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HUMAN RIGHTS COMMITTEE

Sixty-eighth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 1836th MEETING

Held at Headquarters, New York,
on Thursday, 30 March 2000, at 10 a.m.

Chairperson: Mr. AMOR
(Vice-Chairperson)

later: Ms. MEDINA QUIROGA
(Chairperson)

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* The summary record of the second part (closed) of the meeting appears as document CCPR/C/SR.1836/Add.1.

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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.

In the absence of Ms. Medina Quiroga, Mr. Amor, Vice-Chairperson,
took the Chair.

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

ORGANIZATIONAL AND OTHER MATTERS (continued)

Lists of issues to be taken up in connection with the consideration of reports
submitted by States parties under article 40 of the Covenant

Draft list of issues to be taken up in connection with the consideration of the
initial report of the State of Kuwait (CCPR/C/120/Add.1) (CCPR/C/69/Q/KWT/3)

1. Mr. KLEIN introduced the draft list of issues (CCPR/C/69/Q/KWT/3) prepared by the Working Group and incorporating amendments suggested by the other Committee members in relation to the initial report of Kuwait (CCPR/C/120/Add.1).

Constitutional and legal framework within which the Covenant is implemented
(article 2 of the Covenant)

2. Questions 1, 2 and 3 were adopted.

Gender equality and nationality of children (articles 3, 23, 24, 25 and 26 of
the Covenant)

3. Mr. HENKIN said that, as presently worded, the bracketed second sentence of question 4 invited a vague essay, whereas what the Committee wanted was specific facts.

4. Mr. YALDEN said that, since the Committee was really looking for disaggregated statistics, perhaps it should say so.

5. Mr. KLEIN proposed that the sentence should read: "Could the State party provide detailed statistics on the position of women in society, labour, administration, education, and in the universities?".

6. Question 4, as amended, was adopted.

7. Mr. HENKIN thought that the second sentence of question 5 was too vague to be meaningful. He proposed that it should read: "Do non-Muslim women have the same rights in these regards as Muslim women?".

8. Ms. EVATT said that the bracketed third sentence in question 5 needed to be reworded, because the Committee favoured the abolition of most of the practices referred to, not equal treatment in regard to them.

9. Ms. CHANET said that, rather than inquiring about equal treatment, the Committee should simply ask for information with regard to repudiation, polygamy and so forth.

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10. Mr. HENKIN, Mr. KLEIN and Mr. ANDO said that it was pertinent to ask about equal treatment in terms of repudiation, adultery and the capacity to give testimony, but that polygamy and crimes of honour should be handled in a separate sentence as undesirable practices.

11. Mr. YALDEN said that the Committee could agree on viewing crimes of honour as definitely bad and on seeing adultery and capacity to give testimony as areas in which there should be no discrimination in the treatment accorded women and men. However, he did not think there was a consensus on how to handle repudiation and polygamy or polyandry. He suggested that they should sidestep the issue by calling for "detailed information on the situation in the State party in law and practice regarding repudiation, polygamy, crimes of honour, adultery, and capacity to give testimony".

12. Lord COLVILLE said that he agreed that, in the list of issues, the Committee should simply request information on those areas and pose more specific questions later to the delegation in person.

13. Question 5, as amended, was adopted.

14. Question 6 was adopted.

Principle of non-discrimination and protection of minorities (articles 26 and 27 of the Covenant)

15. Question 7 was adopted.

16. Mr. SOLARI YRIGOYEN pointed out that the term "Bedoon" used in the first sentence of question 8 was misleading, because it might be taken to refer to Bedouins. Since the Chairperson had explained that the term came from the words for "without papers", perhaps it would be better to avoid a localism and instead to use a short phrase, readily understood by all, such as "stateless persons" or "undocumented workers".

17. Mr. KLEIN explained that "Bedoon" was a term used by those conversant with the situation in Kuwait. Non-governmental organizations had supplied the Working Group with extensive information on the subject. The term had been used in the consideration of the report of Kuwait to the Committee on the Rights of the Child. The plight of the Bedoons was a critical human rights issue in Kuwait, but it was difficult to define them precisely using any other term. There were, for instance, other stateless persons or persons without documents in Kuwait who were not Bedoons.

18. Ms. EVATT said that she agreed with Mr. Klein and felt that the situation could be dealt with by putting "Bedoon" in quotation marks and adding the words "residents without documents" in brackets.

