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HUMAN RIGHTS COMMITTEE

Ninety-fourth session

SUMMARY RECORD OF THE 2586th MEETING*

Held at the Palais Wilson, Geneva,
on Thursday, 23 October 2008, 3 p.m.

Chairperson: Mr. Rivas POSADA

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* No summary records were issued for the 2583rd to 2585th meetings.

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The meeting was called to order at 3.10 p.m.

ORGANIZATIONAL AND OTHER MATTERS

Working methods

A strategic approach to public relations, including relations with the media (CCPR/C/94/CRP.2)

1. Mr. SHEARER, introducing his revised paper, said that the only remaining work to be done was to review the changes made at the Committee's previous session, which were indicated in bold and essentially concerned paragraphs 10 and 11, in particular recommendation 5 and recommendation 6 bis. He noted that the Bureau's recent decision to allow the filming of the presentation by Japan of its periodic report at the current session was in line with recommendation 5, which advocated encouraging the media to film the public proceedings of the Committee. In that instance, permission had been granted to film the proceedings in full, but the Japanese television network had stopped filming once the State party had concluded its opening remarks. Although the filming had gone well in his view and had not been disruptive, the Committee might wish to consider the possibility of adopting a number of guidelines, as proposed in the first sentence of recommendation 5.
2. Mr. LALLAH wondered what circumstances such guidelines might cover.
3. The CHAIRPERSON expressed concern that a State party might object to the proceedings being filmed. The State party's consent to filming was therefore one possible subject for inclusion in the guidelines.
4. Sir Nigel RODLEY said that he was strongly opposed to giving States parties the right to veto filming of the proceedings. If they were to be given such a veto, he would prefer having no film coverage at all.
5. The CHAIRPERSON asked whether the Committee thought that the State party's consent to filming of the proceedings should be taken into account.
6. Mr. LALLAH said that it was the Committee's responsibility, under its rules of procedure, to decide which meetings should be public. If the Committee decided to allow a State party in effect to convert a public meeting to a partially public meeting, the Committee would lose credibility. He was therefore against giving States parties the right to veto filming of the proceedings.
7. Mr. O'FLAHERTY said that he, too, opposed giving States parties the right to veto filming of the proceedings; he therefore suggested that the reference to guidelines should be deleted from recommendation 5. He also sought clarification of the second sentence of the recommendation, which stated that the Department of Public Information should be requested to promote the video coverage of public proceedings.
8. Ms. MOTOC agreed with Mr. Lallah that the Committee would lose credibility if it allowed a State party to convert a public meeting to a partially public meeting. With regard to

recommendation 5, she asked for clarification of the difference between the media coverage referred to in the first sentence and the coverage by the Department of Public Information mentioned in the second sentence. She asked why there was no commitment on the part of the Department of Public Information to filming all the Committee's public meetings, so that the proceedings could be made available on the Internet.

9. Ms. MAJODINA endorsed the comments made by Mr. Lallah and Ms. Motoc and said that the Department of Public Information should be requested to make a greater commitment to providing coverage of the work of treaty bodies. However, she was concerned that a divide in terms of access might be created between the media of wealthy countries and the media of developing countries if the Committee's proceedings were opened up to coverage by external television networks.

10. The CHAIRPERSON said that he was in favour of retaining the reference to guidelines in recommendation 5, and suggested that they should be described as "technical guidelines" designed to ensure that the work of the Committee was not disrupted.

11. Mr. SHEARER said that the reference to guidelines had not been intended to weaken the recommendation that filming should be permitted or to introduce the possibility of a veto by States parties. He was open to the idea of removing the reference to guidelines, since the Committee could communicate its technical requirements informally to States parties. However, he wondered what would happen if a State party indicated on a confidential basis that it did not wish a certain part of the proceedings to be filmed, for example the State party's replies to the Committee's questions, on the grounds that filming would hinder frank, open dialogue.

12. The possible video coverage by the Department of Public Information referred to in the second sentence would apply to the entire public proceedings, not just the introduction of State party reports. He did not know what position the Department of Public Information might take in that regard. The recommendation was not intended to tell the Department what to do but merely to request the ongoing video recording of the Committee's proceedings.

