



# International Covenant on Civil and Political Rights

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## Human Rights Committee

106th session

### Summary record (partial)\* of the 2933rd meeting

Held at the Palais Wilson, Geneva, on Monday, 22 October 2012, at 10 a.m.

*Chairperson:* Mr. Iwasawa

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

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*The meeting was called to order at 10 a.m.*

### **Follow-up to concluding observations on State reports**

*Report of the Special Rapporteur for Follow-up on Concluding Observations of the Human Rights Committee (CCPR/C/106/R.1)*

1. **Ms. Chanet** (Special Rapporteur for Follow-up on Concluding Observations), introducing the report, drew attention to the assessment criteria and evaluation classification — from A for a largely satisfactory response to D2 for no response received after reminders — listed on the first page. She then gave a brief summary of the follow-up history in relation to the United Nations Interim Administration Mission in Kosovo (UNMIK). Although allowance could be made for the difficult circumstances UNMIK faced given the legal situation in Kosovo, UNMIK had acknowledged that it had the necessary authority to send follow-up information to the Committee.
2. UNMIK had not specifically addressed the recommendation in paragraph 13 of the concluding observations (CCPR/C/UNK/CO/1) that the relatives of disappeared and abducted persons should have access to information about the fate of the victims as well as to adequate compensation, and an evaluation of D1 had therefore been proposed. With regard to the right to return for displaced persons addressed in paragraph 18 of the concluding observations, UNMIK was clearly in a difficult position: although it could demonstrate that measures had been taken, it was somewhat powerless in terms of actually ensuring effective returns. Additional information was requested, but what was needed was effective action.
3. The action recommended was to send a letter reflecting the Committee's analysis and requesting UNMIK to provide the necessary additional information. She suggested that the draft letter contained in the report should simply state that the Covenant continued to apply to Kosovo and that UNMIK was requested to provide additional information, without any mention of the legal status of Kosovo.
4. **Ms. Prophette-Palasco** (Office of the United Nations High Commissioner for Human Rights (OHCHR)) said that a paragraph from the concluding observations on Serbia had been included under the section on the next periodic report, as the only possibility for inclusion of information on Kosovo was in the next periodic report from Serbia. That information was not intended to be included in the letter to UNMIK.
5. **Ms. Chanet**, turning to the follow-up on the concluding observations for Azerbaijan (CCPR/C/AZE/CO/3), said that the Committee had already sent a letter in October 2011 requesting additional information on all the concluding observations being followed up. In respect of paragraph 9, the response to the request for details on the number of extradition requests submitted to the State party in the past five years and the number of refusals, and whether an appeal procedure was in place clearly did not correspond to the Committee's question; a D1 evaluation was therefore proposed.
6. The State party's reply to the Committee's detailed recommendation in paragraph 11 of the concluding observations with regard to the use of force by law enforcement officials had not provided any information on the award of compensation and the action taken to guarantee the independence of bodies responsible for the registration and examination of cases and for monitoring the enforcement of sentences. She therefore proposed a D1 evaluation.
7. In response to the follow-up questions on the recommendation in paragraph 15 of the concluding observations regarding restrictions on freedom of expression and measures taken to protect media workers, the State party had stated that, under the Criminal Code, any form of obstruction of the work of media representatives and journalists was

punishable, that the Ministry of Internal Affairs and the Press Council were working to develop their relations and interactions, that a Press Council commission was investigating cases involving the restriction of journalists' professional activity and that journalists had been provided with vests to identify and protect them during public and mass events. The response had been classified as B1, and further information was needed on court decisions.

8. In connection with paragraph 18 of the concluding observations, no specific reply had been received to the request for further information on measures taken to ensure that temporary identity documents and registration of the Ministry of Internal Affairs as the address for homeless Azerbaijani citizens did not become factors of discrimination.

9. The recommended action was that the Committee should send a letter to the State party reflecting all of its concerns. As Azerbaijan's next periodic report was due in August 2013, the Committee had time to remind the State party of what information was expected to be contained in the report.

