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HUMAN RIGHTS COMMITTEE

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SUMMARY RECORD OF THE 2644th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 23 July 2009, at 3 p.m.

Chairperson: Mr. IWASAWA

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The meeting was called to order at 3.10 p.m.

FIFTH INFORMAL MEETING WITH STATES PARTIES TO THE COVENANT

1. The CHAIRPERSON, opening the fifth meeting with States parties, said that the Committee considered 12 or 13 reports a year. It endeavoured to adopt a list of issues two sessions before the consideration of each State party report, so as to allow States parties ample time for the preparation of their written replies. The Committee was constantly improving its working methods, in particular for the consideration of State party reports, and thereby aimed to enhance its dialogue with States parties. The Committee was the most active treaty body dealing with individual communications, with nearly 100 new communications registered each year. A substantial number of States parties to the Covenant - 112 - had ratified the First Optional Protocol. He encouraged those States parties to the Covenant that had not yet done so to ratify that Optional Protocol.
2. The Committee had adopted two new general comments since 2006. In July 2007, it had adopted general comment No. 32 on article 14 relating to fair trial and, in October 2008, it had adopted general comment No. 33 relating to the obligations of States parties under the Optional Protocol. In March 2009, the Committee had appointed Mr. O'Flaherty as Rapporteur for future general comment No. 34 on article 19, which dealt with freedom of opinion and expression. The Committee would proceed with the first reading of draft general comment No. 34 at its following session in October 2009. The Committee was also revising its reporting guidelines and, in March 2009, had appointed Ms. Keller as Rapporteur on revised reporting guidelines. Ms. Keller would present her first draft of the revised guidelines at the Committee's following session.
3. Mr. JAZAIRY (Algeria) proposed that Human Rights Council resolution 9/8 on effective implementation of international human rights instruments should be included for discussion under the topic "Relationship with the Human Rights Council". He asked for clarification as to why the Meeting was scheduled to discuss the UPR mechanism. The link between the Committee and the UPR was simply that some of the Committee's concluding observations were included in the compilations made for the purpose of the UPR. It would therefore be inappropriate to discuss the UPR, which did not fall within the Committee's mandate.
4. The CHAIRPERSON said that the Committee's relationship with the UPR mechanism and the Council's work was of enormous interest and the Committee wished to solicit the views of States parties on the issue. He suggested, with the support of Mr. Anaedu (Nigeria), that any issues relating to the adoption of Council resolution 9/8 could be raised under "other matters".
5. Mr. AMOR, speaking on reporting obligations, said that 164 States had ratified the International Covenant on Civil and Political Rights. Under article 40, initial reports must be submitted within one year of the entry into force of the Covenant and periodic reports at three- to five-year intervals thereafter. The Committee's reporting guidelines were currently being updated in the light of reporting difficulties that States had encountered and to ensure that States included in their reports information on both legislation and the use made of that legislation.
6. As a general rule, States parties met their reporting obligations. Nevertheless, there were currently 90 overdue reports: 26 reports were over 10 years late; 26 were 5 to 10 years late; 38 were less than 5 years late, including 24 between 1 and 5 years late. Thirty-three States parties

had not submitted initial reports. The most overdue initial report was 21 years late and the most overdue periodic report was 24 years late. Whatever the circumstances, such delays were in violation of the provisions of the Covenant. The situation should be examined, and more sustained, constructive dialogue between the Committee and States parties promoted.

7. The Committee's rules of procedure provided for the possibility, under certain circumstances, of examining the human rights situation in a State party that had not submitted a report. The aim of that procedure was to re-establish dialogue and cooperation within the framework of the Covenant. Since the system had been introduced in 2002, 11 States had been examined without a report and results were encouraging: four of those States had submitted reports, four States had sent delegations for the examination of the situation in their countries and only three States had not been able to submit a report or send a delegation.

8. When a situation had to be examined without a report, the State concerned was sent relevant information and issues raised, and the Committee produced provisional concluding observations. If the State party failed to react to the concluding observations, they would then be made public. In that connection, the Committee had been obliged to observe in concluding observations that two States were not complying with their commitments under article 40 of the Covenant.

9. The Committee's concluding observations were included in the compilation produced by the secretariat for the purposes of the UPR: it would therefore be useful if the Committee could have a right to examine the compilation, so that it could indicate its primary concerns and its priorities. The Human Rights Council could help to make States aware of the delays in submissions and, perhaps, establish a general strategy to assist States in meeting reporting obligations.

10. Sir Nigel RODLEY said that one member of the Committee was appointed for a fixed term as Special Rapporteur for Follow-up on Concluding Observations. The Special Rapporteur's mandate was to continue dialogue with States parties on issues raised in concluding observations on which the Committee would appreciate further information. The Committee requested further information on both particularly serious issues and issues requiring a rapid response from the State party. As responses were not always given promptly, the Committee had introduced a system of issuing reminders to States parties of its requests for information. Any associated correspondence to and from States parties was published on the Committee's website.

