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## Committee on the Elimination of Racial Discrimination Sixty-sixth session

## Summary record of the first part (public) of the 1694th meeting

Held at the Palais Wilson, Geneva, on Thuesday, 8 March 2005, at 10 a.m.

Chairperson: Mr. Yutzis

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

## Organizational and other matters (agenda item 2) (continued)

General debate on multiculturalism

- 1. **Mr. Lindgren Alves** said that his experience of diplomacy, acquired in various countries, had prompted him to reflect on the notion of multiculturalism, which was perceived very differently from one country to the next. In Brazil, his own country, it was viewed as a means of merging differences into a single "whole". On the other hand, in the United States, Canada and elsewhere, it was considered that cultures could neither mingle nor influence each other.
- 2. He had proposed that topic for general discussion as he feared that, far from serving the cause of non-discrimination, the recommendations made by the Committee to States parties had the effect of increasing the violence and intolerance directed at certain groups within the population regarded as the cause of all the ills of society. He endorsed the words spoken the previous year by the Special Rapporteur on Contemporary Forms of Racism, who had described multiculturalism as a "two-edged sword".
- 3. In making recommendations concerning education, the recognition (or non-recognition) of immigrants and their treatment by the host country and, moreover, questions of language, religion, and the traditional practices and values of the immigrants' culture of origin as opposed to those of the host society, the Committee was addressing fundamental aspects of multicultural policy.
- The rights of minorities should not be confused with those of indigenous peoples, which were much more firmly rooted in international law. At international level, only the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, a non-binding instrument, described the rights of minorities. Moreover, it had taken 20 years of effort to have that instrument, finalized under the leadership of Yugoslavia, drawn up and approved. He considered that the reason why the text had finally been adopted by the General Assembly in 1992 was that the effects of the conflicts ravaging the former Yugoslavia had been beginning to make themselves felt all over the world and, to put it simply, the situation could be ascribed to lack of respect for minority rights on the part of President Milosevic. In fact, that analysis was not totally mistaken considering that Milosevic had given precedence to the rights of one minority at the expense of those of the other minorities. However, it should not be forgotten that the Yugoslavia of President Tito was probably the country that had done most to observe and protect its people's ethnic and national differences, to such an extent that one could not help but wonder whether so marked an interest in the differences did not in some way underlie the cruel policies implemented by Milosevic.
- 5. He recalled that the Committee had adopted several general recommendations in which it had interpreted articles of the Convention in order to provide States with guidance in their relations with minorities, in particular General Recommendation VIII concerning the interpretation and application of article 1, paragraphs 1 and 4 of the Convention. In the words of that general recommendation, the identification of individuals as being members of a particular racial or ethnic group or groups should be based upon self-identification by the individual concerned, a rule to which he fully subscribed. On the other hand, he totally rejected the principle enunciated in General Recommendation XXIV concerning article 1 of the Convention, according to which "certain criteria should be uniformly applied to all groups".
- 6. The Committee's experts had a mandate to ensure that States parties implemented the provisions of the Convention with a view to eliminating discrimination, not to establish norms of international law or binding case law applicable to all countries. Since in order to

assess the situation the Committee relied on the reports submitted by States parties under article 9 of the Convention, it should take into consideration the particular circumstances that prevailed in each of the countries concerned.

