

International Convention on the Elimination of all Forms of Racial Discrimination

Distr. GENERAL

CERD/C/SR.1611 11 December 2003

Original: ENGLISH

#### COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixty-third session

### SUMMARY RECORD OF THE 1611th MEETING

Held at the Palais des Nations, Geneva, on Friday, 22 August 2003, at 10 a.m.

Chairman: Mr. DIACONU

#### **CONTENTS**

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (continued)

Draft concluding observations concerning the sixteenth periodic report of Norway

Draft concluding observations concerning the sixteenth periodic report of Finland

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GE.03-43758 (E) 030903 111203

# CONTENTS (continued)

<u>Draft concluding observations concerning the combined second to tenth periodic reports of Saint Vincent and the Grenadines</u>

<u>Review of the implementation of the Convention in States parties whose reports are seriously overdue</u>

<u>Draft concluding observations concerning Malawi</u>

ORGANIZATIONAL AND OTHER MATTERS (continued)

## The meeting was called to order at 10.20 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued) (CERD/C/63/CO/5, 9, 10 and 14/Rev.2)

<u>Draft concluding observations concerning the sixteenth periodic report of Norway</u> (CERD/C/63/CO/9)

1. <u>The CHAIRMAN</u> invited the Committee to make drafting proposals, paragraph by paragraph, on the draft concluding observations concerning the sixteenth periodic report of Norway.

## Paragraphs 1 to 4

2. Paragraphs 1 to 4 were adopted.

## Paragraph 5

- 3. <u>Mr. THORNBERRY</u>, supported by <u>Mr. YUTZIS</u> (Country Rapporteur), proposed that the words "utterances in the form of" be deleted.
- 4. It was so decided.
- 5. Paragraph 5, as amended, was adopted.

### Paragraphs 6 and 7

6. Paragraphs 6 and 7 were adopted.

#### Paragraph 8

- 7. Mr. ABOUL-NASR said that the concluding observations had been drafted in a refreshingly clear and succinct style, a style that should be used in all concluding observations. He supported the idea of requesting the State party to provide an estimate of the demographic composition of the population when no concrete statistics were available. It should be the standard practice in such cases.
- 8. Paragraph 8 was adopted.

## Paragraphs 9 to 12

9. Paragraphs 9 to 12 were adopted.

### Paragraph 13

10. <u>Mr. AVTONOMOV</u> said he wondered if the wording of the first sentence made it sufficiently clear whether or not there was a formal ban on racist organizations.

- 11. <u>The CHAIRMAN</u>, supported by <u>Mr. YUTZIS</u> (Country Rapporteur) said that the wording of the first sentence was satisfactory, since it was clear that no such formal ban existed.
- 12. Paragraph 13 was adopted.

- 13. Mr. SICILIANOS said that the Committee had been somewhat concerned at the large number of asylum applications which had been declared ill-founded, the key point being not whether such decisions had been taken without an appeals board hearing, as stated in the first sentence, but whether the appeal of those decisions had a suspensive effect. He proposed that, at the end of the first subparagraph, the words "without an appeals board hearing" should be deleted and replaced by "and the appeal of those decisions does not have a suspensive effect".
- 14. <u>Mr. BOSSUYT</u> said that the percentage of rejected asylum applications, even at the appeals level, did not seem to him to be inordinately high. He wondered if it was appropriate for the Committee to express such concern.
- 15. Mr. YUTZIS (Country Rapporteur) said that the major point made by the non-governmental organizations (NGOs) was that decisions could be taken without the applicant being present.
- 16. <u>The CHAIRMAN</u> suggested that the subparagraph be amended as proposed by Mr. Sicilianos and that the words "with concern" in the first sentence be deleted.
- 17. It was so decided.
- 18. Paragraph 14, as amended, was adopted.

