



# International Covenant on Civil and Political Rights

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## HUMAN RIGHTS COMMITTEE

Eighty-eighth session

### SUMMARY RECORD (PARTIAL)\* OF THE 2397th MEETING

Held at the Palais Wilson, Geneva, on Monday, 16 October 2006, at 10 a.m.

*Chairperson:* Ms. CHANET

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\* No summary record was produced for the remainder of the meeting (closed part).

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*The meeting was called to order at 10.10 a.m.*

OPENING OF THE SESSION (item 1 of the provisional agenda)

The CHAIRPERSON declared open the eighty-eighth session of the Human Rights Committee

ADOPTION OF THE AGENDA (item 1 of the provisional agenda)

*The agenda was adopted.*

STATEMENT BY THE REPRESENTATIVE OF THE HIGH COMMISSIONER  
FOR HUMAN RIGHTS

Mr. BRUNI (Representative of the High Commissioner for Human Rights) said that, since the Committee's July session, there had been many new developments concerning the United Nations human rights system in general and the Human Rights Committee in particular. Participants at the twenty-fifth meeting of States parties, held in New York on 7 September 2006, had elected nine members of the Human Rights Committee to replace those whose mandate would expire on 31 December 2006. Mr. Bruni congratulated Mr. Amor, Mr. Bhagwati, Ms. Chanet, Mr. Kälin and Ms. Wedgwood on their re-election, and he thanked Mr. Ando, Mr. Castillero-Hoyos, Mr. Solari-Yrigoyen and Mr. Wieruszewski, who would be concluding their mandates at the end of the year, for their contributions to the Committee's work. He also noted with satisfaction that the Committee would have five women members in 2007, compared to the current three.

The Legal Affairs Bureau had organized the seventh treaties ceremony in September, in which 14 States had participated. A total of 86 treaty formalities (signatures, ratifications, approvals, affiliations etc.) had been accomplished with respect to 40 treaties, of which 27 related to human rights. Andorra had ratified the International Covenant on Civil and Political Rights, along with its two Optional Protocols; Bahrain had adopted the Covenant; the Maldives had adopted the Covenant and its first Protocol; the Republic of Moldova had adopted the second Protocol; and the Philippines had signed the second Optional Protocol. In terms of reporting, Botswana had submitted its initial report during the previous week; Georgia had submitted its third periodic report; the former Yugoslav Republic of Macedonia had submitted its second and third periodic reports; Algeria had submitted its third and fourth periodic reports, and Austria had submitted its fourth periodic report.

On 25 August 2006, following eight working meetings, the Special Committee to consider proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities, which the General Assembly had set up in 2001, had adopted the draft International Convention on the Rights of Persons with Disabilities and its Optional Protocol. The process of preparing the draft had been rapid, with a high level of participation by Governments, national human rights institutions and civil society organizations. The instruments in question involved the creation of a new treaty body to consider periodic reports and communications and to pursue enquiries into credible information alleging serious or systematic violations of the Convention. The forthcoming adoption of the draft Convention and its Optional Protocol at the sixty-first session of the General Assembly would represent decisive progress in the field of human rights and would make it possible to address often neglected rights of about 10 per cent of the world's population, or some 650 million people.

On 28 September 2006, in her capacity as Chairperson of the eighteenth meeting of the Chairpersons of Treaty Bodies, Ms. Chanet had made a statement at the second session of the Human Rights Council to the effect that the Council would put forward a new way to promote the ratification and application of human rights treaties and for following up recommendations. She welcomed the prospects opened up by the universal periodic review, which would be a broader mode of review and different from those currently in place; and she had stressed that that review should also make it possible to remind States of their obligations in terms of reporting, and in following recommendations made in the final observations, findings relating to individual complaints and requests for information. The findings and recommendations of the treaty bodies, which appeared in their concluding observations, should be included in the basic information for the universal periodic review. Lastly, Ms. Chanet had stressed that the human rights treaty bodies seriously wanted to forge a special relationship with the Council to jointly reflect their complementary roles, with a view to better protecting the rights of all.

