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HUMAN RIGHTS COMMITTEE

Seventy-sixth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)\* OF THE 2068th MEETING

Held at the Palais Wilson, Geneva,  
on Thursday, 31 October 2002, at 3 p.m.

Chairperson: Mr. BHAGWATI

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\* The summary record of the second part (closed) of the meeting appears as document CCPR/C/SR.2068/Add.1.

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

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

Update on the publication of the Festschrift

1. The CHAIRPERSON invited Mr. Ando, the coordinator of the publication, to brief Committee members on the progress made in publishing the twenty-fifth anniversary “Festschrift”.
2. Mr. ANDO said that there had so far been nine contributions in English, four in French and three in Spanish. It had been very difficult to find a publisher willing to publish a single volume in the three languages, as that would drive up the cost of publication and seriously restrict the number of potential buyers. He therefore asked all members of the Committee to make every effort to encourage institutions such as libraries to subscribe to the publication. The expected date of publication was sometime in 2003.
3. The CHAIRPERSON said that so far, some 10 to 15 institutions had expressed an interest in the book in his country. He called upon Committee members to promote the sale of the publication to such institutions both in their own countries and in other countries where they had influence.
4. Ms. CHANET, noting the understandable need to promote the book before publication, said that Committee members should be provided with a description of its contents.
5. The CHAIRPERSON asked the secretariat to circulate the names of the authors and the titles of their articles.

Consultation with the International Law Commission concerning reservations

6. The CHAIRPERSON said the Bureau had agreed that those members of the Committee who had originally taken part in the drafting of General Comment No. 24 on reservations and who were still serving on the Committee, i.e., Mr. Ando, Ms. Chanet and Mr. Lallah, should be designated to participate in the consultation with the International Law Commission (ILC) on the latter’s draft report on reservations to multilateral treaties, scheduled for the summer of 2003.
7. Mr. SCHEININ said that while he supported the composition of the group, he took issue with the reasoning behind its members’ selection. The Committee had taken up the question of reservations on numerous occasions since the adoption of the General Comment. The members taking part in the consultation should represent the views of the current Committee, not the views of the past membership.
8. The CHAIRPERSON pointed out that participation was open to any member of the Committee.
9. Mr. SHEARER asked what form the consultations were likely to take.

10. Mr. SCHMIDT (Secretary of the Committee) said that the exact form and venue of the consultation had not yet been decided. It was likely that the ILC would hold consultations with all the treaty bodies during its next session in 2003. Since the ILC held a two-segment session, with one part in May and the other in July and August, the consultations between the Human Rights Committee and the ILC would no doubt be organized in July 2003, during the Committee's session. He assumed that in May 2003 the ILC secretariat would make available in the working languages a copy of the draft report on reservations to multilateral treaties, for which Mr. Alain Pellet was Special Rapporteur. It would be circulated to the Committee members who wished to take part in the consultation.

11. Sir Nigel RODLEY suggested that the text should be made available to all members. They could then send their comments to the members of the group designated to take part in the consultations. The fact that the Committee could interact directly with the ILC was of great importance.

12. Mr. LALLAH noted that some two years previously Mr. Pellet had sent the Committee a communication, and that the Committee had responded to it. It would be useful if those documents could be included as part of the documentation relating to reservations.

Recommendations of the Quito Workshop on the concluding observations of the Human Rights Committee

13. The CHAIRPERSON said Mr. Solari Yrigoyen had proposed that the Committee should devote due attention to the recommendations of the Quito Workshop on the Committee's concluding observations, taking the view that it had at least a moral obligation to consider those recommendations, which had been distributed to Committee members. The recommendations could be discussed at the Committee's March 2003 session. The workshop had been the first of its kind held in the Latin American region for the purpose of discussing methodology.

