

公民與政治權利國際公約及經濟社會  
文化權利國際公約中華民國初次報告  
國際審查秘書處第 5 次會議

會議資料

2012 年 7 月 18 日（三）上午 9 時 30 分

法務部 3 樓 318 會議室



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**公民與政治權利國際公約及經濟社會文化權利國際公約  
中華民國初次報告國際審查秘書處第 5 次會議  
議程**

**壹、主席致詞**

**貳、確認第 4 次委員會會議紀錄**

**參、討論事項**

- 一、外交部報告相關事項之工作進度：(一) 有關蒐集聯合國審查他國人權報告進行之方式、程序、規則以及所有可作為我國學習之資訊，尤其是國家代表於審查會議進行時應如何回應等之工作進度；(二) 我國初次人權報告英文版進度及目前成果之說明。
- 二、受邀來臺審查我國初次人權報告之外國人權專家回應彙整事宜。
- 三、審查會議之相關事宜：(一) 審查會議召開之地點及期日；(二) 審查委員對我國初次報告之審查範圍需否分工；(三) 審查委員彼此間之溝通聯繫；(四) 審查委員與 NGOs 間之溝通聯繫；(五) 結論性意見發表之時間、地點及方式；(六) 有關前述(二)至(五)之規劃，秘書處應否寫信詢問審查委員請其表示意見；(七) 參與審查會議之人員及其管制。
- 四、黃委員嵩立提案「收集與寄送民間團體人權報告作業要點」：  
(一) 何時開始收件 (time 1，例如 8 月 1 日)；(二) 如何公告給民間團體知道 (公告管道，其他規定：份數？電子檔？語音檔案？)；(三) 是否將收到之文件名稱及份數公告在人權大步走？秘書處如何確保文件之保密性？(四) 若有民間團體不想透過秘書處轉寄，是否有其他方法？可否委託某團體代收，統一寄送？(建議同時開放秘書處和委任團體兩個窗口)；

(五) 何時將文件寄送給國際委員？(time 2，應該是與官方報告一同寄出，可能是 9 月 5 日附近)；(六) 在 time 2 之後收到的文件要如何處理(之後要由秘書處轉寄，例如每 2 週統整寄 1 次，或是請各團體直接寄給國際委員？)

五、CCPR 之專家為 NGOs 培訓之相關事宜。

六、邀請 ICJ 專家來臺為 NGOs 培訓之相關事宜。

七、秘書處報告詢問張珣委員有關國內婦女團體至國外參與 CEDAW 委員會審查各國報告之相關活動之情形。

八、決定下次會議主席之輪次。

## **肆、臨時動議**

## **伍、散會**

公民與政治權利國際公約及經濟社會文化權利國際公約中華民國  
初次報告國際審查秘書處第 4 次會議紀錄（摘要）

時間：101 年 6 月 21 日（星期四）中午 12 時

地點：法務部 3 樓 318 會議室

主席：黃委員嵩立

紀錄：方伶

出席：黃總顧問默、李委員念祖、黃委員俊杰、陳委員惠馨、鄧委員  
衍森、顧委員立雄

列席：外交部楊科長登仕（代理李簡任秘書晉榮）、法務部彭司長坤  
業、黃副司長玉垣、郭檢察官銘禮、羅科長敏蓉、孫專員魯良、  
黃科員宗馥、簡助理研究員靖芸、方助理研究員伶、許助理研  
究員玲瑛

決議：

一、第 1 案：

- （一）請黃總顧問默協助，先以電子郵件邀請 Ando Nisuke、Manfred Nowak、Theodoor Cornelis van Boven、Heisoo Shin 及 Philip Alston 等 5 位教授，並請 Ando Nisuke 及 Theodoor Cornelis van Boven 教授協助邀請其他審查委員；請李委員念祖協助邀請 Jerome Alan Cohen 教授。
- （二）秘書處寄發邀請函予受邀審查委員之電子郵件主旨為：「Invitation to serve on the committee to review Taiwan's initial national report on the implementation of ICCPR/ICESCR」。
- （三）請秘書處提供公政公約審查委員會及經社文公約審查委員會之審查委員備用人選名單。

二、第 2 案：請外交部於下次會議時提供有關聯合國審查他國人權報告之相關資訊。

三、第 3 案：

（一）本程序規則（稿）所稱之「委員」，均係指「審查委員」。

（二）本程序規則（稿）之「秘書處諮詢委員」，一律修正為「秘書處」。

（三）議程得納入結論性意見之翻譯事宜，供審查委員討論。

（四）一、會期修正為：會議日期、地點、進行方式由「秘書處擬訂，與審查委員溝通協調後確定」並公告。

（五）二、議程：

1. 第 1 項修正為：暫定議程由秘書處「參酌審查委員意見及議題清單先行規劃」，由秘書處通知「審查」委員並公告。

2. 第 3 項修正為：「審查」委員會認為有必要時，得於會期中予以增刪修改，由秘書處通知「審查委員」並公告。

（六）三、委員會之成員：

1. 委員會成員之任期修正為：任期自「接受邀請」時起至「完成審查報告」止。

2. 委員若有「因故」無法行使職權情形者，應由「秘書處」決定是否另行邀請其他獨立專家，「來臺審查之委員以至少 3 名為原則」。

（七）四、委員會之分工：第 1 項修正為：審查委員會之主

席及副主席產生方式，「由審查委員互推之」。

(八) 五、秘書處：

1. 第 1 項：修正為「秘書處」提供各項必要與充足之資源與設備，以利委員會有效行使職權。
2. 第 2 項：刪除有關「製作會議紀錄、照相、錄音、錄影或現場轉播」之規定，修正為：「秘書處應派員全程參加所有委員會之會議並製作會議紀錄」。

(九) 六、語言修正為：委員會各項會議之進行與文件以英語「及中文」做為工作語言「，若使用其他語言，」秘書處應提供「必要之協助」。

(十) 七、會議之公開：應納入有關審查委員與 NHRI 及 NGOs 會議之規定，且該會議原則公開，取得主席及當事人同意後，得不公開。

(十一) 八、會議紀錄：刪除有關「有爭議時由主席協調而決定，若無法協調決定則交由委員會依多數決決定」之規定，修正為：「秘書處應於會議結束後儘速製作會議紀錄。會議紀錄稿應送請與會者於收受紀錄稿後 3 日內提出校正。公開會議之會議紀錄應寄給所有與會者並公告。非公開會議之會議紀錄僅提供給與會者或由委員會決定致送之人。」

(十二) 十、投票：有關審查委員會之決議方式，移至四、委員會分工之規定內，並請秘書處參照會議資料第 34 頁（人權事務委員會之程序規則）第 38 點（Rule 38）修正。