11. Previously, the Committee would consider the information given and deem it as either "complete" if all the issues were covered, or "incomplete". The Committee had felt that process to be artificial and decided to begin using certain criteria to categorize the information given as: "largely satisfactory"; "cooperative but incomplete"; "recommendations not implemented"; "receipt acknowledged" where no substantive information was given; and "no response". States parties could meet with the Rapporteur at any stage of follow-up, and he had met with representatives of a number of States parties in that context.

12. The Committee had recently established that the follow-up procedure would end when the State party's next periodic report was due, as any information on the outstanding issues was expected to be submitted in the periodic report.

13. Ms. WEDGWOOD, speaking as Special Rapporteur for Follow-up on the Committee's Views under the First Optional Protocol, said that if a State had signed the First Optional Protocol, any persons believing themselves to be the victim of a violation of a right under the Covenant by the State party could address a communication to the secretariat. A case-file would be compiled and the State party's views solicited. Communications were brought before the Committee after consideration by a pre-sessional working group. They were then discussed and a decision on admissibility and the merits was taken, usually at the same time. If the Committee found that a violation had occurred, it would endeavour to set forth a remedy. The complaints procedure had great value as it allowed the Committee to examine the application of the Covenant on the ground and could draw the attention of States to specific human rights violations. While there were some drawbacks, such as absence of live testimony and the fact that the Committee was not a court, the members believed that there was a duty for States parties to consider the Committee's Views in good faith. She expressed her concern that many States parties were not following up the Views and announced her intention of ensuring follow-up by meeting with representatives of the States parties concerned.

14. There were three main reasons why the Committee's Views were not put into effect. First, federal States often encountered difficulties in handing down decisions taken in the light of the Views to their relevant constituent entities. Second, States could have difficulty in drawing the attention of the person concerned, e.g. a prison warden in a case of ill-treatment to the Views. Lastly, States at times disagreed with the Committee's interpretation of the Covenant. In relation to the latter point, she considered that even if States parties did not agree with every aspect of the Committee's interpretation, they could nevertheless provide the remedy suggested *ex gratia*.

15. The jurisprudence of the treaty bodies was of growing interest to domestic judges all over the world. If the gap between States parties' remedies and the Committee's jurisprudence was too wide, it would be difficult to ensure that international human rights legislation was taken seriously by officials and local administrators in the States parties. A low degree of compliance by States parties with Views could jeopardize the credibility of the process. The Committee could also learn from any objections raised by States parties to its interpretations of the Covenant.

16. Ms. CHANET said that, as the Human Rights Council often examined the concluding observations of the Human Rights Committee as part of the UPR, two members of the Committee had been charged with presenting preliminary ideas on the relationship between the two mechanisms. It was encouraging that the UPR helped to draw greater attention to the concluding observations of the treaty bodies because the Council's deliberations were public and much more widely disseminated than those of the treaty bodies, and the Committee believed that it could benefit from the process. The Council's follow-up procedure was also of interest.

17. Nevertheless, the Committee had a number of concerns about the work done by the Council on the Committee's recommendations: the UPR mechanism enabled States parties to publicly reject the recommendations of the Working Group on the Universal Periodic Review, and thus the Committee's recommendations on implementation of the Covenant. Similarly, the Committee was concerned about how the secretariat was selecting recommendations from treaty bodies for inclusion in the UPR. Lastly, there was a concern that persons outside the United Nations system might confuse the UPR with the recommendations of the treaty bodies.

18. The Committee had developed and was implementing certain recommendations to try to address those issues. The majority involved ensuring that, when treaty bodies made recommendations, they clearly indicated which ones had priority status. The Committee had also requested and used the documents compiled as part of the UPR in the task force, as had the rapporteurs on follow-up. The Committee also wished to continue to discuss the issue with the secretariat and the Chairperson of the Human Rights Council so as to ensure that recommendations made by the treaty bodies were not diluted or ignored by certain States.

19. Ms. MOTOC, underlining the usefulness of meetings between the Committee and States parties, said that she would be in favour of holding them more frequently than every three years. Some of the issues raised at the previous meeting, such as the question of forming a unified treaty body, were no longer relevant to the present discussion, while there were others, such as harmonization of the working methods of the treaty bodies, on which she would be interested to learn the views of States parties.

20. She would also be keen to learn whether, in addition to the proposal to create a focal point within the Committee for NGOs, there was support for the idea of creating a focal point for States parties; some States lacked the legal resources to complete their reports and would appreciate technical assistance in enabling them to do so. It might also be helpful for States to learn more about the information provided to the Committee by NGOs.

21. With regard to the inter-committee working group on harmonization of working methods, it had become clear that all the treaty bodies had quite distinct procedures and therefore it would not be possible to harmonize them completely.

22. Finally, more use should be made of the Internet to disseminate information on the treaty bodies and the UPR in order to dispel confusion and clarify their role and purpose.

23. Mr. MATTEI (France) agreed that it would be helpful to hold meetings between the Committee and States parties more frequently. He wished to ascertain whether the Committee had the practical support it required from OHCHR in order to function effectively in terms of staffing, budget and translation services. His delegation, like others, had become aware of certain problems in the translation of Committee documents.