## Paragraph 15

19. Paragraph 15 was adopted.

- 20. <u>Mr. YUTZIS</u> (Country Rapporteur) said that, in the second sentence of the first subparagraph, the words "(rely on tests made in order to)" should be deleted.
- 21. It was so decided.
- 22. <u>Ms. JANUARY-BARDILL</u>, supported by <u>Mr. THORNBERRY</u>, said that, in the first sentence of the first subparagraph, the words "consisting in refusing" should be deleted and replaced by the words "by denying".
- 23. It was so decided.
- 24. Paragraph 16, as amended, was adopted.

### Paragraphs 17 and 18

25. Paragraphs 17 and 18 were adopted.

## Paragraph 19

- 26. Mr. THORNBERRY, supported by the CHAIRMAN and Mr. YUTZIS (Country Rapporteur), said that, at the end of the second sentence of the first subparagraph, the words "control and use" should be inserted before the words "communal lands" in order to reflect the language of general recommendation XXIII.
- 27. It was so decided.
- 28. Paragraph 19, as amended, was adopted.

Paragraphs 20 and 21

29. Paragraphs 20 and 21 were adopted.

### Paragraph 22

- 30. <u>The CHAIRMAN</u> said that, in paragraph 6, the Committee had already commended the adoption of a Second National Plan of Action to Combat Racial Discrimination to implement the Durban Declaration and Programme of Action and the establishment of a Committee to follow up the implementation of the former Plan of Action. He therefore suggested that paragraph 22 be deleted.
- 31. <u>It was so decided.</u>

#### Paragraph 23

32. Paragraph 23 was adopted.

- 33. <u>The CHAIRMAN</u> said the date of 5 September 2005 was perhaps rather too soon for the submission of the State party's combined seventeenth and eighteenth periodic reports, and suggested that it be changed to 5 September 2007.
- 34. It was so decided.
- 35. Paragraph 24, as amended, was adopted.
- 36. The draft concluding observations concerning the sixteenth periodic report of Norway, as a whole, as amended and with the deletion of one paragraph, were adopted.

page 6

<u>Draft concluding observations concerning the sixteenth periodic report of Finland</u> (CERD/C/63/CO/5)

37. <u>The CHAIRMAN</u> invited the Committee to make drafting proposals, paragraph by paragraph, on the draft concluding observations concerning the sixteenth periodic report of Finland.

## Paragraphs 1 and 2

38. Paragraphs 1 and 2 were adopted.

## Paragraph 3

- 39. Mr. ABOUL-NASR said he wondered whether it was appropriate to refer to the delegation as "competent".
- 40. <u>Mr. HERNDL</u> (Country Rapporteur), supported by <u>the CHAIRMAN</u>, suggested that the words "high ranking and" be deleted.
- 41. It was so decided.
- 42. Paragraph 3, as amended, was adopted.

## Paragraphs 4 to 8

43. Paragraphs 4 to 8 were adopted.

## Paragraph 9

44. Paragraph 9 was adopted, with a minor drafting change.

### Paragraph 10

- 45. <u>Mr. ABOUL-NASR</u> reiterated that there was no need for the Committee to refer to any instruments other than the Convention.
- 46. Paragraph 10 was adopted.

- 47. Mr. THORNBERRY, supported by Mr. HERNDL (Country Rapporteur), proposed that, in the first sentence of the first subparagraph, the words "a proper" should be deleted and replaced by "the".
- 48. It was so decided.
- 49. <u>Mr. AMIR</u> said he wondered whether the word "legalistic" at the end of the first subparagraph was an appropriate one.

- 50. <u>The CHAIRMAN</u> said that, by stating that the State party's approach was too legalistic, the Committee implied that it did not take into account non-legal aspects such as social factors.
- 51. <u>Mr. THIAM</u> said that an explanation to that effect might, perhaps, be added to the end of the first subparagraph.
- 52. Mr. PILLAI suggested that the word "legalistic" might be replaced by either "limited" or "inadequate".
- 53. <u>Mr. HERNDL</u> (Country Rapporteur), supported by <u>Mr. de GOUTTES</u>, <u>Mr. THIAM</u>, <u>Mr. THORNBERRY</u> and <u>Mr. YUTZIS</u>, proposed that the word "legalistic" should be deleted and replaced by the word "restrictive".
- 54. It was so decided.
- 55. Paragraph 11, as amended, was adopted.