13. Ms. MOTOC said that the most important meetings to be filmed were those at which States parties presented their reports, since they generated the most interest. Filming just those meetings would not be expensive. With regard to Mr. Shearer's comments concerning the possible reticence of States parties to the filming of certain parts of the proceedings, she said that since those meetings were already public and often attended by the press, she did not understand why filming should make the dialogue any less open and frank.

14. An issue that should perhaps be taken into account was the fact that filmed coverage might reveal the identity of the country rapporteurs and members of the working groups. During her previous experience in New York, the Department of Public Information had been open to the idea of providing greater coverage of the work of treaty bodies. She hoped that the Secretary of the Committee might be able to provide further information in that regard, including financial implications. She noted that filming of meetings of the Human Rights Council at which country rapporteurs had presented their reports had done much to disseminate the Council's work and promote human rights education.

15. Mr. O'FLAHERTY said that he was in favour of adopting the recommendations but thought that the second sentence of recommendation 5 was more relevant to recommendation 4. There was no point discussing the views of the Department of Public Information in its absence. In any event, public meetings should be considered public at all times.

16. Ms. PROUVEZ (Secretary of the Committee) said that the Department of Public Information had informed her that any public meeting was open to the media for coverage, but it had not provided information on specific rules applicable to the filming of public proceedings. Both the Committee on the Elimination of Racial Discrimination (CERD) and the Committee on the Elimination of Discrimination against Women (CEDAW) had specifically requested webcasts of their meetings. The financial implications of webcasting could be investigated further, if necessary.

17. Ms. CONNORS (Office of the United Nations High Commissioner for Human Rights) said that CEDAW had found webcasts produced by the Department of Public Information preferable to filming, particularly in view of concerns about coverage of constructive dialogue. Although the Secretariat in New York was enthusiastic about webcasting, there appeared to be insufficient human and financial resources to produce webcasts in Geneva. The inter-committee meeting of human rights treaty bodies had recommended webcasting, and that recommendation would strengthen the hand of treaty bodies when they sought financial resources.

18. Sir Nigel RODLEY said that the information provided by the Secretary was important. The Human Rights Committee, of all United Nations bodies, should not strive to direct or control media coverage of its proceedings. However, it did have the right and authority to ensure that they were covered with dignity and decorum, and he therefore welcomed the fact that the arrangements agreed for coverage of the report of Japan had been successful. He supported Mr. O'Flaherty's view that the Committee should not expect its members to be any less frank in front of the camera. In view of the points raised by Ms. Motoc and Ms. Majodina, he proposed that the recommendation should encourage both audio and video coverage.

19. He was reluctant to delete any reference to guidelines that might be adopted and therefore proposed that the words "for the decorous and dignified conduct of the proceedings" should be inserted after the word "adopted" in the first sentence. He further proposed amending the second sentence to read: "The Department of Public Information should be encouraged to cover public proceedings by radio and film."

20. Ms. Majodina had drawn attention to a real problem: public access to the Committee's comments should not be lost, particularly in countries with strong, wealthy media that were well protected from public scrutiny. Even in Geneva it appeared to be difficult for the media and even the Department of Public Information to gain access to meetings.

21. Mr. LALLAH said that he had been interested to learn from the Secretary about the different approaches taken by the Department of Public Information in New York and in Geneva. He supported the wording proposed by Sir Nigel Rodley with respect to guidelines. He agreed with Ms. Majodina that coverage by the Department of Public Information would be beneficial to those countries that could not afford to send representatives of their own media.

