



## International Covenant on Civil and Political Rights

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### Human Rights Committee

#### 103rd session

#### Summary record of the second part (public)\* of the 2862nd meeting

Held at the Palais Wilson, Geneva, on Friday, 4 November 2011, at 4.35 p.m.

Chairperson: Ms. Majodina

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\* The summary record of the first part (closed) of the meeting appears as document CCPR/C/SR.2862.

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*The public part of the meeting was called to order at 4.35 p.m.*

### **Organizational and other matters**

#### *Standard paragraphs for LOIPRs*

1. **Ms. Fox** (Secretary of the Committee) recalled that the Committee had taken a decision that the first three paragraphs of every list of issues prior to reporting (LOIPR) should include standard requests for general information on the national human rights situation. During their consideration of LOIPRs at the current session, the country report task forces had included several variations on those standard paragraphs. The Committee should therefore consider whether it wished to revise the standard paragraphs for the draft LOIPRs adopted at the current session and for future lists of issues.
2. **Mr. Iwasawa** recalled that, at the informal meeting with States parties the previous week, several delegations had requested that the Committee should take a holistic approach in the LOIPRs. The first three paragraphs responded to that concern, as they gave States the opportunity to address issues that the Committee did not raise in the specific questions in the subsequent paragraphs.
3. **Mr. Salvioli** said that the standard paragraphs the Committee had adopted seemed rather too general and repetitive. Given that time was of the essence in the Committee's consideration of States parties' reports, it was unwise to ask such general questions as they were likely to detract from the interactive dialogue on the specific questions asked in the LOIPR.
4. **Mr. O'Flaherty** said that the Committee should not be bound by the wording of the three standard paragraphs it had adopted, particularly as they had not been put into practice until the country report task forces had met to draft the first LOIPRs during the current session. The three general questions appeared to undermine the logic of the LOIPR as they were not targeted. He suggested that, in future, the Committee should replace the three introductory paragraphs with the following standard last paragraph: "To the extent that they are not already addressed in the questions above, please indicate any significant human rights developments, challenges or problems that have confronted the State party in the period since the submission of its last report". As a temporary measure for the current session, the three standard paragraphs adopted by the task forces for Moldova, Monaco and Uruguay could be used in the other LOIPRs.
5. **Mr. Neuman** noted that not all the country report task forces had used the same standard paragraphs when drafting the LOIPRs. Moreover, the questions asked in the standard paragraphs had been found to be somewhat repetitive and overly burdensome; they could be interpreted as demanding too much data from States, rather than giving them the opportunity to provide information. Any standard paragraph concerning information provided under the Optional Protocol should, of course, not be used for States that were not parties to that instrument.
6. **Mr. Rivas Posada** asked whether the Committee was aiming to come up with identical wording for the three standard paragraphs for all LOIPRs or merely to harmonize its practice in that regard. While it was necessary to ask some questions of a general nature, he failed to understand the logic of asking different States parties the same questions.
7. **Mr. Iwasawa** said that, since the Committee was keen to encourage States parties to adopt the new reporting procedure, it was important to retain the general element in the standard paragraphs because States parties were asked for general information under the old procedure. The three paragraphs did not need to be identical, but standardization would nonetheless be useful. Referring to the English text adopted by the task forces on Moldova,

Monaco and Uruguay, he proposed that in the first sentence of paragraph 1 the word “significant” should be inserted before “development”.

8. **Mr. Rivas Posada** said that he preferred the text adopted by those task forces but it should include a reference to the State party’s implementation of the Optional Protocol to the Covenant, as the text adopted by the task force on Cameroon did.

9. **Mr. Salvioli** said that the inclusion of a reference to the Optional Protocol would depend on the situation of a given State party, since it would be inappropriate to request information from States parties that had not ratified the Optional Protocol or from States parties that had no cases on which the Committee had issued Views. Very general questions should be avoided in order to prevent the Committee from losing focus and spending time on issues that were not relevant. The key focus of the first three paragraphs of the LOIPRs should remain the State party’s implementation of the Covenant and follow-up to the Committee’s various recommendations, including general comments.

10. **The Chairperson** said it did not seem to be possible to have standard paragraphs that did not take into account the particular situation of individual States. It seemed important not to unduly broaden the scope of the debate by requesting very general information, and it seemed clear that the Committee should use the version adopted by the three task forces as a temporary measure.

11. **Mr. Iwasawa** expressed regret that little could be achieved at the current meeting since there was no quorum. He noted that task forces had previously adopted lists of issues without need for a plenary meeting.

12. **Mr. Salvioli**, supported by **Ms. Waterval**, said that to adopt amendments to the texts drafted by the country task forces in the absence of several members was problematic.

13. **Mr. Flinterman**, disagreeing, proposed that the Committee should agree on the small but significant amendment proposed by Mr. Iwasawa concerning the text adopted on Moldova, Monaco and Uruguay. Similarly, the Committee should reach agreement on the paragraphs relating to Cameroon. A further discussion should be scheduled on the matter of standard paragraphs.

14. **Mr. Iwasawa**, supported by **Mr. O’Flaherty**, **Mr. Neuman** and **Mr. Salvioli**, suggested that the Committee should agree on minor amendments to the first three paragraphs of each text and that the relevant country task force rapporteurs should then be requested to approve the resulting drafts. That ensured that the Committee was not imposing amendments without the agreement of the task force.

