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CHAPTER I. JURISDICTION AND ACTIVITIES

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E. Working groups and country report task forces

13. In accordance with rules 62 and 89 of its rules of procedure, the Committee established a working group which met before each of its three sessions. The working group was entrusted with the task of making recommendations regarding communications received under the Optional Protocol. The former working group on article 40, entrusted with the preparation of lists of issues concerning the initial or periodic reports scheduled for consideration by the Committee, has been replaced since the seventy-fifth session (July 2002) by country report task forces.¹ Country report task forces met during the seventy-ninth, eightieth and eighty-first sessions to consider and adopt lists of issues on the reports of Germany, Uganda, Suriname, Belgium, Lithuania, Serbia and Montenegro, Liechtenstein, Namibia, Finland, Albania, Poland, Benin and Morocco, as well as on the situation of civil and political rights in Kenya (non-reporting State).

14. United Nations bodies (the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Development Programme (UNDP)) and specialized agencies (the International Labour Organization (ILO) and the World Health Organization (WHO)), provided advance information on several of the reports to be considered by the Committee. To that end, country report task forces also considered material submitted by representatives of a number of international and national human rights non-governmental organizations (NGOs). The Committee welcomed the interest shown by and the participation of those agencies and organizations and thanked them for the information provided.

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F. Secretary-General's recommendations for reform of the treaty bodies

18. In his second report on further reform of the United Nations system (A/57/387 and Corr.1), the Secretary-General invited the human rights treaty bodies to further streamline their reporting procedures and suggested that, to enable States to meet the challenges they faced under multiple reporting obligations, the States parties to the main human rights instruments be permitted to submit a single or consolidated report which would cover the implementation of their obligations under all the instruments they had ratified.

19. The Committee has participated in, and contributed to, the discussions which were prompted by the Secretary-General's proposals. At its seventy-sixth session, it set up an informal working group to analyse and discuss the proposals and report back to the plenary at the seventy-seventh session. In March 2003 (seventy-seventh session), the

plenary discussed the working group's recommendations. It did not consider the concept of a single or consolidated report to be a viable one, but adopted a recommendation which, if implemented, would enable States parties to submit to the Committee focused reports on the basis of lists of issues transmitted previously to the States parties concerned. This system would be applied after the presentation, by the States parties concerned, of an initial and one periodic report.

20. The Committee was represented at the third inter-committee meeting, held on 21 and 22 June 2004, where the issue of treaty body reform was discussed in detail.

21. The third inter-committee meeting discussed in particular a secretariat paper which contained draft guidelines for the preparation of an "expanded core document", which States parties to the principal United Nations human rights instruments would submit to all treaty bodies, supplemented by targeted treaty-specific reports.

22. Participants in the third inter-committee meeting considered that the secretariat paper featured many interesting ideas that deserved to be discussed further. They designated a rapporteur from among the participants, who will liaise with all treaty bodies and the secretariat on the issue of the expanded core document. The secretariat was invited to conduct further work on the draft guidelines; all treaty bodies were encouraged to study the secretariat paper and comment on it, in preparation for the fourth inter-committee meeting in June 2005. The Human Rights Committee intends to hold a plenary debate on the issue of the expanded core document during its eighty-second session in October 2004.

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Chapter II. Methods of work of the committee under article 40 of the covenant and cooperation with other united nations bodies

41. The present chapter summarizes and explains the modifications introduced by the Committee to its working methods under article 40 of the Covenant in recent years, as well as recent decisions adopted by the Committee on follow-up to its concluding observations on State party reports.

A. Recent developments and decisions on procedures

42. In March 1999, the Committee decided that the lists of issues for the examination of States parties' reports should henceforth be adopted at the session prior to the examination of the report, thereby allowing a period of at least two months for States parties to prepare for the discussion with the Committee. Central to the consideration of States parties' reports is the oral hearing, where the delegations of States parties have the opportunity to answer specific questions from Committee members. Thus, States parties are encouraged to use the list of issues to prepare better for the constructive dialogue with the Committee. While they are not required to submit written answers to the list of issues, they are encouraged to do so.

43. In October 1999, the Committee adopted new consolidated guidelines on State party reports, which replaced all previous guidelines and which are designed to facilitate the preparation of initial and periodic reports by States parties. The guidelines provide for comprehensive initial reports prepared on an article-by-article basis, and focused periodic reports geared primarily to the Committee's concluding observations on the previous report of the State party concerned. In their periodic reports, States parties need not report on every article of the Covenant, and should concentrate on those provisions identified by the Committee in its concluding observations and those articles in respect of which there have been significant developments since the submission of the previous report. The revised consolidated guidelines were issued as document CCPR/C/66/GUI/Rev.2 on 26 February 2001.ⁱⁱ