- 7. It was natural that European countries should recognize the ethnic groups present on their territory as minorities, so as to prevent a minority being oppressed by the culture and politics of the majority; however, it was hard to visualize that rule being applied in the same way to the countries of Africa, whose borders had been marked out by imperial powers with no regard for the pre-existing cultures and nations. Those countries had therefore had to build a national identity on the basis of highly diversified cultures and nations, some of which had often been enemies in the past. Forcing them to recognize minorities as entities whose values could neither be called into question nor merged could only lead to schisms or conflict. The same conclusion could be drawn concerning the countries of Latin America, whose populations were the descendants of a mixture of immigrants from Europe and Asia, slaves of African origin and indigenous peoples who were fighting for their rights to be recognized by the States concerned. Moreover, it was unrealistic to demand that the countries of Africa and Latin America promote all the languages and values of the minorities present on their territory considering that they often lacked the means to guarantee free public education, other than in the national language.
- 8. In addition, the Committee should insist on respect for the values of the culture of origin of immigrants. However, he questioned the advisability of recommending that States parties regard those values as being sacrosanct, particularly when certain traditional practices, such as polygamy or female genital mutilation infringed the laws of the host society or were inconsistent with its values. It might be preferable for the Committee to advise the countries of emigration to encourage emigrants to respect the laws and values of the host country, albeit without losing their own identity, to avoid being systematically perceived as the source of all that country's problems. Moreover, the Committee should remain realistic and not demand that the host countries promote the immigrants' own culture.
- 9. Finally, he did not consider it necessary to draw up a general recommendation on the question of multiculturalism, but thought it might be useful if the Committee were to bear in mind the broad outlines of the general discussion which had just begun when it adopted its concluding observations after examining the reports of States parties.
- 10. **Mr. Diène** (Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance) stressed the complementarity of his mandate and that of the Committee, and added that there could be no doubt that a joint process of reflection would be mutually beneficial.
- 11. Concerning Africa, he said that, looking beyond the ethnic conflicts which had shaken the continent in the course of its recent history, the diversity of cultures and acceptance of "the other" were a reality, and multiculturalism was deeply rooted in its values and traditions, an idea which he illustrated by quoting the African proverb: "In the forest, while the branches quarrel, the roots embrace."
- 12. He noted that multiculturalism also had its critics, who saw in it the source of all the ills of society and every conflict whether they were of cultural, religious or indeed ethnic origin and hence a threat to the identity of the countries concerned. However, there could be no denying that it was precisely in the rejection of multiculturalism and cultural diversity that mass discrimination lay.
- 13. When talking of multiculturalism it was necessary to bear in mind the different "levels" of culture. Care should be taken to avoid reducing that concept to its first level, namely, to its purely aesthetic dimension, to the external visible manifestations stemming from the act of creation. It should be understood that discrimination against other peoples,

by rejecting and failing to recognize them, belonged to a second level of culture – ethics – and the refusal to acknowledge that they had values built up over the course of history and time, which transcended their animal side, was tantamount to denying their humanity and served to justify the civilizing mission to which some countries had laid claim. Finally, refusing to recognize in other peoples the third level of culture – spirituality, as manifested in rituals, myths or the worship of a god – was also tantamount to denying their existence.

- 14. He then drew the attention of the Committee members to the fact that when multiculturalism became conflictual, the identity of a people, a nation, or a region was constructed at the expense of the identity of other groups, communities or religions, which found themselves demonized, and it was precisely at that stage that peoples became predisposed to accept or reject the notion of multiculturalism.
- 15. He added that the notion of "cultural diversity" was very often associated with that of multiculturalism, but recalled that it was by reflecting on the diversity of races and species in the eighteenth and nineteenth centuries that intellectuals and scientists had ended by concluding that some were superior to others, which led him to say that the notion of cultural diversity in itself was not without its risks.
- 16. Finally, an analysis of the genocides of the past century could lead to the conclusion that, in every instance, there had been a refusal to accept a reality, namely, the de facto "multiculturalization" of every country stemming from the historical necessity, for peoples, to feed themselves, to engage in conquest, to make war on each other and to trade, without which there would have been neither interaction between them nor history. Multiculturalism was therefore a reality and it was the refusal to recognize it that was the source of all the evil. He offered as evidence the debate that today surrounded Turkey's accession to the European Union, concerning which those who were opposed argued that the "Turks do not share Europe's values", while the bolder among them explained that they "don't have the same religion". Behind that refusal, as behind the proposal to cite the Christian heritage in the European Constitution as Europe's historical heritage, lurked the rejection of the idea that Europe was already multicultural. The Committee was invited to note that new justification for discrimination, based on the rejection of "the other" on the grounds that he or she was different.
- 17. Starting from the postulate that all States were multicultural and none was monoethnic, he took the view that there were three main ways of defending and promoting multiculturalism. First of all, the State should recognize the specific attributes of each of the groups of which it was composed, while advocating national unity. In those circumstances, rather than being left with no choice but to accept the values of the host country, the foreigner could assert his right to be different. The fact remained that few countries were successful in building a national identity while recognizing the diversity of the population. Secondly, the State should promote interaction between the different communities, ethnicities and groups and prevent them from becoming isolated. Thirdly, it was important to link the struggle against racism with the promotion of multiculturalism, which meant that rather than tending to isolate one community the anti-racism campaign should help to protect all communities by promoting exchanges between them.
- 18. In conclusion, he welcomed the fact that the Committee had taken the initiative to organize a discussion on multiculturalism since one of the most important current issues was that of all societies learning to live in harmony.
- 19. **Mr. Thornberry** shared the view of the Special Rapporteur that although it was difficult to define the notion of multiculturalism, the existence of a multicultural reality could not be denied. While countries such as Canada and Australia accepted the cultural diversity of their population and even recognized it in their constitutions, others preferred to avert their eyes. The notion of multiculturalism was a subject of controversy in a number of

