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## HUMAN RIGHTS COMMITTEE

Ninety-first session

### SUMMARY RECORD OF THE FIRST PART (PUBLIC)\*

#### OF THE 2482nd MEETING

Held at the Palais Wilson, Geneva, on Monday, 15 October 2007, at 10 a.m.

*Chairperson:* Mr. RIVAS POSADA

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\* No summary record was issued for the second part (closed) of the meeting.

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*The meeting was called to order at 10.10 a.m.*

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

1. The CHAIRMAN declared open the ninety-first session of the Human Rights Committee

STATEMENT BY THE REPRESENTATIVE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

2. Mr. SALAMA (Representative of the United Nations High Commissioner for Human Rights) said he was very happy with the collaboration that his recent appointment to the position of Chief of the Treaties and Council Branch of the Office of the United Nations High Commissioner for Human Rights would allow him to initiate with the Human Rights Committee, which he considered one of the pillars of the United Nations human rights system. He transmitted to Committee members the High Commissioner's wishes for a successful session.
3. Since the Committee's last session, there had been several important developments. On 13 September 2007, the General Assembly had adopted the Declaration on the Rights of Indigenous Peoples, after two decades of negotiation, and this was bound to revive international efforts to respond to the urgent concerns of the world's 370 million indigenous people.
4. The process of putting in place the institutions of the Human Rights Council had made significant progress. Consistent with the mandate by the General Assembly in resolution 60/251 of 50 March 2006, the Human Rights Council had established the universal periodic review mechanism (resolution 5/1 of 18 June 2007 (A/HRC/5/21)). It had defined the basis for the review, its principles and its objectives, its frequency and the order in which it would proceed, the process and procedures under which it would operate, and the contents of the final document from the review and follow-up arrangements. During the first part of its sixth session, from 10 to 28 September 2007, it had adopted general guidelines for the preparation of information under the universal periodic review (decision 6/102 of 27 September 2007). It had also designated the 48 countries that would be covered by the first universal periodic review, recognizing that 192 States would be examined between 2008 and 2011, according to the agreed four-year cycle. The first 16 countries to be examined would be Bahrain, Ecuador, Tunisia, Morocco, Indonesia, Finland, the United Kingdom of Great Britain and Northern Ireland, India, Brazil, the Philippines, Algeria, Poland, the Netherlands, South Africa, the Czech Republic and Argentina.
5. In its resolution 6/17 adopted on 28 September 2007, the Human Rights Council had asked the Secretary-General to establish a universal periodic review Voluntary Trust Fund to facilitate the participation of developing countries, particularly the least developed, in the universal periodic review mechanism, as well as a Voluntary Fund for Financial and Technical Assistance to provide, in conjunction with multilateral funding mechanisms, a source of financial and technical assistance to help countries implement recommendations emanating from the universal periodic review. In decision 6/102 of 27 September 2007, the Council had also adopted technical and objective requirements for eligible candidates for mandate-holders, as well as technical and objective requirements for the submission of candidatures to the Advisory Committee of the Human Rights Council.
6. In the course of establishing the Council's institutions, it would be useful to know the recommendations that Ms. Chanet and Ms. Wedgwood would present to

the Committee at its March 2008 session on institutionalization of the Committee's relations with the Human Rights Council and the procedures and guidelines to be established for reinforcing cooperation with special procedures mandate-holders, in particular for providing effective support to the universal periodic review.

7. The dynamism that the Committee was showing in implementing its mandate should be recognized. The United Nations High Commissioner for Human Rights has welcomed the adoption of General Comment 32 on the right to equality before courts and tribunals and to a fair trial, a document that would be decisive for interpreting and applying domestic legislation and could serve as a benchmark for helping States ensure the sound administration of justice and better protection for human rights. The High Commissioner was awaiting with interest the outcome of the review of the draft General Comment on States parties' obligations under the Optional Protocol to the Covenant, which the Committee would undertake at its March 2008 session. The Committee's innovative approach was also reflected in its work to strengthen follow-up activities for its concluding observations and for the views adopted under the Optional Protocol, as well as in its consideration of means for using the media to publicize its activities and facilitate public access to its work.