10. With regard to Poland, domestic violence had been one of the Committee's main concerns. In response to the recommendation in paragraph 10 of the Committee's concluding observations (CCPR/C/POL/CO/6), the State party had stated that a new law on domestic violence had been adopted in June 2010. The State party had contested the recommendation to empower police officers to issue immediate restraining orders, considering that it was "not justified". A partial response had been provided and some progress had been made, but further information should be requested on the capacity of assistance centres to meet the demands of domestic violence victims and on restraining orders, in regard to which the State party's response had appeared contradictory, inasmuch as it considered restraining orders unjustified, yet provided for them in the law.

11. On the question of abortion addressed in paragraph 12 of the concluding observations, no new information had been provided, and according to reports from non-governmental organizations (NGOs), no research on illegal abortions had been carried out, as requested by the Committee; moreover, no measures had been taken to prohibit the improper use of the "conscience clause", and it was used not only by individual doctors but in some cases by entire health-care facilities. The Committee should ask for its recommendation to be implemented and for further information to be provided on the legal provisions prohibiting the collective use of the "conscience clause", the criteria used by the Medical Commission to ensure that response deadlines did not cause detriment to the women in question, and the steps taken to give adolescent girls and indigent women access to contraceptives.

12. With regard to the detention of foreigners in transit zones, referred to in paragraph 18 of the concluding observations, the State party had provided a lengthy response, which had been reproduced in full in the report. Information received from NGOs differed on a number of points. The Committee considered that no new measures had been taken to implement the recommendation, and would therefore request additional information on progress in the discussion and adoption of the "new law on foreigners", the response capacity of legal assistance and health services, the proportion of foreigners in an irregular situation who had been detained during the previous five years and the capacity of interpretation services to meet the needs of detained foreigners.

13. The action recommended in the case of Poland was to send a letter reflecting the Committee's analysis, requesting additional information so that the Committee would have an indication of the key areas to be addressed in the State party's 2015 report.

14. Referring to paragraph 8 of the concluding observations for Uzbekistan (CCPR/C/UZB/CO/3), she noted that the State party had repeated the same information as in March 2010 on the Andijon events, and that section had therefore been given a B2 evaluation, compared with D1 on the issue of the use of firearms by the authorities. With

regard to paragraph 11 of the concluding observations, on the issue of torture, the State party had provided a good deal of information, which had been reproduced in full in the report alongside the differing positions of the NGOs. Each of the subparagraphs had received a separate evaluation. The Committee would request additional information on a number of issues.

15. The response to the Committee's recommendation in paragraph 14 on legislation on the length of custody and judicial control of detention had been incomplete, while the response to the detailed recommendation in paragraph 24 on allowing representatives of international organizations and NGOs to enter and work in the country and guaranteeing journalists and human rights defenders the right to freedom of expression had simply been a repetition of previous information. Therefore, the proposed evaluation was one of D1 and further information was requested. The recommended action was to send a letter reflecting the Committee's concerns.

16. **The Chairman**, noting that the Committee usually chose only three paragraphs from the concluding observations for follow-up, asked whether it had been wise to select four paragraphs in the case of Uzbekistan, three of which had a number of subparagraphs, given the amount of work that entailed for the Special Rapporteur.

17. **Ms. Chanet** agreed that having to evaluate each subparagraph individually was similar to evaluating a separate concluding observation, but pointed out that for some States parties there were simply more unresolved issues.

18. Turning to the concluding observations on Slovakia (CCPR/C/SLV/CO/3), she said that in paragraph 7, the Committee had encouraged the State party to ensure that a law was enacted to provide a remedy to persons who alleged an infringement of their rights arising from the incompatibility of provisions of national law with international treaties that the State party had ratified. In its reply, the State party had said that work on the relevant bill had been abandoned as its adoption would have necessitated a constitutional reform. With that in mind, she wondered whether the Committee should not simply have recommended that the State party implement international instruments, regardless of its national legislation.