western, particularly European countries, since parties on the far right had turned it into a political issue in order better to defend so-called European values.

- 20. He observed that, although multiculturalism was not enshrined as such in any international instrument, many provisions, such as article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination, article 27 of the International Covenant on Civil and Political Rights and ILO Convention No. 169 concerning indigenous and tribal peoples, defined rights and norms aimed at promoting tolerance and mutual respect. That said, respect for cultural diversity should not lead the Committee to accept or support practices that were reprehensible from the human rights standpoint. At the same time, rather than making the same recommendations to all States parties, the Committee should take their specific cultural characteristics into account.
- 21. **Mr. Shahi** recalled that, during the discussion on the prevention of genocide, several speakers had pointed out that failure to recognize the multicultural realities of a society increased the risk of genocide. He agreed with Mr. Thornberry that respect for multiculturalism did not mean the toleration of cultural practices that were inconsistent with human rights. As regards the theory of the clash of civilizations mentioned by the Special Rapporteur, he noted that it was being increasingly undermined by the development of universal human rights values, which showed that States were succeeding in reaching an understanding on the basic principles despite their cultural differences.
- 22. **Mr. Cali Tzay** said that multiculturalism was a new idea for a number of western countries, but a long-standing reality for the countries of Latin America. Multiculturalism presupposed not only recognizing the beliefs and practices of the indigenous peoples but also respecting them, in the knowledge that those peoples often had to struggle to break with an hegemonic culture that concealed the demographic reality of the nation. He thought that countries and individuals who opposed the notion of multiculturalism were actually fearful of losing their privileges and that not recognizing the multicultural reality of a society and wanting to homogenize and assimilate the peoples of which it was composed amounted to perpetuating outmoded racist ideologies.
- 23. The globalization phenomenon inevitably involved the disappearance of physical frontiers but should not end in the disappearance of cultural frontiers since cultural differences were one of humanity's riches. As the United Nations Development Programme (UNDP) had stressed in its 2004 Human Development Report, there could be no economic development without respect for cultural diversity. That was why the UNDP had recommended the framing of multicultural policies that recognized differences, protected diversity and favoured cultural freedom.
- 24. In conclusion, he reaffirmed that it was possible to live in harmony in a multicultural and plural society and to recognize the rights of indigenous peoples. It would be helpful if the Committee were to continue discussing multiculturalism at its next session, in August 2005.
- 25. **Mr. Valencia Rodríguez** said that the great disparities in wealth between North and South had had the effect of encouraging migratory flows towards the developed countries of the North, which had had enormous difficulty in coping with that situation. At first, many had failed to understand the need to recognize the rights of non-nationals, who had often been rejected by the rest of the population. With the development of international principles relating to human rights, countries had begun to recognize the rights of foreigners while requiring them to assimilate, which meant renouncing their identity in order to be accepted into society.
- 26. He considered that the adoption of the International Convention on the Elimination of All Forms of Racial Discrimination constituted a veritable revolution, inasmuch as it had helped to promote the rights of traditionally marginalized communities and advance the

cause of their social integration. Unlike assimilation, integration allowed everyone to preserve and lay claim to his or her own traditions and cultural customs, provided the law of the country was respected. In any event, much remained to be done to promote multiculturalism and the Committee would certainly have a key role to play in that respect.

