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Human Rights Committee

106th session

Summary record (partial)* of the 2948th meeting**

Held at the Palais Wilson, Geneva, on Thursday, 1 November 2012, at 3 p.m.

Chairperson: Ms. Majodina

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* No summary record was prepared for the rest of the meeting.

** No summary record was issued for the 2947th meeting.

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The discussion covered in the summary record began at 4.55 p.m.

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

Report of the Special Rapporteur on case management (CCPR/C/106/R.4)

1. **The Chairperson** invited Mr. Iwasawa, Special Rapporteur on case management, to present his report.
2. **Mr. Iwasawa** (Special Rapporteur on case management), summarizing his report, said that the absence of guidelines for the selection of communications to be considered during the sessions of the Committee — which was carried out by the secretariat mainly in the chronological order in which communications had been registered — allowed for significant flexibility but did not contribute to transparency and could further cause unnecessary delays in the examination of communications, thus increasing the risk of new violations. To address those shortcomings, the Special Rapporteur proposed some criteria for the Committee to adopt based on the practice of the European Court of Human Rights, in order to prioritize communications. Such criteria were indicative and needed to be further developed. Suggestions from Committee members in that regard would be welcome.
3. **Sir Nigel Rodley** said that the report prepared by Mr. Iwasawa was very useful and clarified the communication selection procedure, which had, until then, taken place behind the scenes, without the Committee's involvement. In view of the heavy workload of the Special Rapporteur on new communications and interim measures, it would be appropriate to entrust another Committee member with the exclusive task of selecting communications to be considered during sessions. He therefore expressed the hope that the mandate of the Special Rapporteur on case management would be established permanently.
4. **Mr. Neuman** said that categories A and B in the table in paragraph 7 (b) were too broad, which could mean that cases that were not truly urgent would be given priority at the expense of other genuinely urgent ones.
5. **Mr. Kälin** said that the classification thus proposed appeared to determine the order of priority in which communications should be considered without taking into account the chronological order in which they had been registered. That could have very detrimental repercussions. For instance, since category A and B communications would systematically take precedence over category C communications, consideration of the latter could be postponed indefinitely, even if they concerned serious violations and had been received at an earlier date. Furthermore, decisions might never be taken on clearly inadmissible communications falling in the last category because there would always be other communications requiring more urgent consideration. To avoid those pitfalls, it was essential to ensure that the chronological order of registration would remain the main criterion and that the other proposed criteria were applied in a complementary and flexible way.
6. **Mr. Flinterman** asked whether the new criteria would be published on the website of the Office of the United Nations High Commissioner for Human Rights once the Committee had adopted them.
7. **Mr. Iwasawa** (Special Rapporteur on case management) said that the criteria could initially be published on the website and subsequently in the Committee's annual report. Responding to the concerns raised by Mr. Kälin, he explained that there had never been any intention to completely eliminate the criterion of chronological order of registration and that the proposed classification did not determine a set order of priority. It merely identified other criteria to be taken into consideration in addition to chronological order. As to the

definitions of categories A and B, they were directly based on the definitions used by the European Court of Human Rights, but they could be further clarified.

8. **The Chairperson** invited the Special Rapporteur to make the necessary amendments to the proposed criteria, taking into account the comments made by members, and to submit the revised criteria to the Committee at its next session.

*Report of the pre-sessional working group on individual communications
concerning methods of work for the consideration of communications*

9. **The Chairperson** invited Mr. Neuman, Chairperson-Rapporteur of the pre-sessional working group on individual communications, to inform the Committee of the outcome of the group's discussions on the methods of work for the consideration of communications.

10. **Mr. Neuman** (Chairperson-Rapporteur of the pre-sessional working group on individual communications) said that the working group had considered the recommendations made by the High Commissioner in her report on the strengthening of the human rights treaty bodies (A/66/860) with a view to improving the procedures for the consideration of communications. The group had agreed that common guidelines for the consideration of communications could be useful in some areas, provided that they were consistent with the mandates of the respective international human rights treaties and that they were developed in consultation with the treaty bodies, on the basis of their voluntary participation. It would be particularly useful to devise common rules on deadlines for the submission of documents by the parties following the registration of communications and measures to be taken in the event of non-compliance with those deadlines, and also to establish a common procedure for requesting interim measures, with a view to seeking the intervention of United Nations bodies at the highest level when the lives of victims of violations were in danger.

11. The working group had expressed serious reservations concerning the High Commissioner's proposal to establish a joint treaty body working group on communications and to make more systematic reference in the Views to the jurisprudence of other treaty bodies and regional systems for the protection of human rights. With regard to the proposal to develop common guidelines on the separate consideration of admissibility and merits, the recommendations for remedies and the implementation of Views, the working group had considered that the Committee should examine its own practice in those areas before making a decision. Lastly, the group had been divided over the issue of whether the Committee was competent to facilitate friendly settlements as recommended by the High Commissioner, but had considered that it would be useful to discuss a procedure to follow when States parties and complainants reached out-of-court settlements.

12. **Mr. Thelin** suggested that in order to follow up on the preliminary conclusions of the pre-sessional working group on individual communications, the Committee should entrust the Petitions Unit with the preparation of draft common guidelines in those areas where the working group had recognized that they would be beneficial.

13. **Mr. Neuman** (Chairperson-Rapporteur of the pre-sessional working group on individual communications) said that it would first be necessary to collect additional information on the practice of the Committee and of other treaty bodies in the areas concerned and to examine them. That task could be undertaken jointly by the secretariat and the next pre-sessional working group on individual communications.

14. **The Chairperson** said that the above proposals would be taken into consideration in establishing the mandate of the next pre-sessional working group on individual communications.

The meeting rose at 6 p.m.