19. On the issue of racist attacks by law enforcement personnel, referred to in paragraph 8, she pointed out that the State party's reply had been omitted from the report but that it would be amended accordingly. The State party had mentioned a law on compensation for victims of violence, but had not provided any information on actual compensation provided.

20. The State party had denied that there were any cases of forced sterilization, mentioned in paragraph 13 of the concluding observations, and had provided information on certain steps that had been taken, but not on the implementation of the relevant legislation. The recommended action was to send a letter reflecting the Committee's concerns.

21. **Mr. Flinterman** noted that only two of the five States parties that had submitted reports during the March 2011 session had reported under the follow-up procedure. He agreed with Ms. Chanet that, in the case of Slovakia, the first follow-up issue raised was almost impossible to implement. In his view, therefore, the C1 evaluation was unjustified. As to the other two recommendations, he suggested that the State party should simply be asked to provide any additional information in its next periodic report.

22. **Ms. Prophette-Palasco** (Office of the United Nations High Commissioner for Human Rights (OHCHR)) said that, in fact, of the five countries examined in March 2011, only Serbia had not yet replied. The report under consideration did not contain all of the

replies, as some had been submitted after the translation deadline. The annex to the report provided information on the status of other States parties.

23. **Mr. Neuman**, referring to the recommendation contained in paragraph 7 of the concluding observations on Slovakia, said that the C1 evaluation of the reply was correct, as the recommendation had not been implemented, and the follow-up procedure was not intended to evaluate the wisdom of the Committee's recommendations.

24. **Ms. Chanet** said that she agreed with Mr. Flinterman's doubts as to whether the recommendation was well-founded, but could not recall the exact context in which it had been made. In any event, the follow-up procedure was not a sanction but a dialogue with the State party.

25. **Mr. Salvioli** said that, as the Committee's recommendation in that case centred on the reparation mechanism for victims of the application of a national law that was incompatible with international treaties, the Committee could focus specifically on the reparation mechanism, without referring to the incompatibility that would necessitate a constitutional reform.

26. **Ms. Chanet** agreed with the proposal made by Mr. Salvioli.

27. In response to the Committee's recommendations to Mongolia in paragraph 5 of its concluding observations (CCPR/C/MNG/CO/5), the State party had indicated that it had increased the budget of the National Human Rights Commission by 38 per cent, while recognizing that a further increase was necessary, and had created six new posts. NGOs had indicated that the increased budget remained insufficient for the Commission to carry out its mandate. She therefore proposed that a B2 evaluation should be assigned and additional information requested on measures to provide the Commission with sufficient funding to carry out its work and to remain independent. A D1 should be assigned for the reply to the last part of the Committee's recommendation, since no information had been provided on revising the process of appointing members to the Commission. In response to the Committee's recommendations in paragraph 12, the State party had indicated that a 2009 law had been adopted to combat human rights violations and restore victims' rights and that some 17.1 billion togrogs (about \$12 million) had been paid to victims in compensation. The criminal case concerning actions by four police officers had been reopened in November 2010. She suggested an evaluation of B2 as that was a positive step, but information was needed on other ongoing cases, hence the proposed D1 in respect of the second part of the recommendation. Replying to paragraph 17, the State party had indicated that Parliament had adopted draft legislation, and NGOs had stated that the reform of the judiciary was being pursued seriously after an exemplary consultation process. She suggested an evaluation of B1 as progress had clearly been made, but information was needed on the adoption and implementation of several projects. Given that no information had been received on investigations of allegations of corruption in the judiciary, a D1 was merited in that regard. She suggested that the Committee should write to the State party requesting the missing information, as its next periodic report was due on 1 April 2015.

28. **Mr. Thelin** proposed that the Committee should consider giving an A to the first part of the State party's reply to paragraph 17, instead of a B1. It was unclear what more it could do currently to reform the criminal justice system, and the independent NGO community had been very positive about the reform efforts.