- 27. **Mr. Kjaerum** said that in Europe a certain approach consisting in legislating against forced marriages or the wearing of the veil in public places, or taking steps to prevent ghettoization was based on the idea that within some groups all marriages were arranged, that no young or adolescent girl willingly wore the veil and that people of certain ethnic origins had necessarily to live in certain neighbourhoods, an approach which failed to respect cultural differences or recognize diversity within the minority cultures themselves. On the other hand, some partisans of a multiculturalist approach rejected any intervention against forced marriages, which they considered to be an integral part of some religions, cultures or traditions. Viewed from that standpoint, society was a juxtaposition of fixed and separate cultural entities that followed their own rules, particularly in family and religious matters. That could easily lead to cultures being regarded as something definitive and static.
- 28. The notion of multiculturalism, as developed in some European countries, did not really capture the dynamic give-and-take relationship between cultures and human beings seeking their place in society. The end result was a form of inflexible negotiation between representatives of predefined groups, which became increasingly the norm as the pressures, the marginalization and the discrimination intensified.
- 29. Lack of focus on the individual and the diversity to be found within any group was a failing common to both certain government approaches and certain partisans of multiculturalism. Human rights imposed an outer limit on behaviour, particularly in the areas of marriage, labour market discrimination and the sexual exploitation of women, which no cultural or religious argument put forward either by the State or by individuals should be allowed to call into question.
- 30. Being under the obligation to respect and protect the rights of persons living on its territory, the State should respect the desire of individuals to wear the veil, including at school and in public places, and the right to live in the neighbourhood of their choice. It should also protect people from being forced to marry or to wear the veil and refuse to grant any cultural or religious exemption from the rule of law based on the principles of human rights. Similarly, the State should also protect the rights of a young woman subjected to labour market discrimination because she wore a headscarf or for any other reason. It should also guarantee non-discrimination on the housing market to prevent people from being marginalized in certain neighbourhoods because of their colour, religion or ethnic origin.
- 31. In his view, the interaction between the treatment of minorities and the current development of human rights was nothing but the continuation of a long historical process. He considered that the multicultural composition of most of the countries in the world was a fact that could not be ignored, but that it was appropriate to recall the close relationship that existed between human rights and the protection of minorities and to reintegrate human rights into our understanding of the multicultural society and its dynamic development.
- 32. **Mr. Amir** said that multiculturalism was primarily concerned with the nomadism of societies, in the sense that every society was nomadic and carried with it its culture, which explained the existence of multiculturalism. In his opinion, if multiculturalism was still a subject for debate, it was because the epistemological rupture in the evolution of ways of thinking that had taken place in science and technology, enabling human progress to be made in those fields, had not been achieved, in a humanistic sense, in the field of culture. Millions of years ago, ethnic groups, driven by the warming of the planet, had moved into areas in which they had been able to organize themselves to improve their standard of

living and advance in the direction of social and human progress. The encounter between ethnic groups and cultures had inevitably given rise to conflicts linked with the establishment of settlements. Likewise, in the present age, the higher the standard of living in a given place, the more likely it was for different ethnic groups to be drawn towards it and the more the migratory phenomenon would develop. Multiculturalism was now a phenomenon that people recognized but refused to accept, since it was not possible to allow everyone to own the same home, whence the conflicts and the intolerance of differences. Multiculturalism was now codified from the legal point of view, but not upstream, to reduce the rejection of "the other".

