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100th session

Summary record of the first part (public)* of the 2743rd meeting

Held at the Palais Wilson, Geneva, on Monday, 11 October 2010, at 10 a.m.

Chairperson: Mr. Iwasawa

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* No summary record was prepared for the second part (closed) of the meeting.

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The meeting was called to order at 10.15 a.m.

Opening of the session

1. **The Chairperson** declared open the one hundredth session of the Human Rights Committee.

Opening statement by the representative of the United Nations High Commissioner for Human Rights

2. **Mr. Salama** (Representative of the United Nations High Commissioner for Human Rights) congratulated the Committee on its one hundredth session, a major milestone in its history, which would be celebrated with a one-day meeting on the theme “Human Rights Committee: Stocktaking and Prospects” at the closure of the current session. He brought to the Committee’s attention a number of important new developments that had taken place since the previous session and said that the Chairpersons of the treaty bodies had for the first time issued a joint statement on the occasion of the Millennium Development Goal Summit, which had been held in September 2010. In that statement, the Chairpersons had urged Member States to be guided by human rights norms and principles in finalizing the Summit Outcome Document and in establishing national action plans. They had drawn the attention of Member States to the work of the treaty bodies and had emphasized that realizing the Millennium Development Goals should be an important step on the road towards the full and effective realization of all human rights for all.

3. The High Commissioner’s repeated calls to the various stakeholders to reflect on how to strengthen the treaty body system had begun to bear fruit. A meeting on that theme, to which all Chairpersons of treaty bodies had been invited, had recently been held in Poznan, Poland. The outcome document of that meeting, which Mr. O’Flaherty had attended in his capacity as convener of the Dublin meeting on treaty body strengthening, would be circulated shortly. In addition, the Office of the United Nations High Commissioner for Human Rights (OHCHR) intended to organize a series of consultations to facilitate exchanges of views between the treaty bodies regarding the future of their work and of the system as a whole, and to give them an opportunity to discuss in advance issues tabled by the Inter-Committee Meeting and the Meeting of Chairpersons.

4. The Human Rights Treaties Division was well aware of the needs of the various committees and did everything in its power to provide them with the best service possible. Unfortunately, the demands on the Division of Conference Management had increased tremendously in recent years, not least due to the explosive growth of the documentation required by the Human Rights Council. The Human Rights Treaties Division was working to streamline procedures and to harmonize practices among the treaty bodies, in order to make the system more efficient. It was also in discussions with the translation services and other units concerned to see how to make the most effective use of the limited resources available. It was against that background that the Inter-Committee Meeting had emphasized the need for all treaty bodies to encourage States parties not to exceed the page limitations set in the reporting guidelines. A note verbale to that effect had been sent out to all Permanent Missions to the United Nations Office in Geneva on 8 September 2010. In addition, some treaty bodies had begun to refer to page limitations in their concluding observations. It was true, nevertheless, that States parties tended to have difficulty focusing their reports. Concluding observations were often very lengthy themselves and contained a great many recommendations, which States parties were expected to address in their following periodic reports. That was why it was important to continue the discussion on the structure and length of concluding observations begun at the Inter-Committee Meeting. Lists of issues prior to reporting could also enhance the quality of States parties’ reports by concentrating on key challenges, thereby arriving at better targeted concluding

observations. At its previous session, the Committee had adopted modalities for the use of lists of issues prior to reporting, and the follow-up to that initiative was awaited with great interest. It was also worth noting that the United Nations International Law Commission had continued its deliberations on reservations to treaties during its sixty-second session and had adopted draft guidelines on the legal effects of reservations and interpretative declarations. The work of the International Law Commission on that issue would certainly be very useful to the Committee in its own deliberations on the subject of reservations.

5. During the current session, the Committee would be examining five State party reports and would adopt lists of issues for five more States. Two meetings would be devoted to working methods, which, among other things, would focus on undue delays in dealing with communications. He encouraged the Committee to reflect on the functioning of the pre-sessional Working Group, which had recently come up against some difficulties, in order to seek new alternatives to the current system of considering communications outside plenary meetings.