29. *It was so decided.*

30. **Ms. Chanet** said that the reply from Kuwait to the Committee's recommendation in paragraph 18 of its concluding observations (CCPR/C/KWT/CO/2) was exactly the same as the information the delegation had provided during the consideration of the report. The reply should therefore be given a C1 evaluation. The Committee's recommendation to

abandon the sponsorship system and establish a framework that guaranteed respect for the rights of migrant domestic workers had not been implemented, leaving such workers in a form of modern slavery. Paragraph 19 recommended that anyone who was arrested or detained should be brought before a judge within 48 hours, to which the State party had merely replied that its domestic legislation was in line with article 9 of the Covenant. Given the lack of relevant information, the Committee should indicate that no information had been provided on the measures taken to ensure that all persons who were arrested or detained were brought before a judge within 48 hours and that they enjoyed fair trial guarantees. The reply to the recommendation in paragraph 25 that the State party should revise its legislation on the media in accordance with the Committee's general comment No. 34 had been that the Ministry of the Interior was responsible for such issues. She proposed that the Committee should write to the State party reminding it that the obligations of the Covenant were binding on States as a whole, including all branches of government.

31. **Mr. Ben Achour** suggested that the State party's reply to the recommendation in paragraph 18 should be given a D evaluation, since it was clear that nothing had been done to improve the situation of migrant domestic workers.

32. **Ms. Prophette-Palasco** (Office of the United Nations High Commissioner for Human Rights (OHCHR)) recalled that D was reserved for cases in which no reply had been received, whereas C indicated that the recommendation had not been implemented.

33. **Ms. Chanet** suggested that C2 might be more appropriate.

34. *It was so decided.*

35. **Mr. Neuman** recalled that, in October 2011, the State party had indicated that the Private Sector Labour Act existed, but did not apply to domestic workers, and that the public body responsible for regulating labour issues had not been established. He therefore suggested that the Committee should enquire in its letter whether that body had now been set up and whether it had jurisdiction over domestic workers.

36. *The report of the Special Rapporteur for Follow-up on Concluding Observations as a whole, as amended, was approved.*

### **Organizational and other matters**

#### *Strengthening of the treaty body system*

37. **The Chairperson** invited Mr. Salama (Director of the Human Rights Treaties Division of the Office of the United Nations High Commissioner for Human Rights (OHCHR)) to update the Committee on the progress made in the United Nations treaty body strengthening process. The Bureau recommended that the issue of the venue of the Committee's March 2013 session should not be discussed at the current meeting.

38. **Mr. Salama** (Director, Human Rights Treaties Division) said that little progress had been made in the intergovernmental process since he had last addressed the Committee. The United Nations General Assembly had adopted a procedural resolution renewing the mandate of the process and reappointing the two current co-facilitators. Member States were likely to restart their negotiations on the strengthening process in early 2013. In the meantime, the treaty bodies and the Office of the United Nations High Commissioner for Human Rights (OHCHR) had the opportunity to reflect on and prepare the next phase of the process.

39. There were currently three major tendencies: some States insisted that the treaty bodies should not undertake any activities the States considered to be outside the treaty bodies' core mandates, which would reduce the need for additional resources. Other States

recognized that the treaty body process required additional resources, but could not commit to funding the strengthening process in the current economic climate. Some States were finding it increasingly difficult to cope with the reporting burden, given the proliferation of human rights instruments and the political pressures of the universal periodic review, in addition to the requirements of regional human rights mechanisms. In response to a request from the Caribbean Community and the African Group, OHCHR was planning to hold an event in New York to present a strategic framework for capacity-building to address the reporting and follow-up requirements, particularly in the light of the proposal for a comprehensive reporting calendar. In conjunction with the Swiss Government, OHCHR was also examining the possibility of developing a technical tool for reporting on demand.

40. He suggested that the treaty bodies should take advantage of the lull in intergovernmental activity to examine the different recommendations in the High Commissioner's report on treaty body strengthening (A/66/860). They should analyse which recommendations they were already implementing, which ones they could implement in the future, and which they could usefully modify. They should then implement as many of the recommendations as possible, not only in order to improve the system, but to prove to Member States that the treaty bodies were making the best possible use of the resources currently available.