(十三) 十一、報告及文件之發送，納入五、秘書處有關

提供各項必要與充足之資源及設備予審查委員會之規定。

(十四) 十二、委員會之審查報告權限：改移至第五、，置於四、委員會之分工後。

(十五) 十三、其他未規定事項，依其性質參照人權事務委員會程序規則予以辦理，刪除「依其性質」，修正為：其他未規定事項，「參照人權事務委員會程序規則予以辦理」。

四、有關程序規則(稿)之討論，請秘書處依據委員之建議修正，再以電子郵件之方式進行討論。

五、下次會議討論 CCPR 之專家來臺為非政府組織培訓之相關事宜，並請秘書處向張珣委員詢問國內婦女團體至國外參與 CEDAW 委員會審查各國報告之相關活動的情形。

## 外交部蒐集聯合國審查他國人權報告之相關資訊

### 壹、 聯合國人權事務委員會審查國家人權報告書進行方式

駐日內瓦辦事處  
101 年 06 月 29 日

依據「公民與政治權利國際公約」第 40 條規定，締約國一旦簽署公約後，須於公約生效一年後向「人權事務委員會」(Human Rights Committee，簡稱「委員會」)遞送其初次國家人權報告(initial report)，並於四年後遞送定期報告(periodic report)，後者之期限可由秘書處(Bureau of the Committee)視情況酌予增減一年。

「委員會」審查國家人權報告書進行方式大致如后：

#### 一、 會前準備工作

- (一) 由包括 1 名「國家報告員」(Country Rapporteur)在內之 4 至 6 人組成「國家報告任務小組」(Country Report Task Forces)，該任務小組成員依地理平衡及其他相關因素考量組成。該小組於「委員會」全會期間集會，討論受審查國家報告，由「國家報告員」負責草擬「議題清單」(list of issues)，交付該任務小組討論，俟該任務小組通過後，再將清單議題依該任務小組成員之專業背景及其興趣予以分配、負責擬訂相關問題，最後該任務小組審查及編輯後，再送受審查國參考。
- (二) 自 1999 年以降，「議題清單」均於審查前一會期定稿，意即受審查國有約 2 至 4 個月時間準備審查討論。
- (三) 為協助任務小組之工作，秘書處彙整國家分析報告(country analysis)及相關文件，為此，秘書處亦邀請個人、團體(如相關之聯合國專門組織)及 NGO 提供相關且適當之文件供參。

#### 二、 建設性對話

- (一) 受審查國應依照「委員會」排定審議日期指定代表出席會議，並就委員會關切議題作口頭答復，倘該國已遞送報告，卻未能依排定日期指派代

表出席，「委員會」將另安排審查日期，或逕於原排定日期審查該國國家報告後，備妥「暫時結論性觀察」(provisional concluding observation)，交該國參考，另於年度報告中加註，已提交受審查國「暫時結論性觀察」，但其內容不予公佈。

(二) 審查程序上，

- (1) 國家代表先簡要說明該國國家報告，並針對「國家報告任務小組」條列之第一組關切議題清單作答覆(毋須遞交書面文件)，嗣由委員會成員就該答覆內容加以評論或提問，惟「國家報告任務小組」成員有優先發言之權利。
- (2) 國家代表接著就清單中其他問題作答覆，再由「委員會」成員就該答覆內容加以評論及提問。
- (3) 「委員會」一般於會期中安排3次會議(每次3小時)審查初次報告，另以2次會議(每次3小時)審查定期報告。此外，委員會另於會期結束前舉行2至3小時之閉門會議，討論「結論性觀察」(concluding observation)最終內容。

- (三) 「委員會」亦邀請 NGO 及國家人權機構(National Human Rights Institutions)儘量提早於審查會議會期前，提交與受審查國家相關之書面資訊，以儘可能獲取完整資訊，並邀請 NGO 代表於「委員會」大會會期第一天上午作口頭報告，另「委員會」於審查該國家報告之前，亦舉行午餐簡報，以便 NGO 提供「委員會」成員進一步資訊。

### 三、 結論性觀察/評論

- (一) 國家報告員將依據審查會議之對話成果及透過秘書處之協助，草擬「結論性觀察」，並提交「委員會」討論，以共識決方式通過後，交予受審查國家參考並納入委員會年度報告中。
- (二) 該「結論性觀察」之架構為：

- (1) 前言 (introduction)
- (2) 積極面 (positive aspects)
- (3) 妨礙公約落實之因素及困難 (factors and difficulties impeding the implementation of the Covenant)
- (4) 結論性觀察 (concluding observation)，包含要求受審查國家就結論性意見中之特定議題，提交補充資訊（通常為一年內），及提出受審查國遞送定期報告期限之建議。

#### 四、 後續追蹤

「結論性觀察」獲得通過後，為建立、維持或恢復與受審查國之聯繫管道，「委員會」將指派一特別報告員 (Special Rapporteur)，其將就受審查國所提出之後續改善作為及相關補充說明資訊向「委員會」報告（通常為一年內），以追蹤「委員會」建議落實情形，該追蹤作法將有助「委員會」決定受審查國提交定期報告之期限。

#### 五、 附件：Overview of the working methods of the Human Rights Committee (<http://www2.ohchr.org/english/bodies/hrc/workingmethods.htm>)

## 貳、 審查過程紀錄影音檔

人權非政府組織將國家人權報告審查過程紀錄影音檔置於：

[www.treatybodywebcast.org/category/webcast-archives/hrcttee/網站。](http://www.treatybodywebcast.org/category/webcast-archives/hrcttee/網站。)

## 參、 附件：Overview of the working methods of the Human Rights Committee

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Human Rights Committee - Working Methods

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Texts  
Status of ratification, Reservations and declarations

**The Committee and its work**

Membership  
Mandate  
Sessions & follow-up to concluding observations  
Annual Reports  
Working Methods  
Rules of Procedure  
E-F-R-S-C-A  
General Comments  
Press Releases  
Secretariat contact details

**Reporting to the Committee**

Optional Reporting Procedure (LOIPR)  
Revised Reporting Guidelines  
E-F-S  
Guidelines on Core document (Word)  
A compilation of HRC concluding observations for Latin American and Caribbean countries (PDF)

**Elections**

32nd meeting  
31st meeting  
30th meeting  
29th meeting  
28th meeting  
27th meeting

**Petitions**

Individual complaints  
Human Rights Committee case law

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**Human Rights Committee - Working Methods**

**Overview of the working methods of the Human Rights Committee**

**I. Introduction**

...

**II. Guidelines for reporting by States parties**

The Committee has noted that some of the reports submitted initially were so brief and general that the Committee found it necessary to elaborate general guidelines regarding the form and content of reports. These consolidated guidelines for State reports under the ICCPR (CCPR/C/66/GUI/Rev.2) were designed to ensure that reports are presented in a uniform manner and to enable the Committee and States parties to obtain a complete picture of the situation in each State as regards the implementation of the rights referred to in the Covenant.

