



International Covenant on Civil and Political Rights

Distr.: General
7 October 2008
English
Original: French

HUMAN RIGHTS COMMITTEE

Ninety-third session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 2565th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 23 July 2008, at 3 p.m.

Chairperson: Mr. RIVAS POSADA

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* The summary record of the second part (closed) of the meeting appears as document
CCPR/C/SR.2565/Add.1.

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The meeting was called to order at 3.05 p.m.

FOLLOW-UP TO CONCLUDING OBSERVATIONS ON STATE REPORTS AND
TO VIEWS UNDER THE OPTIONAL PROTOCOL (agenda item 7) (*continued*)

Report of the Special Rapporteur for Follow-up on Views (CCPR/C/93/R.5)

1. The CHAIRPERSON invited Mr. Shearer to reply to the views expressed by members of the Committee at the previous meeting.

2. Mr. SHEARER (Special Rapporteur for Follow-up on Views), reverting to the case of *N.T. vs. Canada*, said that in his view the State party had not made any observations on the substance, because it had hoped that the Committee would declare the communication inadmissible and that, he believed, confirmed that it would be pointless to continue the dialogue with the State party.

3. Ms. PALM said that the decision proposed by the Special Rapporteur did not demonstrate that the State party had refused to cooperate with the Committee. She therefore proposed that it should express regret that the State party had not given its views on the substance of the case, even though it had been given an opportunity to do so after the observations of the author of the communication had been sent to it on 10 December 2003.

4. Mr. SHEARER (Special Rapporteur for Follow-up on Views), replying to Mr. O'Flaherty's comments on the *Haraldsson vs. Iceland* case, said that the Committee could, as requested by the State party, make it clear that it did not expect the State party to undertake a radical reform of its fisheries management system but merely to reconsider it in good faith, as seemed to have been the case. On the question of compensation, Mr. O'Flaherty had suggested that there should be a detailed discussion of the adequacy of the compensation measures recommended by the Committee, and that the Rapporteur or the secretariat should prepare a document to serve as a basis for that discussion. A summary table showing the various compensation measures that might be taken would be submitted shortly. Concerning the *Simpson vs. Jamaica* case, a reminder would be sent to the State party without delay, as suggested by Ms. Chanet.

5. *The interim report on follow-up to views (CCPR/C/93/R.5), as amended, was adopted.*

ADOPTION OF THE ANNUAL REPORT TO THE GENERAL ASSEMBLY
(agenda item 10)

Draft annual report of the Human Rights Committee (CCPR/C/93/CRP.1 and Add.1-7; CCPR/C/93/CRP.2 and Add.1-3)

6. The CHAIRPERSON invited the Rapporteur to introduce the Committee's draft annual report before the Committee proceeded to consider it chapter by chapter.

7. Mr. AMOR (Rapporteur) said he understood the constraints faced by the secretariat, but it was nevertheless regrettable that it had been possible to submit the draft report to members of the Committee only the day before its consideration. Efforts would have to be made to prevent that situation from recurring in the future. Since the Committee had not adopted new instructions on the form and contents of its annual report, the draft under consideration had been modelled on previous reports. He recalled that he had repeatedly pointed out that there was no need for

certain historical references and the large number of repetitions from one report to another, but he had not wished to take it upon himself to change the usual practice without a decision by the Committee. To avoid always going over the same ground, it would be a good idea to establish as a guideline for the preparation of future Committee reports the principle that, except where references to earlier facts were necessary for the reader's understanding, the report should be confined to new facts arising during the year to which they related.

8. The CHAIRPERSON invited members of the Committee to consider the draft report chapter by chapter.

Table of contents and summary (CCPR/C/93/CRP.1)

9. *The table of contents and summary were adopted.*

Chapter I. Jurisdiction and activities (CCPR/C/93/CRP1/Add.1)

10. Mr. SÁNCHEZ-CERRO noted that the meeting in which Ms. Motoc, Ms. Majodina and he himself had taken part in June 2007 with members of all the other treaty bodies and representatives of national institutions was not mentioned and should therefore be added.

11. Mr. O'FLAHERTY said that paragraph 22 needed updating, because the Committee had concluded its discussion on the document relating to the implementation of unified guidelines for the preparation of reports and had decided to proceed to the revision of its own guidelines. He himself had completed the working document which he had been asked to draw up and the Committee had considered it.

12. Mr. AMOR (Rapporteur) replied that the document had indeed been before the Committee, but it had not yet taken any decision on the matter, and it was for that reason that the discussion was considered to be ongoing.