41. OHCHR continued to face difficulties caused by the reduction in extrabudgetary resources. It had managed the 7.5 per cent budget cut without losing any posts, but was now embarking on more ambitious cuts. He was nonetheless determined not to sacrifice any posts, as the existing staff were already all working at maximum capacity in order to enable the treaty bodies to carry out their mandates. OHCHR was planning to create a D-1 fundraiser post in order to tap into new resources; given the gravity of the financial crisis, the Office was forced to be more aggressive in moving into different areas and thinking more creatively about sources of funding.

42. Under the Covenant, the Committee had a significant degree of flexibility in terms of reporting. That would not necessarily be lost if the comprehensive reporting calendar was adopted; the Committee might wish to consider individualizing the treatment of each State party's report, ranging from full consideration in the classic way to a simple exchange or update report that took much less time. That would enable the Committee to maintain the principle of States' obligation to report on time, while reducing the reporting burden for States parties and the Committee. If a State was prevented from attending the consideration of its report owing to a legitimate change in circumstances or an emergency, the Committee could continue its other work such as discussion of general comments and working methods. The comprehensive reporting calendar represented the most realistic way to estimate and obtain the resources needed, as well as to stop the constant decline in States' reporting rates.

43. While the guidelines on the independence and impartiality of members of the human rights treaty bodies (the Addis Ababa guidelines) had been endorsed at the level of the chairpersons, it was up to each treaty body to consider whether to adopt or adapt them. One of the main obstacles to the strengthening process was the lack of interaction between the treaty bodies. While the 2013 budget would not allow OHCHR to hold any additional events, there was a need to ensure that the treaty bodies' work respected the complementarity of human rights without duplication or contradiction. In that regard, the chairpersons' meetings played a fundamental role in allowing for interaction between each body. Provided each committee discussed the relevant issues before a chairpersons' meeting, and could opt out of decisions reached afterwards, the chairpersons should be empowered to take the lead and reach conclusions on the system, as they had done with the Addis Ababa guidelines. In that case, OHCHR had shared the draft guidelines with the committees well in advance of the Addis Ababa meeting and had incorporated many of the

comments it had received into the revised draft. He urged the Committee to ensure that the treaty body system as a whole served the needs of all the treaties in order to make it accessible to States parties. In so doing, it would increase the impact on the ground of all the committees' work.

44. **Mr. Thelin** said that it would seem that, in order to convince Member States that the treaty system needed additional financial resources, the treaty bodies had to prove that they were doing their utmost to create synergies and to streamline, within the limits set by the different treaties. However, while human rights was one of the three core activities of the United Nations, there was no firm ground on which to claim that there had been a relative decrease in resources for human rights. It would certainly bolster the treaty bodies' case if the Office could demonstrate with some certainty that such a decrease had occurred over the previous 30 years. While he understood the difficulties in establishing a firm baseline, he would welcome efforts in that direction.

45. The Committee was at a serious disadvantage because it was not privy to the deliberations at meetings where essential cost-saving measures were discussed. While he was sure that the Director of the Human Rights Treaties Division was doing his utmost to fight the cause of the treaty bodies, it would be useful to gain an idea of priorities within OHCHR, including what percentage of the overall OHCHR budget had been allocated to that division as from 1993. It was vital to give States parties facts and figures rather than just lamenting the lack of resources. All the members of the Committee realized that the current economic crisis was undermining countries' willingness to contribute voluntary funds. Whatever the disadvantages of a comprehensive reporting calendar, it might be a *quid* to the *quo* of additional resources. Once the figures had been assembled, they would undoubtedly show that there had been a relative decrease in resources for human rights operations. With the benefit of hindsight, it was clear that one consolidated body would have been better than a plethora of overlapping treaty bodies, but as things stood, it was plainly impossible to merge all of them into one. On the other hand, there should perhaps be a moratorium on establishing new monitoring committees for the sake not only of States parties, but also of the drivers of the human rights agenda inside and outside the United Nations, such as academics and NGOs. Additional treaty bodies would only exacerbate the lack of resources.