22. Mr. IWASAWA said that he, too, was struck by the difference between the coverage of treaty body activities by the Department of Public Information in New York and in Geneva, and suggested that the Committee might request webcasting of its sessions in New York.
23. Ms. MOTOC endorsed Ms. Majodina's remarks and suggested that the feasibility and cost of providing sound recordings to countries with insufficient means to send representatives of their own media to the Committee's meetings could be studied. The Committee could also take advantage of the New York session to raise its profile by conducting interviews on television. Although there was much media interest in the work of the Committee, awareness of its current activities appeared to be low.
24. The CHAIRMAN suggested that recommendation 5 should be divided into two paragraphs, one dealing with the media and the other with the Department of Public Information, for the sake of clarity.
25. Mr. SHEARER proposed that the second sentence of recommendation 5 should become recommendation 4 bis. He further proposed that recommendation 5 should be reworded to read: "The media should be encouraged to cover by radio or film the public proceedings of the Committee, subject to any guidelines that may be adopted for the decorous and dignified conduct of the proceedings, and provided that the Committee's work is not disrupted." He said that many of the useful points that had been raised remained to be negotiated and reminded the Committee that recommendation 11, on the appointment of a media representative, had yet to be discussed.
26. The CHAIRMAN suggested that the Rapporteur should decide which recommendation would address the involvement of the Department of Public Information. He then invited the Committee to comment on the two options provided under recommendation 6 bis, concerning the question of whether or not the Committee should continue to keep the names of country rapporteurs and country report task force members confidential.
27. Mr. O'FLAHERTY, supported by Ms. MOTOC, asked the representative of the Office of the United Nations High Commissioner for Human Rights why some bodies considered it unnecessary to maintain confidentiality with respect to the identities of country rapporteurs and members of task forces.
28. Mr. AMOR wished to know the advantage of maintaining such confidentiality.
29. The CHAIRMAN noted that although the issue had been discussed repeatedly, no conclusion had yet been reached.
30. Sir Nigel RODLEY said that he preferred option 2. He was confused by the reference to "present practice" in option 1, since he was not aware that the identity of country rapporteurs or task force members was made public even when the relevant report was considered. He had understood that the Committee was seeking information on the practices of the other treaty bodies and on the extent to which they followed those of the Committee. Although the practice of confidentiality had helped to prevent country rapporteurs and members of task forces from being lobbied, now that the Committee had a broader range of experience to consider it needed to reach a decision based on knowledge.

31. Mr. KHALIL said that he did not favour making the identities of country rapporteurs and task force members public, as the composition of task forces was an internal matter.
32. Ms. CONNORS (Office of the United Nations High Commissioner for Human Rights) said that although CEDAW had decided some 18 months previously to disclose the identities of country rapporteurs and task force members in the interest of transparency and also because it was difficult to keep such information confidential, that Committee was considering reverting to the default position of the Human Rights Committee, as States parties did try to meet with country rapporteurs. While other Committees did not actively publicize the identities of country rapporteurs, they did not conceal them if asked.
33. Ms. PROUVEZ (Secretary of the Committee) said that CERD did not conceal the identity of country rapporteurs but, for the reasons mentioned by Sir Nigel Rodley, had decided three years previously to make that information public only during the consideration of a report, and then only if requested to do so.
34. Mr. AMOR said that the diversity of positions within and between treaty bodies was constructive. Although the policy of one treaty body was not necessarily good for all, the treaty bodies could seek to develop a common, harmonized policy on that issue.
35. The CHAIRMAN noted that the issue had been raised at the inter-committee meeting.
36. Sir Nigel RODLEY said that there was much to be gained from a harmonization of practice among the various treaty bodies. He suggested that the secretariat should ask the various treaty bodies to review their preferences concerning the divulging of the identities of country rapporteurs and to discuss the findings at the next inter-committee meeting with a view to reaching a consensus. Since not all treaty bodies had task forces, there might be some justification for distinguishing between task forces and country rapporteurs. The fact that certain bodies that had advocated transparency had then retreated from that position meant that one should not be too hasty in seeking transparency. When proposing that treaty bodies should harmonize their positions, the Committee should indicate its own preference, which, as far as he could tell from the observations of members, was option 1.
37. Mr. LALLAH said that recommendation 6 bis should be deleted altogether. In any case, option 1 was incorrect, since the current practice of the Committee was to keep the identity of country rapporteurs and country report task force members confidential until the adoption of concluding observations, not until the examination of the report, as stated in the conference room paper.
38. The CHAIRPERSON said that he did not see how the issue of confidentiality was related to the topic under consideration, which was the strategy for the Committee's relations with the media. Moreover, Committee members' arguments concerning confidentiality tended to focus on problems that might arise in the Committee's relations with representatives of States parties rather than with the media. He therefore suggested that recommendation 6 bis should be deleted.

