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Summary record of the 4103rd meeting*

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Chair: Ms. Abdo Rocholl

Contents

Informal meeting with States parties to the Covenant and its Optional Protocols

* No summary records were issued for the 4102nd meeting.

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The meeting was called to order at 3.10 p.m.

Informal meeting with States parties to the Covenant and its Optional Protocols

1. **The Chair** said that, in May 2023, the Chairs of the treaty bodies had discussed the need for a mechanism to support the harmonization of working methods, substantive coordination on common and intersectional issues and the preparation of concrete proposals for action on those issues that took into account the specificities of each treaty body. The secretariat had subsequently developed a questionnaire to gather input from all treaty bodies on the possible design of such a coordination mechanism. A proposal for just such a mechanism would be examined at the next meeting of the Chairs in June 2024.

2. The Committee had experience in finding ways of improving its working methods, as it had already made progress in developing a predictable calendar, simplifying the reporting process, making more efficient use of meeting time, appointing focal points for cooperation with other human rights bodies and streamlining the examination of individual communications. The Committee had also developed a proposal regarding ways of leveraging the use of technology. Changes to working methods had been made on the basis of suggestions from both Committee members and stakeholders.

3. While the liquidity crisis facing the United Nations could certainly have an impact on the Committee's ability to follow through on those proposals, the Committee was committed to fulfilling its mandate and would continue to work tirelessly to protect human rights. The predictable calendar adopted in 2019 was one example. Although its implementation had been delayed by the coronavirus disease (COVID-19) pandemic, it had facilitated the submission of quite a large number of reports by States parties since then. The treaty bodies played a vital role in helping States parties to protect human rights more effectively and to avert an escalation of conflicts. The Committee was determined to preserve its multilingual nature, which had come under threat during the liquidity crisis, along with its accessibility and geographical balance, but it faced increasingly formidable challenges in that respect. The Committee therefore hoped to work with States parties to find solutions. The Committee had benefited greatly from stakeholders' views concerning the improvement of its working methods and, now, it hoped to learn from States parties' experiences with the implementation of the Committee's recommendations so that improvements could be made in that area as well.

4. **Mr. Santos Pais** said that, in General Assembly resolution 68/268, adopted in 2014, the General Assembly had called upon the treaty bodies to become more efficient and to standardize their working methods. It had specifically encouraged treaty bodies to find better ways to share best practices and harmonize their procedures, while respecting each body's unique mandate. In 2019, the Chairs of the treaty bodies had issued a joint position paper outlining proposals for harmonization. The Human Rights Committee had then issued its own position paper in 2021, largely echoing the Chairs' proposals and those received from States. In 2022, the Chairs of the treaty bodies had reached a unified position on three issues: the predictable review cycle, the harmonization of working methods and the digital shift. The Committee had decided to offer States parties the option of using a simplified reporting procedure for periodic reports in 2009. In 2019, the Committee had decided to make the simplified reporting procedure the standard option for States parties, including for initial reports. Only eight States parties had opted out of the simplified reporting procedure. It had also decided to continue aligning its methods of work and lists of issues with other treaty bodies. The eight-year review cycle, which had been implemented from 2021 onward, was designed to permit the Committee to review all States parties, including those with overdue reports, while easing the reporting burden for them. To that end, the 173 States parties had been divided into eight groups. Two years before the review, they received a list of issues. The Committee then engaged in a dialogue with the State party's delegation and requested follow-up information to be provided within two years. If a State party had not submitted a report, the Committee might use written replies or conduct reviews in the absence of a report or, in exceptional cases, in the absence of a delegation. While in-person dialogues were preferred, the Committee could accommodate hybrid or online reviews under specific circumstances. The option to conduct hybrid meetings was important for engaging with developing countries and civil society.

5. The Committee had developed guidelines for a standardized format for lists of issues and concluding observations. The guidelines aimed to improve clarity and efficiency by setting a length limit and avoiding issues recently raised by other treaty bodies. The Committee had also adopted a common structure for follow-up reports, with specific deadlines for implementing recommendations and reporting back.

6. The Committee was committed to efficiency and collaboration despite the funding challenges it faced. Support from stakeholders was needed, including through a funding formula that reflected the workload created by the Committee's efforts to implement the three pillars of the Chairs' common vision. Workload targets needed to take into account the backlog of reports and the increase in the number of individual communications.

