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Summary record of the first part (public)* of the 2752nd meeting
Held at the Palais Wilson, Geneva, on Friday, 15 October 2010, at 3 p.m.

Chairperson: Mr. Iwasawa

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* The summary record of the second part (closed) of the meeting appears as document CCPR/C/SR.2752/Add.1.

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

Tribute to the memory of Louis Henkin, former member of the Committee

1. **Sir Nigel Rodley**, **Ms. Chanet** and **Mr. Amor** paid tribute to the memory of Louis Henkin.

2. *At the invitation of the Chairperson, the members of the Committee observed a minute of silence.*

Organizational and other matters

International Law Commission guidelines on reservations to treaties (A/65/10; A/CN.4/L.760/Add.3; A/CN.4/L.764/Add.9)

3. **The Chairperson** recalled that, after the Committee's discussion in July on the International Law Commission (ILC) guidelines on reservations to treaties, he had written to the ILC expressing the Committee's concerns about guideline 3.2.2, which the ILC had adopted in 2009. He had also expressed the hope that the ILC Drafting Committee would take into account the recommendation on the effects of invalid reservations which had been made by the Working Group on Reservations and endorsed by the Meeting of Chairpersons, as indeed the ILC Special Rapporteur had done in drafting the relevant guideline.

4. The ILC Chairman had replied on 5 August 2010, acknowledging those concerns and indicating that they would be taken into consideration when the Commission reviewed the Guide to Practice in 2011. The ILC had discussed the effects of invalid reservations at length, with some members disagreeing with the positive presumption proposed by Mr. Alain Pellet, the Special Rapporteur. However, consensus had been reached in favour of the positive presumption and guideline 4.5.2 [4.5.3], among others, had been adopted in July 2010 (A/CN.4/L.760/Add.3). Nonetheless, the Working Group's recommendation included stronger wording on the positive presumption in the phrase "unless contrary intention is incontrovertibly established". Drawing the Committee's attention to the commentary on that guideline (A/CN.4/L.764/Add.9), he asked whether members had any concerns about the guideline and if so, how they wished to express them.

5. **Ms. Motoc** said that she remained concerned that in guideline 3.2.2, the status of the author of the invalid reservation in relation to the treaty was not in conformity with the Committee's general comment No. 24 on issues relating to reservations made upon ratification or accession to the Covenant or the Optional Protocols thereto, or in relation to declarations under article 41 of the Covenant. That general comment made it clear that the Committee was the competent body to assess the permissibility of reservations. That practice had subsequently been followed by other treaty bodies, and she urged the ILC to maintain it.

6. **Sir Nigel Rodley** said that, while it was regrettable that guideline 4.5.2 [4.5.3] did not contain the word "incontrovertibly", it nonetheless provided an acceptance in principle of severability. Therefore a State that had entered an invalid reservation was a party to the treaty without the benefit of the reservation. Moreover, that would be true for all treaties, which went beyond the Committee's position, which had been to apply a general principle to human rights treaties. Under the guideline in its current form, the entire burden had been shifted to the State, which would have to say that it did not consider itself a party to the treaty without benefit of the reservation, which was unlikely to occur. In his opinion, there was little value in insisting on inclusion of the word "incontrovertibly".

7. The notion in guideline 3.3.3 [3.3.4] that a State could make a reservation that was intrinsically invalid, but that became valid by virtue of the absence of objection, created a

significant problem. The Committee should definitely maintain its misgivings about that guideline. Moreover, individual Committee members should remain alert to new reservations to the Covenant that might fall into the category described in the guideline. Members should then decide what attempts they might make to encourage States parties to register appropriate objections.