24. He wished to emphasize the important role of NGOs and national institutions in the work of the Committee and other treaty bodies.

25. France, like many other States, agreed that the treaty bodies' procedures should be harmonized; it would not be easy but it would be very helpful for States that were being reviewed by more than one Committee at the same time. He wished to learn what progress had been made by the inter-committee working group which had been set up to identify best practices and exchange ideas on follow-up to concluding observations. If the various committees were to share information on follow-up, they would not ask States parties the same questions.

26. On the subject of the UPR, as had already been remarked, the processes of the Committee and the UPR were quite separate, although they were complementary and shared the same objective, namely, to promote human rights in the country concerned. The input of the

Committee in compiling the UPR was valued by OHCHR and it was important to note the priority issues identified by the Committee. Each process reinforced the other but the recommendations of the committees should not be questioned in the UPR process. None of the States parties wanted the UPR to weaken the processes of the treaty bodies. The subject merited further consideration.

27. Mr. MIKAYILLNI (Azerbaijan) said that there was a need for a more coordinated approach to the activities of the treaty body system and for standardized reporting, inter alia through the rationalization and streamlining of working methods. He believed that more attention and respect should be paid to the capacities of diplomatic missions if there was to be meaningful and efficient engagement with States parties; smaller missions such as his own found it particularly difficult when faced with the challenge of presenting a large number of reports in the same year. The treaty bodies, including the Human Rights Committee, should also give more attention to providing specific, practical concluding observations that took into account the views expressed by States, not only in their reports but also through their delegations in the interactive dialogue with the Committee; otherwise, there was no point in the delegation making the effort to travel to Geneva or to New York to meet with the Committee.

28. He wished to draw attention to Human Rights Council resolution 9/8, paragraph 3 (n), which emphasized the importance of developing harmonized working methods for the exchange of credible and reliable information between (a) the human rights treaty bodies and (b) NGOs and national human rights institutions in all parts of the world.

29. Mr. JAZAIRY (Algeria), referring to the remarks of Mr. Amor, said that it would be useful to investigate the reasons why so many countries had not submitted their reports on time. If, as the representative of Azerbaijan had suggested, the delays were due to the limited capacity of some missions, it might be appropriate to examine how the task of reporting could be lightened for those countries.

30. He noted the Committee's inherent difficulty in identifying and discussing the human rights problems existing within States parties and agreed with the representative of France and Ms. Motoc that it was helpful to hold meetings between the Committee and States parties where further methodological discussions could take place. It might also be helpful to have a focal point within the Committee to which a State party could refer its concerns.

31. He wished to draw attention to Human Rights Council resolution 9/8, and in particular to the wording of paragraph 3 (g) and (h) and the emphasis on transparency implicit in paragraph 3 as a whole. On the issue of transparency, when the Committee emphasized shortcomings in human rights implementation by States, it would be extremely helpful if some explanation or justification were provided that would enable the State to understand and hence respond to the concerns raised. In addition, when the Committee produced its concluding observations, they were posted on the Internet and any comments sent in response to them by the State party were included in a separately published document. In the interests of transparency and advancing the cause of human rights, it would be helpful if a few lines of comment from the State party could be published with the concluding observations. A similar format was followed in the UPR process and was deemed a useful means of enhancing the accountability of States parties.

32. He advised caution in the matter of establishing links between the UPR and the work of the various committees. The committees should not have a right to censor the UPR process. The subject was complex and required further thought.

33. Mr. RITTER (Liechtenstein) said that he wished to focus on the issue of identifying priorities in the concluding observations. He saw merit in the Committee setting priorities or pointing out which observations it considered to be of primary importance. He supported the idea of setting priorities and thus creating focus in the interactive dialogue, but wondered whether the Committee could indicate what criteria it would apply in setting priorities as the introduction of legislative measures or preventive measures or the requirement to provide further information would need very different timelines.

34. Mr. EKANAYAKE (Sri Lanka) said that the regular meetings between the Committee and States parties provided a very useful opportunity for interaction; he invited the Committee to continue the practice.

35. Reiterating Sri Lanka's strong support for the treaty body system, and recalling Mr. Amor's remarks, he said that his country's sixth periodic report on its implementation of the Covenant was currently being finalized. The report had been pending since November 2007 due to unavoidable circumstances, including a heavy reporting burden. His Government had informed the Committee on 1 July 2009 that some aspects of the report had had to be revised as a result of recent events. His delegation attached great importance to its reporting obligations under the Covenant and looked forward to further constructive engagement with the Committee in the near future.

36. Ms. MORAWIEC-MANSFIELD (United States of America) said that her Government recognized and valued the experience and expertise of the Committee and was strongly supportive of its efforts to improve reporting through dialogue with States parties.

37. To help increase the efficiency and effectiveness of the reporting process, her Government would also support treaty body coordination on reporting cycles for individual States parties through, for example, the creation of a master calendar in order to ensure that all of a given State's reports did not fall due in the same year. That could help to ease what could otherwise be a burdensome process for States faced with producing several reports at one time.