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 single article of the Covenant, but only 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.(1)

Despite the guidelines, however, some reports are still so brief and general that they do not satisfy the reporting obligations under article 40. Even reports which were in their form generally in accordance with the guidelines have in substance been incomplete. In these cases the Committee can grant, during the examination of the report, the possibility to the State party to complement this information within a specified deadline.(2)

[www2.ohchr.org/english/bodies/hrc/workingmethods.htm](http://www2.ohchr.org/english/bodies/hrc/workingmethods.htm)

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CAT  
UNVFVT  
SC Counter-terrorism  
Committee

#### External links

Amnesty International  
CCPR Centre  
FIACAT  
FIDH  
INTERIGHTS  
Human Rights Watch  
Human Rights First  
OMCT  
International Disability  
Alliance (IDA)

Note: OHCHR is not  
responsible for the  
content of external links.

## II. Consideration of reports of States parties by the Committee

Once the State party has ratified the Covenant it should submit, one year after the Covenant enters into force, its initial report to the Committee. For periodic reports, it is the Bureau of the Committee, at the end of the session at which the State party report is examined, which decides the number of years after which the State party should present their next report. The general rule (ever since this system was started two years ago) is that State parties should present their periodic report to the Committee every four years. However, the Bureau can add or subtract one year to this four-year period depending on the level of compliance with the Covenant's provisions by the State party. (3)

The Committee does not have rules on the number of reports to be examined each session, but this can vary from four to six reports; five reports being the average number of reports examined. Preference is given to those reports which have arrived earlier. Geographic criterion is usually not applied when selecting which reports are to be examined by the Committee.

### A. Pre-session working group

The Human Rights Committee has replaced the working group on article 40 of the Covenant with **Country Report Task Forces**, which instead of meeting before the session meet during the plenary session. The principal purpose of the Country Task Force is to identify in advance the questions which will constitute the principal focus of the dialogue with the representatives of the reporting State. The aim is to improve the efficiency of the system and to ease the task of States' representatives by facilitating more focused preparations for the discussion.

The Country Report Task Force has between four and six members, taking account of the desirability of a balanced geographical distribution and other relevant factors. One of these members is the country rapporteur who is the person overall responsible for the drafting of the list of issues.

The working methods of the Country Report Task Force are as follows: First, the country rapporteur presents the draft list of issues for discussion to the Country Report Task Force. Once the members have made their observations, the list of issues is adopted by the Task Force as a whole. The Task Force then allocates to each of its members principal responsibility for a certain number of questions included in the list of issues, based in part on the areas of particular expertise or interest of the member concerned. Once the list of issues is adopted and edited, it is transmitted to the State party. Since 1999 the lists of issues has been adopted at the session prior to the examination of the State report, thereby allowing a period of two to four months for States parties to prepare for the discussion with the Committee. (4)

In preparation for the Country Report Task Force, the secretariat places at the disposal of its members a country analysis as well as all pertinent documents containing information relevant to each of the reports to be examined. For this purpose, the Committee invites all concerned individuals, bodies and non-governmental organizations to submit relevant and appropriate documentation to the secretariat.

The replacement of the pre-sessional working group, by Country Report Task Forces meeting during the plenary, has freed time for a **pre-sessional working group on communications** to meet, for five days, prior to each of the Committee's sessions. This working group is composed of at least five members of the Committee nominated by the Chairperson, taking account of the desirability of a balanced geographical distribution and other relevant factors. This working group is entrusted with the task of making recommendations to the Committee regarding communications received under the Optional Protocol. The Committee may designate special rapporteurs from among its members to assist in the handling of communications.<sup>(5)</sup> The secretariat facilitates the work of the special rapporteurs and the working group by assisting in the research and drafting of the requisite number of recommendations on complaints ready for action (normally 25 to 30 per session).

### B. Constructive dialogue

It is the practice of the Committee, in accordance with Rule 68 of its Rules of Procedure, to examine reports in the presence of representatives of the reporting States. All States whose reports have been examined in this way have cooperated with the Committee but the level, experience and the number of representatives have varied. The Committee wishes to state that, if it is to be able to perform its functions under article 40 as effectively as possible and if the reporting State is to obtain the maximum benefit from the dialogue, it is desirable that the States representatives should have such status and experience (and preferably be in such number) as to respond to questions put and the comments made in the Committee over the whole

respond to questions put, and the comments made, in the Committee over the whole range of matters covered by the Covenant. (6)

On occasion, States have announced that they would appear before the Committee but have not done so on the scheduled date. The Committee has decided that, if a State party has submitted a report but does not send a delegation to the Committee, the Committee may notify the State party of the alternative date on which it intends to consider the report or may proceed to consider the report at the meeting that had been initially scheduled. If the latter takes place, the Committee will examine the report and prepare provisional concluding observations which will be submitted to the State party. The Committee will mention, in its Annual Report, that these provisional concluding observations were prepared, but their text will not be published. (7)

The following procedure is generally used for the examination of State party reports: The representative of the State party is invited to introduce the report by making brief introductory comments, followed by the replies to the first group of questions included in the list of issues. It should be noted that States parties are encouraged to use the list of issues to better prepare for a constructive discussion, but are not expected to submit written answers. After this intervention, the Committee members will provide comments or further questions in relation to the replies provided. Although all Committee members participate in this dialogue, the members of the Country Task Force who are responsible for a pre-assigned number of questions, will have priority when asking questions to the representatives of the State party. The representative of the State party is then invited to reply to the remaining questions on the list of issues, to which will again follow the comments and questions of the Committee.

In general, the Committee devotes two meetings (of three hours each) to the examination of periodic reports and three meetings (of three hours each) to the examination of initial reports. In addition, it generally devotes between two and three hours towards the end of the session, in private, to the discussion prior to the adoption of the concluding observations.

Individual members of the Committee refrain from participating in any aspect of the consideration of the reports of the States of which they are nationals in order to maintain the highest standards of impartiality, both in substance and appearance.

### **C. Concluding observations/comments**

The final phase of the Committee's examination of the State report is the drafting and adoption of its concluding observations. For this, the country rapporteur prepares, with the assistance of the secretariat and based on the constructive dialogue held during the plenary session, draft concluding observations for the consideration of the Committee.

The agreed structure of the concluding observations is as follows: introduction; positive aspects; factors and difficulties impeding the implementation of the Covenant; principal subjects of concern and suggestions and recommendations. Concluding observations also include a recommendation requesting the wide dissemination of the concluding observations in the State party concerned, as well as a paragraph requesting that additional information be provided to the Committee, within a specified deadline (usually of one year), on specific points of the concluding observations. The concluding observations also set out the provisional date when the State party's next periodic report is due.