8. **The Chairperson** agreed that, in guideline 4.5.2 [4.5.3], the ILC had adopted a position that was close to that taken by the human rights treaty bodies, despite the absence of the word "incontrovertibly". Having been in favour of that position, the ILC Special Rapporteur had proposed the text currently before the Committee, which had been discussed by the ILC on 20 July 2010. When asked by one ILC member whether he agreed with the recommendation of the Working Group on Reservations, and particularly the use of the word "incontrovertibly", the Special Rapporteur had said that he did not. In those circumstances the ILC had indeed agreed on the severability doctrine — the positive presumption — after heated discussion. Speaking as a member of the Committee, he (the Chairperson) supported the current wording of that guideline.

9. Having discussed guideline 3.3.3 [3.3.4] with the Codification Division staff that had assisted in drafting that text, it appeared that the scenario it described was extremely hypothetical, as detailed in paragraph (2) of the commentary. While he objected to the guideline in theory, he was not sure that the Human Rights Committee should raise that concern.

10. **Ms. Chanet** said that, while the scenario was indeed improbable, it was possible that no contracting State or contracting organization would notice or react to a reservation that was prohibited by the treaty. Such a reservation could, nonetheless, pose a problem to the treaty body in question. Moreover, she failed to understand why there was a need for a provision on the collective acceptance of an invalid reservation, particularly since it was highly unlikely it would ever be implemented.

11. **The Chairperson** drew the Committee's attention to the fact that the guideline did not refer to a scenario in which there was no objection to a reservation. Rather, the situation was one in which one contracting State or contracting organization raised the issue of a prohibited reservation and asked the depositary of that reservation to communicate that concern to all the contracting States and contracting organizations, and none of them objected to the reservation.

12. **Mr. Salvioli** said that, while the scenario did seem extremely unlikely, the guideline set a dangerous precedent as it relativized the provision of general international law which disallowed the formulation of reservations that were explicitly prohibited by a treaty or were incompatible with its object and purpose. In general, States parties to treaties no longer paid much attention to the reservations entered by other States. The guideline provided an opportunity to reopen discussion on the treaty, which was not useful in general international law. He agreed with Ms. Chanet that, in the case of international human rights law, the Committee's hands would be tied if a State ratified the Covenant and entered a reservation that was, at the outset, incompatible with its object and purpose, and no other contracting State or contracting organization objected to the reservation. The Committee should therefore maintain its concern.

13. **Ms. Motoc** agreed that it was the Committee's duty to indicate to the ILC that guideline 3.3.3 [3.3.4] was unacceptable and inappropriate to human rights treaties.

14. **Mr. Rivas Posada** said that he had a problem with the inclusion of draft guideline 3.3.3 [3.3.4] in the Guide to Practice. Its intended meaning was not conveyed clearly by the way it was worded. The reference in the title to the collective acceptance of an impermissible reservation seemed to imply that the mere silence of all contracting parties was sufficient for a reservation prohibited by the treaty or incompatible with its object and

purpose to be deemed permissible. In his view, the draft guideline should be reworded so as to indicate clearly that it was not only the silence of contracting States or contracting organizations that rendered the reservation permissible, but that it was also necessary for a contracting State to have previously requested the depositary to inform the other contracting States or contracting organizations that it considered the reservation to be impermissible. He noted, however, that even if it was reworded along those lines, the draft guideline would remain contradictory since it provided for rendering permissible a reservation that was inherently impermissible.

15. **Sir Nigel Rodley** said that, while he too found the wording of draft guideline 3.3.3 [3.3.4] somewhat ambiguous, paragraph (2) of the commentary clarified its intended meaning. However, that did not invalidate the theoretical objections raised. He would have no objection to informing the ILC that Committee members had raised the concern that it seemed inherently contradictory that an impermissible reservation could become permissible by virtue of the procedure described. The Committee might also suggest that the ILC should review the desirability of including the draft guideline at all. At the same time, he agreed with Ms. Chanet that perhaps it was not necessary for the Committee to adopt such a categorical stance in view of the limited circumstances in which the draft guideline was applicable. Unless that opinion was not shared by other colleagues, he saw no reason to pursue the matter any further.