14. Mr. SCHEININ said that, with all due respect for the importance of the recommendations, there was no need to include their discussion on the agenda. The recommendations had already been read and taken into consideration by members. The Committee could simply refer to the Workshop's conclusions when discussing the follow-up to its concluding observations.

Length of reports submitted under article 40 of the Covenant

15. The CHAIRPERSON said that the members of the Bureau had expressed divergent views concerning the length of reports. It was felt that a small task force should be established to draw up possible options for dealing with the issue. One of the options favoured by the Bureau was to allow States parties a far higher degree of cross-referencing, thus permitting them to incorporate relevant passages from reports submitted to the other treaty bodies.

16. Sir Nigel RODLEY considered that it was premature to draw up a concrete policy. He was aware of attempts to harmonize the reporting procedures of all the treaty bodies, including a proposal that the main document would be the country's core document, which would be updated as needed.

17. Mr. YALDEN said it was not clear how the Committee would reduce the length of the reports by permitting references to the ones that had previously been submitted to the other treaty bodies. That practice would either complicate the reading of the reports by forcing Committee members to forage through more documentation, or it would result in vast excerpts being integrated into the reports to the Committee, which would not shorten the final product.

18. Restraint on the part of the authors and careful editing were the only ways of reducing the length of the reports. Clearly, something must be done or the financial burden of translation and production would soon threaten the whole reporting process.

19. The CHAIRPERSON asked the Secretary to inform the Committee of the average length of reports submitted in the past year.

20. Mr. SCHMIDT (Secretary of the Committee) said that the average number of pages in the reports received in the past three months was 167 pages.

21. Mr. AMOR said that States parties should be free to report as they wished on articles 1 to 27 of the Covenant. In that respect, it was not in the Committee's interest to set specific limits on the length of the reports. On the other hand, the Committee could recommend to States to refrain from submitting reports that were particularly long, so as to enable the reports to be ready for examination within reasonable time.

22. Mr. SCHEININ proposed that the question of the length of reports should be discussed only in the framework of the Secretary-General's report on the subject and the recommendations of the United Nations High Commissioner for Human Rights on the streamlining of the reporting procedure. If the Committee so desired, it could establish a task force to consider the question. At the current stage, it was not advisable to debate it in plenary meeting.

23. Mr. KRETZMER supported the proposal by Mr. Scheinin.

24. The CHAIRPERSON said that, for the time being, he took it the Committee agreed that the subject should be left in abeyance.

Reports to be considered by the Country Report Task Forces (CRTFs) during the March 2003 session

25. The CHAIRPERSON said the Bureau had agreed that at the seventy-seventh session the Committee should adopt lists of issues for the reports of Slovakia, the Russian Federation, Portugal and El Salvador, and take up the situation of civil and political rights in Equatorial Guinea, a non-reporting State. He took it the Committee approved the decision by the Bureau.

Other Bureau decisions

26. The CHAIRPERSON said that the Bureau had decided to establish a small working group composed of Mr. Solari Yrigoyen, Mr. Amor and himself to discuss possible options and solutions relating to the Secretary-General's proposals on reporting. It would meet at the

same time as the pre-sessional Working Group at the seventy-seventh session, and hoped that the United Nations High Commissioner for Human Rights would be able to participate. The secretariat would endeavour to provide a succinct option paper in time for the seventy-seventh session.

27. The report of the Secretary-General would contain a proposal for the streamlining of the reporting procedure. It was necessary to discuss the matter with the Secretary-General through the High Commissioner, and the Bureau had decided that it would be appropriate to establish the working group for the purpose of carrying on the dialogue. He took it that the Committee approved the Bureau's decision.

#### Additional week for discussion of communications after the seventy-eighth session

28. The CHAIRPERSON said that the Bureau had decided that an additional week of Committee meetings should perhaps be scheduled for the discussion of communications after the seventy-eighth session, to be held in July 2003. He noted that, owing to budgetary considerations, the funding for such meetings was available only if they were held in 2003. In March 2003, the status of drafts would be reviewed with a view to determining whether a sufficient number would be available for an extra week of work in July-August 2003. He took it that the Committee agreed to the proposal by the Bureau.