38. In preparing its own treaty reports and presentations, her Government had found exchanges with civil society to be very instructive. It also encouraged dialogue between the Committee and civil society and participation by civil society in the review of States parties' reports. Given the importance attached to the review of States' implementation of the Covenant, her delegation would support enhancing the accessibility of the Committee's work through, for example, webcasting or otherwise by making publicly available the presentations made to the Committee by all States. That would be useful for civil society and States alike, especially in assisting preparations for the UPR session by the relevant State.

39. The work of the Committee was most instructive where it provided specific recommendations to States parties on implementation of the Covenant. She was also keenly aware that the Committee had limited resources and considered it important to prioritize those

tasks of the Committee that were provided for in the Covenant, in particular the consideration of regular reports from States parties and making specific recommendations to individual States as to its implementation. If the Committee decided to spend time on other tasks, such as issuing general comments, she encouraged it to do so through rigorous analysis of the text of the Covenant and its negotiating history.

40. Those concerns had previously been expressed in relation to general comment No. 33 by her own delegation and several others, and she requested that they be taken into account in preparing future general comments. The views of the Committee should be considered with respect by States parties, but she cautioned against their characterization as anything other than recommendations or suggested methods for more robust implementation. She also cautioned against efforts to issue joint general comments with other treaty bodies as that might shift focus and resources from the useful work of providing specific recommendations to States parties and could be confusing for States that were not party to all the treaties in question.

41. Mr. TINJERO (Mexico) said that informal meetings with States parties helped to improve the efficiency of the Committee's work; further improvement might be achieved through implementation of an optional procedure such as that adopted in the Committee against Torture regarding the presentation of periodic reports. His delegation had been one of the first to use the procedure, which consisted in the preparation of a list of questions that were sent to the State party before it submitted its periodic report; the replies to the list were considered to be part of the report. That format was not only helpful to the State in the preparation of its periodic report, which in his delegation's case involved contributions from many areas of government, but it was also helpful to the Committee for the drafting of its recommendations and follow-up to concluding observations. He agreed that it was important to maintain constant communication between the Committee and the State party. A mechanism was needed to facilitate follow-up and implementation.

42. Mr. SIAHAAN (Indonesia) said that he appreciated the opportunity afforded by the meeting for continued dialogue between the Committee and States parties. His delegation attached great importance to the role of the treaty bodies and highly appreciated their work on human rights. He shared the views expressed by the representative of Algeria and others on Human Rights Council resolution 9/8 on effective implementation of international human rights instruments since it was relevant to the present meeting.

43. Concerning the perceived linkage between the treaty bodies and the UPR, he was aware of the need to avoid duplication; the intergovernmental nature of the UPR, which differentiated it from the work of the treaty bodies, should always be kept in mind.

44. Regarding Ms. Chanet's concern that a treaty body recommendation could be undermined during the UPR process by the country under review, since the country might reject it, it should be recalled that countries were not speaking on behalf of the treaty bodies. In addition, the UPR could prove useful in the sense that it might reiterate a recommendation already made by a committee, thereby placing more pressure on the country concerned.

45. Mr. MOUYAL (Denmark), referring to the question of interactive dialogue between treaty bodies and States parties, said that, following agreement with the Committee against Torture and the Subcommittee on Prevention of Torture, successful interactive dialogue had been conducted

with States at the General Assembly in 2008. Interactive dialogue gave States that were not parties to certain international instruments the opportunity for important discussions with the chairpersons of the committees, which could help to pave the way for them to ratify conventions. He asked whether the Chairperson of the Human Rights Committee would support holding interactive dialogue with States either at the General Assembly or within the Committee.

46. It would be useful to learn more about the relationship between the Human Rights Committee and the OHCHR secretariat. He sought an overview of the challenges faced by the Committee in terms of the cooperation and assistance it received from the secretariat in carrying out its tasks.

47. Ms. AL-RIFAIY (Syrian Arab Republic) said that meetings such as the current one were helpful in promoting dialogue between States parties and the Committee; she recommended that the meetings be held on a periodic basis, either once every year or once every six months, in a way that would not place an extra burden on the Committee or States. Her Government attached great importance to the work of the human rights bodies and treaty mechanisms, and exerted its utmost efforts to implement their recommendations and fulfil its obligations under the treaties.

48. She shared the views expressed by the representatives of Algeria, Azerbaijan, Indonesia and others on Human Rights Council resolution 9/8, and also that of Algeria on the need for transparency in providing justification for the recommendations made by the Committee, as that would help States to understand how the Committee had arrived at its decisions on shortcomings and thus help them to promote human rights.

49. Creating interaction between the Committee and the UPR would ultimately lead to confusion and, as Ms. Chanet had pointed out, could undermine the Committee's recommendations. Each mechanism was independent. They followed very different methods and procedures, and could not, therefore, be combined. Furthermore, if there were a risk of duplication, States might cease to cooperate with them due to the excessive workload that would create.

