



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixty-ninth session

SUMMARY RECORD OF THE 1760th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 31 July 2006, at 10 a.m.

Chairperson: Mr. de GOUTTES

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The meeting was called to order at 10.15 a.m.

ORGANIZATIONAL AND OTHER MATTERS (item 2 of the provisional agenda)
(CERD/C/69/1)

1. The CHAIRPERSON declared open the sixty-ninth session of the Committee on the Elimination of Racial Discrimination. He welcomed Mr. Bruni, Treaty Implementation Team Leader, and invited him to make an opening statement before engaging in a dialogue with the Committee.
2. Mr. BRUNI (Treaty Implementation Team Leader), reviewing developments since the Committee's previous session, said that the Human Rights Council, established pursuant to General Assembly resolution 60/251, had held its first session from 19 to 30 June 2006.
3. The Council was the main United Nations organ responsible for the promotion and protection of human rights. As such, it was mandated to address situations of human rights violations; promote human rights education, technical assistance and capacity-building; contribute to the prevention of human rights violations, and respond promptly to human rights emergencies. Its mandate to undertake a universal periodic review of the fulfilment by each State party of its human rights obligations was designed to complement the work of treaty bodies. At its first session, the Council had decided to establish an intersessional open-ended working group chaired by the President of the Council to develop the modalities of the review mechanism.
4. Several States standing for election to the Council had made specific pledges concerning treaty ratification, withdrawal of reservations, submission of reports and implementation of concluding observations, which could be viewed on the OHCHR website.
5. The Chairperson of the meeting of chairpersons of human rights treaty bodies had addressed the Human Rights Council on 23 June 2006. She had discussed the complementary role of the Council and treaty bodies; highlighted the relevance of treaty bodies' concluding observations to a universal periodic review, and described treaty bodies' efforts to harmonize their working methods.
6. The Council had adopted the International Convention for the Protection of All Persons from Enforced Disappearance and the United Nations Declaration on the Rights of Indigenous Peoples, which would be submitted to the United Nations General Assembly for adoption.
7. On 5 and 6 July 2006, the Council had held a special session to consider the latest escalation of the situation in Palestine and other occupied Arab territories. It had adopted a resolution calling for an urgent fact-finding mission of the Special Rapporteur on the situation of human rights in the occupied Palestinian territories; the Israeli authorities had thus far not responded to a request submitted to that effect.
8. The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had entered into force on 22 June 2006. It provided for a

new monitoring mechanism that would establish a system of regular visits to places of detention carried out by complementary international and national independent expert bodies. States parties to the Optional Protocol would agree to accept unannounced visits to places of detention.

9. The fifth Inter-Committee Meeting and the eighteenth meeting of chairpersons of human rights treaty bodies had been held in June 2006. Discussions had focused on working methods, including follow-up procedures and engagement with United Nations human rights mechanisms and national human rights institutions, and on indicators for monitoring compliance with international human rights instruments. Other topics included the outcome of the meeting of the working group in charge of examining treaty bodies' approach to reservations, held on 8 and 9 June 2006; harmonized guidelines on reporting, and the proposal of the United Nations High Commissioner for Human Rights for a unified standing treaty body. The High Commissioner's proposal had also been addressed at the meeting between the chairpersons and States parties on 22 June 2006. It had been recommended that treaty bodies should consider institutionalizing their relationship with the Human Rights Council and propose modalities for such a relationship. At the initiative of the Government of Liechtenstein, an informal brainstorming meeting on the High Commissioner's proposal for a unified standing treaty body had been held from 14 to 16 July in Malbun. Representatives of regional groups, the United Nations system, NGOs, national human rights institutions and treaty bodies had attended the meeting.

10. The representative of the Committee on the Elimination of Racial Discrimination, Mr. Sicilianos, had presented a proposal to establish a single body to handle individual complaints; the proposal was based on the Committee's discussion at its sixty-seventh session and had been included in the compilation of views on treaty body reform distributed to all participants. A summary of the outcome of the meeting in Malbun would be available shortly, and the Committee would have the opportunity to engage in further dialogue with Ms. Jane Connors of the Treaties and Commission Branch. A two-day meeting of States parties and chairpersons of treaty bodies to discuss the establishment of a unified standing treaty body was scheduled for October 2006 and an intergovernmental consultation with States parties was planned for May 2007.

11. OHCHR had placed particular emphasis on promoting the implementation of treaty body recommendations in country engagement strategies. Relevant activities included training workshops to strengthen the capacity of national human rights institutions, NGOs and the media to support and facilitate the implementation of concluding observations at the national level. Workshops had been organized in Mexico and Morocco in June 2006; other workshops were planned in Egypt, Guyana, Thailand, Zambia, Mauritius, Uganda and Bosnia-Herzegovina before the end of 2006. A regional follow-up workshop and Judicial Colloquium on the domestic application on international human rights norms for European countries and Azerbaijan was scheduled for November 2006.

12. On 25 and 26 April 2006, OHCHR had contributed to a workshop on the ratification and implementation of international and regional human rights instruments in English-speaking Caribbean countries. A DVD had been produced on the work of treaty bodies in order to enhance their visibility at the local level. To facilitate country engagement strategies, it was important for the Committee to identify priorities in its concluding observations and implement its follow-up procedure.

13. Since the Committee's sixty-eighth session, Djibouti had acceded to the Convention and Antigua and Barbuda, Italy, Moldavia, Indonesia, New Zealand, Kyrgyzstan, Costa Rica, Fiji and Mozambique had submitted their periodic reports.

14. Mr. ABOUL-NASR, supported by Mr. AMIR, said that he would welcome information on action taken by the Secretary-General of the United Nations and OHCHR in response to grave human rights violations, such as the recent mass killing of children in Lebanon. It would be useful to learn of State parties' reactions to any recommendations made by the Secretary-General.