This draft is discussed by the Committee in private session with a view to adopting it by consensus. The concluding observations, once adopted, are usually not made public until the day preceding the end of the session. They are forwarded to the State party concerned and included in the Committee's annual report.

### **IV. Follow-up to concluding observations/comments**

After the adoption of the concluding observations, a follow-up procedure shall be employed in order to establish, maintain or restore a dialogue with the State party. For this purpose and in order to enable the Committee to take further action, the Committee shall appoint a special rapporteur, who will report to the Committee. The special rapporteur will report with regard to the information received from the State Party (within a specified deadline) as to the steps taken, if any, to meet the recommendations of the Committee. This sessional follow-up progress report will prompt the Committee plenary to make a determination of the date/deadline for the submission of the next report. This follow-up procedure does not apply in cases of examination of country situations (i.e. when the Committee examines the measures taken by the State party in the implementation of the Covenant in the absence of a State report).

### **V. Strategies to encourage reporting by States parties**

The Committee notes, as appears from its annual reports, that only a small number of

The Committee notes, as appears from its annual reports, that only a small number of States have submitted their reports on time. Most of them have been submitted with delays ranging from a few months to several years and some States parties are still in default, despite repeated reminders by the Committee.

Since reporting by States parties is the fundamental mechanism by which the Committee discharges fully its obligation to monitor the observance of obligations under the Convention, the Committee has adopted special procedures for considering the situation of States parties that have failed to honour their reporting obligations.

When the State party has not presented a report, the Committee may, at its discretion, notify the State party of the date on which the Committee proposes to examine the measures taken by the State party to implement the rights guaranteed under the Covenant. If the State party is represented by a delegation, the Committee will, in presence of the delegation and in public session, proceed with the examination on the date assigned. If the State party is not represented, the Committee may, at its discretion, either decide to proceed to consider the measures taken by the State party to implement the guarantees of the Covenant at the initial date or notify a new date to the State party. In both cases the Committee will prepare provisional concluding observations which will be transmitted to the State party. The Committee will mention, in its Annual Report, that these provisional concluding observations were prepared, but their text will not be published. (8)

#### **VI. Documentation supplied by the Secretariat**

The Committee will be provided with country files on the reporting State party. These files will include all material received by the secretariat, such as the official report, NGO and IGO information and other relevant documents.

#### **VII. Interaction with specialized agencies and bodies of the United Nations**

The Committee invites specialized agencies and other bodies of the United Nations to cooperate in its work. The Committee invites specialized agencies to provide written reports containing country-specific information on States parties whose reports are before them. Representatives of these entities are also invited to address the Committee at the beginning of each session of the Human Rights Committee. Moreover, the Secretary-General can, after consultation with the Committee, transmit to specialized agencies parts of the reports received from State parties which may fall within their field of competence. The specialized agencies may then submit comments on those parts of the reports.(9)

#### **VIII. Participation of non-governmental organizations and national human rights institutions in the activities of the Committees**

In order to ensure that it is as well informed as possible, the Committee invites non-governmental organizations and national human rights institutions to provide reports containing country-specific information on States parties whose reports are before them. Such information should be submitted in writing, preferably well in advance of the relevant session. The Committee sets aside the first morning meeting of each plenary session to enable representatives of non-governmental organizations to provide oral information. In addition to this, lunch-time briefings are organized to allow non-governmental organizations to provide further information to Committee members before the examination of the State report by the Committee. The Committee, in its Annual Report (2002) stated that it reserved the right to determine, at a later stage, whether other briefings by non governmental organizations should also become part of the Committee's official.(10)

#### **IX. General comments/recommendations**

Interpreting the Covenant so that there can be no doubts about the scope and meaning of its articles has become an important function of the Human Rights Committee. General comments are normally directed at States parties and usually elaborate the Committee's view of the content of the obligations assumed by States as party to the Convention.

As at April 2004, the Committee had adopted 31 general comments: amongst these, General Comment No. 24 on issues relating to reservations made upon ratification or accession to the Covenant or the Optional Protocols thereto, or in relation to declarations under article 41 of the Covenant, General Comment No. 29 on states of emergency and General Comment No. 31 on the nature of the general legal obligation imposed on States parties to the Covenant.

During the process of formulation of general comments, consultations take place with specialized agencies, non-governmental organizations, academics and other human rights treaty bodies, allowing for broader input into the process of elaboration of the

rights treaty bodies, bearing in mind the importance of the process of elaboration of the general comment.

## **X. Statements adopted by the Committee**

The Human Rights Committee does not adopt any statements to clarify and confirm its position with respect to major international developments and issues that bear upon the implementation of the Covenant.

## **XI. Individual Communications**

Since the Optional Protocol to the ICCPR entered into force in March 1976, the Committee allocates time at each of its sessions to examine the communications received as well as the recommendations made by the pre-sessional working group on communications. The Committee considers these communications at private meetings and all documents related to the communications remain confidential. Only the final decision on any given complaint (inadmissibility decision or decision on the merits) becomes a public document.

Individual members of the Committee refrain from participating in any aspect of the consideration of the communications if: a) the State of which they are nationals is a party to the case; b) if the member has any personal interest in the case; c) if the member has participated in any capacity in the making of any decision on the case covered by the communication. (11)

The Committee has established follow-up procedures for communications by designating special rapporteurs for follow-up on views for the purpose of ascertaining the measures taken by the States parties to give effect to the Committee's views. (12) The special rapporteur shall make recommendations for further action by the Committee as necessary and shall regularly report to the Committee on follow-up activities.

## **XII. Other matters**

### *Early-warning measures and urgent procedures*

In the 1990s the Committee requested that several States facing serious difficulties in the implementation of Covenant rights ( Bosnia and Herzegovina , Croatia , Federal Republic of Yugoslavia , Burundi , Angola , Haiti , Rwanda and Nigeria ) either present their overdue initial/periodic report without delay or prepare ad hoc reports on specific issues. Only Bosnia and Herzegovina , Croatia and the Federal Republic of Yugoslavia reacted to this initiative and submitted ad hoc reports. In March 2004, the Committee's Bureau discussed the possibilities of reviving the urgent procedure / ad hoc report procedure.

### *Meetings of chairpersons of the human rights treaty bodies and inter-committee meetings*

Besides attending the meetings of chairpersons of the human rights treaty bodies, the Chairperson of the Human Rights Committee addresses the Commission on Human Rights since 2003.

### *Other consultations*

Since October 2000, all States parties to the ICCPR have been invited to attend a meeting, every two years, to discuss issues of concern with regard to the implementation of the Covenant.