39. Mr. AMOR said that, given the degree of hesitation voiced by members, it was premature to take a decision on draft recommendation 6 bis. He therefore proposed that the Committee should suspend its consideration of the recommendation in order to give members an opportunity to research the matter further.

40. Mr. O'FLAHERTY said that he did not disagree with the proposal to suspend consideration of recommendation 6 bis and could also accept a decision to delete it entirely. However, it should be pointed out that doing so would damage the Committee's overall media strategy, since the Committee had already agreed that country rapporteurs would be invited to participate in the press conferences held after the Committee concluded its consideration of a State party's report. He therefore suggested amending option 1 to reflect the Committee's current practice by stating that the identity of country rapporteurs would remain confidential until the conclusion of the consideration of States parties' reports.

41. There was no justification for making a distinction between country rapporteurs and country report task force members since rapporteurs were primus inter pares vis-a-vis task force members, and not hierarchically superior to them.

42. Ms. MOTOC said that it was a good idea to disclose the name of the country rapporteur at the conclusion of the Committee's consideration of a State party report since that information was already something of an open secret: the rapporteur and the members of the task force were the ones who took the floor during consideration of the report. Mr. O'Flaherty's suggestion seemed to offer a good compromise between the two options.

43. Mr. KHALIL was opposed to making a distinction between the country rapporteur and the rest of the task force or, for that matter, between the country rapporteur and task force members on the one hand and the rest of the Committee on the other, as all members of the Committee enjoyed good relations with the media. Moreover, there was nothing wrong with non-governmental organizations (NGOs) or States parties discovering the identity of the country rapporteurs or task force members, since the Committee had nothing to hide.

44. Ms. CHANET said that she fully endorsed Mr. O'Flaherty's proposed compromise. She saw no reason not to place country rapporteurs and members of the task force on equal footing.

45. Mr. SHEARER said that he endorsed Mr. O'Flaherty's suggestion but would propose shortening it even further to read "until immediately after the examination of the report". The reason it had originally read "until the examination of the report" was that, in practice, the identity of the country rapporteurs and country report task force members tended to leak out.

46. He agreed that the Committee should seek common ground with the other treaty bodies. He therefore suggested that, in option 1, a comma and the phrase "pending future review" should be added after the words "should be maintained" in order to leave room for the outcome of discussions on the topic at the forthcoming inter-committee meeting.

47. Deleting recommendation 6 bis made the need for paragraph 11, which included some very useful points, much less obvious. The question of maintaining confidentiality concerned not only States parties but also the media. Disclosure of the identity of country rapporteurs and task force

members could lead to unwelcome questions from the media; on the other hand, even if their identities were known, rapporteurs and task force members could always reply that the information they were being asked to reveal was confidential. It was important to disclose the identity of rapporteurs and task force members after reports had been considered so that those individuals could explain issues raised during the Committee's consideration of reports to the general public. For those reasons, it would not be advisable to vote on option 1 or 2 in isolation from paragraph 11.

48. Mr. LALLAH said that he could accept the inclusion of recommendation 6 bis. However, he suggested that it might be better to indicate that the Committee's current practice was to maintain confidentiality until the adoption of the concluding observations, rather than of the report.

49. Mr. O'FLAHERTY said that the Committee's representatives to the inter-committee meeting had to be able to participate freely in discussions aimed at harmonizing views on confidentiality without being bound too rigidly to the Committee's position. That would make it easier to reach agreement on an issue on which the treaty bodies were almost evenly divided.

50. Mr. SHEARER suggested the following revised version of recommendation 6 bis: "The present practice of the Committee in keeping confidential, until after the adoption of the concluding observations, the identity of country rapporteurs and members of CRTFs should be maintained, pending possible future review of this practice."

51. Mr. AMOR suggested that the word "adoption" should be replaced by "publication".

52. Mr. SHEARER endorsed that suggestion. Turning to recommendation 11, concerning the appointment of a rapporteur for public information, he recalled that the Committee had already discussed the two options contained in that recommendation during the previous session but had not reached a consensus regarding them.