In her statement to the twelfth session of the Human Rights Council, the High Commissioner for Human Rights had also made clear that it was essential to seek synergies to avoid overlap between the activities of special procedures and treaty bodies and the universal periodic review.

The ad hoc intersessional working group on the universal periodic review, chaired by the President of the Council and assisted by the Permanent Representative of Morocco, who was also a member of the Bureau, had submitted its report on the modalities of that review to the Human Rights Council. Owing to a lack of time, however, the latter had been unable to take a decision on the issue, or on the 44 draft resolutions that had been submitted to it during the session. Consultations on the universal periodic review would proceed, and the working group would meet again from 13 to 17 November 2006.

To follow up the recommendations of the fifth inter-committee meeting and the eighteenth meeting of treaty bodies, a working group on reform proposals, consisting of a member from each treaty body, would meet on 27 and 28 November 2006. The Committee needed to choose its representative.

At the previous session, the Committee had formed an intersessional working group, consisting of Mr. Amor and Mr. O'Flaherty, to study documentation on the reform of treaty bodies and make recommendations as to Committee's attitude to the idea of creating a unified standing treaty body, and other reform proposals. The working group would report on its work during the current session, and the outcome of the discussion would be particularly interesting for the other treaty bodies and also for the States parties, national human rights institutions, non-governmental organizations (NGOs) and other stakeholders.

In principle, a two-day meeting would be held in February 2007, to enable the representatives of States parties to discuss the possibility of holding other consultations with the chairpersons of treaty bodies. The meeting in question had been requested by States parties at the meeting of the chairpersons of treaty bodies on 22 June 2006, with a view to strengthening dialogue between treaty bodies. Lastly, an intergovernmental consultation among States parties would be organized in 2007 on a date to be specified. The Office of the High Commissioner was at the Committee's disposal to answer its questions during the session.

In follow-up to recommendation IX of the fifth inter-committee meeting and the eighteenth meeting of the chairpersons of treaty bodies, the working group on

reservations, chaired by Sir Nigel Rodley, would meet again on 14 and 15 December 2006, to complete its report, which it would submit to the sixth inter-committee meeting, scheduled for 2007.

The Committee had a heavy workload and the Office of the High Commissioner would spare no effort in helping it fulfil its mandate.

#### ORGANIZATIONAL AND OTHER MATTERS (agenda item 3)

The CHAIRPERSON said that, during the meetings devoted to its working methods, which would not always be public, the Committee would consider three points: proposals made by the working group on improving follow-up methods, which was chaired by Mr. Rivas Posada; papers produced by Mr. Amor and Mr. O'Flaherty on reform of treaty bodies; and the issue of NGO participation in follow-up discussions, specifically those from the United States and the Democratic Republic of the Congo. Reminding members that the fourth meeting of States parties would be held on 27 October 2006, she asked them to make their proposals known, to enable the Committee to adopt a position on the reform of treaty bodies before the fourth meeting of States parties.

Mr. WIERUSZEWSKI (Chairperson-Rapporteur of the working group on communications) said that the working group, consisting of Ms. Palm, Mr. Bhagwati, Mr. Glèlè-Ahanhanzo, Mr. Johnson, Mr. Khalil, Mr. Kälin, Mr. Lallah, Mr. Rivas Posada, Mr. Solari-Yrigoyen and himself, had held 10 meetings between 9 and 13 October 2006. It had considered 32 draft decisions and recommendations and had reviewed 31 of them. It was recommending to the Committee 16 draft findings, 1 decision of admissibility and 14 decisions of inadmissibility. The working group would examine the draft of the remaining recommendation, which involved interesting legal issues, if it had time during the current session. It also considered that the number of meetings allocated for the review of communications in the work programme would not be sufficient and an extra one would need to be scheduled.

The CHAIRPERSON thanked the Chairperson-Rapporteur of the working group and said the Committee would meet with NGO representatives in a closed meeting.

*The discussion covered in the summary record ended at 10.35 a.m.*