19. Question 8, as amended, was adopted.

20. Questions 9 and 10 were adopted.

Right to life, prevention of torture and degrading treatment (articles 6 and 7 of the Covenant)

21. Ms. Medina Quiroga took the Chair.

22. Ms. CHANET, referring to question 11, said that she found it strange, especially in the case of an initial report, that there should be a question on the death penalty but no question at all on the judicial system as such. It would be especially relevant with regard to Kuwait, with its history of martial law.

23. Mr. KLEIN explained that the original draft had included such a question but that the Working Group, finding the list too long, had deleted it.

24. Lord COLVILLE said that a question was definitely needed on the implementation of article 14 in general, including all aspects such as due process and the independence of the judiciary.

25. The CHAIRPERSON said that the question could best be dealt with in a later part of the list as a separate issue.

26. Question 11 was adopted.

27. Questions 12 and 13 were adopted.

28. Mr. HENKIN proposed redrafting question 14 to read: "Is abortion prohibited and are there any exceptions (paras. 84 and 85)?".

29. Question 14, as amended, was adopted.

30. Question 15 was adopted.

Liberty and security of the person; treatment of prisoners (articles 9 and 10 of the Covenant)

31. Ms. CHANET proposed dividing the first sentence of question 16 into two, the first concluding with the words "judicial authority". The second part of the sentence would become a separate sentence reading: "How long may pre-trial detention last (paras. 161 and 162)?" and she would propose making that the third sentence of question 16, after the current second sentence.

32. Question 16, as amended, was adopted.

33. Question 17 was adopted.

34. Lord COLVILLE proposed including a separate issue relating to article 14 and having to do with the judiciary, as discussed earlier, under which would be included a new question 18, reading:

"The judicial system (article 14 of the Covenant)

18. Please describe how the judiciary and the judicial system in the courts comply with all the provisions of article 14."

The subsequent questions would be renumbered accordingly.

Freedom of religion (article 18 of the Covenant)

35. Question 18 was adopted.

Freedom of expression and association (articles 19, 22 and 25 of the Covenant)

36. Questions 19 to 21 were adopted.

Dissemination of information about the Covenant (article 2 of the Covenant)

37. Question 22 was adopted.

38. The draft list of issues to be taken up in connection with the consideration of the initial report of the State of Kuwait as a whole, as amended, was adopted.

Draft list of issues to be taken up in connection with the consideration of the second periodic report of Ireland (CCPR/C/IRL/98/2) (HRI/CORE/1/Add.15/Rev.1) (CCPR/C/69/Q/IRL/4)

39. Ms. EVATT introduced the draft list of issues, which was based in part on the Committee's concluding observations on the initial report of Ireland.

Constitutional and legal framework within which the Covenant and the Optional Protocol are implemented (article 2 of the Covenant)

40. Questions 1 to 4 were adopted.

Derogation in states of emergency (article 4 of the Covenant)

41. Question 5 was adopted.

The right to life, liberty and security of person, the treatment of detainees and the right to a fair trial (articles 6, 7, 9, 10 and 14 of the Covenant)

42. Questions 6 to 8 were adopted.

43. Lord COLVILLE, referring to the end of question 9, proposed replacing the words "corroboration of guilt" with the phrase "relevant material tending to indicate guilt".

44. Question 9, as amended, was adopted.

45. Question 10 was adopted.

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46. Ms. EVATT proposed bringing question 11 into line with the wording of the similar question relating to the report of Kuwait. It would thus read: "Is abortion prohibited and are there any exceptions?".

47. Question 11, as amended, was adopted.

Gender equality and protection from domestic violence (articles 3, 7 and 26 of the Covenant)

48. Questions 12 to 14 were adopted.

Protection of children (articles 23 and 24 of the Covenant)

49. Question 15 was adopted.

Protection of privacy (article 17 of the Covenant)

50. Question 16 was adopted.

Freedom of expression, thought, conscience and religion (articles 18 and 19 of the Covenant)

51. Questions 17 and 18 were adopted.

The rights of persons belonging to minorities (articles 18, 25, 26 and 27 of the Covenant)

52. Questions 19 and 20 were adopted.

Dissemination of information about the Covenant (article 2 of the Covenant)

53. Question 21 was adopted.

54. The draft list of issues to be taken up in connection with the consideration of the second periodic report of Ireland as a whole, as amended, was adopted.

Draft list of issues to be taken up in connection with the consideration of the third and fourth periodic reports of Australia (CCPR/C/AUS/1998/3 and 4) (CCPR/C/69/Q/AUS/1)

55. Mr. SCHEININ introduced the draft list of issues on behalf of Mr. Kretzmer, who had incorporated all the proposals made by members.