16. **The Chairperson** said that his letter of 20 July 2010 to the ILC seemed to have produced results. The Chairman of the Commission had indicated that the ILC would take into consideration the suggestions contained in the Committee's letter regarding the formulation of draft guideline 3.2.2 during the review of the Guide to Practice scheduled for its sixty-third session. Moreover, with regard to draft guideline 4.5.2 [4.5.3], the ILC had held a discussion on whether to have the draft guideline constitute a positive or a negative presumption. The position he had referred to in his letter seemed to have influenced that discussion. While he agreed that the wording of draft guideline 3.3.3 [3.3.4] might not be optimal, in his view, the Commission's reasoning was sound. It provided that, if no contracting State or contracting organization formulated an objection after being duly alerted to concerns about a reservation that was prohibited by the treaty or incompatible with its object and purpose, the treaty would be modified accordingly. He was reluctant to send another letter to the Commission for a minor issue unrelated to the substance of the draft guideline.

17. **Ms. Chanet** said that her concerns did relate to the substance of draft guideline 3.3.3 [3.3.4] and were twofold: firstly, the draft guideline applied only to contracting States or contracting organizations – not to treaty bodies. Whereas draft guideline 3.2.2 allowed for the possibility of bodies with competence to monitor the application of treaties to assess the permissibility of reservations, draft guideline 3.3.3 [3.3.4] made no mention of such bodies.

18. Secondly, draft guideline 3.3.3 [3.3.4], in effect, allowed for the possibility that a reservation contrary to the object and purpose of a treaty could be deemed permissible in the circumstances it prescribed. In the case of a human rights treaty, such as the Covenant, it was unacceptable for a presumption of permissibility to apply to reservations that were contrary to the object and purpose of the treaty merely because contracting States or contracting organizations procrastinated or were negligent. The scope of guideline 3.3.3 [3.3.4] could be far-reaching and serious. In her view, it was not necessary to send a letter to the ILC since the Committee had enough time to take up the question at its next session; in the meantime, it could reflect on the question, contact members of the Commission for more information and thus ascertain whether the draft guideline did, in fact, pose a risk. If the Committee found that it did, then it could make its views known to the Commission before the latter's 2011 session.

19. **The Chairperson** said that Ms. Chanet's proposal seemed sensible, and if members agreed, the Committee would proceed accordingly.

Working methods

20. **The Chairperson** drew attention to a memorandum prepared by Mr. Thelin with suggestions for improvements in the Committee's working methods (document without a symbol circulated to members).

21. **Mr. Thelin** said that, although he was encouraged by the development of the focused reporting scheme that promised to reduce the backlog in State party reporting, he had two problems with it: the scheme would not be implemented until 2013 and it did not include any mechanism for dealing with the growing number of States that were late in submitting their initial report. The points he had raised should be seen collectively as a suggestion for the Committee to take a more vigorous approach, shifting its priorities in order to focus on States parties whose reports were significantly overdue.

22. With regard to suggestion 4 of the memorandum, although it might not be advisable to consider amending the Covenant, he nevertheless wished to draw attention to the fact that there was no provision in the Covenant to prevent a State that was in breach of its reporting obligations from retaining full voting rights. As a result, such States were able, inter alia, to influence the composition of the Committee.

23. Suggestion 5 should be seen as a means of encouraging the Committee to assist States in a benchmarking exercise. The Report on Indicators for Promoting and Monitoring the Implementation of Human Rights (HRI/MC/2008/3) provided a variety of parameters that could be used to distinguish between States on the basis of their level of development. Although he was not proposing that the Committee adopt that particular method, it might wish to consider grouping States together in its annual report according to the categories it had already established on the basis of various deadlines for reporting. There were currently three categories, and he suggested expanding those to include a fourth category providing for a reporting deadline of six years or longer.