46. **Mr. Fathalla** asked if a target had been set for the funds to be raised by the person appointed to the new D-1 post and how the salary, together with the non-salary costs, of that post compared with the target figure.

47. **Mr. Neuman** wished to know how the Committee could contribute to the process of aligning the work of the treaty bodies with the Committee's best practices. However prepared the Committee might be to harmonize its methods with those of the other treaty bodies, there was little it could do if it had to depend on the action of others.

48. The manner in which the Addis Ababa guidelines had been drawn up was an example of how not to proceed. The Committee had been unaware of the guidelines until the last day of its 104th session. It had then had to hold a preliminary discussion of the guidelines by means of a somewhat disorganized exchange of e-mails. It was important that committees had an opportunity to consider matters in good time before the chairpersons' meetings, especially if chairpersons were going to be called upon to play a greater role.

49. **Mr. Flinterman** appreciated the fact that the Director of the Human Rights Treaties Division provided Committee members with a weekly update of developments in the treaty body strengthening process, since they might be of direct relevance to the Committee's work. His suggestions and comments would also help the Committee in its reflections on the implications of the comprehensive reporting calendar and on how to deal with the Addis Ababa guidelines.



50. He asked the Director to comment on the Russian Federation's letter concerning the future strengthening of the treaty body system and to highlight those points in the letter that were of direct concern to the Committee.

51. As he wondered whether the Committee would have an opportunity to provide input to the discussions with the co-facilitators, he asked the Director to outline the process taking place in New York and to indicate at what point the Committee members should submit their views in writing or in person.

52. **Ms. Motoc** drew attention to the fact that many of the questions posed by Mr. Thelin had already been asked in 2006 when the Commission on Human Rights had been replaced by the Human Rights Council. It had been clear then, as it was now, that it was legally impossible to create one large, comprehensive treaty body.

53. She disagreed with the views of the Director of the Human Rights Treaties Division on the usefulness of the chairpersons' meetings. It was impossible to give the Chairperson any instructions for those meetings, since the Committee did not know what items would come up for discussion. Those meetings therefore resulted in decisions being taken without the Committee's participation. Such an absence of consultation was deplorable. In addition, they were expensive. The money would be better spent on the Committee's work, especially its consideration of communications, which was constrained by a lack of resources.

54. While the Committee could learn from the good practices of other treaty bodies in some spheres, she was afraid that harmonization in the area of communications might be intended by certain States as a way of reducing the Committee's ability to protect the victims of human rights abuses. The Committee was the most technical and legalistic treaty body and its work was less politicized than the universal periodic review conducted by the Human Rights Council. It was therefore necessary to retain all the Committee's functions and its authority to consider communications.

55. **Mr. Bouzid** asked whether the majority of States parties took the view that resources had to be saved by reducing or abandoning some of the Committee's activities.

56. **Mr. Salama** (Director, Human Rights Treaties Division) said that, while at that juncture only a minority of States parties wished to confine the Committee's action to the consideration of State reports and the issuing of recommendations, he feared that an increasing number of States might eventually take that position owing to a lack of resources. The worst-case scenario would be one where the human rights system would be subjected to slow financial strangulation.

57. The General Assembly had decided that the chairpersons of human rights treaty bodies should hold meetings financed from the regular budget. It was therefore impossible to do away with those meetings unless the General Assembly went back on its decision. Intersessional consultations via e-mail would be one way for Committee members to provide input to the agenda of chairpersons' meetings and to give instructions to their Chairperson. Individual members would have to decide whether they had time to contribute.

58. It was also necessary to bear in mind the burden which the current treaty system placed on reporting States. Ten treaty bodies were mostly doing the same type of work in 10 different ways. That lack of uniformity was seized upon by critics who argued that the whole system was too complicated and that the various committees' findings were sometimes contradictory.