7. **Ms. Kpatcha Tchamdja** said that the number of individual communications received by the treaty bodies in 2023 had been the highest ever, with a 9 per cent increase compared to 2022 due to factors such as an increase in armed conflicts and a growing tendency for individuals to submit complaints to the treaty bodies rather than to regional mechanisms. The Committee had received 268 individual communications and had taken 163 decisions in 2023. The Committee received more communications than any other treaty body and had a backlog of 1,341 cases; the examination of 659 of those cases had reached the stage where a draft decision could be prepared.

8. Thirty per cent of the communications received by the Committee included a request for interim measures. Those requests for urgent consideration by a State party were intended to prevent irreparable harm. However, the Committee was working under resource constraints that prevented it from processing such matters as swiftly as it would wish to do.

9. The Committee found a violation in around 50 per cent of the communications it received, on average. The level of implementation of the Committee's decisions and recommended measures by States parties was uneven, and unfortunately the secretariat did not have sufficient resources to thoroughly monitor the 1,338 cases subject to follow-up. In order to address the challenges faced in relation to individual communications, the Committee needed the States parties' full cooperation in implementing interim measures and the Committee's decisions, keeping channels of communication open to ensure a smooth flow of information and supporting the Committee and the secretariat, including through the Junior Professional Officers Programme. There was a need for additional resources to improve the Committee's work, particularly its digitization efforts, which were financed by voluntary contributions. Support was also needed to fund efforts to provide more effective access to the Committee's jurisprudence database.

10. She wished to thank States parties for their support and was confident that their cooperation would be even more effective in the future as they all worked towards the common goal of protecting the rights enshrined in the Covenant.

11. **Mr. Soh** said that, for a number of years, the Committee had been advocating for a digital transformation of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in terms of both State reporting and individual communications procedures, as doing so would heighten their efficiency, improve communication and enhance accessibility for all stakeholders. A digital uplift was urgently needed to keep pace with a rapidly changing world, strengthen the Committee's ability to analyse information provided by stakeholders and increase the visibility of the Committee's work. While some headway had been made in such areas as the introduction of the online portal for the submission of petitions and improvements in the database of treaty body decisions, overall progress remained limited, particularly in regard to case management. The capacity of OHCHR to deliver on the digital transformation agenda needed to be strengthened as a matter of urgency.

12. The Committee had been very pleased to learn that OHCHR had created a dedicated unit for digital transformation. It looked forward to working with the new unit, which it hoped would provide the required leadership and expertise to coordinate the digital transformation agenda and achieve tangible results. The Committee also strongly encouraged States parties to make their own contributions to that agenda. Cooperation between the Committee and the Human Rights Council, which had just adopted a landmark resolution on artificial intelligence, would be very important in overcoming the challenges for the human rights

system posed by rapid technological changes. The Committee looked forward to working alongside all its partners with the aim of ensuring that human rights continued to be safeguarded and promoted in the world's rapidly evolving digital landscape.

13. **Mr. Salama** (Office of the United Nations High Commissioner for Human Rights (OHCHR)) said that, although all human rights were equal and indivisible, each treaty body was unique. The Human Rights Committee had two very important characteristics: its activities covered a wider sphere than any other treaty body owing to the breadth of the normative content of the Covenant, and it was the most influential treaty body in terms of its jurisprudence. With respect to the latter, neither the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence nor the Beirut Declaration and its 18 Commitments on Faith for Rights would have been possible without the Committee's jurisprudence, not least its general comments Nos. 22, 34 and 37. Indeed, only 10 days previously, Ms. Kpatcha Tchamdja had underlined the importance of the Committee's jurisprudence on religious discrimination in a panel discussion convened by the Human Rights Council. However, although its jurisprudence was so important for States parties, particularly at a time when human rights were coming under increasing pressure globally, he believed that the impact of the Committee's work was not being maximized. Furthermore, and in spite of the improvements made, there was no way that the Committee could reduce its backlog of individual communications without additional resources.

14. The month of October 2024 would mark the tenth anniversary of the adoption of General Assembly resolution 68/268, under which the treaty bodies had been transformed into a unified system for the first time. Since the adoption of that resolution, there had been a number of important landmarks in the treaty body strengthening process, including the publication of a report on the review of the treaty body system and the preparation by OHCHR of a working paper on an implementation plan for the conclusions reached by the Chairs of the human rights treaty bodies. However, in spite of the progress made, the treaty body system continued to suffer from a chronic lack of resources, and the Petitions Unit of OHCHR was effectively being subsidized by extrabudgetary resources. He therefore called on Member States to work together to formulate the foundations of an agreement that the Chairs of the treaty bodies would be able to build upon at their annual meeting in June. Member States and treaty bodies would then have six months to advocate for the Chairs' position before the General Assembly commenced its discussions on a new biannual resolution on treaty body strengthening for issuance in December.