13. Ms. CHANET said that the information contained in paragraph 23 was out of date because the inter-committee meeting of 2008, which was referred to as a future event, had taken place and nothing was said about the proceedings there.

14. Mr. AMOR said that the paragraph would be expanded to take account of Ms. Chanet's comment.

15. Mr. O'FLAHERTY asked whether a brief description of the discussions that had taken place at the inter-committee meeting and the twentieth meeting of Chairpersons of treaty bodies was to be inserted in paragraph 25. At the inter-committee meeting, important harmonization measures had been taken and had received the Committee's approval. The whole of section F appeared to be concerned with the unification of treaty bodies, although that issue was in the past. Reacting to reform proposals was no longer the issue: the Committee had embarked upon a process of harmonization, in cooperation with the other bodies. A paragraph should therefore be devoted to the proposals made to that end in the previous year.

16. Mr. AMOR (Rapporteur) said he had no objection to stating that the inter-committee meeting had started a process of harmonization of methods of work, but considered it too early to draw any promising conclusions from that fact.

17. The CHAIRPERSON wondered whether it would not be useful to state that the inter-committee meeting would henceforth be held twice a year. That was an important decision which would considerably change the meeting's working tempo.

18. Mr. AMOR (Rapporteur) agreed with that proposal, provided the emphasis was placed on the fact that the Committee expected the inter-committee meeting to encourage the harmonization of working methods. The additional meetings should be devoted to that issue.

19. Mr. LALLAH proposed that a new section entitled "Harmonization of the methods of work of treaty bodies" should be inserted, for example before paragraph 20.

20. Sir Nigel RODLEY noted that paragraph 28 contained nothing new and it might perhaps not be useful to keep it in the report.

21. Mr. AMOR (Rapporteur) said that, although there were no new facts, it could nevertheless be stated that the Committee continued to follow the question of reserves closely.

22. Mr. O'FLAHERTY, referring to paragraph 35, said that in his statement at the opening meeting of the current session, the Acting High Commissioner had mentioned measures aimed at making the work of the treaty bodies better known at the national level and for the allocation of resources. It would be right to report that, if only so as to be able to remind the High Commissioner later of commitments made.

23. Mr. AMOR (Rapporteur) agreed with Mr. O'Flaherty's proposal and said that it would be included.

24. *Chapter I, as amended, was adopted.*

Chapter II. Methods of work (CCPR/C/93/CRP.1/Add.2)

25. Mr. O'FLAHERTY proposed that from 2009 the chapter should be organized thematically, instead of combining a thematic approach and a chronological one as was currently the case.

26. The CHAIRPERSON said that the need not to go beyond the past year had indeed been repeatedly mentioned. There was little point in referring to decisions going back several years.

27. Mr. AMOR (Rapporteur) fully endorsed that view. He regretted that the proposal had not been made earlier and greatly hoped that it would be accepted.

28. Ms. CHANET quoted the examples of Rwanda and Grenada, which were mentioned although nothing new about them had been reported since 2007. That complicated the reading of the report and certainly deterred outside persons.

29. Sir Nigel RODLEY explained that the secretariat was in the habit of recalling the historical facts for States parties that had not submitted their reports because that was the only way of following the procedure for examining the situation of countries in the absence of a report. Mention should be made in the chapter that there had been no consideration in the absence of a report for the three sessions covered by the annual report. It was regrettable that that procedure was abandoned as soon as a number of reports were waiting to be considered, while some countries were in considerable arrears.

30. Ms. WEDGWOOD said that two lists should be drawn up and countries that submitted their reports monitored in parallel with those that did not, considering the situation of five or six countries each year in the absence of a report. The Covenant became a dead letter when a country had not submitted a report for 30 years, as was the case for Somalia.

31. Ms. CHANET said that it should be made clear in paragraph 11 that the second report of San Marino had been not only submitted but also considered in 2008.

32. Mr. LALLAH pointed out that section D, on cooperation with other United Nations bodies, dealt only with appointments, giving the impression that nothing had been done in that area.

33. Mr. AMOR (Rapporteur) took note of the comments made. Care should indeed be taken to ensure that the procedure for considering the situation in countries in the absence of a report was not lost. There were, however, 19 reports of States parties currently waiting to be considered. The Committee should perhaps state that it needed additional time to consider those reports and should seek ways of absorbing the backlog. In addition, it should be mentioned in the chapter that Papua New Guinea had just ratified the Covenant, bring the number of State parties to 162.