50. Mr. MATSUMOTO (Japan) asked whether the Committee had explored the idea of working in two parallel chambers in order to enhance the effectiveness and efficiency of its work. His delegation was concerned that, given the increase in the number of States parties to the Covenant and the time taken up with the consideration of individual communications, the heavy burden on the Committee might undermine the in-depth review of human rights situations in reporting States. If a two-chamber solution was adopted, the Committee's unified structure and integrity must be preserved.

51. In order to enhance the transparency and credibility of the Committee's work, he proposed that the names of the country rapporteurs and members of the country report task forces should be disclosed only after the concluding observations had been published. In addition, States parties that had specific concerns about the Committee's concluding observations should be given the opportunity to engage directly with the country report task force or the rapporteur.

52. Ms. van der WEYDEN (Sweden) said that her delegation strongly supported the adoption of standardized reporting procedures. With regard to the relationship between the UPR mechanism and treaty bodies, she said that the Committee's recommendations were often

invoked during reviews and had proved a useful tool. States should not use the UPR as justification for failure to meet their obligations to treaty bodies; they should rather take advantage of both mechanisms to advance the implementation of human rights.

53. She asked whether the Committee had been adversely affected by budget constraints and, if so, whether it had explored innovative working methods to address the problem.

54. Mr. VON KAUFMANN (Canada) said that, while his Government supported transparency and welcomed the opportunity for States parties to engage in interactive dialogue with the Committee, it was important to safeguard treaty bodies' independence. They should be provided with sufficient resources to carry out their mandate, and the adoption of strengthened and harmonized working methods would facilitate that task. In that connection, he endorsed proposals to coordinate reporting schedules and webcast Committee meetings. His delegation would welcome greater interaction between treaty bodies and the UPR, inter alia through the involvement of Committee members in the review process.

55. His Government greatly appreciated being notified in advance of requests for interim measures, which helped ensure that information was submitted to the relevant bodies in a timely manner. The Committee's general comments and examples of jurisprudence contained therein were also useful.

56. The role of States parties was, of course, crucial to enhancing the effectiveness of the Committee's work. In that connection, he recalled Human Rights Council resolution 9/8, which urged States to fulfil their reporting obligations and seek technical assistance if necessary.

57. Mr. AKZHIGITOV (Russian Federation), supported by Ms. KOHLI (Switzerland) and Mr. LUVANDA (United Republic of Tanzania), endorsed calls for regular meetings to be held between the Committee and States parties.

58. The UPR and the treaty body system, while complementary, had different mandates and parameters and should be kept separate. The recommendations emanating from the UPR were issued by States, and thus fundamentally different from concluding observations adopted by the independent experts who made up the treaty bodies.

59. Mr. LAST (United Kingdom) said he was pleased to learn that work on revising the Committee's reporting guidelines had commenced already. He asked whether the Committee had given any further thought to the idea of targeted reporting based on the list of issues, rather than on the whole range of Covenant provisions, as a way to alleviate the burden on States parties.

60. His delegation welcomed the appointment in 2002 of a Special Rapporteur for follow-up on concluding observations, and hoped that the new procedures would enhance implementation at the national level.

61. With regard to the interrelationship between the UPR and treaty bodies, he said that the UPR had already produced results in terms of ratification, submission of overdue reports and the implementation of concluding observations. Notwithstanding, Ms. Chanet's concerns in that regard were valid and should be further discussed.

62. His delegation would welcome broader engagement of the Committee with civil society. Experience had shown that, in order to make optimum use of their contributions, civil society organizations must be engaged in a well-structured, predictable process. The Committee against Torture and the Committee on the Rights of the Child offered useful models in that regard. With regard to Ms. Motoc's comments about the availability of NGO information, it was important to bear in mind that some NGOs might risk reprisals; that being so, the information provided to the Committee should not be made publicly available.

63. As to the way in which States parties' responses to the Committee's concluding observations should be reflected, he said that, while he appreciated the opportunity for States to explain their position on each recommendation made in the context of the UPR, it would be inappropriate for States to comment on individual concluding observations adopted by treaty bodies. The Committee's recommendations were a useful basis for ongoing discussion at the national level, and the current format for reflecting comments by the reporting State should be preserved.

64. Mr. ANAEDU (Nigeria), noting the significance accorded by the Committee to the issue of late reporting, agreed with previous speakers that more should be done to identify the reasons. Sometimes simple encouragement might suffice, whereas in other cases measures might need to be taken to increase internal capacities, especially in the event of the accumulation of reporting obligations. Coordination of reporting schedules and standardized reporting procedures were crucial in that regard.

65. Supporting calls for greater transparency in the work of the treaty bodies, he said that the Committee, which encouraged States parties to be more transparent, should itself set an example and give States the opportunity to explain their actions - or inaction - in follow-up to the concluding observations. Rather than undermining the impact of the recommendations, such complementary information would help identify shortcomings and facilitate remedial action.

66. Mr. TIERNEY (Ireland) said that there was great potential for complementarity across the United Nations human rights system. He encouraged Committee members to offer their views on procedures for engagement with the Human Rights Council and on measures to be taken to enhance the overall effectiveness of the system.