15. **A representative of Portugal** said that he wished to reaffirm his country's support for the work of the Committee and to acknowledge the importance of open, constructive engagement between the Committee and States parties. He hoped that the Committee could limit the impact of the liquidity crisis on its work, and particularly on its efforts to address the growing backlog of individual communications. He would also like to hear the Committee's thoughts on the OHCHR working paper concerning an implementation plan for the conclusions reached by the Chairs of the human rights treaty bodies at their thirty-fourth meeting in June 2022.

16. **A representative of Paraguay** said that his country recognized the extremely important role played by the Committee and the other treaty bodies within the international human rights system. In the context of the negative impacts of the liquidity crisis, priority must be given to the continuity of their work.

17. Paraguay appreciated the steps taken by the Committee to defend multilingualism, to implement a predictable review calendar, to digitalize its work and to adopt a simplified reporting procedure. However, there was still room for further strengthening the Committee's work. For example, by fully harmonizing their review calendars, the treaty bodies would enable States parties to prepare better for review processes, resulting in more efficiency and more comprehensive reports and dialogues. Furthermore, while it was important to allow delegations to participate in meetings remotely, the Committee must not lose sight of the digital divide that existed between States parties, the importance of ensuring accessibility for persons with disabilities and the need to respect confidentiality where appropriate.

18. Paraguay had developed its own system for following up on treaty body and other organizations' recommendations: SIMORE PLUS had a publicly accessible digital platform and was supported by a network of focal points in all relevant State institutions. All countries should be encouraged to create and strengthen such mechanisms, and Paraguay would be happy to share its experiences and technical expertise with other States parties.

19. **A representative of Morocco** said that her country's Interministerial Delegation for Human Rights was a permanent national structure responsible for drafting periodic reports and monitoring the implementation of recommendations issued by international mechanisms. Created in 2011, its existence demonstrated the importance that Morocco attached to its interaction with the human rights bodies of the United Nations.

20. Her country supported the proposal for the Committee on Economic, Social and Cultural Rights and the Human Rights Committee to review countries on an eight-year cycle and to synchronize the timing of their reviews. However, in order to ensure a more balanced distribution of work, the calendar of the Human Rights Committee must also take into account the number of reports that each State party was preparing for other treaty bodies. The treaty bodies should also adopt a harmonized methodology for drafting concluding observations. To that end, Chairs must be given more authority in decision-making processes. The backlogs of individual communications had had a negative impact on the decisions made by treaty bodies concerning the cases they examined. For example, some decisions did not take into account judgments that had been handed down by national courts, suggesting that further capacity-building was required to strengthen the members of the treaty bodies' knowledge of their States parties' national legal systems. By the same token, it was crucial to carry out capacity-building to strengthen the States parties' knowledge of the treaties and to underline the importance of the timely submission of reports.

21. **A representative of Costa Rica** said that his country wished to acknowledge the leadership shown over the years by the Human Rights Committee on matters relating to the development and strengthening of the treaty body system. Although the Committee had worked hard to improve its working methods, a genuine harmonization of working methods across all treaty bodies had not yet been achieved and should continue to be pursued, as it was very difficult for delegations to prepare for reviews when the customs and practices differed so markedly from one treaty body to the next. It was also fundamentally important to ensure that States parties' representatives could participate remotely in constructive dialogues with the Committee, as that enabled States parties to name much bigger and more diverse delegations capable of providing immediate answers to a wider range of questions. Furthermore, he believed that there should be greater collaboration between the treaty bodies and the resident coordinators in each State party. The Committee should also be making more use of digital technology in its work, as it was still all too difficult to find information online about each State party's previous reviews and forthcoming reporting obligations.

22. Although the decision on the future trajectory of the treaty body system would ultimately be taken by the General Assembly, he proposed that the representatives of the States parties based in Geneva should form a group of friends of the treaty bodies. The representatives dealt with human rights issues on a daily basis and could use their technical expertise to formulate proposals to send to their colleagues in New York. He also proposed that the treaty bodies should sign memorandums of understanding with national human rights institutions and mechanisms. In many cases, those institutions already participated informally in the reviews of States parties. However, he believed that it would be beneficial to formalize their role in the process, perhaps in collaboration with regional organizations such as the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas.

