



International Covenant on Civil and Political Rights

Distr.: General
15 May 2013
English
Original: French

Human Rights Committee 107th session

Summary record of the first part (public)* of the 2956th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 13 March 2013, at 3 p.m.

Chairperson: Sir Nigel Rodley

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* No summary record was prepared for the second part (closed) of the meeting.

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The meeting was called to order at 4.15 p.m.

Organizational and other matters, including the adoption of the report of the pre-sessional working group on individual communications

1. **The Chairperson** asked Committee members to comment on whether the draft annual report should include a request for additional resources addressed to the General Assembly. If the Committee decided to include such a request, the secretariat would seek an estimate of the financial implications so that members would have all the information needed to take a decision on the matter when they adopted the draft annual report. In 2012 the Committee had asked the General Assembly for additional temporary resources in order to deal with communications under the Optional Protocol (A/67/40, vol. I, annex VI, p. 238), but its request had been refused. Consequently, at its most recent meeting, the working group on communications had had only some 20 drafts to examine, in comparison with the previous figure of 30 or so, as the Petitions Unit had not been able to prepare enough drafts because of insufficient resources. The Committee might therefore wish to reiterate its request. It might also request an additional week of meetings in order to reduce the backlog in the examination of reports and enable the secretariat to prepare lists of issues for consideration. Though the Committee would now examine six reports per session instead of four or five as in the past, it would take a long time to absorb the backlog. The Committee had two options: to ask the General Assembly to authorize a one-week extension for one or more of its yearly sessions, or to propose that one week of the meeting time of the working group on communications be converted into a week of regular Committee meetings. He himself favoured the first option, even if it might create practical difficulties.
2. **Mr. Ben Achour** asked how many sets of draft views were ready for examination by the working group on communications.
3. **Ms. Edelenbos** (Petitions Unit) replied that the working group on communications had 160 complete files pending but had not been able to draft views owing to insufficient resources.
4. **Ms. Motoc** noted that if the Committee's backlog of unexamined communications continued to grow, victims might stop submitting petitions.
5. **Mr. Kälin** said that the Committee must find the means to absorb both the backlog of reports and the backlog of communications. He supported the idea of clearly presenting the Committee's needs, even if there was little likelihood of the General Assembly's approving its request. Perhaps after several attempts the General Assembly would come round. Nevertheless, the Committee needed to be realistic and not request an additional week of meetings if it could not then make good use of it. He therefore supported the proposal to submit a new request for additional resources to fund the work of the Petitions Unit.
6. **Ms. Majodina** said that she was sceptical regarding the Committee's prospects of success but nevertheless supported the proposal to reiterate the request submitted in 2012. Authors of communications sometimes had to wait as long as five years for a decision by the Committee. Absorbing that backlog was thus an absolute priority.
7. **Mr. Rodríguez-Rescia** said that the Committee was in competition with other treaty bodies that were also requesting additional resources and having their requests refused. As the Committee members seemed to agree that priority should be given to strengthening the Petitions Unit, which worked not only for the Committee but also for all the other treaty bodies empowered to receive and examine communications, all those actors could submit to the General Assembly a joint request for additional resources on behalf of the Petitions Unit. The General Assembly would probably be more inclined to accept the conversion of a

week of meetings of the working group on communications into a week of regular meetings of the Committee, as that solution would seem more economical.

8. In response to a comment by **Mr. Ben Achour, Ms. Edelenbos** (Petitions Unit) said that sometimes five years elapsed between the registration of a petition and the publication of the Committee's views, but that on average the procedure took three and a half years.

9. **Mr. Ben Achour** stressed that a decision handed down after three or five years did not have the same effect. The Committee should take that into account and do its utmost to ensure that communications were examined as promptly as possible. Therefore the allocation of meeting time should be readjusted. The Committee should focus more on examining communications and avoid spending three meetings, rather than two, considering reports by States parties. Also, its members should participate more actively in the work of the working group on communications and volunteer more often to serve as rapporteur.

10. **The Chairperson** noted that the problem lay not so much in how meeting time was apportioned as in the fact that the Petitions Unit was currently unable to prepare drafts for the Committee. It would indeed be better not to devote more than two meetings to the consideration of a State party's report, but some flexibility was needed as some States were more complex than others and examining their report required more time.

11. **Mr. Vardzelashvili** asked whether the additional week of meetings would be used to examine communications. If the extra time was not granted, it might be necessary to devote more of the currently allocated time to that task, even if that meant delaying the consideration of reports.

12. **Mr. Neuman** said that if the Committee was granted an additional week, it would be asked to use that time to perform the main functions outlined in its mandate and thus to reduce the time devoted to the examination of working methods and to general comments. As for obtaining resources for the Petitions Unit, it was not certain that that would directly benefit the Committee, as with the adoption of new protocols the Unit's workload was growing.

13. **Mr. Iwasawa** and **Mr. Bouzid** said that they agreed with Mr. Neuman's comments and supported the idea of reiterating the requests previously addressed to the General Assembly even if those were likely to be refused.

14. **Mr. Salvioli** said that, in addition to reiterating those requests, the Committee should also review the way in which the resources of the Petitions Unit were allocated. Out of the treaty bodies, the Committee was the one with the largest number of communications to process, and thus the one with the largest backlog in that regard. It would be a good idea for the Bureau to meet regularly with the Office of the High Commissioner to establish priorities.

15. **Mr. Kälin** suggested meeting in two chambers to consider periodic reports, provided the States in question agreed. The Committee could also reassess its needs, for example, with regard to summary records, with a view to possibly reallocating resources. Other bodies were already taking such action.

16. **Mr. Fathalla** proposed that if additional resources were granted for processing recommendations the Committee should set up two pre-sessional working groups and limit interpretation to the Committee's working languages. If the budget remained unchanged, the working group would not use the five days allocated to it, and in that case the remaining time could be used to consider country reports. Task force meetings, which involved few members and were short, could be held during the lunch break. Another solution would be to temporarily suspend work on general comments.

17. **Ms. Motoc** thought it would be a good idea to request an extension of the session so as to confront States with the reality of the situation and show them that the Committee was determined to fulfil its mandate provided it was given the means to do so. However, that additional time would need to be allocated to processing communications, even if States would obviously prefer to see it used to consider their reports, and it would be necessary to keep in mind that if the secretariat was not given additional resources then the additional time alone would not suffice to eliminate the backlog.

18. **Ms. Chanet** said she thought it futile to request an additional week or additional resources but supported the idea of reorganizing the time already allocated, and in particular that of devoting two of the working group's meeting days to the consideration of reports, as Mr. Fathalla had proposed. Task force meeting time could also be shortened, but it would be a pity to reduce the time spent on preparing general comments, which were a very important aspect of the Committee's work. Working methods should be examined in plenary session, but not necessarily for a whole meeting.

19. **The Chairperson** said that in his view requests should always be reiterated, even if there was little chance of their being heeded, as not doing so suggested that they were no longer necessary. He supported the solutions proposed by members, but some of them, such as the two-chamber idea, could lead to a multiplication of services such as interpretation. It was necessary to review the priorities applied in distributing the resources of the Petitions Unit since, for example, while the Committee received more communications than did other treaty bodies, it also processed them more quickly. Those criteria should be taken into account in order to avoid inequalities. He took it that the Committee provisionally approved the proposal to request from the General Assembly additional resources and an extension of the length of sessions, on the understanding that those requests could be reviewed when the report was adopted.

20. *It was so decided.*

The first part (public) of the meeting rose at 5.25 p.m.