- 33. **Mr. Tang** said that multiculturalism was a very important question that closely concerned the Committee since, in studying the situation in different countries as it did, it took an interest in respect for cultures. As pointed out by the Special Rapporteur on Contemporary Forms of Racism, the problem for the dominant culture was that of coexisting with other cultures while respecting and accepting them. The question facing the Committee was that of how to treat the relations between the dominant culture and other cultures. He considered that the Committee should study that question, along with that of the complementarity of cultures.
- 34. **Mr. Avtonomov** said that, when numerous socio-ethnic groups lived together in a country, a consensus eventually grew out of that multiculturalism and internal conflicts ended up by being solved. Thus, in Russia, Christians and Muslims had lived together for a very long time without problems. Conflicts between cultures often arose out of mutual incomprehension, which could be the result, for example, of misunderstandings linked with differences in linguistic usage, particularly in the case of immigrants. Although their rights had to be protected because of their vulnerability, it was indispensable to make an effort to ensure that immigrants gained a better understanding of the customs and culture of the country in which they found themselves, at the same time as preserving their own culture.
- 35. **Mr. de Gouttes** thanked Mr. Lindgren Alves for his stimulating introduction of the debate, which had invited a realistic approach to the problem that took into account realities that differed very widely, depending on the country and the region. He also thanked the Special Rapporteur on Contemporary Forms of Racism for his in-depth analysis inspired by a philosophical and sociological approach to the question.
- 36. Multiculturalism, understood as the meeting rather than the clash of cultures, was an undisputable sociological fact. Apart from the historical factor, everything was now leading to that generalized multiculturalism: population movements, the ease of travel and immigration. Tomorrow's world would be multicultural, multiracial, multi-ethnic and multireligious, in other words, a racially mixed world. As the Special Rapporteur had said, that was one of the fundamental challenges facing the modern world.
- 37. He offered several ideas about how that challenge might be met. Firstly, it was necessary to accept the riches that multiculturalism could bring and to promote a better understanding between the different cultural groups. Secondly, it was important to take into account the diversity of the situations and the particular characteristics of regions and countries. Thirdly, it was essential to avoid the risk of an excessively radical ideology of communitarianism, which could lead to some groups being segregated, confined and isolated to the detriment of the openness and universality of human rights and could end in intercommunity conflicts and the demonization of certain groups. Similarly, the concept of diversity could lead to the creation of a hierarchy of races and social groups. Fourthly, it should be remembered that there could be no shared life in a country without acceptance of the core values of that country. As Mr. Lindgren Alves had pointed out, a host country could not be forced to promote all the languages, cultures and religions of all the racial or ethnic groups living within its territory. Finally, States should be reminded of the vital and urgent obligation upon them to integrate, effectively and successfully, those who lived on

their territory, which implied an active policy of equal opportunities and opposition to any racial or ethnic discrimination that might be directed against certain groups, particularly in the areas of employment, housing, social services and access to justice. That was made all the more important by the fact that the greatest risk faced by societies, after an epoch marked by the triumphalism of the State and unitarism, was perhaps the separatism which could result from an ideological and excessively rigid communitarianism.

- 38. **Mr. Diène** (Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance) welcomed the high quality of the debate, which had very productively illuminated the Committee's mandate, and hoped that it would be continued. It was the general opinion that multiculturalism was one of the core issues of the present day and a challenge to which no one had yet found a definitive answer. Regarding the key question of identity building, he recommended acceptance of the fact that identity-related stresses would always be present and there was no definitive answer to identity-building. That process took place within a dialectic of movement, encounters and interaction, which could end in a dynamic opening or closing. Intercultural dialogue might also be one of the fundamental responses to intercultural tension. Finally, it should be kept in mind that the multicultural challenge was both internal to societies which were all multicultural in fact but unwilling to come to terms with it, and external, as could be seen in most current conflicts. Thus, multiculturalism had become a central issue at international level and the discussion initiated by the Committee could help to win the day, provided that the ideas developed could be widely disseminated.
- 39. **Mr. Lindgren Alves** thought that Mr. Diène had made a very useful contribution to the discussion and welcomed the interesting light he had thrown on the theoretical side of the question. Moreover, the discussion had shown that while no one was now opposed to the principle of multiculturalism that notion could sometimes be very differently interpreted. It was therefore up to the Committee to give a clear definition of the concept of multiculturalism. For his part, he considered that there was no need for a public debate on that topic. Instead, he proposed the preparation of a draft general recommendation on the question, which took account of the various views expressed by the members of the Committee during the discussion.
- 40. **The Chairperson** considered it important to allow time for reflection before deciding whether to hold a thematic public debate on the question of multiculturalism or adopting a general recommendation on the subject.
- 41. **Mr. Aboul-Nasr** said he would like Mr. Lindgren Alves to be asked to prepare a draft general recommendation of the Committee on multiculturalism, for consideration at the August 2005 session.
- 42. **Mr. Shahi** considered that a thematic public debate on multiculturalism would have the advantage of allowing the NGOs to have their say on the question. He recalled that some members of the Committee had argued that certain cultural practices of migrants and indigenous peoples could not be tolerated in the name of multiculturalism and thought it would be interesting to obtain the views of, among others, the NGOs, other United Nations treaty bodies and the representatives of civil society on that point. That said, he too would like Mr. Lindgren Alves to be asked to prepare a draft general recommendation on the subject that took into account the various points of view expressed by the experts.
- 43. **The Chairperson** proposed that the general discussion on multiculturalism be continued at a subsequent meeting.
- 44. It was so decided.

