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Summary record (partial)* of the 2951st meeting

Held at the Palais Wilson, Geneva, on Monday, 11 March 2013, at 10 a.m.

Chairperson: Ms. Connors (Chief of the Special Procedures Division, OHCHR)
later: Sir Nigel Rodley

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

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Ms. Connors (Chief of the Special Procedures Division, Office of the United Nations High Commissioner for Human Rights) took the Chair.

The meeting was called to order at 10.05 a.m.

Opening of the session, statement by the Chief of the Special Procedures Division of the Office of the United Nations High Commissioner for Human Rights

1. **Ms. Connors** (Chief of the Special Procedures Division), speaking on behalf of the United Nations High Commissioner for Human Rights, said that, of the 48 special procedures, 36 were thematic mandates and the remainder dealt with countries or territories. Six mandates were made up of five-member working groups, bringing the total number of mandate holders to 72. Three mandates had been established in 2012: the Special Rapporteur on the situation of human rights in Belarus; the Special Rapporteur on the situation of human rights in Eritrea; and the Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment. The Human Rights Council was expected to continue establishing mandates.
2. Mandate holders communicated confidentially with member States and, in 2012, 603 communications had been sent to 127 States. Disappointingly, Governments had responded to only a little more than 40 per cent of those communications by 31 December 2012. Special procedures had conducted 80 visits to 55 States and territories in 2012.
3. The Special Procedures Division was constantly looking for ways of improving cooperation between the special procedures and the treaty bodies. Some mandate holders had taken part in a series of workshops on the prohibition of incitement to national, racial or religious hatred, which had culminated in the adoption of the Rabat Plan of Action. The Special Rapporteur on the rights to freedom of peaceful assembly and of association had, in his first thematic report to the Human Rights Council in 2012 (A/HRC/20/27), identified best practices for the promotion and protection of those rights. The matter of the death penalty had been examined in reports presented to the 67th session of the General Assembly in 2012 by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on extrajudicial, summary or arbitrary executions. The report of the latter had stressed the need for transparency from Governments with regard to information on the imposition and implementation of the death penalty, and had addressed the issue of complicity by third parties, including abolitionist States, with States that retained the death penalty.
4. The Working Group on Enforced or Involuntary Disappearances had adopted two general comments, on women and children affected by enforced disappearances, in 2012. The Working Group on Arbitrary Detention had adopted deliberation No. 9 concerning the definition and scope of arbitrary deprivation of liberty under customary international law. It had also launched a database containing all the opinions it had adopted.
5. For the time being, cuts in OHCHR's budget of the order of US\$ 4.5 million should not result in job losses for staff of the Human Rights Committee secretariat.
6. Various matters, including the issues of documentation and conference services, the simplified reporting procedure, webcasting and videoconferencing, and the nomination and election process, had been raised at the last round of the informal consultations of the intergovernmental process on strengthening the treaty body system. That process was expected to draw to a close in May 2013 upon completion of a further round of informal consultations in April.
7. Of 172 treaty body experts, 45 had responded to a survey, which had been circulated in December 2012, on their satisfaction with support services provided by the secretariat. Those services had been rated as satisfactory or very satisfactory by 83.7 per cent of

respondents. A similar survey would be circulated towards the end of 2013. Experts would also be encouraged to respond to another survey, to be distributed shortly, that would contribute to OHCHR planning from 2014 to 2018.

8. She paid tribute to the human rights advocate, the late Stéphane Hessel.

Solemn declaration by the newly elected members of the Committee in accordance with article 38 of the Convention

9. **Ms. Connors** (Chief of the Special Procedures Division), speaking as Chairperson, welcomed five new members to the Committee: Mr. Matadeen, Mr. Rodríguez-Rescia, Ms. Seibert-Fohr, Mr. Shany and Mr. Vardzelashvili. She invited them to make the solemn declaration required under article 16 of the rules of procedure.