23. **A representative of Egypt** said that her country considered the Committee to be a rich source of international jurisprudence and was eager to continue benefiting from the invaluable expertise of its members. Egypt nonetheless believed that more could be done to coordinate the work of the treaty bodies and to ensure that they did not issue conflicting recommendations in their concluding observations. Furthermore, her Government believed that the treaty bodies should adhere more closely to the provisions of the treaties under which they had been established and bear in mind that the expansion of their interpretations of those texts could serve to undermine their implementation at the national level. Lastly, it was vital

for treaty bodies to verify the credibility of the sources that provided them with their information, just as States parties must also assume responsibility for ensuring that all the data they provided was accurate.

24. **A representative of Colombia** said that, when his country's delegation had last met with the Committee in July 2023, it had highlighted some of the measures taken to implement the Covenant and had reiterated the Government's ongoing commitment to the promotion and protection of human rights. In spite of the challenges it faced, the Government was working tirelessly to ensure respect and dignity for all, especially victims of violations and abuses. His Government was steadfast in its belief that its frank and regular dialogues with the monitoring bodies of the United Nations played a fundamental role in upholding human rights. With that in mind, it supported the Committee's efforts to ensure that reports were submitted and reviewed in a timely manner and to use digital technologies to monitor implementation of the Covenant.

25. **A representative of Spain** said that her country continued to participate very actively in the treaty body strengthening process and had just recently hosted an informal meeting of the Chairs of the treaty bodies. Her Government shared the concerns expressed by other speakers about the impact of the liquidity crisis on various aspects of the treaty bodies' work. It had argued in different forums that, in spite of the liquidity crisis, adequate resources must be allocated to enable the treaty bodies to continue to operate in different languages, since multilingualism was both a guiding principle for the treaty body system and a means of guaranteeing the accessibility of its work. The continued facilitation of meetings in hybrid formats was also crucial, not only for States parties but for representatives of civil society who wished to participate in the treaty bodies' activities without facing reprisals. Lastly, in the light of the measures taken by the Committee to make its work more streamlined and predictable, she wished to know what steps could be taken to strengthen its processing of individual communications and reduce the backlog of cases.

26. **A representative of France** said that her Government wished to reiterate the need for a predictable calendar of review cycles. The treaty bodies' working methods should be rationalized and harmonized by, for example, aligning the formats used for periodic reports, recommendations and dialogues and focusing them on key issues. Regular exchanges with international and regional courts would allow treaty bodies to make better use of the courts' decisions in their work. For the treaty body system as a whole to be modernized, OHCHR would clearly require greater resources and would need to play a greater coordination role, while the Petitions Unit would require more staff with experience in working with national or regional courts. The competence, independence and impartiality of treaty body members must be ensured, and efforts to digitalize the treaty body system, to which France contributed financially, must continue. Multilingualism was fundamentally important to the work of the United Nations.

27. **A representative of the State of Palestine** said that she wished to speak under the fifth item on the agenda, "any other matters". More than 31,000 Palestinians, mainly women and children, had been killed in Gaza, more than 17,000 Palestinian children had been orphaned and the population was facing catastrophic levels of famine. The violations of Palestinians' right to life under article 6 of the Covenant had begun in 1948, when they had been forcibly expelled from their ancestral land. They had since lived under a racist, colonialist regime and as refugees in neighbouring countries. Her Government wished to urge the Committee to take action under articles 6, 7, 8 and 9 of the Covenant, issue a strongly worded call for an immediate ceasefire and for the entry of humanitarian aid into Gaza and underscore the importance of the United Nations Relief and Works Agency for Palestine Refugees in the Near East and funding for it.

28. **A representative of the United Kingdom** said that the United Kingdom had been impressed with the Committee's timekeeping and focused questions during the constructive dialogue that its delegation had recently held with the Committee. However, the long delay between the submission of the report and the Committee's consideration of it had presented a challenge. The United Kingdom hoped that States parties would agree to a fixed calendar for reports in order to prevent such delays.