34. *Chapter II, as amended, was adopted.*

Chapter III. Submission of reports (CCPR/C/93/CRP.1/Add.3)

35. *Chapter III was adopted.*

Chapter IV. Consideration of reports (CCPR/C/93/CRP.1/Add.4)

36. *Chapter IV was adopted.*

Chapter V. Consideration of communications under the Optional Protocol
(CCPR/C/93/CRP.1/Add.5)

37. Mr. IWASAWA said that the table in paragraph 12 showing the consideration of communications over the years was very useful and wondered whether it might be possible to add cases registered and in abeyance since January 2008.

38. Ms. CHANET said that paragraph 14 should state that she had replaced Mr. Kälin as Special Rapporteur on New Communications.

39. Ms. WEDGWOOD proposed that there should be a list in paragraph 20 of websites where the Committee's jurisprudence could also be consulted. Those sources were probably increasingly useful.

40. Sir Nigel RODLEY said that a list of other sources would be especially useful as it was virtually impossible to consult the Committee's decisions on the website of the Office of the United Nations High Commissioner for Human Rights, which was not easy to use. Something must definitely be done, because that situation was also harming the Committee's image.

41. Mr. O'FLAHERTY recalled that an official of the Office of the High Commissioner had told the Committee the previous year that the difficulties were technical and would be resolved speedily. Currently, however, the problem remained unaltered, and the Committee merely repeated its complaint. To break the deadlock, the Chairperson should perhaps send a letter to the person responsible for the treaty bodies database on the website of the Office of the High Commissioner.

42. The CHAIRPERSON said he was prepared to draft a note in which the Committee would say that it was relying on the competence and diligence of the relevant services to remedy the situation as soon as possible.

43. Mr. LALLAH suggested, in the light of what had been said, that it should be stated in paragraph 19 that, in view of the poor functioning of the website of the Office of the High Commissioner, the texts of the Committee's findings and decisions could be consulted on some other site, the address of which would be given.

44. Ms. WEDGWOOD suggested that before the end of the current session the Chairperson, accompanied by one or two members, should instead establish direct contact with the person responsible for the matter within the Office of the High Commissioner.

45. The CHAIRPERSON said that that possibility would also be considered.

46. Mr. AMOR (Rapporteur) said that the most recent volumes of selected decisions by the Committee under the Optional Protocol were available only in English. The need to publish them in the official languages of the United Nations should be made clear and emphasized.

47. *Chapter V was adopted, subject to the necessary amendments.*

Chapter VI. Follow-up to views under the Optional Protocol
(CCPR/C/93/CRP.1/Add.6)

48. *Chapter VI was adopted.*

Chapter VII. Follow-up to concluding observations (CCPR/C/93/CRP.1/Add.7)

49. Sir Nigel RODLEY, supported by Mr. LALLAH, proposed the addition in Chapter VII of the paragraph that was to reflect the Committee's recent decision to report the absence of cooperation of certain States parties with respect to part IV of the Covenant, in which it would be stated that the new procedure had been applied to the Gambia and Equatorial Guinea. The paragraph would also reflect the Committee's decision to adopt no further follow-up measures after the date on which the State party's next country report was to be submitted, except the sending of a reminder to the State party.

50. *Chapter VII was adopted, subject to the necessary amendments.*

Annexes I to IV (CCPR/C/93/CRP.2 and CCPR/C/93/CRP.2/Add.1-3)

51. *Annexes I to IV were adopted.*

52. Mr. AMOR (Rapporteur) thanked the secretariat for its assistance in preparing the draft annual report, and also thanked all members of the Committee, whose discussions led to two conclusions. The first was that the next annual report must break with the tradition of presenting a historical review of the situation. The report should confine itself to setting out the Committee's work for the year under consideration, on the understanding that it sometimes had to be put in context for reasons of clarity. The second conclusion was that the Rapporteur must have the text of the draft annual report sufficiently in advance to enable him to consider it and then make suggestions in plenary meetings. During the two years in which he had been Rapporteur he had felt frustrated that he could not avoid repetitions and eliminate the unnecessary parts of the draft report through lack of time. A particular

effort should be made in that respect, and if the Committee so wished he was prepared to draw up a very succinct document on means of improving the formulation, preparation and consideration of the draft report.

53. The CHAIRPERSON thanked Mr. Amor for his proposal, which would enable the Committee to have a written base for determining the general characteristics which its annual reports to the General Assembly should have. Mr. Amor might perhaps prepare a short document to that effect before the next session.

54. *The Committee's draft annual report as a whole (CCPR/C/93/CRP.1 and Add.1-7; CCPR/C/93/CRP.2 and Add.1-3), as orally amended, was adopted, subject to the drafting amendments to be made by the secretariat.*

The first part (public) of the meeting rose at 4.30 p.m.