10. **Mr. Matadeen, Mr. Rodríguez-Rescia, Ms. Seibert-Fohr, Mr. Shany and Mr. Vardzelashvili** made the following declaration: "I solemnly undertake to discharge my duties as a member of the Human Rights Committee impartially and conscientiously."

Election of Chairperson and other officers of the Committee

11. **Ms. Chanet** nominated Sir Nigel Rodley for the office of Chairperson.

12. **Mr. Iwasawa, Mr. Salvioli, Mr. Rodríguez-Rescia, Mr. Ben Achour, Mr. Bouzid, Ms. Motoc and Ms. Majodina** seconded the nomination.

13. *Sir Nigel Rodley was elected Chairperson by acclamation.*

Sir Nigel Rodley took the Chair.

14. **The Chairperson** said that the Committee faced numerous challenges. It would need to work closely with the other treaty bodies to ensure that the process of strengthening the treaty body system was successful. Work on the new general comment on article 9 of the Covenant would take time. Thanks to Mr. Flinterman, the Hague Global Institute for Justice and funding from the Government of the Netherlands, the Committee would have the opportunity to consider issues facing it during a retreat due to take place the following week. The Committee would also continue to seek meetings with regional bodies.

15. At the invitation of **the Chairperson**, the meeting observed a minute of silence in tribute to the memory of Mr. Stéphane Hessel.

The meeting was suspended at 10.35 a.m. and resumed 10.50 a.m.

16. **Mr. Salvioli** nominated Mr. Ben Achour, Ms. Waterval and Ms. Motoc for the offices of Vice-Chairperson, and Mr. Flinterman for the office of Rapporteur of the Committee.

17. **Mr. Iwasawa and Ms. Chanet** seconded the nominations.

18. **Mr. Bouzid**, supported by **Ms. Majodina**, seconded the nominations but said that he would nominate Mr. Fathalla for one of the posts of Vice-Chairperson at the next election of officers.

19. *Mr. Ben Achour, Ms. Waterval and Ms. Motoc were elected Vice-Chairpersons by acclamation.*

20. *Mr. Flinterman was elected Rapporteur of the Committee.*

21. **The Chairperson**, thanking Ms. Connors for her presentation, said that cooperation between the treaty bodies and the special procedures should be fostered.

22. **Mr. Salvioli** urged the Office of the United Nations High Commissioner for Human Rights to keep the treaty bodies apprised of its intentions. Committees were frequently

presented with faits accomplis by OHCHR without having been implicated in the decision-making process.

23. **Ms. Connors** (Chief of the Special Procedures Division) concurred with Mr. Salvioli and encouraged all experts to participate in the survey on OHCHR's planning process.

Adoption of the agenda (CCPR/C/107/1)

24. *The agenda was adopted.*

Organizational and other matters, including the adoption of the report of the pre-session Working Group on Individual Communications

25. **Ms. Waterval** (Chairperson-Rapporteur of the Working Group on Individual Communications) said that the members of the Working Group were Mr. Ben Achour, Mr. Bouzid, Mr. Flinterman, Ms. Motoc, Sir Nigel Rodley, Mr. Salvioli and herself. The Working Group, which had met from 5 to 8 March 2012, had considered 21 cases. It recommended to the plenary that it should adopt 9 decisions of inadmissibility and consider 12 communications on the merits.

26. **Mr. Salvioli**, noting the problems that the secretariat had encountered in properly servicing the meetings of the Working Group and those of another working group held at the same time, urged the secretariat to ensure that it was in a position to provide uninterrupted support for the Working Group at future meetings.

27. **The Chairperson** said that Mr. Salvioli's views on that matter were shared by all members of the Working Group. The backlog of cases was a source of concern and had resulted from the secretariat's inability to draft sufficient communications in a timely fashion. As a result, a growing number of victims and their families were waiting longer for responses by the Committee. Remedying that situation was a matter of high priority.

28. *The report of the Working Group on Individual Communications was adopted.*

The discussion covered in the summary record ended at 11.05 a.m.