



International Covenant on Civil and Political Rights

Distr.: General
31 May 2002

Original: English

Human Rights Committee

Seventy-fourth session

Summary record of the second part (public)* of the 2010th meeting

Held at Headquarters, New York, on Thursday, 4 April 2002, at 3 p.m.

Chairperson: Mr. Bhagwati

Contents

Organizational and other matters (*continued*)

(b) Working methods (*continued*)

* The summary record of the first part (closed) of the meeting appears as document CCPR/C/SR.2010.

This record is subject to correction. Participants wishing to submit corrections during the session of the Committee are asked to hand them, in typewritten form, to the Secretary of the Committee. A consolidated corrigendum of the summary records covering the closed meetings of the Committee will be issued shortly after the session.

The public part of the meeting was called to order at 5 p.m.

Organizational and other matters *(continued)*

(b) Working methods *(continued)*

Terminology used by the Committee under the Optional Protocol procedure (CCPR/C/74/R.10)

1. **Mr. Klein** drew attention to a working paper before the members of the Committee (CCPR/C/74/R.10) prepared by Mr. Scheinin in response to a request to the Working Group on Communications to clarify the various terms used by the Committee under the Optional Protocol procedure. The paper was a helpful and concise compendium of the Committee's practice; he proposed that it should not be considered at the current meeting, but should be taken into account by the members of the Committee and the secretariat.

2. *It was so decided.*

Decisions adopted by the Working Group on working methods (CCPR/C/74/CRP.3)

3. **Mr. Klein** drew attention to a working paper before the members of the Committee (CCPR/C/74/CRP.3), containing decisions adopted by the Working Group on working methods. The Working Group had been entrusted with examining an initial working paper prepared by Mr. Henkin and Mr. Scheinin with a view to streamlining the Committee's procedures and contributing to more focused discussions. The new working paper proposed the establishment of task forces for the Committee's three main functions, namely, consideration of country reports, consideration of communications under the Optional Protocol, and drafting of General Comments. After intensive discussion, the Working Group had decided that it would be premature to establish task forces in all those areas; accordingly, as outlined in section I of the document, it recommended the following: the establishment of country report task forces; not pursuing, for the time being, the idea of establishing a task force on communications or a task force on General Comments; and the discontinuation of the pre-sessional Working Group on Article 40 of the Covenant, while the pre-sessional Working Group on Communications would continue to exist.

4. Country report task forces would be established for each State party report. Members could serve voluntarily on one or more of them. The function of the task force would be to guide the Committee's discussion with the State party. As set out in section II, paragraph 6, of the document, the members of the country report task force would have the overall responsibility for the conduct of debates on a report. After the answers of the delegation to questions by members of the country report task force, other members of the Committee would be free to intervene. As set out in paragraph 14, the country report task forces would start operating during the seventy-fifth session of the Committee in July 2002. It was therefore important for the Committee to adopt the recommendations at the current session.

Section I

5. **Ms. Chanet** drew attention to paragraph 9, which stated that country report task force meetings would take place only if interpretation was available in English, French and Spanish, and that, if necessary, time would be made available for such meetings from time allotted to plenary meetings. If, however, the Working Group on Article 40 was discontinued, the Working Group on Communications should have twice as much time during the pre-session period, and should not have to take time away from plenary meetings in order to finish its work.

6. **Mr. Amor** said that the Working Group on Article 40 functioned in the working languages of the Committee. When there was a large number of reports, as at the current session, the Working Group had no choice but to take time away from plenary meetings in order to be able to hold meetings with interpretation. He suggested that, if necessary, the pre-sessional Working Group on Communications could, in agreement with the Working Group on Article 40, consider items relating to article 40.

7. **Mr. Klein** said that, while the Committee should strive to maintain as much flexibility as possible, the problem with Mr. Amor's suggestion was that the pre-sessional Working Group would not have the same membership as the country report task forces. Nevertheless, the Committee could leave the door open by indicating in paragraph 8, that, if absolutely necessary, some of the functions of the country report task forces could be assigned to the Working Group on communications. Usually, however, the Working Group

was occupied with producing as many drafts as possible.

8. *Section I was adopted.*

Section II

9. **Mr. Klein** read out the paragraph, which stated: “All members of the Committee will be asked to serve on one and, if necessary, two country report task forces per session”.

10. **Ms. Chanet** said that the number of task forces on which members of the Committee might be asked to serve, like the number of members of which each task force would be composed, depended on the number of reports before the Committee. She suggested that, in order to maintain as much flexibility as possible, the paragraph should read “All members of the Committee may be asked to serve on a country report task force”. Since the Committee had 18 members, it was unlikely that every member would serve on a task force at every session.