67. Ms. AMOAH (Ghana) commended the Committee for its ongoing work to update and improve its working methods and reporting guidelines. Given the large number of overdue reports, efforts must be made to address the underlying reasons, including capacity constraints. She endorsed the proposal to include States parties' follow-up responses in the same document as the concluding observations. In doing so, the Committee would provide a more complete picture of the situation in any given State and enhance constructive dialogue with the State without prejudice to its conclusions.

68. Mr. LUVANDA (United Republic of Tanzania), referring to the consideration of his country's report during the current session (CCPR/C/SR.2628 and 2629), said that the Committee's dissatisfaction with his delegation's firm position on certain issues, which took account of realities on the ground, was regrettable. His delegation had been disappointed to see new NGO shadow reports posted on the Committee's web page halfway through the consideration of the report, which testified to an unfortunate lack of transparency. He urged the

Committee to review its working methods in that regard, taking into account Human Rights Council resolution 9/8. One way to improve the dialogue with States under review might be visits to those States, which would enable Committee members to gain a first-hand impression of the situation there.

69. Mr. JORDAN (Argentina) said that the accumulation of reporting obligations under different human rights instruments could indeed place a considerable burden on States parties. However, States should do their utmost to report on time, bearing in mind that the greatest beneficiary of the process was the reporting State itself.

70. Mr. ANGUI (Chad) commended the Committee for preparing general comment No. 33 and for its work on revising the reporting guidelines.

71. The UPR was an important complement to the work of treaty bodies, since it facilitated dialogue with States that might not be signatories to certain human rights instruments. At the same time, it was important to bear in mind that the two processes were entirely different in nature. In that connection, he concurred with the views expressed by the representative of Algeria.

72. Ms. KOHLI (Switzerland) noted that the Committee's general comments provided useful input for the work of the Human Rights Council. She welcomed the Committee's new approach to follow-up on concluding observations; the use of more nuanced criteria for classifying State party responses was very helpful.

73. Her delegation would object to the inclusion of State party responses in the document containing the Committee's concluding observations as it could weaken follow-up. It would be unwise to apply the same format to the UPR, which was a dialogue between States, and the treaty body process, which involved recommendations by independent experts.

74. Her delegation also opposed disclosing the names of country rapporteurs and members of the country report task forces. The Committee had good reasons for keeping those identities confidential; revealing them would make no practical difference to the reporting process.

75. Mr. HETANANG (Botswana) fully supported the comments made by the representative of Algeria on the issues of reporting obligations and the interrelationship between the UPR and treaty bodies. He also endorsed the comments made by the representative of Liechtenstein about priority-setting. He commended the Committee for its approach to follow-up on concluding observations and requested clarification on the classification of State party responses. Was it true that a State's decision to reject a Committee recommendation would be classified as "uncooperative"?

76. Mr. BLINDU (Romania) welcomed the exchange of views between the Committee and States parties as a step towards greater transparency.

77. The CHAIRPERSON said that the Committee would take account of the comments made by delegations in future discussions on working methods.

78. With regard to the proposal for the Committee to publish States parties' comments together with its concluding observations, he pointed out that those comments were already posted on the Committee's web page in the column entitled "Comments and follow-up responses", alongside the concluding observations.

79. Concerning proposals to enhance the accessibility of the Committee's work, he said that webcasting had been discussed but discarded for the moment due to resource constraints. However, in October 2008 the Committee had adopted a document entitled "A strategic approach to public relations, including relations with the media" (CCPR/C/GC/33), which explored different options for increasing the visibility of its work.

80. Replying to a question about the impact of budgetary constraints on the Committee's work, he said that, while the secretariat was doing its utmost to provide assistance, the frequent unavailability in all working languages of States parties' reports, written replies to lists of issues and individual communications compromised the Committee's work. At the twentieth Meeting of Chairpersons of the Human Rights Treaty Bodies held in June 2009, the chairpersons had also expressed concern that the level of financial and human resources allocated to the processing and translation of treaty body documents since the establishment of the Human Rights Council might have a negative impact on the functioning of the treaty bodies. To some extent, that impact was already noticeable.

81. In response to questions concerning the revised reporting guidelines, he said that work had already commenced and the Committee expected to adopt the revised guidelines shortly.

82. He agreed that the UPR encouraged ratification of human rights instruments, timely submission of reports and proper implementation of concluding observations. The two systems were complementary and mutually reinforcing.

83. The treaty bodies had long been aware of the burden placed on States by the accumulation of reporting obligations. The harmonization and streamlining of reporting processes had therefore been on the agenda of the Inter-Committee Meetings and Meetings of Chairpersons for sometime and remained a priority.

84. Mr. O'FLAHERTY acknowledged the concerns that had been raised about the Committee's concluding observations. While concluding observations were of much higher quality than in the past, there was room for further improvement in terms of tighter focus and better targeting in order to make them more helpful to States parties. There was, however, no element of surprise in the Committee's concluding observations, given that they were always based solely on the dialogue held with the State party. The Committee already included a modest form of prioritization in its concluding observations by indicating that three or four recommendations required a response from the State party within one year.

