



International Covenant on Civil and Political Rights

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Summary record (partial)* of the 3232nd meeting**

Held at the Palais Wilson, Geneva, on Friday, 6 November 2015, at 3 p.m.

Chairperson: Mr. Salvioli

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

** No summary records were issued for the 3228th to 3231st meetings.

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.



The discussion covered in the summary record began at 4.50 p.m.

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

Methods of work

1. **The Chairperson**, reporting to the Committee on his presentation of an address to the Third Committee of the General Assembly, said that he had highlighted the human rights violations described in the Committee's annual report, including torture and violence against women. He had also spoken about the human rights challenges stemming from migration and the support provided for States by the Committee and by the Office of the United Nations High Commissioner for Human Rights (OHCHR). He had emphasized the importance of compliance with the Committee's concluding observations and Views and thanked the General Assembly for granting additional meeting time. He had also indicated the difficulties caused by the lack of resources and urged the General Assembly to increase the budget allocated to the promotion and protection of human rights. He had spoken of the advantages of the simplified reporting process, provided information on the meeting of Chairs of the human rights treaty bodies and described the problem of reprisals. He had outlined the Committee's discussions on the draft general comment on the right to life and stressed the importance of the ratification of the Covenant and its Optional Protocols. He had noted that the Committee shared with States the objective of protecting human rights without discrimination and had emphasized the need to strengthen joint efforts in that regard.

2. His presentation had been followed by statements from several States, the European Union and the Group of African States. The European Union had praised the Committee's work, including the introduction of the simplified reporting procedure and the Committee's amendment to rule 70 of its rules of procedure. Switzerland had commended the Committee's work on the abolition of the death penalty, which should be pursued in its general comment. Argentina had commended the Committee's composition, stated that its interpretations of the Covenant should be considered definitive and encouraged the Committee to adopt stronger measures against States parties that failed to submit reports. Belarus, after reaffirming its position on the admissibility of communications, had expressed its concern that the Committee was vulnerable to manipulation by non-governmental organizations (NGOs) and that its members were not truly independent. The United Kingdom of Great Britain and Northern Ireland had commended the Committee's work and expressed appreciation of the interactive dialogue that it had recently held with the Committee. Cuba, which was not a State party to the Covenant, had asked how the success of the simplified reporting process was evaluated. Sierra Leone, representing the Group of African States, had expressed serious concern regarding the Guidelines against Intimidation or Reprisals (San José Guidelines); they should not create any new obligations for States parties and the Committee should not act on them without States' prior agreement. Iceland had expressed its support for the Committee's work and its concern at delays in examining communications. Lastly, Nigeria had asserted that the San José Guidelines interfered with other United Nations mechanisms and that no obligations should be imposed on States parties other than those enshrined in the Covenant.

3. He had answered many questions on the simplified reporting process, the Committee's meetings in dual chambers, the implementation of General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system and the impact of the lack of resources. He had also responded to evaluations of the San José Guidelines and comments on the need to utilize all the resources allocated by the General Assembly.

4. **The Chairperson** said he took it that the Committee wished to endorse his report on his address to the Third Committee.

5. *It was so decided.*

Proposal to introduce an expedited process for repetitive communications

6. **Mr. Shany**, recalling his proposal to introduce an expedited process for repetitive communications, which the Committee had discussed at its 113th session (CCPR/C/SR.3154, paras. 67-82), drew attention to a document without a symbol, distributed in the meeting room in English only, outlining the rationale and the operation of the proposed procedure. The process involved little risk, because Committee members could veto the classification of a communication as repetitive. It would enable cases to be addressed quickly and ensure consistency in the drafting of decisions. One or several special rapporteurs for repetitive communications would need to be appointed. Approximately 20 per cent of communications examined during the current session could have been classed as repetitive.

7. **Mr. de Frouville** said that he supported the proposal; there was already an expedited procedure relating to the admissibility of communications. A rigid definition of what constituted a repetitive communication should be avoided, however. Such communications generally related to structural violations that had already been discussed and agreed upon, and cases where there were dissenting opinions on points of law could be precluded from being classified as repetitive.

8. **Mr. Bouzid** asked how frequently repetitive communications occurred. All cases should be dealt with equally, even if they were repetitive.

9. **Mr. Rodríguez Rescia** said that he did not oppose the streamlining of procedures where appropriate, although he had concerns regarding the criteria for repetitive communications; careful consideration must be given to them and there should be minimum standards for the resolution of repetitive communications, taking account of structural or regulatory issues. The adoption of the new process, which would require an amendment to the rules of procedure, should be transparent.

10. **Ms. Seibert-Fohr** said that the proposal should be redrafted to reflect the fact that the process related to communications concerning matters that had already been addressed by the Committee. The provision that no individual or dissenting opinions would be appended to Views on repetitive communications was unnecessary, given that contentious cases would not be examined under the expedited procedure.