Status of Covenant rights and implementation of Views under the Optional Protocol

56. Question 1 was adopted.

57. Ms. CHANET informed the Committee that she would be meeting the next day with the Australian representative as part of the follow-up on the case referred

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to in question 2 (Communication No. 560/1993), on which the State party had contested the Committee's Views.

58. Mr. SCHEININ said that the question was useful because it would allow for a discussion of the issue at the time of the consideration of the report.

59. Question 2 was adopted.

60. Question 3 was adopted.

Right of all peoples to self-determination and the rights of persons belonging to minorities (articles 1 and 27 of the Covenant)

61. Questions 4 to 8 were adopted.

Discrimination and equality before the law; fair trial and rights of children (articles 3, 26, 14 and 24 of the Covenant)

62. Questions 9 to 12 were adopted.

Right to life and prevention of torture and degrading treatment (articles 6 and 7 of the Covenant)

63. Questions 13 to 15 were adopted.

Liberty and security of the person; treatment of prisoners and other detainees; freedom of movement and the rights of aliens (articles 7, 9, 10, 12 and 13 of the Covenant)

64. Questions 16 to 19 were adopted.

Freedom of religion and prohibition of discrimination (articles 18 and 26 of the Covenant)

65. Question 20 was adopted.

Dissemination of information about the Covenant (article 2 of the Covenant)

66. Question 21 was adopted.

67. The draft list of issues to be taken up in connection with the consideration of the third and fourth periodic reports of Australia as a whole was adopted.

Draft list of issues to be taken up in connection with the consideration of the initial report of Kyrgyzstan (CCPR/C/113/Add.1) (CCPR/C/69/Q/KGZ/3)

68. Mr. WIERUSZEWSKI, introducing the draft list of issues, said that since this would be Kyrgyzstan's initial report the list contained more questions than usual. Some of the amendments that he had introduced had been suggested by members and some had been drawn from material that he had received during the course of the session.

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Constitutional and legal framework within which the Covenant and the Optional Protocol are implemented (article 2 of the Covenant)

69. Question 1 was adopted.

70. Mr. ANDO proposed replacing the word "both" before the word "institutions" at the end of the first sentence of question 2 with the words "the two".

71. Question 2, as amended, was adopted.

State of emergency (article 4 of the Covenant)

72. Question 3 was adopted.

Gender equality (articles 3 and 7 of the Covenant)

73. The CHAIRPERSON, speaking in her personal capacity, proposed adding the words "laws and" before the word "programmes" in the first sentence of question 4.

74. Question 4, as amended, was adopted.

75. Question 5 was adopted.

76. Mr. WIERUSZEWSKI said that question 6 should be deleted since it was simply a repetition of question 4. All subsequent questions would be renumbered accordingly.

77. It was so decided.

78. Questions 7 and 8 were adopted.

Right to life and prevention of torture and degrading treatment, liberty and security of person (articles 6, 7, 9 and 10 of the Covenant)

79. Mr. HENKIN said that in question 9, the Committee should ask whether the moratorium on executions had been extended, and whether it had led to the abolition of the death penalty.

80. Question 9, as amended, was adopted.

81. Questions 10 to 12 were adopted.

Freedom of movement (article 12 of the Covenant)

82. Question 13 was adopted.

Right to a fair trial (article 14 of the Covenant)

83. Questions 14 to 16 were adopted.

Freedom of expression, assembly and participation in public affairs
(articles 19, 21 and 25 of the Covenant)

84. Mr. HENKIN proposed that, in question 17, the words "during the last few years" should be changed to "during the last five years".

85. Question 17, as amended, was adopted.

86. Questions 18 and 19 were adopted.

Participation in the conduct of public affairs (article 25 of the Covenant)

87. Lord COLVILLE said that, in question 20, the words "present electoral campaign" should be changed to "electoral campaign in 2000".

88. Question 20, as amended, was adopted.

Protection of children (articles 24 and 8 of the Covenant)

89. Questions 21 and 22 were adopted.

Equality before the law and the rights of people belonging to minorities
(articles 25, 26 and 27 of the Covenant)

90. Lord COLVILLE suggested that, in question 23, the words "hiring, promotion" should be changed to "obtaining employment and promotion in employment".

91. Question 23, as amended, was adopted.

92. Question 24 was adopted.

Dissemination of information relating to the Covenant (article 2 of the Covenant)

93. Question 25 was adopted.

94. The draft list of issues to be taken up in connection with the consideration of the initial report of Kyrgyzstan, as amended, was adopted.

The public part of the meeting rose at 11.55 a.m.