24. With regard to individual communications, he wished to draw attention to suggestion 1, which was that the Committee should schedule an extra session in order to deal with its heavy backlog of communications. Such an exercise presupposed that the secretariat was adequately resourced, which, regrettably, was not the case. Although the Committee was subject to priorities and resource allocations established by others, it should nevertheless insist on having the resources it needed to fulfil its important mandate to receive individual communications.

25. **Mr. O'Flaherty** said that it was always useful to ask why States were not submitting their periodic reports on time — particularly their initial reports — and to assess what could be done to encourage them to do so. Usually the reason was not lack of good will, but rather a lack of motivation and capacity. As the experience of the universal periodic review (UPR) mechanism had shown, technical cooperation could encourage States to submit their reports on time. Measures adopted by the Committee ought therefore to be accompanied by efforts by OHCHR to identify those countries that might usefully benefit from an offer of technical support for the preparation of the initial report.

26. He agreed with Mr. Thelin's suggestion that when it came to long overdue reports, the Committee should give priority to the consideration of States parties that had not submitted an initial report, if necessary in the absence of the State party concerned. He was in favour of considering one such State party at each session.

27. The suggestion that the Committee should give priority to States parties' reports for which the shortest reporting deadline had been assigned by the Committee — namely the

three-year category — was a useful way to prioritize. Nevertheless, it was important to maintain a geographical balance and not to focus too heavily on a particular region.

28. He would be reluctant to consider amending the Covenant along the lines mentioned in suggestion 4. With regard to suggestion 5, he pointed out that the indicators for promoting and monitoring the implementation of human rights were not meant to constitute a ranking device for States parties; rather, they served as a tool for examining the situation in specific countries. He supported the proposal to list in the Committee's annual report the various reporting deadlines set for States parties.

29. It might be interesting to consider using the Committee's financial resources for holding one session a year away from Geneva, not at Headquarters as the Committee usually did, but rather at a regional United Nations duty station. That would enable the Committee to consider reports that had accumulated from that region and would bring it closer to rights-holders and NGOs.

30. **Ms. Motoc** said she was sceptical about the likelihood that the Committee's requests for additional resources would be met, even requests for technical cooperation to help States parties in preparing their initial report. She supported the proposal to use existing resources for regional meetings. She suggested that the Committee might wish to set up a system of focal points for States parties in order to provide follow-up to the Committee's concluding observations and as a means of lightening the burden on the Committee's Chairperson. One main difference between the periodic reports to the Committee and those required under the UPR mechanism was the way in which they were perceived by States parties. The latter tended to see reports under the Covenant as requiring a greater degree of legal and technical expertise, while UPR national reports were seen as more political in nature. That might partly explain the failure of States parties to report on time to the Committee. A focal point for States parties could contact delegations and, in conjunction with the Chairperson, work with them to resolve issues relating to the preparation of reports.

31. She was not in favour of revising the Covenant.

32. **The Chairperson**, referring to suggestion 1, said the Committee was doing its best to deal with States parties whose initial report was overdue by more than 10 years. For various reasons, it was not easy to schedule the consideration of at least one State party in the absence of a report at each session.

33. **Ms. Chanet** said that, in the past, the Committee had already achieved the goal of considering one State party in the absence of a report at each session. At times, it had managed to elicit a report from a State party merely by scheduling consideration of it in its absence. The Committee should carefully select the States parties it wished to consider without a report from a strategic standpoint.

34. She agreed with suggestion 2, and, with regard to suggestion 3, shared some of the reservations expressed by Mr. O'Flaherty. Suggestion 4 was out of the question: it was unrealistic to think that States parties would accept it. Moreover, it was dangerous, as it could result in the inclusion of fewer rights in the text of the Covenant. More progress was needed in the area of publicizing the Covenant and disseminating the Committee's decisions in order to make the work of the Committee more visible.

35. Noting that the recommendations of the Human Rights Committee were often cited during States' UPRs, she suggested that the secretariat of the Human Rights Council might be interested in receiving proposals from the Committee in order to facilitate the UPR. That might be a way to obtain some of the funds that had been allocated to the UPR mechanism, which the Committee, in turn, could use to finance activities aimed at publicizing the Covenant.

