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107th session

Summary record of the first part (public)* of the 2972nd meeting

Held at the Palais Wilson, Geneva, on Monday, 25 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.

This record is subject to correction.

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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 first part (public) of the meeting was called to order at 3.05 p.m.

Adoption of the annual report to the General Assembly

Draft annual report of the Human Rights Committee (CCPR/C/107/R.1, CCPR/C/107/R.1/Add.1–3 and CCPR/C/107/R.1/Add.9)

1. **The Chairperson** explained that the draft annual report had been written jointly by Mr. Bouzid, Rapporteur for the Committee's 105th and 106th sessions and by his successor, Mr. Flinterman, who had been appointed at the beginning of the current session. He invited the Committee to examine the draft report chapter by chapter.

2. **Mr. Flinterman** (Rapporteur) said that the draft annual report would be supplemented at a later stage in order to cover the work done at the current session, especially the debates on draft general comment No. 35 concerning the liberty and security of person (CCPR/C/107/R.3). At the beginning of the session, the Committee had decided to ask the General Assembly again for approval to extend certain sessions and for the allocation of additional resources to the Petitions Unit (see CCPR/C/SR.2956). An update on the programme budget implications of the Committee's proposal had been produced for that purpose and would be annexed to the annual report. Chapter II would be supplemented by information on the retreat which was to be held in April in The Hague and Chapter III would contain an account of the examination of the situation in Belize in the absence of a report and delegation, which had taken place during the current session.

Summary (CCPR/C/107/R.1)

3. *The summary was adopted.*

Chapter I. Jurisdiction and activities (CCPR/C/107/R.1/Add.1)

4. **Mr. Fathalla** said that, in paragraph 28, the phrase in brackets "who are also States parties to the Covenant" should be deleted, implying as it did that all the members of the General Assembly were parties to the Covenant, which was not the case.

5. **The Chairperson** agreed that the phrase was unclear. As the letter in question had been the subject of a Committee decision, he invited the secretariat to reproduce the exact wording of that decision in that paragraph. He suggested that the time and place of the Committee's 103rd session, which was mentioned at the start of the paragraph, should also be specified.

6. *The proposals were adopted.*

7. **The Chairperson** said that paragraphs 30 to 32 needed to be recast owing to the Committee's decision to ask the General Assembly for the allocation of more resources to the Petitions Unit and for approval to extend one of its annual sessions by one week in 2014 and 2015. He invited members to take note of the draft annex which had been distributed at the meeting (document without a symbol, in English only) which included the Committee's draft decision and an estimate of the programme budget implications of those requests.

8. **Mr. Rodríguez-Rescia** said that, in order to anticipate possible objections from States parties, section J should be supplemented by a new paragraph in which the Committee would emphasize that it had reviewed all its working methods and done its best to improve them and that the secretariat should not be asked to assume an even heavier workload than it currently bore.

9. *The proposal was adopted.*

10. **Mr. Iwasawa** noted that the amount of additional resources requested in the draft annex, i.e. US\$ 8.5 million, was lower than had been applied for in the previous annual report (A/67/40, Vol. I, annex VII), i.e. US\$ 8.7 million, although the Committee's needs had increased and the request had been adjusted accordingly.

11. **Mr. Neuman** called attention to the fact that the Committee was not authorized to amend the content of the statement of financial implications because it was not its author.

12. **Ms. Fox** (Secretary of the Committee) said that the updated statement of the programme budget implications drawn up by the Programme Planning and Budget Division at the Committee's request was only an estimate and not at all final. That document had to be sent to Headquarters and pass through several stages in the course of which the issues raised by the Committee ought to be settled. Once it had been finalized and approved by the competent services in New York it would be sent back to the Committee, then included in the annual report.

13. **Ms. Chanet** proposed that a paragraph should be included in section K (Publicity for the work of the Committee) in order to ask the Secretariat of the United Nations to take over as soon as possible the webcasting of the Committee's public meetings. Those recordings would be official and could be used for research purposes.

14. **Mr. Rodríguez-Rescia**, referring to section G, remarked that not all public emergencies threatened the existence of a nation and that it was important to state that measures derogating from certain obligations under the Covenant could be adopted only in the event of such a threat. He therefore proposed that the first sentence of paragraph 18 should repeat the exact wording of article 4, paragraph 1, of the Covenant so that it would read "In accordance with article 4, paragraph 1, of the Covenant, in time of public emergency *which threatens the life of the nation*, States may take measures derogating from certain of their obligations under the Covenant". He also called the secretariat's attention to the need to make editorial changes to the Spanish version of the document.