- 56. Mr. THORNBERRY, supported by Mr. HERNDL (Country Rapporteur), proposed that the words "and, where they have been deprived without their free and informed consent of their lands and territories traditionally owned or otherwise inhabited or used, to take steps to return those lands and territories" be deleted from the end of the first subparagraph.
- 57. It was so decided.
- 58. <u>Ms. JANUARY-BARDILL</u> proposed that the word "relevant" be deleted from the first sentence of the second subparagraph.
- 59. It was so decided.
- 60. Paragraph 12, as amended, was adopted.

## Paragraph 13

- 61. <u>Mr. SICILIANOS</u> proposed that the words "continue to" be inserted before the word "promote" in the second subparagraph.
- 62. It was so decided.
- 63. Paragraph 13, as amended, was adopted.

- 64. <u>Mr. SICILIANOS</u> proposed that the words "if not eliminate" in the second sentence of the second subparagraph be deleted.
- 65. It was so decided.

- 66. Mr. THORNBERRY proposed that the word "contain" in the same sentence of the same subparagraph be replaced by the word "combat".
- 67. It was so decided.
- 68. Paragraph 14, as amended, was adopted.

69. Mr. HERNDL (Country Rapporteur) proposed that the alternative text in square brackets, which had originally been suggested by Ms. January-Bardill, be retained instead of the original text. He further proposed that the last sentence of the first subparagraph be amended to read:

"In the Committee's opinion, such narrow time limits may not allow for the proper utilization of the appeal procedure available and may result in creating an irreversible situation, even if the decision of the administrative authorities were overturned on appeal."

- 70. Mr. Herndl's proposals were adopted.
- 71. <u>Mr. PILLAI</u> proposed that the words "can lead to the speedy expulsion" in the second sentence of the first subparagraph be replaced by the words "could lead to immediate expulsion".
- 72. It was so decided.
- 73. <u>Mr. THORNBERRY</u> proposed that the wording of the second subparagraph be amended to read:

"The Committee urges the State party to guarantee respect for the legal safeguards for asylum-seekers and to ensure that all its asylum procedures conform to its international obligations in this field."

- 74. The proposal was adopted.
- 75. Paragraph 15, as amended, was adopted.

- 76. <u>The CHAIRMAN</u> proposed that the words "members of the Roma community" should be substituted for "Roma" throughout the paragraph.
- 77. It was so decided.
- 78. Paragraph 16, as amended, was adopted.

- 79. <u>Mr. SICILIANOS</u>, supported by <u>Mr. BOSSUYT</u>, proposed the deletion of the recommendation contained in the second subparagraph. DNA testing was the modern equivalent of a blood test to prove a biological relationship and he did not see how it could be construed as offensive to the human dignity of the applicants concerned.
- 80. <u>Mr. KJAERUM</u> said that he would support a decision to delete the subparagraph. If it were retained, however, the Committee should recommend that the DNA test be applied on a non-discriminatory basis to all applicants for residence permits.
- 81. <u>Mr. HERNDL</u> (Country Rapporteur) said he had no objection to the deletion of the recommendation.
- 82. The second subparagraph was deleted.
- 83. Paragraph 17, as amended, was adopted.

### Paragraph 18

- 84. <u>Mr. PILLAI</u> proposed that the word "conviction" in the first subparagraph be replaced by the word "belief".
- 85. It was so decided.
- 86. Paragraph 18, as amended, was adopted.

### Paragraphs 19 to 21

87. Paragraphs 19 to 21 were adopted.

- 88. After a brief discussion in which <u>Mr. HERNDL</u> (Country Rapporteur), <u>Mr. BOSSUYT</u> and <u>Mr. KJAERUM</u> took part, <u>the CHAIRMAN</u> suggested that the date on which the State party would be required to submit its seventeenth and eighteenth periodic reports should be 13 August 2007.
- 89. It was so decided.
- 90. Paragraph 22, as amended, was adopted.
- 91. The draft concluding observations concerning the sixteenth periodic report of Finland as a whole, as amended, were adopted.