11. **Mr. Solari Yrigoyen** requested Mr. Klein to point out the differences between the Committee’s current methods and the new proposal.

12. **Mr. Klein** said that, under the current system, the membership of the Working Group depended on who was available at a particular time. The idea behind the new text was that, from the beginning, all the members of the task force would focus on specific reports, from the drafting of the list of issues, through the discussion of the report, and up to and including the drafting of concluding observations. The task force would have the overall responsibility for the entire procedure, although other members of the Committee would not be excluded.

13. **Mr. Amor** proposed that the first sentence of paragraph 2 should be amended to read “Each country report task force will preferably consist of five or four members.”

14. **Sir Nigel Rodley**, supported by **Mr. Ando** and **Ms. Chanet**, suggested that, in paragraph 1, the word “normally” should be inserted before the words “be asked” and the words “at least” before the word “one”. In paragraph 2, the formulation “of no less than four members and, where possible, 5 or 6” could be used. That did not imply that the task force would be open-ended.

15. **The Chairperson**, responding to a question put by Mr. Ando, confirmed that the country report task forces would meet during the Committee’s regular sessions.

16. **Mr. Schmidt** (Secretary of the Committee), replying to a question put by **Mr. Klein**, confirmed that the requirement of five members in rule 87 of the rules of procedure applied only to the Working Group on Communications which was called upon to make decisions regarding admissibility.

17. **Sir Nigel Rodley** said that decisions were sometimes entrusted to only one member, since, in practice, it was often the country Rapporteur alone who decided the list of issues (para. 4).

18. **Ms. Chanet** recalled that many working groups had consisted of only three members.

19. **Mr. Khalil** said that it was not clear from Sir Nigel Rodley’s proposed amendment to paragraph 2 whether there was to be a limit on the membership of the task forces. He had assumed that it was a question of guidelines, not strict rules.

20. **Mr. Scheinin** said that there should be no minimum membership requirement. However, if a task force comprised more than six members, the plenary meeting would lose its quorum.

21. **Sir Nigel Rodley** said that the words “of manageable size” could be used. If the Committee was overburdened with work, the task forces might need to meet at the same time as the plenary meeting, provided that interpretation was available.

22. **Mr. Amor**, supported by **the Chairperson**, said that it was not realistic to rely on the availability of interpretation.

23. **Mr. Klein** said that Mr. Scheinin had merely sought to explain the idea behind limiting the membership to six. For his part, he would support a minimum of four and a maximum of six members. He drew the previous speaker’s attention to the words “only if interpretation is available” in paragraph 9. If necessary, part of the plenary meetings could be used by the country report task forces.

24. **Mr. Scheinin** said that it was clear from paragraph 6 that the work of the country report task forces was of a preparatory nature only and that the main work was consideration of States parties’ reports.

25. **Mr. Klein**, referring to paragraph 5, said that the Committee already attempted to focus on the most relevant problems facing a State party and to keep the list of issues to a minimum. In practice, when there were more than 25 issues, the members were given the opportunity to intervene after the first 15 questions. The procedure suggested in paragraph 10 would allow for more constructive dialogue.

26. **Mr. Amor** said that he was uncomfortable with the words “strict minimum” in paragraph 5. It could simply be stated that the list of issues should be limited to the most relevant questions and that there should “preferably” not be more than 15 or 20 questions. On occasion, over 30 questions were put to a delegation. As to whether the issues should be “as precise as possible”, sometimes more general questions were required. He was also concerned that the dialogue with the State parties should not be made to resemble an interrogation. He thus wished to propose that the second sentence of paragraph 5 should read: “Questions should, as far as possible, be precise”.

27. **Sir Nigel Rodley** said that, in order to meet Mr. Amor’s concern, the words “a strict minimum” could be replaced with the words “those that are of the highest priority”.

28. **Mr. Rivas Posada**, referring to paragraph 6, said that he was uncomfortable with the notion of ascribing “overall responsibility” to the country report task force. As for the words “in practice”, they were clearly redundant. His concern was that the second sentence could lead to a possibly unnecessary extension of the debate, since it might result in two rounds of questions.

29. **Ms. Chanet** said that the intention was not to have two rounds of questions, but to ascribe the main responsibility for the conduct of debates on a State party’s report to the task force. The second sentence could be amended to read: “Once the delegation has responded, the Committee members shall intervene”.

30. **Mr. Rivas Posada** said that he was concerned that when the Committee members intervened, they should not put additional questions to the State party.

The meeting rose at 6 p.m.