44. For several years, the Committee has expressed concern about the number of overdue reports and non-compliance by States parties with their obligations under article 40 of the Covenant.ⁱⁱⁱ Two working groups of the Committee proposed amendments to the rules of procedure, which are aimed at helping States parties to fulfil their reporting obligations and designed to simplify the procedure. These amendments were formally adopted during the seventy-first session in March 2001, and the revised rules of procedure were issued as document CCPR/C/3/Rev.6 and Corr.1.^{iv} All States parties were informed of the amendments to the rules of procedure, and the Committee has applied the revised rules since the end of the seventy-first session (April 2001). The Committee recalls that general comment No. 30, adopted at the seventy-fifth session, spells out the States parties' obligations under article 40 of the Covenant.^v

45. The amendments introduce procedures for dealing with situations of States parties that have failed to honour their reporting obligations for a long time, or that have chosen to request a postponement of their scheduled appearance before the Committee at short notice. In both situations, the Committee may henceforth serve notice on the States concerned that it intends to examine, from material available to it, the measures adopted by that State party with a view to giving effect to the provisions of the Covenant, even in the absence of a report. The amended rules of procedure further introduce a follow-up procedure to the concluding observations of the Committee: rather than fixing a set time limit for its next report in the last paragraph of the concluding observations, the State party will be requested to report back to the Committee within a specified period with responses to the Committee's recommendations, indicating what steps, if any, it has taken to give effect to the recommendations. Such responses will thereafter be examined by the Special Rapporteur for follow-up on concluding observations, and result in the determination of a definitive time limit for the presentation of the next report. Since the seventy-sixth session, the Committee has examined the progress reports submitted by the Special Rapporteur on a sessional basis.

46. The Committee first applied the new procedure to a non-reporting State at its seventy-fifth session. It examined the measures taken by the Gambia to give effect to the rights recognized in the Covenant without a report, and in the absence of a delegation from the State party. It adopted provisional concluding observations on the situation of civil and political rights in the Gambia, which were transmitted to the State party. At the

seventy-eighth session, the Committee discussed the status of the provisional concluding observations on the Gambia and requested the State party to submit a periodic report by 1 July 2004 that should specifically address the concerns identified in the Committee's provisional concluding observations. Failure to submit such a report within the deadline set by the Committee would result in the conversion of the provisional concluding observations into final ones, and their general dissemination. On 8 August 2003, the Committee amended rule 69A of its rules of procedure to provide for the possibility of converting provisional concluding observations into final and public ones. At its seventy-ninth and eighty-first sessions the Committee examined the situation of civil and political rights in, respectively, Equatorial Guinea and the Central African Republic, in the absence both of a report and a delegation in the first case, and the absence of a report but the presence of a delegation in the second case. Provisional concluding observations were transmitted to the States parties concerned. At the end of the eighty-first session, the Committee decided to convert the provisional concluding observations on the country situations of the Gambia and Equatorial Guinea into final and public ones. At its seventy-fourth session, the Committee adopted decisions which spell out the modalities for following up on concluding observations.^{vi} At the seventy-fifth session, the Committee designated Mr. Yalden as its Special Rapporteur for follow-up on concluding observations.

47. Also at the seventy-fourth session, the Committee adopted a number of decisions on working methods designed to streamline the procedure for the examination of reports under article 40.^{vii} The principal innovation consists in the establishment of country report task forces, consisting of no fewer than four and no more than six Committee members, who will have the main responsibility for the conduct of debates on a State party report. The Committee hopes that the establishment of these country report task forces will enhance the quality of the dialogue with delegations during the examination of State party reports. The first country report task forces were convened during the seventy-fifth session.

B. Concluding observations

48. Since its forty-fourth session in March 1992^{viii} the Committee has adopted concluding observations. It takes concluding observations as a starting point in the preparation of the list of issues for the examination of the subsequent State party report. In some cases, the Committee has received comments on its concluding observations and replies to the concerns identified by the Committee under rule 70, paragraph 5, of its rules of procedure from the States parties concerned, which are issued in document form. During the period under review such comments and replies were received from Egypt, Estonia, Luxembourg, Slovakia, Sweden, Togo, Uganda and Uzbekistan. These State party replies have been issued as documents and are available from the Committee's secretariat, or may be consulted on the OHCHR web site (www.unhchr.ch, treaty body database, documents, category "concluding observations"). Chapter VII of the present report summarizes activities relating to follow-up to concluding observations and States parties' replies.

C. Links to other human rights treaties and treaty bodies

49. The Committee views the annual meeting of persons chairing the human rights treaty bodies as a forum for the exchange of ideas and information on procedures and logistical problems, streamlining of working methods, improved cooperation among treaty bodies, and the necessity of obtaining adequate secretariat services to enable all treaty bodies to fulfil their mandates effectively.

50. The sixteenth meeting of treaty body chairpersons was convened in Geneva from 23 to 25 June 2004. The Committee was represented by the Chairperson, Mr. Amor. The chairpersons met with, among others, the Bureau of the Commission on Human Rights, special rapporteurs, independent experts and chairpersons of working groups of the Commission on Human Rights, and representatives of States parties to the seven main United Nations human rights instruments. They discussed the outcome of the third inter-committee meeting (see paragraphs 21 and 22 above) and adopted recommendations relating to the issue of treaty body reform and the Secretary-General's proposals (see chap. I, sect. F).