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(1) Human Rights Committee, Recent decisions on procedures: 26/10/2001 , A/56/40, paras. 50-54

(2) Rule 70 of the Rules of Procedure of the Human Rights Committee

(3) Rules 66 and 70A of the Rules of Procedure of the Human Rights Committee

(4) Human Rights Committee, Recent decisions on procedures: 26/10/2001 , A/56/40, paras. 50-54

(5) Rule 89 of the Rules of Procedure of the Human Rights Committee

(6) General Comment No. 2: Reporting Guidelines, 1981, Thirteenth Session. See HRI/GEN/1/Rev.6.

(7) Rule 68 of the Rules of Procedure of the Human Rights Committee

(8) Rule 68 of the Rules of Procedure of the Human Rights Committee

(9) Rule 67 of the Rules of Procedure of the Human Rights Committee

(10) Paragraph 12, Annex III, Annual Report of the Human Rights Committee (2002), A/57/40 (Vol. I)

(11) Rule 84 of the Rules of Procedure of the Human Rights Committee

(12) Rule 95 of the Rules of Procedure of the Human Rights Committee

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## 審查委員來臺之回復情形

### 一、 公政公約審查委員會

編號	姓名	國籍	性別	稱謂	回復情形	可來臺時間	備註
01	Nisuke Ando	日本	男	Professor	○	均可 ( As to the timing of on-site session(s), any of the three suggested choice is all right with me )	
02	Manfred Nowak	奧地利	男	Professor	○	明年2月中過後 ( the second half of February )	
03	Yakin ERTÜRK	土耳其	女	Professor	○	明年3月17日前無法來臺 ( I will not be able to take on such a responsibility before 17 March 2013. )	
04	Jerome Alan Cohen	美國	男	Professor	○	1. 11月27至30日 2. 11月29至12月1日 3. 12月14日至21日	

編號	姓名	國籍	性別	稱謂	回復情形	可來臺時間	備註
						( November 27-30 or November 29-December 2 or December 14-21 )	
05	Asma Jahangir	巴基斯坦	女	Mrs.			

## 二、 經社文公約審查委員會

編號	姓名	國籍	性別	稱謂	回復情形	可來臺時間	備註
01	Heisoo Shin	韓國	女	Professor			
02	Theodoor Cornelis van Boven	荷蘭	男	Professor	○	明年 ( the early part of 2013 )	
03	Virginia BONOAN-DAN DAN	菲律賓	女	Professor			
04	Denise Scotto	美國	女	Ms.			
05	Philip Alston	澳洲	男	Professor	○	視情況而定 ( I agree in principle to	

編號	姓名	國籍	性別	稱謂	回復情形	可來臺時間	備註
						participate subject to the decision on the final dates)	
06	Eibe Riedel	德國	男	Professor	○	1. 明年2月中過後 ( available as from mid-February 2013 ) 2. 今年12月或明年1月亦可 ( could also come in December 2012 or January 2013 )	

## 公政 01 Nisuke Ando

-----Original Message-----

From: 世界人權問題研究センター所長 [mailto:shjinken@kyoto.email.ne.jp]

Sent: Thursday, July 05, 2012 11:44 AM

To: 郭銘禮; 安藤 仁介

Subject: Re: Independent Review on Taiwan's Initial ICCPR/ICESCR State Reports

Dear Mr.Kuo;

Thank you very much for your kind message dated June 28th, inviting me to serve in the reviewers' board for the initial report of Taiwan with respect to the International Covenant on Civil and Political Rights. I feel indeed honoured to accept your kind invitation and will send my formal reply of acceptance to Mr. Wu, Chairperson of the Presidential Advisory Committee on Human Rights. I understand that it will be late August when I shall receive a copy of your initial government report in English, and in this connection, I shall be happy to be informed of the time-table for the procedure concerning the exchange with other members of the board as well as with relevant NGOs, the process of forming the board's list of issues and receipt of the government replies.

**As to the timing of on-cite session(s), any of the three suggested choice is all right with me.**

With gratitude and sincerity, I remain

Sincerely yours,  
Nisuke Ando

## 公政 02 Manfred Nowak

-----Original Message-----

From: Nowak Manfred [mailto:manfred.nowak@univie.ac.at]

Sent: Thursday, July 05, 2012 2:34 AM

To: '???'

Subject: AW: Independent Review on Taiwan's Initial ICCPR/ICESCR State Reports

Dear Mr Ming-Li Kuo,

Thank you very much for your kind invitation. I am very honoured to be invited to serve in this body of experts and gladly accept your offer.

**Regarding the on-site review session I would prefer the second half of February** as I am already fully booked in November/December.

I am very much looking forward to this important task.

Best wishes

Manfred Nowak

## 公政 03 Yakin ERTÜRK

-----Original Message-----

From: yakin erturk [mailto:erturk@metu.edu.tr]

Sent: Tuesday, July 10, 2012 7:12 PM

To: jazz@mail.moj.gov.tw

Subject: independent review

Presidential Advisory Committee on Human Rights,

My apologies for a late reply to your message which was forwarded to me by CPT secretariat. Since I check my CPT mail only on certain occasions I did not see the message earlier. For future reference you may wish to use my alternative e-address from which this message is being sent.

I am honoured to have received such an invitation and would have gladly served on a review body for Taiwan's first state report under ICCPR. However, due to prior commitments **I will not be able to take on such a responsibility before 17 March 2013.**

I do hope that there will be other occasions in the future to collaborate.

Best regards, yakin

## 公政 04 Jerome Alan Cohen

-----Original Message-----

From: Jerome A Cohen [mailto:jacohen@paulweiss.com]

Sent: Monday, July 09, 2012 3:21 AM

To: 郭銘禮

Cc: '陳委員惠馨'; '黃委員俊杰'; '黃委員默'; 'nigelli [李念祖]'; '黃委員嵩立'; '?委員衍森'; '顧委員立雄'; '張文貞'; melissa.lefkowitz@nyu.edu

Subject: RE: Independent Review on Taiwan's Initial ICCPR/ICESCR State Reports

Dear Ming-li, Thanks for your informative email of July 2 outlining the independent review process. It looks fine to me. My main concern is still the date of the review meetings in Taipei. I hope you will let me have any new information obtained this past week. There is a 50-50 chance I can make the December 3-6 date you mention, but **there would plainly be no problem with either November 27-30 or November 29-December 2 or December 14-21.**

**Early March of next year would be pretty late in the day but in any event difficult for me since I teach two courses next spring at that time.** Could you also please let me know who the other members of the committee will be?