29. **A representative of Israel**, responding to the remarks made by the Palestinian delegation, said that the loss of any human life was a tragedy. Israel was not indifferent to the human suffering in Gaza, which was the direct result of Hamas's complete disdain for human life. Hamas used civilian structures such as houses, schools and mosques for terrorist purposes and had dug hundreds of kilometres of tunnels under populated areas in Gaza. Israel was working with humanitarian organizations and the international community to increase the flow of humanitarian aid into Gaza, to distribute it efficiently and to open new field hospitals in different locations in Gaza. Israel did not target civilian infrastructure and, in the conduct of its operations, took account of Hamas's abhorrent use of civilians as human shields. Both Israelis and Palestinians deserved a future that was free from terrorism and deserved to live safely and securely and to enjoy their civil and political rights.

30. **A representative of Angola** said that she wished to know whether there were any informal channels, outside the reporting process, through which the Committee could provide technical assistance to States parties.

31. **The Chair** said that she wished to assure the States parties that had taken the floor that the Committee had taken note of all their statements. The Committee had prepared an eight-year calendar but could not publish it on its website until OHCHR staff had finished the time-consuming process of harmonizing the Committee's calendar with the calendars of other treaty bodies.

32. Sound quality was a factor that must be considered during online dialogues because it had implications for the interpretation service. However, the Committee had held such a dialogue with a State party earlier that week and continued to interact remotely with States parties that could not send delegations to Geneva. The Committee would discuss the concerns that had been expressed on that matter with the other treaty bodies.

33. **Mr. Santos Pais** said that, in August 2023, the Committee had submitted to the High Commissioner its position on the working paper on options and guiding questions for the development of an implementation plan for the conclusions of the human rights treaty body Chairs at their thirty-fourth meeting in June 2022. Stakeholders had been invited to indicate which of the options set out in the working paper they preferred. The responses would allow OHCHR to identify areas of consensus and of disagreement and would provide key input for the biennial General Assembly resolution on the human rights treaty body system to be adopted at the end of 2024.

34. The liquidity crisis was having an impact on the entire treaty body system. It was still uncertain whether sufficient resources would be available to allow the Committee to hold meetings in July and October 2024.

35. In early 2024, the Committee had sent a letter to the High Commissioner expressing members' extreme concern regarding the backlog of individual communications, which had begun increasing dramatically some four or five years earlier. The Committee adopted an average of only 130 decisions per year. To reduce processing times, the Committee had reduced the number of rounds of submissions made by the parties to communications to two and had begun joining communications that had been submitted by the same author or that involved similar facts and similar legal reasoning. It had also adopted guidelines for oral hearings and third-party submissions. It was problematic that, although the Petitions Unit functioned as a court registry, it was not structured as one. Furthermore, the Petitions Unit had lost between 10 and 12 experienced staff members over the previous three or four years and had only 6 officers to handle the Committee's communications, even though the Committee received 60 per cent of all communications submitted to treaty bodies. Only two of those officers were able to handle communications submitted in Russian.

36. The Committee had taken an active role in endeavouring to harmonize the treaty bodies' working methods. However, efforts to do so with the Committee on Economic, Social and Cultural Rights had proved difficult because the two treaty bodies held a different number of sessions annually. The Committee had made information on all aspects of its work, including its working methods, available on its website. Civil society organizations and national human rights institutions were aware of when they needed to submit shadow reports for consideration by the Committee in connection with its preparation of lists of issues, its dialogues with States parties and the work that it did in follow-up to those dialogues.

37. The High Commissioner's recruitment of an officer to head the digital transformation of OHCHR as a whole was a significant step forward. By making a voluntary contribution to the Office's digitalization efforts, States parties could help to radically change how work was done in the treaty body system.

38. **Ms. Bassim** said that the liquidity crisis had contributed to a regrettable decline in multilingualism in the work of some United Nations agencies and treaty bodies. The Petitions Unit had developed some very creative solutions to help to address the backlog of individual communications, which it had presented to the Committee. She urged the OHCHR secretariat to give due weight to the importance of the Committee's role in providing technical assistance and capacity-building, which could fulfil a critical function in instilling a culture of human rights in countries around the world. The international community as a whole was deeply concerned about the situation in Gaza. As one representative had stated earlier in the meeting, human lives were all equally precious.

39. **The Chair** said that she wished to thank the 60 delegations that had attended the meeting. The Committee hoped to provide an update at its next informal meeting with States parties on its progress in acting upon the recommendations that it had just received.

The meeting rose at 5.05 p.m.