51. The third inter-committee meeting was held in Geneva on 21 and 22 June 2004. It brought together representatives from each of the human rights treaty bodies. The Committee was represented by Mr. Amor, Mr. Rivas Posada and Mr. Yalden. Discussions focused on the Secretary-General's proposals for treaty body reform and the treaty bodies' reactions to those proposals.

D. Cooperation with other United Nations bodies

52. In 1999, the Committee considered its participation in the initiative emerging from the memorandum of understanding signed by OHCHR and UNDP on cooperation over a wide range of human rights issues and activities. The Committee welcomed the fact that, in its development programmes and, in particular, those relating to technical assistance, UNDP takes account of the Committee's conclusions arising from its consideration of State party reports.

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Annex VI: Committee decision of 2 April 2004 to convert the week of the meeting of the working group on communications of the eighty-first session into a week of plenary meetings, and programme budget implication statement

A. Committee decision

At its 2194th meeting, on 2 April 2004, the Human Rights Committee formally decided to convert the meeting of its Working Group on Communications, scheduled for and approved to be held from 5 to 9 July 2004, into a meeting of the plenary of the Committee.

B. Programme budget implication statement read on 2 April 2004

In the light of its workload and the large number of cases pending before it under the Optional Protocol, the Committee is requesting the Secretary-General to convert the meeting of its Working Group on Communications of the eighty-first session into a week of meetings of the plenary of the Committee. The one-week Working Group meeting immediately precedes three weeks of plenary meetings of the Committee, to be held from 12 to 30 July 2004.

Should the Committee adopt the above decision, additional travel resources in the amount of US\$ 12,500 would be required under section 24, Human Rights. No relevant provisions have been made under the programme budget 2004-2005. It is anticipated, however, that the cost can be absorbed within overall resources included in the programme budget for the biennium under section 24, Human Rights.

Should the Committee not require summary records for the additional week of plenary meetings, there would be no additional conference servicing requirements. However, should the Committee require summary records for the week 5 to 9 July 2004, additional requirements would amount to \$104,700 under section 2, General Assembly Affairs and Conference Services, in the biennium 2004-2005.

It will not be possible to absorb those additional conference servicing requirements, which would need to be met through additional appropriations by the General Assembly.

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Annex VIII: Committee decision of 23 July 2004 on working methods under the optional protocol

At its 2214th meeting, on 23 July 2004, the Human Rights Committee adopted the following decision on working methods under the Optional Protocol:

Decision

1. Do not radically change current procedure but proceed with gradual amendments to and improvements of the procedure.
2. While there appears to be agreement that, over time, the Working Group on Communications should be abolished, it is premature to do so at present.
3. The Petitions Team is invited to do even more to ensure quality control and consistency of drafts submitted to the Working Group.

4. Recommendations prepared by the Secretariat and agreed to by the case rapporteur should be distributed to all members of the Working Group as far in advance as possible.
5. Drafts adopted by the Working Group will be transmitted to the plenary as drafts resulting from the Group's deliberations. Members of the Working Group opposed to the draft, in its totality or partially, remain at liberty to transmit to the plenary alternatives to the options adopted by the Working Group.
6. Recommendations transmitted by the Working Group to the plenary should indicate who participated in the discussion in the Working Group and who opted for which solution.
7. Recommendations sent to the Working Group will henceforth contain "headnotes" (as for decisions included in the volumes of Selected Decisions under the Optional Protocol) at the beginning of the draft.
8. The case rapporteurs should limit his/her introduction to the plenary essentially to procedural and substantive issues, as issues of form and factual issues should in principle be settled by the rapporteur on the basis of observations made previously by members.
9. Committee members will give all due consideration to (draft) recommendations transmitted to them, so as to enable them to provide their observations, on both factual and substantive issues, to the case rapporteur.
10. The Petitions Team will endeavour to use, whenever possible, templates that reflect standard jurisprudential formulae on admissibility issues and, if possible, substantive issues.
11. The Secretariat should, where possible, distribute reference materials and/or pertinent jurisprudence to Committee members if this would help the discussion of the draft.
12. The Committee will evaluate, in due course, the implementation of the present proposals and will take the appropriate consequences.

ⁱ See *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 40 (A/57/40)*, vol. I, chap. II, para. 56 and annex III, sect. B.

ⁱⁱ The *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 40 (A/56/40)*, vol. I, annex III, sect. A.

ⁱⁱⁱ See *ibid.*, chap. III, sect. B and *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 40 (A/57/40)*, chap. III, sect. B.

^{iv} See *ibid.*, *Fifty-sixth Session, Supplement No. 40 (A/56/40)*, vol. I, annex III, sect. B.

^v See *ibid.*, *Fifty-seventh Session, Supplement No. 40 (A/57/40)*, vol. I, annex VI.

^{vi} See *ibid.*, vol. I, annex II, sect. A.

^{vii} See *ibid.*, vol. I, annex III, sect. B.

^{viii} See *ibid.*, *Forty-seventh Session, Supplement No. 40 (A/47/40)*, chap. I, sect. E, para. 18.