

TREATY BODY MONITOR

International Service for Human Rights



Human Rights Monitor Series

HUMAN RIGHTS COMMITTEE 96TH SESSION MEETING WITH STATE PARTIES 23 JULY 2009

Human Rights Committee meeting with State parties.....	1
<i>State Party Reporting Obligations</i>	1
<i>UPR</i>	2
<i>NGO Participation</i>	2
<i>Other Issues raised by State Parties</i>	2

Human Rights Committee meeting with State parties

On the afternoon of Thursday 23 July 2009, 80 State parties attended a meeting with the Human Rights Committee (the Committee).

The Chairperson, Mr Yuji Iwasawa explained that the meeting was an opportunity for Committee members to listen to the views of State parties on its work. Mr Iwasawa highlighted the work of the committee since inception. These duties include consideration of approximately 12 to 13 State reports per year, constantly reviewing working methods in dialogue with State parties, adoption of two optional protocols and two general comments.

The main issues addressed at this meeting were; reporting obligations by States, follow-up to concluding observations and to views adopted on communications; and the importance of the universal periodic review process (UPR) to the treaty body system.

State Party Reporting Obligations

Committee member, Mr Abdelfattah Amor noted that approximately 164 States are party to the Covenant and that more than 90 States are behind on their reporting duties with 26 State reports more than ten years overdue and 33 States that have not submitted their initial report. Mr Amor explained that since 2002 the Committee has considered the human rights situation in 11 States in the absence of a State report with positive results. Mr Amor concluded by pointing out that the Human Rights Council (the Council) through the UPR process can bring States' attention to delays in their reporting obligations.

The representatives of Azerbaijan, Nigeria and the US raised the issue of the burden of reporting obligations to up to seven treaty bodies for small countries with limited capacity. The representative of the United Kingdom recommended that the Human Rights Committee adopt the procedure used by the Committee against Torture where the State report focuses on particular issues as opposed to reporting on all the articles of

the Covenant. In response, Committee member Mr Michael O’Flaherty said that the proposal for State parties to report on particular issues is still being discussed by the Committee. Committee member Mr Krister Thelin pointed out that initial State reports were an exception and would not be limited to specific articles of the Covenant.

Mr Iwasawa also noted that the Ninth Inter-Committee Meeting of Human Rights treaty bodies again considered how to harmonise working methods and that the burden of reporting was discussed.

UPR

Committee member Ms Christine Chanet spoke about the importance of the UPR process which takes into account recommendations made by the Committee in its concluding observations.. It is an opportunity to publically draw attention to State parties reservations to the treaties and their reporting duties. Mr O’Flaherty emphasised that UPR process has also opened up space for discussions between State parties and civil society as well as provided a framework for reporting.

France agreed that complementarity between the treaty body system and the UPR is very important and that compilation of the treaty bodies’ concluding observations and UPR recommendations need to reflect priority subjects for the State party.

Syria, Nigeria, Switzerland and the UK were of the view that merging treaty body recommendations and recommendations from UPR would lead to confusion. The Russian Federation also emphasised that UPR and the treaty body system have different mandates and should not ‘engage in rivalry’.

The UK pointed out that the UPR has been beneficial to the treaty body system with its potential to encourage ratification of international instruments, submission of reports and implementation of treaty provisions.

NGO Participation

Committee member Ms Majodina addressed the role played by NGOs who monitor State parties implementation of the concluding observations. She stressed that the relationship between NGOs and States should not be adversarial especially since the government should consult with civil society in the preparation of its reports to the treaty bodies.

The UK stressed the importance of engagement with civil society but highlighted the risk of reprisals against NGOs. It urged that more care should be taken when providing information on NGO sources.

Other Issues raised by State Parties

Algeria suggested the creation of a focal person within the Committee to deal directly with State parties and address any issues they may have.

Algeria and Syria also recommended further elaboration in the concluding observations of what the Committee found unsatisfactory about the responses received from the State delegation during the session. In addition to this proposal, Syria suggested the Committee explain why certain shortcomings are pinpointed as violations of the Covenant.

Nigeria and Ghana expressed the view that State parties should be given an opportunity to comment on the concluding observations before they are made public. Opposed to this idea, Switzerland believed that integrating State views into the concluding observations could undermine the value of the concluding observations and the follow-up procedure. In response to this issue, Sir Rodley explained that the written responses from the State parties are published next to the concluding observations.

Tanzania requested the Committee to consider visits to the State under review before consideration of the periodic report to have full knowledge of what is happening on ground. Sir Rodley acknowledged the importance of these country visits and pointed out that a similar recommendation had been made during the 9th Inter-Committee Meeting of the treaty bodies held in June 2009.

In response to the request made by State parties for a Special Rapporteur on reporting guidelines, Mr Iwasawa assured State parties that expert Committee member has already been appointed and begun work on this with the revised reporting guidelines ready for adoption shortly.

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ABOUT THE PUBLICATION

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