<u>Draft concluding observations concerning the combined second to tenth periodic reports</u> of Saint Vincent and the Grenadines (CERD/C/63/CO/10)

- 92. Mr. THORNBERRY (Country Rapporteur) reminded the Committee that the State party's report had been very brief and had fallen short of requirements. Nevertheless, it had been an improvement on the initial report, which had consisted of a single paragraph. The Committee needed to be sensitive to the difficulties encountered by the State in question, which was a very small one. At the request of other Committee members, he had included a number of standard paragraphs for the sake of completeness. Personally, he had some reservations in that regard.
- 93. <u>The CHAIRMAN</u> invited the Committee to consider the document paragraph by paragraph.

## Paragraph 1

94. Paragraph 1 was adopted.

## Paragraph 2

- 95. Mr. ABOUL-NASR said he wondered whether it was possible to welcome a report after such a long time and whether it was right to speak of a "dialogue" when no delegation had attended the Committee's session.
- 96. <u>Mr. HERNDL</u>, supported by <u>Mr. THORNBERRY</u> (Country Rapporteur) suggested that the words "the dialogue" should be replaced by the word "contacts."
- 97. Mr. PILLAI proposed the following wording for the paragraph: "The Committee welcomes the submission of a report by the State party after a lapse of more than 20 years."
- 98. Mr. Pillai's proposal was adopted.
- 99. Paragraph 2, as amended, was adopted.

- 100. Mr. PILLAI said that the existing wording gave the impression that only articles 3 to 7 of the Convention were important. He therefore proposed that the words "information on important articles of the Convention (arts. 3-7)" be replaced by the words "information on articles 3 to 7 of the Convention".
- 101. It was so decided.
- 102. Paragraph 3, as amended, was adopted.

- 103. Mr. KJAERUM proposed that the words "exacerbated by globalization" be deleted, in view of the controversy surrounding that concept.
- 104. Mr. AMIR asked whether it was the very concept of globalization that posed a problem or whether there was disagreement over the effects of globalization.
- 105. <u>The CHAIRMAN</u> said that, in his view, it was the latter. He asked whether anyone was able to propose an alternative wording.
- 106. Mr. de GOUTTES proposed that the words "exacerbated by globalization" be replaced by the words "in the context of globalization".
- 107. Mr. PILLAI said he supported Mr. de Gouttes' proposal. The United Nations Educational, Scientific and Cultural Organization (UNESCO) had published a report which stated that the economic plight of Saint Vincent and the Grenadines and of other emerging countries could be attributed in part to the effects of globalization.
- 108. Mr. de Gouttes' proposal was accepted.
- 109. Paragraph 4, as amended, was adopted.

- 110. <u>Mr. THORNBERRY</u> (Country Rapporteur) said that he had found it difficult to detect any other positive aspect. He asked the Committee for further suggestions.
- 111. <u>Mr. SICILIANOS</u> proposed that the first sentence of paragraph 10 should become the second positive aspect and be inserted in paragraph 5.
- 112. The CHAIRMAN said that the second subparagraph of paragraph 5 would thus read:
  - "The Committee welcomes the fact that under section 16 of the Constitution, any individual alleging that his/her rights, as enshrined in the Constitution, have been violated, can apply to the High Court for redress." Paragraph 10 would, of course, have to be reworded.
- 113. The proposal was adopted.
- 114. Paragraph 5, as amended, was adopted.

- 115. Mr. THORNBERRY (Country Rapporteur), supported by Mr. PILLAI, proposed that, in the second subparagraph, the words "review and amend sections 1 and 13 of the Constitution so that they fully comply with the Convention" should be replaced by the words "review its domestic law so that it fully complies with article 1 of the Convention".
- 116. It was so decided.
- 117. Paragraph 6, as amended, was adopted.

#### Paragraph 7

- 118. Ms. JANUARY-BARDILL proposed that the words "and religious" be deleted.
- 119. It was so decided.
- 120. Paragraph 7, as amended, was adopted.