Also, having received the Vice President's letter, should I respond by snailmail? Many thanks.  
Best. Jerry

-----Original Message-----

From: Jerome A Cohen [mailto:jacohen@paulweiss.com]

Sent: Tuesday, June 26, 2012 10:21 PM

To: nigelli [李念祖]

Cc: 陳委員惠馨; 郭檢察官銘禮; 黃委員俊杰; 黃委員默; 黃委員嵩立; 鄧委員衍森; 顧委員立雄; 張文貞

Subject: Re: Independent Review on Taiwan's Initial ICCPR/ICESCR State Reports

Dear Nigel, I am honored by the invitation extended by you and your colleagues and hope that I will be able to take part in the activities outlined. My main concern is the date of the proposed meeting in Taiwan. Has that been established? If so, could you please let me know as soon as possible? Our NYU US-Asia Law Institute is this week in the process of settling dates for training programs in China from December 7-13 and the National Committee on US-China Relations is hoping to have our annual track two human rights conference with China around that time and suggested December 3-6 to the Chinese side. The latter is purely a suggestion to the Chinese counterparts, who in previous years have been slow to confirm dates. I realize it is a complicated exercise for you to accommodate the schedules of various people. Nevertheless, it may be helpful to you to note that **I would find it convenient to meet in Taiwan November 28-December 2 or December 14-21.** I look forward to receiving the formal invitation and hope that I will be able to cooperate with you. Many thanks for thinking of me and for all the help you have consistently given to our projects of mutual interest. Very best. Jerry

公政 05 Asma Jahangir (未回覆)

## 經社文 01 Heisoo Shin (未回覆)

## 經社文 02 Theodoor Cornelis van Boven

From: Boven van Th (IR) [th.vanboven@maastrichtuniversity.nl]

Sent: Thursday, July 5, 2012 9:53 PM

To: 郭銘禮

Cc: '李委員念祖'; '李秘書'; '張委員文貞'; '陳委員惠馨'; '黃委員俊杰'; '黃委員俊杰 2'; '黃委員嵩立'; '黃總顧問默'; '鄧委員衍森'; '顧委員立雄'; '1 彭司長坤業'; '1 黃副司長玉垣'; '總統府人權諮詢委員會議事組'; jazz1115@gmail.com

Subject: RE: Independent Review on Taiwan's Initial ICCPR/ICESCR State Reports

Dear Sir,

This is to confirm that I duly received the official letter from the Chairperson of the Presidential Advisory Committee on Human Rights in Taiwan inviting me to serve as a member of the body of international experts to review Taiwan's first national report under the International Covenant on Economic Social and Cultural Rights. I will appreciate it if you could inform the Chairperson of the Presidential Advisory Committee that it is my pleasure to accept the invitation. I consider it an important development to the cause of human rights that Taiwan has ratified the two major international human rights treaties and that Taiwan has also agreed to submit the implementation of these two treaties to national and international scrutiny.

I look forward to receiving in due course Taiwan's initial report under both international covenants which I understand is currently being translated from Chinese into English. As far as the scheduling of the on-site review session is concerned, my strong preference is , **taking into account other commitments, that such session will take place in the early part of 2013**. I trust that as soon as the dates will be decided upon I will be informed accordingly.

With kind regards and all good wishes,

Theo van Boven

## 經社文 03 Virginia BONOAN-DANDAN (未回覆)

## 經社文 04 Denise Scotto (未回覆)

## 經社文 05 Philip Alston

-----Original Message-----

From: Alston, Philip [mailto:philip.alston@nyu.edu]

Sent: Sunday, July 08, 2012 4:44 AM

To: 郭銘禮

Cc: '李委員念祖'; '李秘書'; '張委員文貞'; '陳委員惠馨'; '黃委員俊杰'; '黃委員俊杰 2'; '黃委員

嵩立'; '黃總顧問默'; '鄧委員衍森'; '顧委員立雄'; '1 彭司長坤業'; '1 黃副司長玉垣'; '總統府人權諮詢委員會議事組'; jazz1115@gmail.com

Subject: RE: Independent Review on Taiwan's Initial ICCPR/ICESCR State Reports

Dear Ming-Li Kuo,

Thanks for getting back to me. I have been trying hard to work out possible timing and it still remains unclear. Perhaps the best thing, if it is acceptable for you, is to say that **I agree in principle to participate subject to the decision on the final dates.**

Best wishes,  
Philip

-----Original Message-----

From: 郭銘禮 [mailto:jazz@mail.moj.gov.tw]

Sent: Friday, June 29, 2012 5:14 AM

To: Alston, Philip

Cc: '李委員念祖'; '李秘書'; '張委員文貞'; '陳委員惠馨'; '黃委員俊杰'; '黃委員俊杰 2'; '黃委員嵩立'; '黃總顧問默'; '鄧委員衍森'; '顧委員立雄'; '1 彭司長坤業'; '1 黃副司長玉垣'; '總統府人權諮詢委員會議事組'; jazz1115@gmail.com

Subject: RE: Independent Review on Taiwan's Initial ICCPR/ICESCR State Reports

Dear Professor Alston,

Thank you so much for your email. We really appreciate your warm response.

The group of independent experts whom we are inviting to review our initial ICESCR report is as follows: Professor Heisoo Shin(Korea), Professor Theodoor Cornelis van Boven(the Netherlands), Professor Virginia BONOAN-DANDAN(Philippines), Professor Eibe Riedel(Germany), Ms. Denise Scotto(US), and you. Besides, we are also inviting the other group of 5 independent experts to review our initial ICCPR report. It means there would be two Committees of independent experts, one for ICCPR and the other one for ICESCR.

The process we expect to be followed includes several different but relevant phases.

The first phase is for us to complete by the end of this August the English version of our reports. We hope to mail it to the independent experts and NGOs in early September.

The second phase, starting on September 1 and ending on October 30, is for us to collect the list of issues from the independent experts and the alternative reports and suggestions for concluding observations from NGOs.

The secretariat will immediately forward the list of issues to the government, and NGOs' reports and suggestions to the independent experts.

The secretariat would ask the government to response to the list of issues

At the third phase, starting on November 1 and ending on November 15, the secretariat would forward government's responses to the independent experts. The secretariat would have the list of government representatives who will be present at the meetings when the reports are examined.

The fourth phase would consist of the consideration of the reports and the drafting and adoption of the concluding observations. Because the major mandate of the two Committees is to review Taiwan's reports, with our hope to encourage NGOs' participation in the process, we suggest a four-day session for the review meetings. The first and second day of the session would be meetings between the Committee and NGOs, while the third and fourth day would be constructive dialogues

between the Committee and government representatives. We also suggest that December 3-6 of 2012 or March 4-7 of 2013 be the dates of the review meetings. We hope that you could kindly tell us which is at your most convenience, or either is fine. I think we still can adjust to meet the schedules of all the independent experts.

Once again thanks so much for your kind response to the invitation. Please do not hesitate to contact me for further information.