59. The Committee had been right to welcome the report on strengthening the United Nations human rights treaty body system in principle. The aim of OHCHR was to help committees develop a common vision in order to defend them against politically motivated

criticisms of their working methods. It had listened to the views of the various bodies for two-and-a-half years before it had produced the suggestions contained in the report (A/66/860). Even Member States which were opposed to the expansion of treaty bodies' mandates and which were critical of much of what the human rights committees did and how they did it had acknowledged that the process of producing the report had been transparent.

60. The only way of conducting a dialogue between committees and arriving at a common vision was through the chairpersons' meetings, as they alone were financed from the regular budget. A piecemeal approach to resources, where each committee asked for extra meeting time, had meant that each treaty body was treated differently depending on Member States' preferences. The purpose of the High Commissioner's report was to suggest a final outcome which could be fine-tuned by the Committee. Given that any change it proposed would have to be accepted by all the other treaty bodies, the Committee should make very practical, precise suggestions and explain the reasons for them. In order to facilitate the process, the Office intended to introduce an implementation chart, where each committee could compare any recommendations made with its current method of work and see what changes had been accepted. The committee chairpersons would thereby ultimately gain a clearer picture of what was feasible. As long as progress was made, it would not matter if the whole process took a fair amount of time.

61. Another essential point which had to be borne in mind was that OHCHR staff were under such pressure of work that they were falling sick and leaving their jobs.

62. Resources had probably increased only on account of the growth in the number of treaties from 6 to 10, but they had never fully matched requirements. The largest items of expenditure were, in declining order: conference services, support staff, travel and daily subsistence allowance. The efficiency and productivity of conference services had, however, increased over the years. In the past, most committees had requested extra meeting time and much, if not all of it, had been granted. The idea of a comprehensive reporting calendar had been mooted in response to the global economic crisis; even so, if States were to meet their legal obligations under the human rights treaties, they had to give the Secretary-General sufficient resources to fund the treaty bodies from the regular budget.

63. Asking what the Committee's functions were, which was a political issue, would be akin to opening Pandora's box, because some of the answers might be unpalatable. The vast majority of States did, however, believe in human rights and the added value of the Committee's work and its impact.

64. He could not comment on the Russian Federation's letter. In the opinion of some States, from a purely legal standpoint, much of the Committee's work was not anchored in any treaty. Notwithstanding that fact, provision should be made for whatever was needed to fulfil the various committees' mandates, since they performed an important function, although some States were unsure how far they wanted to go.

65. The process in New York would continue to run its course with more confident, committed and knowledgeable co-facilitators. The Committee was in a strong position because its views were not dictated by State interests or by bureaucratic or institutional considerations. States genuinely respected its opinions. Members should use the current dormant phase of the process to engage in lobbying, since that was not incompatible with their independence.

66. With cuts of 7.5 per cent it had still been possible to finance participation in the chairpersons' meetings. In the best-case scenario, it would be possible to finance the attendance of the Chairperson and Vice-Chairperson at those meetings. It was therefore essential that the Committee decided what instructions it wished to give them, even though the chairpersons did not have the authority to take final decisions.

67. He had been pleasantly surprised that, at the previous intergovernmental session, the discussion of every topic had begun with a presentation from committee chairpersons and vice-chairpersons and had ended with comments from them. The debate had therefore been informed by those who were familiar with the system. OHCHR's role was to listen to what committees said about their working methods, to digest those views and to produce a suggestion which would constitute a starting point for committees to work on. If any Committee member happened to be in New York at the time of those meetings, they could of course attend them.

68. He was unable to provide details of the salary attaching to the proposed new D-1 post at a public meeting. The purpose of that appointment, which would be funded from the regular budget, was to find someone who both understood the importance of human rights issues and was able to tap into non-traditional sources of finance.

*The discussion covered in the summary record ended at 12.30 p.m.*