53. Mr. O'FLAHERTY said that he was in favour of option 1, since having a single Committee member accountable for public information was a more effective way to achieve results than spreading that responsibility among several members. The reference to the rapporteur's terms of reference in the third paragraph of the recommendation should be amended to read "should be to take all actions appropriate for implementation of this strategic approach document". Making the rapporteur responsible to the Committee for implementation of the strategic approach framework would simplify the rapporteur's terms of reference and make them more comprehensive.

54. Ms. CHANET said that she did not share Mr. O'Flaherty's view. While it was important to appoint one rapporteur for communications or for the follow-up to concluding observations, relations with the media did not, frankly speaking, entail the same degree of responsibility. She favoured the appointment of a three-member team as rapporteurs for public information. That would allow for greater flexibility in responding to the media since, depending on the country being examined, one rapporteur might be better placed than another to answer questions based on his or her particular expertise or language group.

55. Ms. MOTOC supported the idea of appointing several rapporteurs for public information. She did not think that teamwork necessarily implied a diffusion of responsibility. Since some members, including herself, did not belong to the French, Spanish or English language groups, she proposed that the Committee should endeavour to ensure that the rapporteurs for public information should represent the five regional groups traditionally used to ensure geographic balance within the United Nations.
56. Mr. O'FLAHERTY said that the task facing the Committee in its efforts to improve public relations was a technical one and not a political one. Accordingly, the most important criterion was the effectiveness of the rapporteur or rapporteurs selected, not the region they came from or the language they spoke. Their task was to ensure a flow of information to and from media and public information partners. He saw them as being responsible for developing relationships with the media and then, with the Committee's support, encouraging colleagues with the right languages and from the right region to contact them. That task could best be accomplished if assigned to one person. If, however, the Committee found it necessary to take a group approach, rapporteurs should be chosen not on the basis of language or geographical group but on the basis of their skill in dealing with public information issues.
57. Mr. AMOR said that appointing three Committee members from different language or regional groups was needlessly complicated. It would simplify matters if the Chairperson was responsible for ensuring, with the help of colleagues, that the Committee's work was duly publicized.
58. Ms. MOTOC said that the task of coordinating public information activities should not be left to a single person, especially as the Committee had not always worked in a democratic and open manner. Furthermore, she wondered what criteria should be used to appoint persons to deal with the media: although some members had more experience with television interviews than others, no Committee member had been trained in media relations or in broadcasting.
59. Sir Nigel RODLEY, referring to Mr. Amor's comments, said that responsibility for media relations always fell to chairpersons. In practice, however, even those chairpersons most committed to maintaining such relations often found themselves so overwhelmed by other responsibilities that they were unable to sustain that commitment. He supported the notion that the Chairperson should identify one or more members to assist him or her in carrying out public relations work.
60. Ms. CHANET recalled that it was the Chairperson who had instituted the first press briefings, which had not existed prior to 1998. One of the Chairperson's responsibilities was to ensure that the activities of the Committee were publicized, including by granting interviews to the media or entrusting that responsibility to other members. Chairpersons were elected not only for their administrative skills but also their contacts with NGOs, academia, the media and other relevant players. She fully concurred with Mr. Amor that there was no need for a special rapporteur. The person chosen to represent the Committee could vary, depending on the member's language and expertise and the particular country situation or issue at hand.
61. Mr. O'FLAHERTY said that it was unfortunate that the idea of a rapporteur for public information was being set aside. He failed to understand the concern that such a rapporteur might

act independently of the Committee or without the guidance of the Chairperson. If the Committee did not wish to establish such a function, then the best option was the proposal put forward by Sir Nigel, if the Chairperson was willing to accept responsibility for implementing the strategic document under consideration. The Chairperson might then consider designating one of the Vice-Chairpersons as a Vice-Chairperson for public relations to assist him or her.

62. The CHAIRPERSON said that it was for the Committee, and not the Chairperson, to decide who would have responsibility for implementing the document.