Drafting of reports under the international human rights treaties: items of particular interest to the Committee on the Elimination of Racial Discrimination which should feature

in an expanded core document (document without a symbol distributed in the meeting room, in English only)

- 45. **Mr. Valencia Rodríguez**, speaking as the author of the paper in question, recalled that, on 9 June 2004, the Secretariat had drawn up a document entitled "Guidelines on an expanded core document and treaty-specific targeted reports and harmonized guidelines on reporting under the international human rights treaties" (HRI/MC/2004/3). As the Secretariat's aim had been to lighten the burden on States parties involved in drafting and submitting reports to the seven United Nations treaty bodies, in the guidelines it had been proposed that States parties should submit an expanded core document and a targeted report to each of the United Nations treaty bodies, containing the fullest possible information, in particular statistical data.
- 46. He explained that his document gave a detailed list of the information that States parties should include in a new expanded core document to enable the Committee to fulfil its mandate effectively. That information would relate to four different areas: firstly, the demographic, economic, social and cultural characteristics of the States parties; secondly, the country's constitutional, political and legal systems; thirdly, the general framework for the protection of human rights at national level; and, fourthly, the measures taken to ensure that all the inhabitants of the State party were amply informed about the human rights treaties.
- 47. **Mr. Thornberry** said that the Secretariat's initial objective had been to facilitate the task of States parties, but the document under examination lengthened still further the list of information that States parties were being asked to provide. He was at a loss to understand how such a proposal could lighten their workload.
- 48. **Mr. Sicilianos** shared Mr. Thornberry's point of view and considered that the new core document that States parties would have to submit should remain relatively simple, while containing the information that the United Nations treaty bodies really needed. He considered that the document presented by Mr. Valencia Rodríguez required States parties to provide too many items of statistical information, particularly where demographic, economic, social and cultural characteristics were concerned. That would place a significant additional burden on States parties, especially as statistics were, by definition, ephemeral data which had to be constantly updated. The information requested concerning the general framework for the protection of human rights was also excessive and too detailed, when it ought to be confined to the bare essentials.
- 49. **Mr. Herndl** considered that the document submitted by Mr. Valencia Rodríguez would provide a good working basis since it clearly showed how important and difficult it was to design a new core document that would be useful for all the bodies created under international human rights treaties. Moreover, the document under examination clearly identified the areas in which the gaps discovered over the course of time could subsequently be filled and those in which statistics were necessary.
- 50. He acknowledged that States often found it difficult to process statistical data, which had the disadvantage of needing regular updating. However, that information was very important since it helped to paint a realistic picture of the situation in the countries concerned. Overall, therefore, the document in question was perfectly acceptable.
- 51. **Mr. Aboul-Nasr** did not understand why States parties were being asked to submit an expanded core document when, for lack of adequate financial and human resources, many of them were not even in a position to submit their periodic reports within the time limits allowed.

- 52. **Mr. Lindgren Alves** proposed abolishing the use of core documents and asking States parties to submit only detailed periodic reports containing all the items of information suggested by Mr. Valencia Rodríguez.
- 53. **Mr. Turpin** (Office of the High Commissioner for Human Rights) pointed out that core documents had been in use for 15 years and it was now a question of improving that practice. In that respect, the expression "expanded core document" might be misleading, since it implied that States parties would be asked to submit more information. In actual fact, it was more a question of refocusing and restructuring the information required by the various United Nations committees responsible for monitoring the implementation of the international human rights treaties. According to the pilot studies carried out in some States parties, that new procedure would make it possible to achieve significant savings.
- 54. **The Chairperson** said that the Committee would continue the examination of the question at a subsequent meeting.

The meeting rose at 1.05 p.m.