8. The Committee's contribution was essential to improving the treaty body system as a whole, hence the interest in its participation in the inter-committee meeting, which would take place twice a year and would be making recommendations on the improvement and harmonization of the working methods of the bodies created under human rights treaties, on the basis of proposals formulated by those bodies. The High Commissioner was planning to convene an organizational session of the inter-committee meeting in the first quarter of 2008 to identify those fields that required harmonization.

9. The High Commissioner had recently sent a note verbale to all permanent missions recommending that States parties comply with the harmonized guidelines for submitting reports to human rights treaty bodies (HRI/GEN/2/Rev.4), in particular the common core document and treaty-specific documents. The Secretariat had undertaken to establish a schedule of information meetings with States parties in order to disseminate these guidelines and clarify certain points relating to their application. In addition, the Office of the United Nations High Commissioner for Human Rights (OHCHR) had provided technical assistance to several States parties for preparation of the common core document. Australia, Timor-Leste and Turkey had already submitted their document.

10. It was interesting to note that, in August 2007, the Committee for the Elimination of Racial Discrimination had adopted revised reporting guidelines, and that the review of guidelines of the Committee for the Elimination of All Forms of Discrimination against Women and the Committee on Economic, Social and Cultural Rights was on track. OHCHR was also pleased with the decision of the Human Rights Committee to entrust Mr. O'Flaherty with the task of reviewing the Committee's reporting guidelines and surveying the problems posed by application of the revised harmonized guidelines, which it saw as a move in the same direction.

11. With respect to essential public information, OHCHR intended to pursue awareness-raising efforts about the treaty bodies as well as assistance to States parties in implementing treaty body recommendations. To this end, workshops were regularly held on the issue of the treaty bodies' work and the different ways in which domestic stakeholders, such as national human rights institutions, non-governmental organizations (NGOs) and the media could contribute to preparing reports and implementing treaty body decisions. As well, OHCHR had recently

organized a workshop in Mauritius with domestic participants on follow-up to the concluding observations of the Committee for the Elimination of All Forms of Discrimination against Women, the Committee on the Rights of the Child, and the Human Rights Committee. Other workshops of this kind were to take place, one in Mexico in late 2007, and others in Georgia and in Morocco in early 2008. OHCHR would also be hosting a workshop in Geneva in November 2007 for 30 participants from Guyana, Indonesia and the Philippines. Regional workshops were being scheduled for 2008, designed to facilitate the adoption of best practices in follow-up to concluding observations. OHCHR would be cooperating with judges and lawyers to assess the extent to which national jurisdictions were taking into consideration the jurisprudence of international bodies

12. OHCHR capacities in the area of technical cooperation would be reinforced, thanks to new technical tools such as DVDs and CD-ROMs, files for the preparation of reports, updated information sheets on treaty bodies, including in electronic format, annotated compilations of concluding observations, as well as other documents that could be consulted online. Corresponding web pages and databases of treaty bodies would also be improved. OHCHR was planning to compile examples of good practices observed in countries with respect to implementing human rights treaties and the recommendations of treaty bodies as guidance to States parties and partners of the United Nations. A webpage currently in preparation would provide information on all follow-up activities of OHCHR and of each treaty body, including best practices identified. The objective of all initiatives was to reinforce the impact of the Committee's work, respond to public expectations, and enhance the protection of human rights at the national level.

13. The work programme awaiting the Committee was heavy: in addition to the five scheduled country reports (Georgia, Libya, Austria, Costa Rica and Algeria), it would have to examine a great many communications, pursue thinking about its working methods and examine reports of the Special Rapporteur for follow-up on views and the Special Rapporteur for follow-up on concluding observations. OHCHR would provide the Committee with any assistance it might need to carry out its mandate.

14. The CHAIRMAN congratulated Mr. Salama on appointment to his new functions and said he was certain that the collaboration would be fruitful. He was pleased to note the renewed commitment of OHCHR to close collaboration with the treaty bodies in order to improve their working methods, an area in which the Committee was striving to make progress.