85. In 2008, he had submitted a report to the Committee on the question of reporting by means of a list of issues format. The report, a publicly-available document, had concluded that while there were advantages to that method of reporting, considerable problems could arise. The matter remained open within the Committee, but the list of issues format was not the obvious solution to the reporting burden it might appear to be.

86. He recalled that general comments, one of the oldest features of the Committee's work, were prepared in order to assist States parties in honouring their reporting obligations. They were integral to all other activities, and a necessary adjunct to implementation of the Covenant for both the Committee and States parties. They provided rigorous legal analysis of the Covenant and included States' views, which were requested at the drafting stage and incorporated into the final version. It was by no means obvious that adopting joint general comments across the treaty body system was a good idea, as every treaty was different. Certainly on matters of substantial law, the idea of a joint general comment required further reflection before it was developed.

87. He agreed that the treaty bodies' activities and the UPR were complementary; a syncretic model that blended the two procedures should be avoided. In his view, the suggestion that treaty body members might take part in the UPR discussions in the Human Rights Council was inappropriate owing to the need to maintain a formal distinction between the two procedures. He did, however, encourage States parties to take advantage of the national reporting machinery that many of them had put in place for the UPR in order to deliver timely reports to the treaty bodies. Likewise, many States had embarked on a process of national consultations in preparation for the submission of UPR reports, a process which could also be used for the purpose of reporting to the treaty bodies.

88. In response to the comments on capacity, the reporting burden, the problem of national and Committee resources, and the problems caused by the diversity of working methods, he recalled that those issues were inherent in the entire treaty body system. States and other stakeholders should bear them in mind when considering ways of strengthening the system and making it more coherent.

89. Sir Nigel RODLEY said that the issue of resources permeated all aspects of the Committee's work, including follow-up. He recalled that a post had been created in OHCHR to assist the Special Rapporteur for follow-up. The functions of that post had since been dissipated and the person currently responsible for follow-up also worked on many other issues. Other colleagues in the secretariat were equally overburdened; if they had more time to focus on concluding observations, they would be able to ensure that the drafts they produced for the Committee reflected the details of the dialogue with States parties in a more nuanced way.

90. The eighth and ninth Inter-Committee Meetings had repeated the recommendation that all treaty bodies should have follow-up procedures, such as a special rapporteur for follow-up. The Human Rights Committee had pioneered that initiative and advocated it for other treaty bodies.

91. The Committee had decided to encourage further development of the practice of follow-up visits, which would enable it to assess more thoroughly the implementation of its recommendations at the national level. Subject to invitations from States parties for such visits and the availability of resources, those visits were on the Committee's agenda.

92. The Committee characterized a State party's rejection of one of its recommendations as "Recommendation(s) not implemented". He drew attention to the document containing the recommendations, entitled "Paper of the Special Rapporteur for Follow-up on Concluding Observations: Strengthening of the follow-up procedure" (CCPR/C/95/3), which could be found on the "Follow-up" section of the Committee's web page on the OHCHR website.

93. He endorsed the Chairperson's comments on the presentation of follow-up responses from States parties to concluding observations on the Committee's web page. Those searching for that information should not use the treaty body database, but go directly to the Committee's web page and select the relevant session. The State report was presented in one column, followed by the list of issues and the written replies. NGO information was presented in another column, followed by the concluding observations, then the State party's follow-up response. Far from being separate, the information was in fact fully integrated. He therefore failed to see how the Committee's activities could be described as not transparent; moreover, it was seeking to encourage similar transparency and parallel activities in other treaty bodies. The Committee would welcome more detailed suggestions in that respect.

94. The CHAIRPERSON noted that harmonization of follow-up procedures was on the agenda of the forthcoming Inter-Committee Meeting to be held in December 2009.

95. Ms. WEDGWOOD voiced her appreciation of States parties' support on the issue of funding. The work of the treaty bodies depended to a significant degree on voluntary contributions. The Committee's work was often restricted by resource limitations; requests for translations, for example, had to be carefully controlled in order to ensure that urgent documents were returned to the Committee in time for experts to vote and make critical decisions.

96. She agreed wholeheartedly with the idea of posting the sound recordings of Committee meetings on the web page, in English, French and Spanish at the least. That initiative could contribute to resolving many problems of governance, given that national institutions such as prisons and the police would begin to take issues more seriously. It would also give many people worldwide the opportunity to listen to the Committee's dialogues with States parties, providing important background information in relation to the concluding observations.

97. Proper access to public meetings at United Nations Headquarters in New York was problematic because the meetings were held in the secure area of the Secretariat building. The Committee was aware of the importance of genuine public access to those meetings.

98. A new rotation policy for United Nations personnel required them to move every two years, which meant that it was difficult to keep experienced staff in the human rights treaty branch of the secretariat. Staff with a comprehensive knowledge of the accumulated history of the Covenant could therefore be obliged to move, even against their will, after only two years.