36. **Ms. Keller** recalled that in 2014 the first State party was scheduled to be considered on the basis of a list of issues prior to reporting. She also recalled that the Committee had decided that it would have the capacity to adopt only five lists of issues prior to reporting. That would mean that there would be 30 lists of issues, including standard lists of issues and lists of issues prior to reporting, each year.

37. **The Chairperson** said that, with regard to suggestion 3, he was reluctant to introduce another category for a reporting deadline of six years. For practical reasons, he would propose instead to change the 3-to-5 year deadline to a 4-to-6 year deadline. Otherwise, the Committee might not be able to cope with the workload that would result from the number of lists of issues it would be required to prepare as from 2013.

38. **Mr. Rivas Posada** said that he was pessimistic about the situation with regard to budgetary constraints and lack of resources. It was extremely difficult to obtain a positive response to requests for support and the situation was deteriorating.

39. He broadly agreed with suggestions 1 to 3 concerning State party reporting. For a State party with meagre resources, it was extremely difficult to meet the Committee's constantly increasing demands for information and statistics. The tendency to overwhelm States parties with new guidelines and to punish those that failed to comply was counterproductive. The Committee should seek instead to build up trust and show sympathy for the fact that an enormous effort was required on the part of national institutions to gather information and compile statistics. Delegations could also expect to be confronted with a host of additional questions during the review.

40. For the reasons just stated, he had reservations concerning suggestions 4 and 5.

41. **Mr. Amor** considered that the Committee itself was partly responsible for the phenomenon of overdue reporting. It had acquired the reputation of being a particularly demanding treaty body and sometimes seemed to be nitpicking with the sole intention of castigating a State party. The Committee should therefore seek to improve its image. It was preferable, and more productive, to offer reassurance since the reporting and follow-up procedures were complex. Moreover, the procedures tended to differ from one treaty body to another. A certain amount of harmonization would therefore assist States parties in meeting their obligations.

42. States parties also differed in terms of their capacities and their attitudes to human rights. Small poor States could scarcely be expected to give top priority to the Committee's demands. Once their report had been reviewed, they felt that they could relax and turn their attention to more pressing issues. A Geneva-based diplomat had informed him recently that priority was given to relations with bodies such as the World Trade Organization. The Committee should therefore offer encouragement to States parties, engaging in direct dialogue with their representatives and spurring them to take the requisite action.

43. **Mr. El-Haiba**, noting that Mr. Thelin had suggested holding an additional week of plenary meetings to discuss individual communications, proposed that an extraordinary session should also be held on the subject of State party reporting.

44. He agreed with Ms. Chanet that a debate should be held on the relationship between treaty-body funding and the funds earmarked for the UPR.

45. **Ms. Majodina** agreed that the Committee was perceived as a difficult and demanding treaty body. The punitive approach did not work and a more positive image should be cultivated. She had recently asked the South African Ministry of Foreign Affairs why it had failed to submit a report and had learned that it too was intimidated by the Committee.

46. The problem in many States parties was due both to a lack of resources and to a lack of internal coordination. Responsibility for reporting was shifted from one ministry to another. Moreover, the regional offices of the United Nations should, in her view, work more closely with national authorities and with the Committee.

47. The treaty body system was also perceived in abstract terms and as something far removed from ordinary people's concerns. Government officials and members of parliament were often totally unaware of the review and the Committee's concluding observations. That could also be attributed to shortcomings in the Committee's follow-up procedure. Consultations with States parties were haphazard and irregular. She therefore agreed with Mr. O'Flaherty that sessions should occasionally be moved from Geneva or New York to venues in other regions.