6. The Committee would also be devoting several meetings to its work on draft general comment No. 34 on article 19 of the Covenant. The Committee would recall that the High Commissioner had undertaken to organize a series of expert workshops on the prohibition of incitement to national, racial or religious hatred, as follow-up to the 2008 expert seminar on articles 19 and 20 of the Covenant. Consultants were in the process of preparing studies that would map legislative instruments, examples of jurisprudence and policies in the countries covered by each workshop. The first workshop, which was devoted to Europe, was planned for February 2011 in Vienna. Steps would be taken to ensure that the Committee was adequately represented at that workshop and the three other workshops planned.

7. **Mr. Amor** said that the process that had been initiated to harmonize the working methods of treaty bodies was promising and deserved support. A number of sensible measures could be taken and it would be possible to make further advances, while still respecting the unique characteristics of the various international instruments, provided those characteristics were not used to justify different positions on identical situations.

8. The celebration of the Committee's one hundredth session was an occasion not just to pay homage to the work of the former and current members of the Committee, but also and above all to add greater visibility to its activities. It was essential for OHCHR to do all it could to ensure that everyone interested, including non-governmental organizations (NGOs) and universities, could participate in and have access to the celebration, the prestige of which could be useful to all treaty bodies.

9. **Mr. Salama** (Representative of the United Nations High Commissioner for Human Rights) said that everyone involved was aware of the imperative need to harmonize the working methods of the various committees; some progress had already been made, as reflected in the outcome of the Poznan meeting. He invited the Committee members to contribute individually or collectively to the discussion so that the High Commissioner could gain a better understanding of the possible areas of convergence. It would also be useful to draw up a calendar, since agreement had been reached on the objectives to be achieved.

10. It was true that no effort should be spared in making the most of the one hundredth session, which was the perfect occasion to give greater visibility to the international treaty bodies and thereby add greater weight to their activities.

11. **Ms. Edelenbos** (Office of the United Nations High Commissioner for Human Rights) said that all States Members of the United Nations and many representatives of civil society had been invited to join in the celebration of the one hundredth session.

12. **Sir Nigel Rodley** noted that concluding observations were drafted according to the situation that prevailed in each State party and reflected the Committee's concerns about the problems that arose in relation to the Covenant. States parties in which there were many issues of concern must not be allowed to cut short their replies merely on account of arbitrary rules limiting the number of pages in documents.

13. **The Chairperson** welcomed the efforts of the Human Rights Treaties Division to ensure that secretariat services were provided to the various treaty bodies as efficiently as possible. The Committee was fully aware of the need to improve its working methods and was constantly endeavouring to do so. It also collaborated with the other treaty bodies in the effort to harmonize working methods. One of the main difficulties the Committee had encountered in its recent sessions was that some documents had not been available in all its working languages. The Committee hoped that OHCHR would succeed in overcoming that type of problem.

14. **Mr. Salama** (Representative of the United Nations High Commissioner for Human Rights) replied that OHCHR was doing everything in its power but that nevertheless the ad hoc measures it took to respond to the most urgent needs did not provide long-term solutions. The position of OHCHR was very clear, and it would defend that position at the next session of the General Assembly: strengthening the treaty body system and harmonizing working methods, however necessary, did not solve the problem of the shortage of resources. Furthermore, it must be understood that with the increased number of instruments, ratifications and reports submitted within the prescribed time limits, the resources required by the treaty bodies were bound to increase. Moreover, the workshops and other events held to raise awareness of the international human rights instruments and the work of the treaty bodies were not taken into consideration in the budgets allocated to the treaty bodies. The only way the High Commissioner could hope to convince the Member States of the need to change matters was by showing them proof that everything possible had been done to streamline the functioning of the treaty body system. It was therefore necessary to review the discussions held on the subject by the various committees, examine the feasibility of the various proposals and implement those that seemed most likely to truly improve the committees' efficiency.

