



International Covenant on Civil and Political Rights

Distr.: General
26 January 2010
English
Original: French

Human Rights Committee

Ninety-seventh session

Summary record of the first part (public)* of the 2654th meeting

Held at the Palais Wilson, Geneva, on Thursday, 30 July 2009, at 3 p.m.

Chairperson: Mr. Iwasawa

Contents

Adoption of the annual report to the General Assembly

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

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Unit, room E.4108, Palais des Nations, Geneva.

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 meeting was called to order at 3.20 p.m.

Adoption of the annual report to the General Assembly (agenda item 11)

Draft annual report of the Human Rights Committee (CCPR/C/96/CRP.1/Part I and Add.1 to 7; CCPR/C/96/CRP.2/Add.1 to 6)

1. **The Chairperson** invited the Committee to review the draft annual report chapter by chapter.
2. **Ms. Motoc** (Rapporteur) said that some details would be duly completed and updated. For example, the report would indicate that the number of States parties to the Optional Protocol had risen to 112 with its ratification by Kazakhstan on 30 June 2009. Likewise, member's proposals that had been adopted would be included in the report.

Table of contents and executive summary (CCPR/C/96/CRP.1/Part I)

3. *The executive summary was adopted with an editorial change in the English version.*

Chapter I. Jurisdiction and activities (CCPR/C/96/CRP.1/Add.1)

4. **Mr. O'Flaherty** said that, according to paragraph 21, the Committee had been informed of the activities of United Nations bodies dealing with human rights issues, whereas that had not always been the case. The paragraph should be amended to reflect the actual situation. With respect to the emoluments provided to its members (para. 32), the Committee regretted not only that nothing had been said about it, but also that nothing had been done. Finally, mention should be made of the fifth informal meeting that had been held with the States parties to the Covenant.
5. **Mr. Lallah** proposed that a sentence should be added to paragraph 32 in order to indicate that, despite the Secretariat's numerous efforts, the Committee's work had also suffered because some documents had been translated late, in particular into French and Spanish.
6. **Mr. Thelin** agreed that mention should be made of the meeting with the States parties, perhaps after section J. In paragraph 30, it would be advisable to indicate that the general comment concerning the States parties' obligations under the Optional Protocol was general comment No. 33. In paragraph 32, reference should be made to article 36 of the Covenant and emphasis should be placed on the Secretariat's difficulty in performing its functions. A paragraph should be added under section M indicating the need, as had been noted several times previously, to increase public access to Committee meetings, particularly those held in New York.
7. **Sir Nigel Rodley** suggested that a clause should be added to the last sentence of paragraph 23 to request the Secretariat to assist the Committee with that task by keeping it informed of all new developments. The Committee had not been informed of certain important facts relating, in particular, to the work of the International Law Commission.
8. **Ms. Majodina** proposed that a new paragraph should be added to the end of section H to indicate that the Committee had been represented at the Durban Review Conference in April 2009.
9. **Ms. Motoc** (Rapporteur) thanked the Committee members for their observations and suggestions. The meeting with the States parties had not been mentioned in the draft report because it had been drawn up before the meeting had taken place. Reference would of course be made in the report to the aforementioned meeting, as well as to the Durban Review Conference. Relations with other United Nations bodies were satisfactory overall, even if some Committee members considered them lacking; the Committee could be

assured, in particular, that the International Law Commission had every intention of keeping the Committee abreast of its work.

10. *Chapter I (CCPR/C/96/CRP.1/Add.1) was adopted as amended.*

Chapter II. Methods of work (CCPR/C/96/CRP.1/Add.2)

11. **Mr. O'Flaherty** recalled that in 2008 the Committee had decided to rework chapter II to avoid recapitulating changes in the methods of work year after year. Yet, in many ways, draft chapter II resembled the same chapter of the previous annual report; it was to be hoped that the Committee's decision would be applied in, at the least, the next annual report. The Committee, at its present session, had also decided not to make mention in its annual report of the names of Country Rapporteurs or members of country report task forces, and that decision should be reflected in the annual report.

12. **Mr. Thelin** said that if the Committee had adopted, or intended to adopt by the end of the session, Mr. Amor's proposal (which he had endorsed) to set up a working group on the methods of work, then that decision should also be reflected in the annual report. In paragraph 46, relating to the Gambia, the Committee had decided, at its ninety-fourth session, to declare the State party in non-compliance with its obligations under article 40 of the Covenant and to refer the matter to the United Nations High Commissioner for Human Rights. It would be useful to include the outcome of that procedure in the report.

13. **Sir Nigel Rodley** recalled that he had proposed the chronological review of States parties' situations because it would enable readers to better understand the Committee's procedure in that respect. While Mr. O'Flaherty's viewpoint was understandable, it was preferable to continue that practice as long as the Committee had not found a better way to effectively convey the ins and outs of the procedure. Action by the United Nations High Commissioner for Human Rights in follow up to measures taken by the Committee with regard to the Gambia should not be mentioned in the report, which dealt solely with the Committee's work, unless the Committee had asked the High Commissioner how it had dealt with the issue and had received a reply.