99. She suggested that the Committee could visit bar associations in order to raise awareness of the Covenant in States parties and encourage them to make use of the communications procedure under the Optional Protocol. In her opinion, that remedy should be used for important cases and crises; if the States that needed the communications capability did not know about it, the Committee's work on communications would be trivialized.

100. She agreed that the OHCHR website was much improved, but some experience was still required to navigate to the desired document. Ideally, search engines should lead directly to the relevant page on the OHCHR website rather than suggesting university websites.

101. The Committee should indeed meet with States parties more often to consolidate the tripartite relations between the secretariat, the Committee and States parties, which would

facilitate the latter's task of implementing the Covenant. She encouraged States parties to use the treaty bodies' reporting requirements to their advantage, strengthening their capacity to collect data and thus evaluate their own situation.

102. Ms. MAJODINA said that while reporting obligations lay squarely with Governments, NGOs were playing an increasing role in the reporting process. It was important that a broad range of civil society actors participated in that process. A more structured relationship between the Committee and NGOs could benefit both parties. It was incumbent on Governments to consult with NGOs in order to ensure that reports reflected the concerns of a broad range of society. The Committee found it very useful to receive NGO information, even at the stage of drafting the list of issues.

103. During the reporting process, NGOs had the opportunity to brief the Committee, either during lunchtime sessions or in special sessions prior to meetings with States parties. She urged Governments not to feel threatened by that process; in her view, the relationship between Governments and NGOs should not be adversarial. The consultation phase during preparation of the State party report should take care of any sensitivities Governments might have concerning information disseminated by NGOs. There were, of course, some issues that Governments would rather not have exposed, but for the most part Governments and NGOs should be allies.

104. At the follow-up stage, the Committee asked States parties a standard question on what steps it took to disseminate the report and the Committee's concluding observations. Most States relied heavily on NGOs to fulfil that role. Many NGOs also monitored the extent to which the Committee's concluding observations were implemented. There was therefore ample scope for a meaningful relationship between the Committee, Governments and NGOs that could advance the cause of NGOs and human rights at the national level.

105. Some NGOs took it upon themselves to conduct human rights training. She urged Governments to take advantage of that commitment by NGOs and to encourage their work, as they were a key element in the promotion and protection of human rights in many countries.

106. Mr. THELIN said that while the proportion of overdue initial and periodic reports was disappointing, it was encouraging that the majority of the States parties represented at the meeting had submitted reports on time. In that regard, it would be useful for the Committee to review its reporting cycle mechanism and possibly limit its requests for reporting to a narrower list of issues. That was a matter the Committee would consider internally.

107. On the question of resources, OHCHR was aware of the need to prioritize. He encouraged States parties to increase their efforts to provide funding, especially for the communications function, as it was depressing for petitioners to have to wait years for the Committee's decisions.

108. Ms. CHANET agreed with many States parties that while the Committee and the Human Rights Council were distinct bodies with different rules of procedure and methods of work, they were complementary. She explained that the Committee identified priorities for each State party in the concluding observations it issued after considering reports. The priorities to which she had referred in her previous statement had been those the Committee indicated for the purposes of the UPR mechanism, given that for some States parties there were questions that were highlighted by more than one treaty body or that recurred over time.

109. As Special Rapporteur for communications, she endorsed Ms. Wedgwood's comments on the need to make the OHCHR website more systematic and user-friendly. Given that the Committee's recommendations on communications were increasingly taken into account by courts at the national and international levels, it was imperative that they should be widely available. She also concurred on the need to retain experienced staff in the treaty branch of the secretariat.

110. Mr. AMOR said that action should be taken to address the issue of overdue reports. Regardless of the challenges, when States parties were willing to submit a report, a solution could always be found.

111. The Committee had considered introducing a targeted reporting system whereby periodic reports would constitute replies to questions the Committee sent to States parties based on its concluding observations. Issues beyond the Committee's control had meant that it had been impossible to introduce the system, but it was hoped that an amended version might be adopted in the future.

112. While the idea of a master calendar would be difficult to implement, it should definitely be considered. Likewise, the notion of joint general comments on specific issues such as reservations was worthy of examination.

113. Ms. MOTOC underlined the importance of the linguistic diversity of the United Nations; despite the pressure on resources, the six official languages should be retained.

114. In order to increase transparency, she supported the suggestion of using the OHCHR website as a forum for dialogue between States parties, NGOs and the Committee.

115. Mr. SALVIOLI said that the Committee engaged in exhaustive dialogue with States parties and always took that dialogue and replies to the list of issues into account when drafting its concluding observations. While transparency was a fundamental issue, providing the names of the country rapporteurs would do nothing to increase the Committee's transparency. Committee members worked together to address all the issues relevant to a State party.

116. The CHAIRPERSON said that the Committee appreciated the efforts States parties had made to share their views on how the Committee could continue to improve its working methods. He pointed out that some of the opinions voiced by members of the Committee were personal and did not necessarily represent the position of the Committee as a whole.

The meeting rose at 6.05 p.m.