Warmest regards,

Ming-Li

-----Original Message-----

From: Alston, Philip [mailto:philip.alston@nyu.edu]

Sent: Friday, June 29, 2012 6:48 AM

To: 郭銘禮

Cc: '李委員念祖'; '李秘書'; '張委員文貞'; '陳委員惠馨'; '黃委員俊杰'; '黃委員俊杰 2'; '黃委員嵩立'; '黃總顧問'; '鄧委員衍森'; '顧委員立雄'; '1 彭司長坤業'; '1 黃副司長玉垣'; '總統府人權諮詢委員會議事組'; jazz1115@gmail.com

Subject: RE: Independent Review on Taiwan's Initial ICCPR/ICESCR State Reports

Dear Ming-Li Kuo,

Thankyou for this message and for the official invitation which I received this morning. I am honoured to have been considered in this connection.

I would be grateful if you could give me some further information about the process that you expect would be followed and the possible composition of the group that you are seeking to assemble.

With best wishes,

Philip

## 經社文 06 Eibe Riedel

From: Eibe Riedel [mailto:eiberiedel@web.de]

Sent: Friday, July 06, 2012 2:54 AM

To: "郭銘禮"

Subject: Aw: Independent Review on Taiwan's Initial ICCPR/ICESCR State Reports

Dear Ming-Li Kuo,

thank you very much indeed for the kind invitation to serve on the Human Rights Committee to be set up for esc-rights. I have written a formal letter of acceptance to the Chairperson, Vice-President, who had sent the letter to my home address. I have only just arrived back in Geneva. Having discussed with Manfred Nowak in Vienna earlier this week, we would be **available as from mid-February 2013**, if possible. But if need be, **I could also come in December 2012 or January 2013**. It is a great honour to serve on the committee. Warmest regards and many thanks,  
Eibe Riedel

# 中華民國初次報告國際審查期程規劃表及議程（稿）

## 壹、 2012 年 12 月舉辦國際審查會議

### 一、期程規劃表-1

期程	事項	備註
5 月 1 日	函請外交部翻譯，預計 3 個月內完成。	總統府人權諮詢委員會議事組 101 年 5 月 1 日府人權字第 10115100500 號函
5 月 10 日	國際審查秘書處第 1 次會議	1. 確認翻譯事宜。 2. 商討國際人權專家學者來臺規劃期程及審查地點。 3. 商討邀請事宜。
5 月 24 日	國際審查秘書處第 2 次會議	
5 月 31 日	國際審查秘書處第 3 次會議	
6 月 21 日	國際審查秘書處第 4 次會議	外交部代表報告英文初稿預計於 7 月底前竣事。
6 月底前	寄發邀請函與參與審查之國際人權專家。	6/27 寄發書面邀請函；6/28 寄發電子郵件。
5 月至 6 月底前	密集開會確認審查會議工作方法及程序規則。	
7 月 11 日	國際審查秘書處第 5 次會議	預定討論事項如會議議程。
7 月下旬前	國家人權報告英文版初稿竣事。	<u>※請外交部於 7/31 前提供英文版初稿予議事組。</u>
8 月上旬至中旬	請各部會確認英文版內容。	<u>※議事組於收受英文版初稿後送交各部會校對，各部會倘有修訂意見請逕送外交部，同時副知議事組。</u>
8 月下旬	國家人權報告英文版（稿）竣事。	<u>※英文版之定稿由議事組陳總統府人權諮詢委員會核定。</u> <u>※英文版之印刷應由外交部或議事組辦理？</u>

期程	事項			備註
9 月上旬至 10 月下旬	1. 公告審查會議工作方法、程序規則及議程規劃（稿）。 2. 寄發國家人權報告英文版與來臺審查之國際人權專家。 3. 舉辦 NGOs 之培訓。 4. 舉辦政府機關之培訓。 5. 受理 NGOs 提供之資料影子報告及相關資料。 6. 寄發影子報告及相關資料與來臺審查之國際人權專家。 7. 國際人權專家審視資料。 8. 國際人權專家提出問題清單（英）。 9. 翻譯問題清單。 10. 受理 NGOs 報名參加國際人權專家與 NGOs 之會議（10 月下旬）。 11. 確認政府及 NGOs 之出席人員及場次（10 月下旬）。			※問題清單之翻譯建議由外交部處理，並請於收受議事組轉寄之信件後 5 日內完成翻譯。
11 月 1 日至 21 日	1. 11 月 16 日（五）前：請涉及問題清單之部會提出書面回應（中、英文），倘議題涉及多個部會時，由秘書處指定彙整機關。 2. 11 月 21 日（三）前：秘書處彙整各部會之書面回應後，以電郵寄發來臺審查之專家學者。 3. 確認審查會議各項細節。 4. 印製會議手冊。			※會議手冊之內容為何？（包括議程、專家簡歷、公約條文、審查程序規則等） ※問題清單及政府部門回應等資料，另外印製備用。
11 月 22 日至 30 日	國際人權專家審視書面回應。			
12 月 2 日至 7 日	兩公約初次報告國際審查會議			詳細規劃請參照國際審查會議議程-1。
12 月 2 日（日）	1. 國際人權專家抵臺。 2. 晚宴：歡迎會（總統府人權諮詢委員會召集人及委員、秘書處）			
審查會議 （12 月 3 日至 4 日）	12 月 3 日（一）	上午	國際人權專家與 NGOs 之會議。	※審查會議召開之地點？ ※審查會議之公開與否、公開程度（如旁聽席及記者席之設置）、參與人員管制（是否仿照聯合國事先申請並核發管制證）、全程是否得錄音錄影？
		下午	國際人權專家與政府部門之會議（1）。	
	12 月 4 日（二）	上午	國際人權專家與政府部門之會議（2）。	
		下午	國際人權專家與政府部門之會議（3）。	

期程	事項			備註
結論性意見 (12月5日至6日)	12月5日(三)	上午	結論性意見撰寫討論 (閉門會議)。	
		下午		
	12月6日(四)	上午	結論性意見發表	※結論性意見由誰發表？ ※結論性意見之中文翻議建 請由外交部處理。
		下午	總統面會及參訪行程。	※參訪安排地點？
12月7日(五)		晚上	晚宴暨歡送會	
國際人權專家離臺				
* 結論性意見後續處理：列入管考並於下次定期報告中說明。				

