alves's comments, said that permanent missions' heavy workload and limited personnel prevented them from sending staff to meetings of the Committee, while direct contact was, for the most part, essential. Hence the need to hold more frequent meetings between the Committee and States parties. Regarding the controversy about the gaps in the Convention, the Human Rights Council, by its decision 3/103, had established the Ad Hoc Committee on the Elaboration of Complementary Standards to make good the deficiencies of the Convention, and it would have the last word on the matter. He would also like to know the legal value of general recommendations vis-à-vis the provisions of the Convention, and the geographical distribution of States parties the reports of which were long overdue.

80. The CHAIRPERSON said that the general recommendations were not binding. On the subject of States parties the reports of which were long overdue, he referred the representative of Algeria to chapter V of the Committee's latest annual report (A/61/18), which contained the list of countries the reports of which were long overdue.

81. Regarding relations between the Committee and the Human Rights Council, at the sixth inter-committee meeting and the nineteenth meeting of chairpersons of treaty bodies, held on 18-20 June and 21-22 June respectively, the Committee had supported the view of other treaty bodies that the treaty-body system and the Human Rights Council's universal periodic review (UPR) mechanism did not duplicate, but rather complemented, each other. In fact, the committees brought their independence and their members' analytical skills and accurate knowledge to the instruments they monitored and their implementation by States parties. The UPR was more general, indeed more political, and was founded on a mass of information collected by OHCHR, examination of which was entrusted to a group of three rapporteurs. All the treaty bodies participating at those meetings had stressed the need to preserve and affirm their independence and had recommended that their concluding observations and general recommendations should inform the UPR because of their in-depth knowledge of the situation in the country, drawn from the consideration of the periodic reports. Lastly, all the participants had deemed it necessary to promote interaction between the UPR mechanism and the treaty bodies.

82. Mr. DE VYLDER (Belgium) asked what part the Committee intended to play in the Follow-up Conference to the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and related Intolerance, scheduled for 2009.

83. The CHAIRPERSON said that the Committee had adopted a study on possible measures to strengthen implementation of the Convention (A/HRC/4/WH.3/7).

84. Also, as a complement to the Mr. Lindgren Alves's remarks, in recent years the Committee had adopted two general recommendations on important topics: one on non-nationals and the other on racial discrimination in the administration and functioning of the criminal justice system.

85. Thanking the delegations for their participation, he said that the Committee had taken due note of their very helpful comments and would take them into account when it came to examine the question of improving its working methods and the lists of issues.

The meeting rose at 6 p.m.