15. *The proposals were adopted.*

16. *Chapter I (CCPR/C/107/R.1/Add.1) was adopted subject to the requisite amendments.*

Chapter II. Methods of work of the Committee under article 40 of the Covenant and cooperation with other United Nations bodies (CCPR/C/107/R.1/Add.2)

17. **The Chairperson** suggested adding a sentence to bring out the fact that the Committee was referring in that chapter to cooperation with United Nations bodies and not with bodies which were not part of the system.

18. **Ms. Chanet** said that it would be advisable to refer to the exchange of letters between the Committee and the Office of the United Nations High Commissioner for Human Rights with regard to the decision to hold all the Committee's annual sessions in Geneva. She added that the text quoted in section 3 was that of a preliminary position paper of the Committee on the treaty body strengthening process, which should not be included as it was not a final decision.

19. **The Chairperson** suggested that the quotation should be indented and that special numbering should be used as had been done in the previous annual report (A/67/40, Vol. I) with respect to the position paper on the treaty body strengthening process adopted by the Committee on 29 March 2012 at its 104th session.

20. *The proposals were adopted.*

21. **Mr. Flinterman** (Rapporteur) proposed that mention should be made of recent important events such as some Committee members' participation in the thematic debate

and informal consultations held in New York on 19 and 20 February 2013 as part of the intergovernmental process aimed at enhancing the functioning of treaty bodies, as well as of other events related to the Committee's contribution to the strengthening process.

22. **The Chairperson**, endorsing that proposal, said that the name of Committee members who had taken part in those consultations should be listed in the draft text. He proposed that, in paragraph 29, the phrase "he had managed to obtain" should be replaced with "he had been able to obtain". In paragraph 36, he suggested replacing the words "follow-up comments" with "follow-up responses" and "follow-up reports" with "follow-up information".

23. Lastly, noting that paragraph 43 recorded the fact that no one had been appointed to replace Mr. Sánchez-Cerro as Rapporteur to liaise with the Office of the Special Adviser to the Secretary-General for the Prevention of Genocide and Mass Atrocities, he proposed that the Bureau should urgently attend to the matter of whether the Committee wished to recommend that one of its members should be entrusted with that responsibility for the next biennium.

24. *The proposals were adopted.*

25. *Chapter II (CCPR/C/107/R.1/Add.2) was adopted subject to the requisite amendments.*

Chapter III. Submission of reports by States parties under article 40 of the Covenant (CCPR/C/R.1/Add.3)

26. **Ms. Waterval** said that in the reference in paragraph 25 to the consideration of the situation in Belize in the absence of a report, it should be made clear that the Committee had received written replies from the State party to the list of issues drawn up at the 106th session.

27. *The proposal was adopted.*

28. *Chapter III (CCPR/C/107/R.1/Add.3) was adopted subject to the requisite amendments.*

Chapter V. Consideration of communications under the Optional Protocol (document without a symbol)

29. **The Chairperson** said that in section E (Cooperation by the States parties in the examination of communications) the first sentence of paragraph 17 should be reformulated so as not to give the impression that the States parties concerned had not made submissions on either the admissibility or the merits of the communications concerning them, since in most cases Belarus had given arguments on admissibility. In section F (Issues considered by the Committee), he suggested that heading of subsection (e) should be amended to read "Inadmissibility because the same matter is being examined under another procedure of international investigation or settlement".

30. *The proposals were adopted.*

31. *Chapter V (document without a symbol) was adopted subject to the requisite amendments.*

Annex II. Membership and officers of the Human Rights Committee 2011–2012 (CCPR/C/107/R.1/Add.9)

32. *Annex II (CCPR/C/107/R.1/Add.9) was adopted.*

33. *The Committee's draft annual report (CCPR/C/107/R.1, CCPR/C/107/R.1/Add.1-3 and CCPR/C/107/R.1/Add.9) as a whole, as orally amended and subject to editorial adjustments by the secretariat, was adopted.*

The first part (public) of the meeting rose at 4.10 p.m.