#### Deadlines for submission of reports

29. The CHAIRPERSON said the Bureau had decided that the deadlines for the submission of reports should be 1 November 2004 for Egypt and Togo, and that the deadline for Suriname should be 1 March 2003, as the Committee had agreed to the delegation's request for six months to prepare its report.

30. Mr. ANDO asked whether the report from Suriname would be translated and ready for consideration by July-August 2003 if it was received by 1 March 2003.

31. Mr. SCHMIDT (Secretary of the Committee) said that would depend on the length of the report.

32. Mr. KLEIN said that he doubted that the report would be ready for the July-August session, as a CRTF would have to be set up and a new list of issues drafted and sent to the State party.

#### Draft general comment on article 2

33. The CHAIRPERSON said that the Bureau had discussed whether the draft general comment on article 2 should be circulated after its first reading to States parties, to international NGOs or only to the other treaty bodies. It had determined that it would be most advisable to circulate it only to the treaty bodies, while making it available upon request to NGOs, intergovernmental organizations and States parties.

34. Mr. ANDO asked how NGOs, intergovernmental organizations and States parties would know of the draft's existence so that they could request a copy.

35. Sir Nigel RODLEY said that the Committee should take the initiative of inviting other treaty bodies to respond, as its draft could have a direct impact on their work. As to the rest, the entire process was in the public domain. If anyone wished to be apprised of the status of the draft, the information was readily available.

36. Mr. SCHMIDT (Secretary of the Committee) reassured the Committee that the secretariat regularly received a large number of requests from NGOs, intergovernmental organizations and States parties about the current status of the draft general comment on article 2, which was a part of the Committee's agenda. The Committee could be reasonably sure that interested parties would request a copy once the first reading was completed.

#### Integration of new members into the CRTFs

37. The CHAIRPERSON said the Bureau had suggested that new members should be integrated into the CRTFs. In that connection, it had proposed that Mr. Castellero Hoyos should be asked to take part in the CRTF for El Salvador.

38. Mr. ANDO said that the new members should be integrated only after they made the solemn declaration.

The public part of the meeting was suspended at 3.55 p.m. and resumed at 5.50 p.m.

#### CLOSURE OF THE SESSION

39. The CHAIRPERSON expressed his gratitude for the cooperation and support provided by the Committee during his mandate. Perhaps, at times, he had taxed the patience of members by allowing discussions to continue unduly, but it was only because he respected the views of his colleagues and had wished to give them the opportunity to express themselves freely.

40. Four members of the Committee would be leaving at the end of the session; they had been a source of great strength to the Committee. On behalf of the Committee, he extended his heartfelt thanks to the outgoing members and wished them every success in the future. Mr. de Zayas would also be leaving the secretariat. He expressed thanks to him, the Secretary of the Committee and the other members of the secretariat for their skill and dedication.

41. Mr. KRETZMER, supported by Mr. HENKIN, paid tribute to the other members of the Committee and members of the secretariat for their support. Even though the members of the Committee had sometimes been involved in heated debates, it was clear that all had been acting in good faith and with the best intentions. He would continue to follow the work of the Committee.

42. Mr. KLEIN also thanked the other members of the Committee and the secretariat for their support. He urged the remaining members of the Committee to keep up the high standards of human rights protection he had experienced during his mandate.

43. Ms. MEDINA QUIROGA said she had learned a great deal during her mandate and extended her thanks to the Chairperson for his tireless work. She had never failed to be impressed by the Committee's capacity to instigate change. She urged it to keep women at the forefront of its activities.
44. Mr. de ZAYAS (Petitions Team) thanked the members of the Committee for their kind words.
45. The CHAIRPERSON declared the session closed.

The meeting rose at 6.05 p.m.