### Paragraph 8

121. Paragraph 8 was adopted.

### Paragraph 9

- 122. Mr. ABOUL-NASR asked to be informed about the ethnic majority and minority groups in the State party.
- 123. <u>Mr. THORNBERRY</u> (Country Rapporteur) said that the majority of the population was of African descent. The main minority groups were of East Indian and Carib descent.
- 124. Paragraph 9 was adopted.

## Paragraph 10

- 125. Mr. THORNBERRY (Country Rapporteur) proposed that the first sentence should read: "The Committee is concerned that the Constitution does not contain reference to economic, social and cultural rights," and replace the first two sentences of the existing text.
- 126. It was so decided.
- 127. Paragraph 10, as amended, was adopted.

## Paragraph 11

128. Mr. SICILIANOS proposed that the second subparagraph be deleted. He was doubtful whether it was a Government's responsibility to create NGOs. NGOs receiving State subsidies might not be fully independent.

- 129. Mr. THORNBERRY (Country Rapporteur) said that the subparagraph should remain. It contained no suggestion that it was a Government's responsibility to create NGOs. The Committee merely wanted States parties to create an appropriate environment in which NGOs could be established and operate. The report received from Saint Vincent and the Grenadines suffered from a lack of information provided by NGOs. The aim of the recommendation was to encourage the State party to consult NGOs in order to produce a better report next time.
- 130. Mr. THIAM said that Governments should lend NGOs a favourable ear and, above all, remove any obstacles to their establishment and operation.
- 131. <u>Ms. JANUARY-BARDILL</u> proposed that the word "organized" be inserted before the words "civil society" in the first subparagraph.
- 132. <u>Mr THORNBERRY</u> (Country Rapporteur) said that he would prefer the expression "civil society organizations".
- 133. Mr. KJAERUM suggested that the second subparagraph should begin with the words: "The Committee encourages the State party to create a legal framework conducive to the creation of non-governmental organizations".
- 134. Mr. THORNBERRY (Country Rapporteur) said that the report referred to at least one human rights NGO, which suggested that such a legal framework already existed.
- 135. <u>Mr. de GOUTTES</u> proposed a more flexible wording, namely: "The Committee encourages the State party to facilitate the activities of non-governmental organizations".
- 136. The CHAIRMAN said he took it that the new text of the paragraph would read:

"The Committee notes that information was provided by the State party on existing human rights associations in the country, but remains concerned about the reported weakness of civil society associations in Saint Vincent and the Grenadines.

The Committee encourages the State party to facilitate the activities of non-governmental organizations, in particular in the area of better enjoyment of human rights and of combating racial discrimination. The State party is encouraged to consult with such organizations during the preparation of the next periodic report."

137. Paragraph 11, as amended, was adopted.

#### Paragraph 12

138. Paragraph 12 was adopted.

### Paragraphs 13 and 14

- 139. Mr. THORNBERRY (Country Rapporteur) said that, while he agreed with the principle of standardization and paragraphs 13 and 14 were both standard ones, he felt that exceptions should be made in the case of very small States facing considerable difficulties, like Saint Vincent and the Grenadines.
- 140. <u>The CHAIRMAN</u> suggested that paragraph 13 should be maintained but paragraph 14 should be deleted, since it might be too much to expect of a State in such difficulties.
- 141. Mr. de GOUTTES said that the Committee could be lenient elsewhere with States parties which faced special difficulties but that the standard paragraphs must apply to all States parties without exception. Both paragraphs should remain.
- 142. Mr. THIAM said that the issue was not about standardization. All States had to be treated equally in respect of their obligations, regardless of their size. The Committee made suggestions to the States parties. The States parties might have difficulties in implementing those recommendations, but the Committee could not treat States parties in different ways.
- 143. Mr. BOSSUYT said that Saint Vincent and the Grenadines had ratified the Convention and should be treated like any other State party.
- 144. Mr. YUTZIS, supported by Mr. ABOUL-NASR, said that the Durban Declaration had called upon States parties to the Convention to make the optional declaration provided for in article 14.
- 145. Paragraphs 13 and 14 were adopted.