15. Mr. PILLAI asked whether a deadline had been fixed for the submission of proposals concerning the establishment of a unified standing treaty body.

16. Mr. KJAERUM requested information about the nature of treaty bodies' involvement in the future universal review process. He wished to know whether treaty bodies would be invited to participate in the work of the intersessional open-ended working group. With regard to the possible establishment of a unified standing treaty body, he asked whether the proposal to establish a single body to consider individual communications was being given serious consideration.

17. Mr. LINDGREN ALVES said that the Committee had the duty to discuss the current situation in the Middle East; it could not stand by and watch such serious violations of human rights in silence.

18. The establishment of a universal review mechanism was a key element of implementing international human rights standards. Similarly, the proposal to establish a single body to deal with individual complaints should be given further thought. However, he failed to see the need for far-reaching treaty body reforms. Many of the arguments in favour of such reforms, including the backlog in the consideration of State party reports, did not apply to the Committee. It appeared that much effort was expended on discussing reforms of a perfectly functioning system.

19. Mr. BRUNI (Treaty Implementation Team Leader), replying to the question on action taken in respect of the current situation in the Middle East, said that the President of the Human Rights Council was engaged in efforts to implement the resolution concerning a fact-finding mission to the occupied Palestinian territories. The Committee would be informed of any progress in that regard.

20. There was no deadline for submission of proposals for treaty body reform. The discussions during the meetings of chairpersons had revealed a series of problems that were common to all treaty bodies. The High Commissioner's proposal to establish a unified standing treaty body had come as a response to some of the issues raised. There was no obligation to adopt the proposal in its current form; rather, there was room for modifications and alternative proposals.

21. For the time being he was unable to comment on the involvement of treaty bodies in the universal review process. Different options were currently being discussed, including the possibility of taking treaty bodies' concluding observations, views and opinions as a basis for the review.

22. The proposal to establish a single body to consider complaints from individuals had been supported by the High Commissioner for Human Rights. It was now up to States parties to decide whether to adopt that proposal and in what form. The human rights treaty bodies were becoming active in more and more countries, and there was an increasing trend towards resource-intensive measures such as country visits: coordination and reform were clearly needed.

ADOPTION OF THE AGENDA (item 1 of the provisional agenda) (CERD/C/69/1)

23. The CHAIRPERSON invited the Committee to adopt the provisional agenda (document CERD/C/69/1) with a number of amendments. The week before, the Permanent Mission of Israel had requested the postponement of the consideration of its tenth to thirteenth periodic reports (CERD/C/471/Add.2). After consultation with the relevant country rapporteur, he had agreed to the postponement on the Committee's behalf. The programme of work would be amended accordingly. The afternoon of Wednesday 2 August would be used for a meeting of the working group on early warning and urgent action procedures. The next morning, Thursday 3 August, the Committee would discuss follow-up procedures.

24. Mr. AMIR said that the Committee should reach a democratic decision on whether it wished to discuss Israel's periodic reports at the current session. If the majority of members were willing to postpone the item, he would accept that decision: if not, he called upon the Bureau to consider ways in which the reports might be taken up at the current session. They might, for example, be discussed in the absence of representatives of the State party, or dealt with under the emergency procedure.

25. Mr. ABOUL-NASR endorsed Mr. Amir's suggestion. In future, the Committee should decide which of its members should represent it at meetings with other bodies, with due consideration being given to equitable geographical distribution. The views which the representatives should convey should also be agreed by the Committee in advance.

26. The CHAIRPERSON said that it was, indeed, often difficult to decide which member should represent the Committee in a meeting with another body. At the Committee's previous session in March 2006, the Bureau had suggested that Mr. Yutzis, the outgoing Chairperson, Mr. Sicilianos, who had a particular interest in the reform of the treaty monitoring bodies, and himself, as the current Chairperson, should attend the fifth Inter-Committee Meeting of the human rights bodies. The Committee had had the opportunity to comment on that proposal during the session.

27. Israel had submitted its request to postpone consideration of its reports on 26 July, just five days before the start of the session. It would have been difficult to refuse the request, given the current situation in the Middle East. As the matter was clearly urgent he had replied the same day, noting Israel's request and asking its Government to attend the next session of the Committee for consideration of its periodic reports. He had further asked the Government

to submit, by the end of 2006, its replies to a questionnaire sent to it by the Office of the High Commissioner, so that they could be considered at the March 2007 session alongside the periodic reports. He realized that postponement at such a late stage was very inconvenient, particularly for the non-governmental organizations which had arranged to attend the session for that item. However, it was important for representatives of the State party to be present during the discussion if at all possible.

28. Mr. THORNBERRY (Rapporteur) said that the decision to postpone consideration of Israel's reports had been the most practical option in the circumstances. It did not preclude discussion of the situation in the Middle East under other procedures.

29. One member had asked to be updated about relevant developments in the United Nations system as a whole: the Secretariat might do that by notifying the Committee of any relevant press releases issued by the Secretary-General or the Office of the High Commissioner.

30. Mr. LINDGREN ALVES said that the crisis in Lebanon was the most crucial situation in the world today. The Committee should discuss it urgently and make its views known.

31. The CHAIRPERSON invited the Committee to adopt the provisional agenda (CERD/C/69/1), as orally amended.

32. The agenda, as orally amended, was adopted.

The meeting was suspended at 11.40 a.m. and resumed at 1 p.m.

33. The CHAIRPERSON suggested that, in the light of the concerns expressed earlier by members, the morning of Thursday 3 August should be devoted to a general debate on the humanitarian crisis in Lebanon, followed by a brief report by Mr. Kjaerum on follow-up procedures.

34. It was so decided.

The meeting rose at 1.05 p.m.