63. Mr. SHEARER said that he favoured the Committee's appointing one of its members rapporteur for public information for all the reasons put forward by Mr. O'Flaherty. The option of appointing three members would not work, as they would constitute a troika, which often pulled in different directions. He therefore proposed that recommendation 11 should be revised to read: "The Committee should appoint one of its members rapporteur for public information. The Committee should from time to time request members of the Committee to assist the rapporteur, as necessary, in publicizing the work of the Committee in the various languages." The reference to the terms of reference could be deleted or simplified along the lines suggested by Mr. O'Flaherty.

64. Sir Nigel RODLEY welcomed Mr. Shearer's proposal and also the emphasis placed by Mr. Amor on the Chairperson's responsibility to publicize the Committee's work. However, the Committee should provide the Chairperson with the institutional support needed to ensure that the work got done, and it should therefore expect the Chairperson to appoint a person or persons to provide such support.

65. Ms. CHANET said she was concerned that by adopting Sir Nigel's suggestion the Committee would be hastily establishing a new institution of Committee spokesperson, a free agent who might come into conflict with the Chairperson or else be little more than an official Committee mouthpiece. There was no reason, in her view, to create such an institution.

66. Ms. MOTOC said that while the Chairperson bore ultimate responsibility for public relations, he or she ought to consult with the other members as to the person best suited to deal with the media.

67. The CHAIRPERSON said that the Committee must decide whether or not it wished to include the idea of a rapporteur for public information in the strategic approach document.

68. Mr. O'FLAHERTY said that it would be a pity if the considerable volume of work done by Mr. Shearer, which was based on lengthy discussions in the Committee during the previous three years, should be filed away and forgotten. He therefore proposed that recommendation 11 should include the following wording: "The Chairperson of the Committee shall take responsibility for the implementation of these recommendations. He or she shall appoint one of the Vice-Chairpersons of the Committee to assist him or her in that regard."

69. Mr. SHEARER supported Mr. O'Flaherty's proposal. The alternative would be to delete the recommendation altogether as well as the concern expressed in paragraph 14 that the public information strategies adopted by the Committee should be effectively implemented.

70. Ms. CHANET said that she could accept Mr. O'Flaherty's proposal provided that the text stipulated that the person appointed to assist the Chairperson included not only Vice-Chairpersons but, if necessary, other members of the Bureau, such as the Rapporteur.
71. Ms. MOTOC said that for the sake of transparency the recommendation should also stipulate that the Chairperson must consult with the Committee before making the appointment.
72. The CHAIRPERSON said that he took it that the Committee wished to replace recommendation 11 with the wording proposed by Mr. O'Flaherty, as amended by Ms. Chanet.
73. Ms. MOTOC enquired whether the Committee could vote on the proposal.
74. The CHAIRPERSON said that the Committee could certainly decide against what he took to be its decision by consensus, but he saw no reason for a vote.
75. Sir Nigel RODLEY concurred with the Chairperson and said that outside the area of individual communications the Committee traditionally adopted its decisions by consensus. If a member wished to voice a reservation, particularly in a public meeting, he or she was free to do so.
76. The CHAIRPERSON said that the Committee would adopt the wording proposed by Mr. O'Flaherty and Ms. Chanet, subject to redrafting. He suggested that the Committee should meet in closed session to consider pending communications.
77. Mr. AMOR agreed that the Committee should devote more time to its substantive work and take up the communications, some of which had been awaiting consideration for years.
78. Sir Nigel RODLEY enquired whether the Committee would be making time for other matters it wished to discuss in a public meeting, such as the document on the Committee's relationship with the Human Rights Council submitted by Ms. Chanet and Ms. Wedgwood.
79. Ms. MOTOC said that she agreed with Mr. Amor; addressing the serious backlog in communications should be a top priority.
80. Ms. CHANET said that consideration of her document would require more time than was currently available. Consequently she proposed that the document should be considered at a subsequent meeting.
81. Mr. IWASAWA said that he supported the holding of a closed meeting.
82. Mr. O'FLAHERTY said that he had no objection to Ms. Chanet's proposal but noted that dealing with the universal periodic review would require coordination with other treaty bodies. Any working method envisaged by the Committee in that regard should therefore take into account the schedule of forthcoming inter-committee meetings.

The public part of the meeting rose at 5.35 p.m.