14. **Mr. O'Flaherty** said that he did not recall that the Committee had taken a formal decision to establish a working group on methods of work.

15. **The Chairperson** invited the Committee members to consider the issue at the next meeting.

16. **Mr. Fathalla** concurred with Mr. Thelin's statement concerning the reference to the High Commissioner for Human Rights in connection with the Gambia.

17. **Mr. Lallah** suggested that one solution would be to delete the end of the last sentence of paragraph 46 and simply to state that the Committee had decided to declare the Gambia in non-compliance with its obligations under article 40 of the Covenant.

18. **Ms. Motoc** (Rapporteur) said that it would not be appropriate for the Committee to mention any follow-up measures by the High Commissioner for Human Rights in its annual report.

19. **The Chairperson** pointed out that the contents of paragraph 46 had been taken directly from the report of the Special Rapporteur for follow-up on concluding observations and that the last sentence of that paragraph was fully justified because it referred to an activity of the Committee.

20. *Chapter II (CCPR/C/96/CRP.1/Add.2) was adopted.*

Chapter III. Submission of reports (CCPR/C/96/CRP.1/Add.3)

21. **Mr. Thelin** said that he understood the importance of drawing attention to cases where a State party's report had been submitted very late, but the limit beyond which such a delay would merit special mention in the Committee's annual report should be set at one, not five, years. Article 40 of the Covenant clearly stated that States parties should submit their initial reports within one year of the entry into force of the Covenant for the States parties concerned, and the readers of the annual report should know which States parties had not met the deadline. In that respect, since roughly 55 per cent of the States parties were at least one year overdue in submitting their reports, the wording of paragraph 67 could perhaps be stronger. It appeared misleading to state, as under note (e), that the Chinese Government had "honoured" the obligations set out in article 40 for the Hong Kong and Macao Special Administrative Regions. That was certainly true for the Administrative Region of Hong Kong, but the initial report of Macao Special Administrative Region of China was several years late.

22. **Mr. O'Flaherty** drew attention to the fact that the terms used in relation to the Special Administrative Regions of China had been carefully chosen in order to take into account a highly unusual situation and that it would not be advisable to modify them at the present time.

23. **Sir Nigel Rodley**, in response to Mr. Thelin's concern, suggested wording to the effect that the Chinese Government had "accepted" the obligations set out in article 40 for those two Special Administrative Regions.

24. *It was so agreed.*

25. **Ms. Motoc** (Rapporteur), following an exchange of views among Sir Nigel Rodley, Ms. Majodina, Mr. Thelin, Mr. Lallah, the Chairperson and herself, recalled that specific references in the annual report to States parties whose reports were at least five years late were based on a decision taken by the Committee several years earlier. The Committee could certainly revisit its decision and might well wish to reconsider the issue at a later date.

26. *Chapter III (CCPR/C/96/CRP.1/Add.3) was adopted as amended.*

Chapter IV. Consideration of reports submitted by States parties under article 40 of the Covenant and of country situations in the absence of a report resulting in public concluding observations (CCPR/C/96/CRP.1/Add.4).

27. *Chapter IV was adopted subject to inclusion in the annual report of the decision to make final and public the concluding observations concerning Grenada.*

Chapter V. Consideration of communications under the optional protocol (CCPR/C/96/CRP.1/Add.5)

28. **Sir Nigel Rodley** suggested deleting the reference to "an arbitrary deprivation of life", because, in that specific case, there had been no arbitrary deprivation of life because a moratorium on executions had been in effect in the State party concerned for some 30 years.

29. *Chapter V was adopted as amended.*

Chapter VI. Follow-up activities under the optional protocol (CCPR/C/96/CRP.1/Add.6)

30. *Chapter VI was adopted, subject to the deletion of the reference to Mr. Ando in paragraph 1.*

*Chapter VII. Report of the Special Rapporteur for follow-up on concluding observations
(CCPR/C/96/CRP.1/Add.7)*

31. **Mr. O'Flaherty** proposed that the Committee's new procedures relating to follow-up on concluding observations should be mentioned in the introductory paragraphs of chapter VII.

32. *Chapter VII was adopted as amended.*

Annexes I to IX (CCPR/C/96/CRP.2/Add.1 to 6)

33. *Annexes I to IX were adopted.*

34. *The draft annual report of the Human Rights Committee (CCPR/C/96/CRP.1/Part I and Add.1 to 7; CCPR/C/96/CRP.2/Add.1 to 6) was adopted as orally amended, subject to changes of form and necessary updates to be made by the Secretariat.*

The first part (public) of the meeting rose at 4.15 p.m.