11. **Mr. Iwasawa** said that he supported the proposal to implement the process, provided that sufficient resources were allocated to it, since it would demonstrate the Committee's willingness to increase its efficiency and effectiveness.

12. **Mr. Ben Achour**, supporting the points made by Mr. Rodríguez Rescia and Mr. Bouzid, said that he had been unaware that the Committee had made a formal decision to adopt the expedited procedure. He wondered whether the proposal outlining the procedure could be translated into his working language and resubmitted to the Committee at its next session.

13. **The Chairperson** said that, when he and Mr. Shany had suggested discussing the proposal, no one had objected.

14. **Mr. Ben Achour** said that he was not at all unwilling to discuss the proposal. Indeed, that was precisely what he was doing. He merely wished to read it at his leisure, as he had not seen it before.

15. **The Chairperson** said that the Committee had discussed the proposal at its 113th session in March 2015.

16. **Ms. Cleveland**, recalling the detailed discussion of the proposal at that time, said that the only way to determine whether it would enable the Committee to work more efficiently was to implement the expedited procedure on a trial basis.

17. **Mr. Fathalla** said that he supported the proposal, as it was his understanding that implementing the expedited procedure would not only help the Committee work more efficiently but also enable it to address communications more consistently. He noted that a safety valve was provided for in the proposal that would entitle any member of the Committee to request a detailed consideration of any case before the plenary.

18. **Ms. Waterval** said that she wished to express her support for the procedure, which she had endorsed from the outset.

19. **Mr. Vardzelashvili** said that a given communication would be checked twice before it was filed in the folder relating to repetitive cases. If those checks turned out to be insufficient, additional safeguards could be put in place.

20. **Ms. Jelić** said that, although she had not commented on the proposed procedure when it had been discussed at the 113th session, she was in favour of implementing it on a trial basis. A similar procedure seemed to have simplified proceedings before the European Court of Human Rights.

21. **Mr. Ben Achour** said that he had had to return to Tunis in March 2015. He was not against adopting the procedure. He simply wished to give it the close reading it deserved.

22. **The Chairperson** reminded Mr. Ben Achour that the Committee had discussed the proposal after his return from Tunis.

23. **Mr. de Frouville** said that, in principle, the proposal did not pose a problem. Nonetheless, what had been submitted to Committee members appeared to be a working paper. It included both the proposed procedure and a gloss on the procedure. It would perhaps be preferable to have a document setting out the procedure alone, which could be adopted very quickly at the next session. A translation would facilitate matters.

24. **Ms. Edelenbos** (Secretariat) said that no translation services were available for non-mandated documents such as the proposal currently before the Committee.

25. **The Chairperson** said that he was certain that, through his university in Argentina, informal translations into French and Spanish could be provided.

26. **Mr. Shany** said that he understood the reluctance of some Committee members to approve a proposal not available in their working languages. However, it was necessary to translate only paragraphs 1 to 7 of the proposal, which could then be quickly adopted at the next session. The rapporteurs for repetitive communications could also be appointed at that time.

27. *It was so decided.*

Announcement of Bureau decisions

28. **The Chairperson** said that during the current session the Committee had considered the reports of seven States parties, namely Austria, Benin, Greece, Iraq, the Republic of Korea, San Marino and Suriname. For the first time, on a trial basis, the Committee had worked in chambers. The concluding observations that the Committee had adopted had been made public at a press conference the day before and unedited versions had been posted on the Committee's website.

29. The Committee had adopted decisions on 40 individual communications. It had found violations in 21 of the cases and no violation in 3. It had declared 9 cases inadmissible and 1 admissible. It had decided to discontinue consideration of 6 cases.

30. The Committee had also adopted lists of issues for Bosnia and Herzegovina, Burkina Faso, Ghana, Guatemala, Hungary, Kazakhstan and Kuwait. In addition, it had adopted reports on follow-up to concluding observations and on follow-up to Views.

31. A preliminary discussion of the experience of working in chambers had been held. He had debriefed Committee members on his address to the General Assembly.

32. Discussion of the draft general comment on the right to life had likewise begun. Once the draft had been approved on first reading, it would be made available to all stakeholders, including States parties, and they would be invited to submit written comments on it. The process of adopting a general comment on first reading was ordinarily rather lengthy. The current undertaking could take more than three sessions.

33. The Committee, as was its practice, had met with the Committee on the Elimination of Racial Discrimination to discuss issues of mutual interest. The Committee had also received several informal briefings, one, relating to intersex persons, given by OHCHR and another, given by Track Impunity Always (TRIAL), on the implementation of the Committee's Views. Among the highlights of the session had been the visit made to the Committee by the United Nations High Commissioner for Human Rights.

34. The minutes of the three Bureau meetings had been circulated. He said he took it that the Committee wished to adopt the Bureau's recommendations.

35. *It was so decided.*

Closure of the session

36. After the customary exchange of courtesies, **the Chairperson** declared the 115th session of the Human Rights Committee closed.

The meeting rose at 5.50 p.m.