#### Paragraph 15

- 146. <u>Mr. SICILIANOS</u> proposed that paragraph 15 be moved. It should logically come immediately after paragraph 11.
- 147. It was so decided.
- 148. Paragraph 15 was adopted.

## Paragraph 16

149. Paragraph 16 was adopted.

### Paragraph 17

150. Mr. THORNBERRY (Country Rapporteur) said that the State party needed more time to prepare its next report.

151. The CHAIRMAN suggested that the paragraph should read:

"The Committee recommends that the State party submit its eleventh to thirteenth periodic reports in one document, due in December 2006, and that it address all the issues raised in the present conclusions."

- 152. It was so decided.
- 153. Paragraph 17, as amended, was adopted.
- 154. The draft concluding observations concerning the second to tenth periodic reports of Saint Vincent and the Grenadines as a whole, as amended, were adopted.

Review of the implementation of the Convention in States parties whose reports are seriously overdue

<u>Draft concluding observations concerning Malawi</u> (CERD/C/CO/14/Rev.2)

155. <u>The CHAIRMAN</u> invited the members of the Committee to consider, paragraph by paragraph, the draft concluding observations concerning Malawi.

## Paragraph 1

- 156. Mr. ABOUL-NASR proposed that the words "based on a variety of materials from both intergovernmental and non-governmental sources" should be replaced by the words "based on information at its disposal".
- 157. It was so decided.
- 158. Paragraph 1, as amended, was adopted.

### Paragraph 2

159. Paragraph 2 was adopted.

### Paragraph 3

- 160. The CHAIRMAN said the acronym "UN" was unnecessary and should be deleted.
- 161. <u>It was so decided</u>.
- 162. Paragraph 3, as amended, was adopted.

### Paragraph 4

163. Paragraph 4 was adopted.

164. Paragraph 5 was adopted, with minor editorial changes.

## Paragraph 6

- 165. <u>The CHAIRMAN</u> suggested that the word "also", in the second sentence of the first subparagraph, should be deleted.
- 166. Mr. THORNBERRY suggested the insertion of the words "inclusion of a" before the words "general principle" in the first sentence of the second subparagraph.
- 167. Both suggestions were adopted.
- 168. Paragraph 6, as amended, was adopted.

### Paragraph 7

- 169. Mr. ABOUL-NASR proposed that the first subparagraph be deleted.
- 170. It was so decided.
- 171. The CHAIRMAN suggested that the second subparagraph be reworded to read:

"The Committee recalls that, as stated in its general recommendation XX (1996), article 5 of the Convention assumes the existence and recognition of civil, political, economic, social and cultural rights. The Committee underlines that full respect of human rights is the necessary framework for the efficiency of measures adopted to combat racial discrimination. The Committee therefore recommends that the State party take the necessary measures for implementation of the Convention."

- 172. The Chairman's suggestion was adopted.
- 173. Paragraph 7, as amended, was adopted.

### Paragraph 8

174. Paragraph 8 was adopted.

- 175. Mr. THORNBERRY proposed that the word "intends", in the first sentence of the second subparagraph, be replaced by the words "reflects the intention of the State party".
- 176. It was so decided.
- 177. Paragraph 9, as amended, was adopted.

### Paragraph 10 and 11

178. Paragraphs 10 and 11 were adopted.

## Paragraph 12

- 179. Mr. VALENCIA RODRÍGUEZ, (Country Rapporteur) said that the word "Malawi" should be inserted before the words "Human Rights Commission".
- 180. Paragraph 12, as revised, was adopted.

### Paragraph 13

- 181. Mr. de GOUTTES said he noted that the standard recommendation that the State party should make the optional declaration under article 14 was missing from the text.
- 182. Mr. VALENCIA RODRÍGUEZ, (Country Rapporteur) said it had been included in his initial draft, but several colleagues had suggested it was somewhat unrealistic given the overall situation in the State party concerned.
- 183. Mr. ABOUL-NASR proposed that the standard recommendation on the optional declaration under article 14 should be incorporated in paragraph 13.
- 184. It was so decided.
- 185. Paragraph 13, as amended, was adopted.