15. **The Chairperson** said that while it was preferable to take decisions only when there was a quorum, the Committee was faced with a situation in which it might be preferable to come to a provisional agreement in the manner proposed. She took it that the Committee agreed to the insertion of the word “significant” in standard paragraph 1.

#### *Use of videoconferencing*

16. **The Chairperson** invited the Committee to discuss the possible use of videoconferencing with States parties’ delegations.

17. **Mr. O’Flaherty** said that, while the Committee wished to have the best possible dialogue with States parties, which could sometimes involve a video link to the capital of the State in question, the holding of a physical dialogue with States parties’ delegations increased the value of the Committee’s work. It would be useful for the Committee to identify criteria for the use of such equipment. He suggested that the Committee should expect to engage with experts from the capital who were physically present in the meeting room, that the Committee should also welcome, insofar as technology permitted, the participation of further experts by means of videoconferencing, and that only in the most

exceptional circumstances should the Committee accede to a request to hold a dialogue with a State party delegation comprising only its diplomatic representatives in Geneva or New York.

18. **Mr. Flinterman** agreed that criteria should be set for the use of videoconferencing. The crucial element in the consideration of States parties' reports was holding a genuine dialogue. Personal experience had taught him that videoconferencing could, despite the physical distance between two parties, be conducive to full, participatory discussion. He therefore suggested that the equipment be used on a trial basis as soon as possible, since there had already been dialogues at the current session that could have benefited from further input from the State party's capital.

19. **Mr. Salvioli** said that, before States parties were offered the option of videoconferencing, it was important to ensure that it was technically feasible and that the Committee had the use of an appropriately equipped room. With regard to States parties' requests for such technology, he agreed that it should be used on condition that the Committee was notified sufficiently in advance. His preference, however, was to have the State party represented physically in the meeting room in order to have a full dialogue with its representatives.

20. **Mr. Iwasawa** said that videoconferencing could work in some situations, particularly for States that lacked the financial resources to send large delegations. He asked whether videoconferencing was possible in the Palais Wilson, how many rooms in the Palais des Nations were appropriately equipped, whether it was available in New York and, if the equipment was not currently available, whether it would be made available in the near future.

21. **Ms. Waterval** said that she was in favour of using information and communication technology, but expressed concern that many States parties would request videoconferencing if it was made available.

22. **The Chairperson** said that, at the current session, the Jamaican delegation had introduced the idea of videoconferencing. The topic had been raised at meetings with States parties and the meeting of chairpersons of the human rights treaty bodies, and the preference of States was to use videoconferencing where appropriate. Once it had become clear that Jamaica had been unable to send a delegation from its capital, efforts had been made to arrange videoconferencing but that had not been possible due to the lack of equipment in the Palais Wilson.

23. **Ms. Fox** (Secretary of the Committee) said that, while OHCHR was aware that the issue of videoconferencing had been raised in a number of forums, it was not possible to provide such facilities in the Palais Wilson at the current time. Videoconferencing was available in the Palais des Nations, but only two rooms were appropriately equipped. OHCHR was addressing the issue of videoconferencing, and the cost of equipping the Palais Wilson with the appropriate technology, as well as other technical improvements to the building, were under consideration by a number of task forces.

24. **Mr. O'Flaherty** said it was important to ensure that the use of technology did not favour States that had the best access to technology and the Internet. While supporting experimentation in that area, he urged caution, since the use of videoconferencing could lead to a situation in which States parties never sent any representation. That would be detrimental to the Committee's dialogue with them.

25. **The Chairperson** said it seemed obvious that the Committee needed clear criteria for the use of videoconferencing, since States parties that could afford to send delegations to Geneva or New York should continue to do so. It was also important to be consistent in the application of such criteria.

*Data on communications considered at the 103rd session*

26. **The Chairperson**, referring to the communications considered at the 103rd session, said that there had been 5 inadmissibility decisions, 15 Views determining a violation and 2 discontinued cases. The Committee had considered a total of 22 communications.

*Announcement of Bureau decisions*

27. **The Chairperson** said it had been decided that the Committee's annual report would henceforth be adopted during the March session. The next report would therefore cover the work of the current session and the 104th session to be held in March 2012.

28. **Ms. Fox** (Secretary of the Committee) said that problems had been encountered regarding the translation of the annual report for submission to the General Assembly in October. For a number of years the report had not been translated into all working languages in time. The Committee had therefore decided to adopt its annual report in March in order to allow adequate time for translation, in line with the practice of the Committee on the Elimination of Discrimination against Women and the Committee against Torture.

29. **The Chairperson** said that a conference paper without a symbol had been distributed to Committee members containing a letter that had been drafted pursuant to a proposal by Mr. Thelin on engaging with the General Assembly. The Bureau had recommended that the letter should be addressed to ambassadors in New York who represented States that were parties to the Covenant.

30. Given the limited budget for Committee members to attend pre-sessional working groups, the Bureau had recommended that there should be set criteria for attending their sessions. The current recommendation was that preference should be given to Committee members who were in a position to attend all five days of the working group session.

**Consideration of reports submitted by States parties under article 40 of the Covenant**  
(continued)

*Concluding observations on the sixth periodic report of Norway (continued)*

31. **Mr. O'Flaherty** said that paragraph 14 of the advanced unedited concluding observations on Norway (CCPR/C/NOR/CO/6) had been included in error; the edited version of the document would not include that paragraph.

**Closure of the session**

32. After the customary exchange of courtesies, **the Chairperson** declared the 103rd session of the Human Rights Committee closed.

*The meeting rose at 5.30 p.m.*