



## International Covenant on Civil and Political Rights

Distr.: General  
27 November 2013  
English  
Original: French

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### Human Rights Committee

#### 109th session

#### Summary record of the 3036th meeting\*

Held at the Palais Wilson, Geneva, on Friday, 1 November 2013, at 3 p.m.

*Chairperson:* Sir Nigel Rodley

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\* No summary records were issued for the 3034th and 3035th meetings.

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*The meeting was called to order at 3.05 p.m.*

**Working methods** (*continued*)

*Role of the General Assembly and of the Meeting of States Parties* (document without a symbol, in English only)

1. **Mr. Fathalla** presented the conclusions of his review of the role of the General Assembly and of the Meeting of States Parties in relation to the Committee's work. With regard to the General Assembly, the fact that all Member States contributed to decisions concerning the Committee's funding even though they were not all parties to the Covenant was a negative factor. As a result, the Committee did not always have sufficient resources to perform its mandate fully, including, sufficient funds to eliminate the backlog of periodic reports and communications pending consideration. Conversely, the fact that the sole function of the Meeting of States Parties was to elect Committee members was a positive factor, as it ensured that the Committee was totally independent and free from political influence. There could, however, be advantages in having such a body take policy decisions. For example, the Conference of the Parties to the Basel Convention had the possibility of establishing special funds, financed through voluntary contributions, to assist States in implementing the Convention. If the Meeting of States Parties to the Covenant were able to take decisions on the Committee's recommendation, the Committee might recommend that it establish a fund of that kind to eliminate the delays in the consideration of periodic reports and communications. The Committee might also recommend the adoption of resolutions urging States parties to submit their reports without further delay, in cases where reports were overdue, and encouraging them to take better action on the Committee's recommendations. In conclusion, in order to preserve the Committee's independence and impartiality, the role of the Meeting of States Parties should remain sufficiently limited, and subject to the Committee's recommendations.
2. **Mr. Flinterman** said that the fact that the election of Committee members was the sole function of the Meeting of States Parties did not necessarily mean that its role could not be expanded. The establishment of a special fund was an interesting idea but one which required careful consideration. The suggestion that the Meeting of States Parties might be used as a forum to draw attention to the problem of certain States Parties' late submission of reports and non-implementation of the Committee's recommendations also merited further study.
3. **Mr. Salvioli** said that he also supported the idea of establishing a special fund, provided that receiving funds in the form of voluntary contributions did not result in a reduction in the resources allocated to the Committee under the regular budget. Another way to develop the role of States parties was to organize informal meetings with them, as the Committee had done in the past.
4. **Mr. Shany** agreed with the idea of expanding the role of States parties in innovative ways in order to support the Committee's work. However, in so doing, the Committee must beware of giving States that were reluctant to fund the Committee's work the opportunity to reduce the resources currently allocated to it and of giving States that did not support the Committee's work the opportunity to contest the legal positions it adopted.
5. **The Chairperson** said that, while it was worth encouraging States parties to reflect on the problem of the limited resources available to the Committee for the purpose of fulfilling its mandate, it was premature at that stage to make proposals related to the funding of its work. He agreed that it could be useful to raise the issue of late submission of reports at the Meeting of States Parties. All the same, he had reservations about raising the issue of implementation of the Committee's recommendations, which could lead some States to question their validity.

6. **Mr. Fathalla** said that there was nothing in the Covenant to prevent States parties from addressing issues other than the election of Committee members. Furthermore, article 51 provided that they could propose and adopt amendments to the Covenant. Thus, under the agenda item for any other business, the Meeting of States Parties might consider a list — prepared by the secretariat — of States that were very late in submitting their reports and could urge those States, by a decision or resolution, to submit their reports in short order.

7. **The Chairperson**, referring to the Committee's main achievements and decisions, said that it had adopted concluding observations for Bolivia, Djibouti, Mauritania, Mozambique and Uruguay; lists of issues for Japan, Burundi, Georgia, Latvia, Ireland and Sudan; and reports on the follow-up to concluding observations and communications. The Committee had also considered 22 communications. It had ruled on the admissibility of 5 cases and on the merits of 13, and had decided to discontinue consideration of 4 others. The Committee had continued the first reading of draft general comment No. 35 on article 9 of the Covenant and had adopted the first 58 paragraphs. During a review of its working methods, the Committee had held a preliminary discussion about the possibility, in principle, of dividing its work between two chambers and about the role of the General Assembly and the Meeting of States Parties. Lastly, there had been fruitful exchanges of views with the Committee for the Elimination of Discrimination against Women on the subject of reproductive health and with the Committee against Torture on the subject of draft general comment No. 35. If he heard no objection, he would take it that the Committee wished to adopt the Bureau's recommendations.

8. *It was so decided.*

#### **Closure of the session**

9. After an exchange of courtesies, **the Chairperson** declared the 109th session of the Human Rights Committee closed.

*The meeting rose at 3.55 p.m.*