### Paragraph 14

186. Paragraph 14 was adopted.

### Paragraph 15

- 187. <u>The CHAIRMAN</u>, recalling the Committee's decision concerning the corresponding paragraph in the concluding observations on the report of Saint Vincent and the Grenadines, proposed that paragraph 15 be moved and inserted before paragraph 12.
- 188. It was so decided.
- 189. Paragraph 15 was adopted.

### Paragraph 16

190. Paragraph 16 was adopted.

- 191. Mr. VALENCIA RODRÍGUEZ (Court Rapporteur), replying to a question by Mr. HERNDL, explained that the Commission referred to was Malawi's national Human Rights Commission.
- 192. <u>The CHAIRMAN</u> said that it was for the Government to contact the national Human Rights Commission; he proposed that the words "it decides to draw the attention of" be replaced by the words "and to draw the attention of".
- 193. Mr. SICILIANOS, supported by Mr. HERNDL, said it would be unrealistic to expect the Government in question to heed the Committee's request to contact the Human Rights Commission. In such an exceptional case, where there was no dialogue at all between the Committee and the Government, it might be better for the Committee to contact the Human Rights Commission directly.
- 194. Mr. ABOUL-NASR said he could never agree to the Committee's going over a Government's head and contacting an entity within the country. It would be a dangerous precedent.
- 195. The CHAIRMAN said the Committee had no dialogue with institutions within a country.
- 196. Mr. KJAERUM said it was not a matter of dialogue, but rather of bringing the Committee's conclusions to the attention of a country's Human Rights Commission in exceptional circumstances. The Commission was the national focal point for human rights; concluding observations and recommendations should be transmitted to such institutions as a matter of course.
- 197. <u>Ms. JANUARY-BARDILL</u>, supported by <u>Mr. THIAM</u>, said she agreed with the Chairman's amendment.
- 198. Mr. PILLAI said that, while he agreed with Mr. Sicilianos and Mr. Kjaerum on the status of national human rights institutions, he could not agree to the suggestion that a dialogue be initiated with individual entities within a country.
- 199. Mr. TANG Chengyuan said that to refer the concluding observations in such a way to the Human Rights Commission might prejudice the resumption of dialogue. The Government's refusal to communicate might be prolonged still farther.
- 200. <u>The CHAIRMAN</u> said he took it that, if there was no objection, the Committee wished to accept his proposed amendment.
- 201. It was so decided.
- 202. Paragraph 17, as amended, was adopted.
- 203. <u>The CHAIRMAN</u> said he noted that no request had been made for the State party to submit its next report.

- 204. Mr. VALENCIA RODRÍGUEZ (Country Rapporteur), said that some of his colleagues took the view that the Committee could hardly ask for the next report when no initial report had been submitted. He suggested that a new paragraph 18 be added requesting the State party to submit its initial report together with its second, third, fourth and fifth periodic reports due in 2005.
- 205. <u>The CHAIRMAN</u> said it might be better if the new paragraph 18 simply requested the State party to submit its initial report as soon as possible.
- 206. It was so decided.
- 207. The draft concluding observations concerning Malawi as a whole, as amended, were adopted.

## ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

- 208. Mr. SHAHI said he wondered when the summary records of the current session would be available. States parties had a right to comment on the Committee's concluding observations. It was difficult for them to do that if they had only press releases and no summary records to refer to.
- 209. Mr. ABOUL-NASR said he found it difficult to understand why the summary records of meetings took so long to appear when the press releases were issued so promptly.
- 210. <u>Ms. PROUVEZ</u> (Secretary of the Committee) said the situation was somewhat unclear. Summary records were apparently not issued automatically. Moreover, they were not always translated into the other working language: half the records were issued in English only and half in French only. According to her information, they might never be translated.
- 211. <u>Mr. ABOUL-NASR</u> said that the Committee should mention the problem of summary records in its report to the General Assembly.

The meeting rose at 12.40 p.m.