48. **The Chairperson** drew attention to the points of agreement reached at the eleventh Inter-Committee Meeting in June 2010 (A/65/190). The Meeting had recommended, for instance, that treaty bodies should reduce the length of concluding observations without jeopardizing their quality. It had agreed that the 12th Meeting would discuss the structure of the dialogue with States parties and interaction with stakeholders, and would continue the discussion on the structure and length of concluding observations.

49. When the Committee complained to the Conference Services Division about the failure to translate reports and written replies on time, it was invariably told that the documents were excessively lengthy and that the quality of the language was poor. The Inter-Committee Meeting had therefore recommended that State party reports should be written in a clear and precise manner and should not exceed the limit of 40 to 80 pages. It had further recommended that all treaty bodies should highlight in their concluding observations the need for States parties to respect those limits. The secretariat had drafted a standard paragraph and other treaty bodies had already begun to insert it in their concluding observations. He invited the Secretary of the Committee to read out the standard paragraph.

50. **Ms. Fox** (Secretary of the Committee) said that the Committee was, of course, free to amend the following paragraph if it so wished: "The Committee urges the State party to present its next periodic report in accordance with its reporting guidelines and, in particular, to observe the page limit of 40 pages for treaty-specific reports and 80 pages for the common-core document (see harmonized guidelines for reporting contained in HRI/GEN/2/Rev.6, para. 19)."

51. **Mr. Rivas Posada** pointed out that the concluding observations concerned a State party's compliance with its obligations under the Covenant. They should not cover procedural matters.

52. **Sir Nigel Rodley** said that he could not recall the Committee having agreed to those harmonized guidelines.

53. **The Chairperson** said that they had been agreed upon by the Inter-Committee Meeting and the Meeting of Chairpersons.

54. **Sir Nigel Rodley** said that all treaty bodies apart from the Human Rights Committee and the Committee on Economic, Social and Cultural Rights dealt with specific and limited topics. It was therefore unacceptable to apply the same standard to all treaty bodies.

55. **Mr. O'Flaherty** said that the reference to page limits was contained in chapter I of document HRI/GEN/2/Rev.6, which had been prepared by the secretariat and did not include the reporting guidelines as such. While he had no strong views on page limits, he was opposed to any reference to such limits in the concluding observations, which should deal exclusively with a State party's human rights obligations. If the Committee agreed on a page limit, it should be inserted in the reporting guidelines.

56. **Mr. Thelin** said that he was strongly opposed to a reference to page limits, since it would be at odds with the solemn content of the concluding observations.

57. **Mr. Lallah** expressed support for Sir Nigel Rodley's comment regarding the difference between single-issue and general treaties. States parties could not be expected to report on their compliance with 26 articles in 40 pages. He was also unable to recall any agreement on harmonized guidelines. The logical place for any reference to page limits was in the reporting guidelines rather than in a substantive assessment of compliance with Covenant obligations.

58. **The Chairperson** said he took it that a majority of members were opposed to the inclusion of such a paragraph in the Committee's concluding observations. The reasons for their opposition would be reported to the next Inter-Committee Meeting.

59. He invited comments on the structure of the dialogue with States parties and interaction with stakeholders, and on the structure and length of concluding observations. In that connection, he noted that the informal consultations on working methods to be held the following day (Saturday, 16 October 2010) would address the following questions:

> "What are the added value and challenges of the current structure of the constructive dialogue in your Committee? Does the current structure allow for a sufficiently interactive dialogue? Can the quality of the dialogue be further improved to enhance the quality of concluding observations? Could the dialogue be better structured to be more effective in light of the time constraints? If so, how?"

60. Owing to the shortage of resources, the written replies were usually available in only one working language. The Committee had nevertheless managed at the current session to operate on that basis. One State party had made a brief 10-minute opening statement, thereby saving a great deal of time. He proposed that in cases where written replies were received in advance, even in a language with which not many Committee members were familiar, States parties should be invited to limit their opening statement to 15 minutes so that the Committee could then begin the first round of questions.