15. Mr. O'FLAHERTY welcomed the initiatives taken by OHCHR to assist States parties in implementing the Committee's concluding observations and to encourage them to share best practices in this area. He wondered how these projects would be implemented and whether the Committee would have a role in their supervision.

16. Mr. SANCHEZ CERRO thought it would be useful to invite law faculties to the workshops on international human rights instruments. If domestic courts were invoking these treaties only infrequently, it was because they did not have a thorough knowledge of them. It was essential to strengthen training in international law for judicial personnel, especially in countries with a dualist system. OHCHR could play an important role in centralizing training and ensuring coordination with universities, by appealing to national NGOs.

17. Mr. IWASAWA noted that the technical tools prepared by OHCHR, in particular DVDs on treaty bodies, were extremely useful for students. The database, on the other hand, was hard to use and should be improved.

18. Sir Nigel RODLEY said that among questions raised by Mr. Salama, the strengthening of the Human Rights Council and its impact on the work of treaty bodies seemed to him particularly important. Without prejudice to the results of the mission of Ms. Chanet and Ms. Wedgwood, it would be useful to hold an informal information session for members interested in that subject. A kit containing the pertinent documents would also be useful.

19. Ms. CHANET assured Committee members that, as part of the mission she shared with Ms. Wedgwood, she would be communicating all the useful documents from the Human Rights Council and would continue to monitor closely the work of that body and its working groups.

20. Mr. JOHNSON LOPEZ wanted to know more precisely the High Commissioner's opinion on the Committee's proposals to institutionalize its relations with the Human Rights Council and to reinforce cooperation, particularly in light of implementation of the universal periodic review mechanism.

21. Mr. SALAMA (Representative of the United Nations High Commissioner for Human Rights) welcomed the initiative to make two members responsible for the Committee's relations with the Human Rights Council. This was an essential question and Sir Nigel's proposal to work more closely in an informal framework was also welcome. While there was no need to fear overlap between the work of the treaty bodies and the universal periodic review mechanism, it would be important to avoid contradictions and not to revisit questions already settled by those bodies; otherwise the risk of weakening could not be excluded. Treaty bodies were certainly sovereign in their mandate, but Member States were even more so.

22. With respect to domestic application of international human rights treaties and sharing good practices, the suggestion of Mr. Sanchez Cerro to step up collaboration with universities was a good one. It was true that the tendency in this area was to consider the judiciary and NGOs as the main players concerned, whereas the universities also had an essential role to play even if it were for the longer term. Closer cooperation would be particularly fruitful because many members of treaty bodies were also eminent academics.

23. The CHAIRMAN thanked Mr. Salama for his interest in these questions, which were of such importance to the Committee. He invited members to adopt the agenda for the session.

ADOPTION OF THE AGENDA (item 2 of the provisional agenda) (CCPR/C/91/1)

24. *The agenda was adopted.*

ORGANIZATIONAL AND OTHER QUESTIONS (agenda item 3)

25. Mr. PALM (Chairman-Rapporteur of the working group on communications) reminded the Committee that the members of the working group were Ms. Motoc, Ms. Majodina, Mr. Bhagwati, Mr. Glèlè-Ahanhanzo, Mr. Johnson Lopez, Mr. Kälin, Mr. Khalil, Mr. Shearer, Mr. Rivas Posada, and herself. The working group was considering 24 draft decisions or recommendations. Four of them had not yet been examined because translation was not available. Seven communications had been deemed inadmissible but three of these were to be re-examined by the plenary Committee, in light of the questions of principle that they raised. The working group was also submitting for the Committee's examination 14 draft views, 2 of which contained several options.

26. Mr. GILLIBERT (Secretary) advised the Committee that written responses of States parties whose periodic reports were to be considered in the present session had been grouped into a special file. Those from Austria had been received in time to be sent for translation but the others had arrived too late.

27. The CHAIRMAN indicated that the Committee would meet with NGO representatives in a closed session.

*The first part (public) of the meeting rose at 11.05 a.m.*