15. Regarding the concern that Sir Nigel Rodley had expressed, a degree of flexibility was allowed in implementing the page limitation rule. The purpose of that rule was not only to streamline costs; it also aimed to facilitate States parties' implementation of the treaty bodies' recommendations. It should not be forgotten that in addition to the treaty bodies' recommendations, there were also those of the Human Rights Council and the Special Rapporteurs, which meant that States parties were quickly overwhelmed. That was why it was advisable for the treaty bodies' recommendations to be as succinct and targeted as possible.

16. **Mr. Bhagwati** said that in India and in South-Asian countries in general the work of the Committee was barely known to the public or to NGOs active in the region, which was regrettable. It was essential, however, to ensure that the Committee's work was disseminated, and measures should be taken to that effect.

17. **Mr. O'Flaherty** agreed with Mr. Salama that the functioning and usefulness of the pre-session Working Group on Communications should be reviewed. As for ways of giving greater visibility to its work, the Committee had been reflecting on the issue for a long time. In its Strategic Approach to Public Relations, Including Relations with the Media (CCPR/C/94/3), it had proposed that discussions held during public sessions should be made available online as downloadable audio files (podcasting), which was less costly than webcasting. It would be interesting to know whether any trials of that technology were planned to evaluate its advantages and disadvantages.

18. **Ms. Majodina** requested further details of the workshops on the prohibition of incitement to national, racial or religious hatred organized by the High Commissioner for Human Rights, including the objectives defined for those workshops. Mr. Salama had only mentioned the workshop that would be organized for Europe. In which regions would the other workshops be held?

19. **Mr. El-Haiba** said that harmonization should also be encouraged among States, and that States should be given help in establishing national action plans for human rights. Such strategic planning would facilitate the dissemination of the treaty bodies' recommendations by encouraging coordinated action by the various stakeholders at the national level. Use of the languages spoken by local NGOs should also be promoted, so that they could contribute to the implementation of the treaty bodies' recommendations. Some of the Committee's working languages were neglected, such as Arabic; it was in the interest of implementing the recommendations, however, that States parties and other stakeholders should have access to the relevant documents in a language they understood. Efforts should be made in that regard.

20. **Mr. Salama** (Representative of the United Nations High Commissioner for Human Rights) said that the capacity to disseminate documents in all appropriate languages was crucial to the efficiency of the system. The High Commissioner for Human Rights attached all due importance to that issue and would be sure to bring it up before the Fifth Committee in New York. Personally he would soon be organizing a briefing for States parties to take stock of the work carried out to strengthen the treaty body system through the Inter-Committee Meeting and the Meeting of Chairpersons, as well as in follow-up to the Dublin Statement on the Process of Strengthening of the United Nations Human Rights Treaty Body System. He would take advantage of that occasion to bring the issue of resources back to the forefront of discussions. It would be difficult to encourage harmonization at the State level if the treaty bodies had not succeeded in harmonizing their own working methods, but once that process had been completed the enhanced predictability and efficiency of the system would facilitate the establishment of national action plans by individual States.

21. Though highly desirable, broadcasting the Committee's debates on the Web would not be possible because it was much too costly. OHCHR had begun to study the feasibility of providing downloadable audio files (podcasting), which would undoubtedly contribute to the dissemination of the Committee's work among the general public. The goal of the workshops on the prohibition of incitement to national, racial or religious hatred was to evaluate how States interpreted and applied that prohibition by comparing their legislation, case law and public policies in order to determine what could and should still be done to give full effect to the prohibition. In 2011, in addition to the workshop for Europe, a workshop for Africa would be organized in Nairobi, one for Asia in Bangkok and another for the Americas in Chile.

Adoption of the agenda (CCPR/C/100/1)

22. *The agenda was adopted.*

The first part (public) of the meeting rose at 11.10 a.m.