



Summary record of the first part (public)* of the 2932nd meeting

Held at the Palais Wilson , Geneva , on Friday, 19 October 2012, at 3 p.m.

Chairperson : Ms. Majodina

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The meeting was called to order at 4.10 p.m.

Organizational and other matters, including the adoption of the report of the pre-sessional working group on individual communications

Arrangements for the half-day general discussion in preparation for a general comment on article 9

1. **The Chairperson** invited Mr. Neuman to inform the members of the Committee of the agreement reached with the secretariat on arrangements for the general discussion in preparation for a general comment on article 9 planned for the afternoon of Thursday 25 October.

2. **Mr. Neuman** said that 12 non-governmental organizations (NGOs) had asked to speak at the general discussion and 10 of them had also submitted a written statement to the secretariat. As stated in the meeting programme distributed to the members of the Committee, they had been divided into two groups: the NGOs in the first group would each take the floor in turn, with a strictly limited speaking time, and then respond to questions from members of the Committee. After that, other participants would also be able to speak. There would then be a short break before the second group of NGOs would follow the same procedure.

3. **Mr. Iwasawa** said that the other participants would not have enough time to speak if the preceding speakers did not adhere to their time limit. It would therefore be essential that the Chairperson impose discipline.

4. **Mr. O'Flaherty** said that, to avoid unduly depriving other participants of the floor, it might be prudent to consider cancelling the break planned after the discussion with the first group of NGOs.

5. **Sir Nigel Rodley** observed that, of the 12 NGOs due to speak, not all were equally knowledgeable regarding issues relevant to article 9. The speaking time for each should therefore be adjusted accordingly.

6. **The Chairperson** said that the comments by the members of the Committee had been noted and would be borne in mind to ensure that the general discussion ran smoothly.

Draft statement on the relationship of the Human Rights Committee with national human rights institutions

7. **The Chairperson** invited Mr. O'Flaherty, the rapporteur for the draft, to present the document.

8. **Mr. O'Flaherty** recalled that the document currently before the members had been prepared by him at the Committee's request. The draft followed the structure and format of the document prepared by Mr. Flinterman on the Committee's relationship with NGOs and described the Committee's practices in collaborating with national human rights institutions. Other treaty bodies wishing to formalize their activities in that area could draw on the document, if it was adopted by the Committee.

9. **The Chairperson** invited the members of the Committee to make general comments on the document.

10. **Sir Nigel Rodley** said that, in reality, the Committee's relationships with national human rights institutions and the fruits of its efforts were highly variable. It was not certain, given the failings that had been observed, whether the Committee would be able to codify such relationships without first engaging in some soul-searching, in consultation with the institutions themselves, to identify good practices that would improve collaboration.

11. **Mr. O'Flaherty** said that he had informally submitted the document to the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), which had found that it met the expectations of national human rights institutions. He had also submitted it at a meeting of national human rights institutions convened to adopt a joint statement on strengthening the treaty bodies. The reactions had been extremely positive and no changes had been put forward. Mr. O'Flaherty further observed that, as his mandate was coming to an end, he would not be able to finalize the document unless it was adopted at the current session.

12. **Ms. Chanet** noted that the document prepared by Mr. O'Flaherty described not only the relationship that the Committee had or wished to have with the national human rights institutions of States parties but also what relation there should be between States and such institutions. The latter point was, however, bound up with State sovereignty. The Committee should not adopt the document without first carrying out a point-by-point review of the legitimacy under its mandate of the requirements it made of States parties.

13. **Mr. Bouzid** and **Mr. Fathalla** shared Ms. Chanet's view.

14. **Mr. Ben Achour** said that the Committee should bolster its relationships with national human rights institutions by such measures as improved information sharing. The institutions had expressed keen interest in such an approach and the Committee should respond. The document drafted by Mr. O'Flaherty would be a step forward in that direction.

15. **Sir Nigel Rodley** said that the Committee should carry out an in-depth review of its practices on considering periodic reports. It would be best to avoid emphasizing the direct role of national human rights institutions in that process and simply to say that they had participated in the work on various occasions and that the Committee was still considering what type of contribution they could make.

16. **The Chairperson** said that the Committee would continue its consideration of the document at a later meeting.

The first part (public) of the meeting rose at 5.05 p. m.