61. **Mr. O'Flaherty** said that while he strongly supported the idea of informal consultations, he had noted with some concern that one of the purposes of the consultations was to allow treaty bodies to discuss in advance issues tabled for the Inter-Committee Meeting. In his view, matters that should be discussed formally in the Committee should not be referred to an informal body, especially since no records of the proceedings would be available.

62. It was unfortunate that Committee members were often compelled to rely on the Google translation tool to obtain some notion of the content of written replies.

63. With regard to the Chairperson's suggestion, he feared that some poorly equipped delegations might be unable to engage in a lengthy oral discussion or to provide technically competent answers. It might be preferable in such cases to have a lengthier written statement read out and interpreted into the working languages, so that a certain amount of information was placed on record both for the Committee and for civil society. The working method could be adjusted on a case-by-case basis.

64. **The Chairperson** said that the Secretary of the Committee communicated with the State party's mission regarding the format of the dialogue well in advance of the Committee's session. As a specific time frame was already established at that stage for introductory statements, the Committee's questions and oral responses, it would be difficult to proceed on a case-by-case basis.

65. **Mr. Amor** emphasized that the informal consultations in Avenières were neither a Committee meeting nor an official meeting of any kind. On the question of written replies

to lists of issues, he said that the Human Rights Committee should not be required to do the same work as other treaty bodies but under different conditions. The Committee should not adopt a procedure that would oblige members to work in languages other than their working languages. A practical solution was required rather than a specific rule, which could be restrictive.

66. **Mr. Thelin** said that when States parties' written replies had been translated into the working languages of the Committee, the State party delegation's oral introduction could be minimized to optimize the use of meeting time. The Committee should ensure it continued its discussion with Conference Services about why written replies were not translated. By making do without translation of written replies, the Committee was sending out a message that it did not need those documents translated.

67. **The Chairperson** said that it was unrealistic to expect three language versions of written replies to its lists of issues since the Committee did not wish to limit the length of periodic reports. Conference Services would only translate written replies if resources were available. All available resources were currently being spent on the mandated translation of periodic reports, which were unlimited in length.

68. **Sir Nigel Rodley** said that changing the reporting format to a "super list of issues" might ultimately overcome the translation problem since it would involve word limits. He wished to know what progress had been made since the Committee's meeting with the documentation service at United Nations Headquarters in 2009. The Committee's rules stated that Committee documents should be available in the Committee's three working languages. He agreed with Mr. Amor that the Committee would have to compromise until a solution could be found.

69. He asked why the time devoted to dialogue with States parties at the current session had been restricted to two meetings per State party, with no leeway for extra meetings. The lack of flexibility in the programme of work had led to difficulties in ensuring thorough and complete dialogue with delegations. He hoped the programme of work would not be so restricted in future.

70. **The Chairperson** explained that owing to the need to allocate time to discuss the draft general comment, the considerable number of communications for discussion, and the time to be devoted to the 100th anniversary session, the programme of work for the present session had been more intensive than usual. That situation was unusual; flexibility and the possibility of extending dialogues with States parties where necessary were very important.

71. **Mr. Rivas Posada** said that while the amount of time allocated to dialogues with States parties was short, the possibility of replacing the oral presentation of information with written texts would lead to unmanageable amounts of documentation and would not be in line with the concept of interactive dialogue. Oral presentation of information was crucial when the written replies to lists of issues were not translated, since that was the only way to ensure that all Committee members had access to all the available information. Lack of translation inhibited the ability of some Committee members to participate.

72. **Mr. Salvioli**, supporting the views expressed by Mr. Rivas Posada, said that members of the Committee should avoid taking an unduly long time to ask questions during dialogues with States parties in order to allow delegations the maximum possible time for their replies. He agreed with Mr. Amor that the Committee should exercise flexibility with regard to the problem of translation of written replies, but should not accept non-translation of those documents as a general rule.

The public part of the meeting rose at 5.35 p.m.