## 二、審查會議議程-1

日期	時間	事項	備註
2012.12.2 (日)	上午	國際人權專家抵臺	
	晚上	歡迎會 (總統府人權諮詢委員會召集人及委員、秘書處)	
國際人權專家與 NGOs 之會議			
2012.12.3 (一)	上午	09h00-12h00 國際人權專家與 NGOs 之會議	
國際人權專家與政府部門之會議			
2012.12.3 (一)	下午	14h00-17h00 國際人權專家與政府部門之會議 (一)	
2012.12.4 (二)	上午	09h00-12h00 國際人權專家與政府部門之會議 (二)	
	下午	14h00-17h00 國際人權專家與政府部門之會議 (三)	
國際人權專家與 NGOs 之會議： 1. 考慮可排實地探訪之行程；2. 與 NGOs 之會議是否公開，須徵詢 NGOs 之意見，並經審查委員會決議 (公開程度、旁聽席及記者席之安排以及錄音錄影等須徵詢審查委員之意見)；3. 會議時間之安排，視參與會議之 NGOs 人數多寡再予調整。			
國際人權專家與政府部門之會議： 1. 與政府部門之會議原則上均為公開 (公開程度、旁聽席及記者席之安排以及錄音錄影等須徵詢審查委員之意見)；2. 各場會議時間之安排，視參與會議之部門多寡再予調整。			
結論性意見			
2012.12.5 (三)	上午	10h00-12h00 結論性意見撰寫討論 (一) (closed)	
	下午	14h30-16h30 結論性意見撰寫討論 (二) (closed)	
2012.12.6 (四)	上午	10h00 結論性意見發表	結論性意見發表形式須再予審查委員溝通確認。
	下午	14h00 總統面會及參訪行程	
	晚上	18h30 晚宴暨歡送會	
2012.12.7 (五)	下午	國際人權專家離臺	

## 貳、 2013 年 2 月舉辦國際審查會議

### 一、期程規劃表-2

期程	事項	備註
<b>101 年工作計劃</b>		
5 月 1 日	函請外交部翻譯，預計 3 個月內完成。	總統府人權諮詢委員會議事組 101 年 5 月 1 日府人權字第 10115100500 號函
5 月 10 日	國際審查秘書處第 1 次會議	1. 確認翻譯事宜。 2. 商討國際人權專家學者來臺規劃期程及審查地點。 3. 商討邀請事宜。
5 月 24 日	國際審查秘書處第 2 次會議	
5 月 31 日	國際審查秘書處第 3 次會議	
6 月 21 日	國際審查秘書處第 4 次會議	外交部代表報告英文初稿預計於 7 月底前竣事。
6 月底前	寄發邀請函與參與審查之國際人權專家。	6/27 寄發書面邀請函；6/28 寄發電子郵件。
5 月至 6 月底前	密集開會確認審查會議工作方法及程序規則。	
7 月 11 日	國際審查秘書處第 5 次會議	預定討論事項如會議議程。
7 月下旬前	國家人權報告英文版初稿竣事。	<u>※請外交部於 7/31 前提供英文版初稿予議事組。</u>
8 月上旬至中旬	請各部會確認英文版內容。	<u>※議事組於收受英文版初稿後送交各部會校對，各部會倘有修訂意見請逕送外交部，同時副知議事組。</u>
8 月下旬	國家人權報告英文版（稿）竣事。	<u>※英文版之定稿由議事組陳總統府人權諮詢委員會核定。</u> <u>※英文版之印刷應由外交部或議事組辦理？</u>

期程	事項			備註
9 月上旬至 11 月下旬	1. 公告審查會議工作方法、程序規則及議程規劃（稿）。 2. 寄發國家人權報告英文版與來臺審查之國際人權專家。 3. 舉辦 NGOs 之培訓。 4. 舉辦政府機關之培訓。 5. 受理 NGOs 提供之資料影子報告及相關資料。 6. 寄發影子報告及相關資料與來臺審查之國際人權專家。 7. 國際人權專家審視資料。 8. 國際人權專家提出問題清單（英）。 9. 翻譯問題清單。 10. 受理 NGOs 報名參加國際人權專家與 NGOs 之會議（11 月中旬至下旬）。 11. 確認政府及 NGOs 之出席人員及場次（11 月中旬至下旬）。			※問題清單之翻譯建議請由外交部處理，並請於收受議事組轉寄之信件後 5 日內完成翻譯。
12 月上旬至 12 月下旬	1. 12 月 25 日（二）前：請涉及問題清單之部會提出書面回應（中、英文），倘議題涉及多個部會時，由秘書處指定彙整機關。 2. 12 月 31 日（一）前：秘書處彙整各部會之書面回應後，以電郵寄發來臺審查之專家學者。			
102 年 1 月上旬至下旬	國際人權專家審視書面回應。			
102 年工作計劃				
102 年 1 月下旬至 2 月上旬	1. 確認審查會議各項細節。 2. 印製會議手冊。			※會議手冊之內容為何？（包括議程、專家簡歷、公約條文、審查程序規則等） ※問題清單及政府部門回應等資料，另外印製備用。
2 月 25 日至 3 月 2 日	兩公約初次報告國際審查會議			詳細規劃請參照國際審查會議議程-2。
2 月 25 日（一）	1. 國際人權專家抵臺。 2. 晚宴：歡迎會（總統府人權諮詢委員會召集人及委員、秘書處）			
審查會議 （2 月 26 日至 27 日）	2 月 26 日 （二）	上午	國際人權專家與 NGOs 之會議。	※審查會議召開之地點？ ※審查會議之公開與否、公開程度（如旁聽席及記者席之設置）、參與人員管制（是
		下午	國際人權專家與政府部門之會議（1）。	

期程	事項			備註
	2月27日 (三)	上午	國際人權專家與政府部門之會議(2)。	<u>否仿照聯合國事先申請並核發管制證)、全程是否得錄音錄影?</u>
		下午	國際人權專家與政府部門之會議(3)。	
結論性意見 (2月28日至3月1日)	2月28日 (四)	上午	結論性意見撰寫討論(閉門會議)。	
		下午		
	3月1日 (五)	上午	結論性意見發表	<u>※結論性意見由誰發表?</u> <u>※結論性意見之中文翻議建議由外交部處理。</u>
		下午	總統面會及參訪行程。	<u>※參訪安排地點?</u>
3月2日(六)		晚上	晚宴暨歡送會	
國際人權專家離臺				
* 結論性建議後續處理：列入管考並於下次定期報告中說明。				

## 二、審查會議議程-2

日期	時間	事項	備註
2013.2.25 (一)	上午	國際人權專家抵臺	
	晚上	歡迎會 (總統府人權諮詢委員會召集人及委員、秘書處)	
國際人權專家與 NGOs 之會議			
2013.2.26 (二)	上午	09h00-12h00 國際人權專家與 NGOs 之會議	
國際人權專家與政府部門之會議			
2013.2.26 (二)	下午	14h00-17h00 國際人權專家與政府部門之會議(一)	
2013.2.27 (三)	上午	09h00-12h00 國際人權專家與政府部門之會議(二)	
	下午	14h00-17h00 國際人權專家與政府部門之會議(三)	
國際人權專家與 NGOs 之會議： 1. 考慮可排實地探訪之行程；2. 與 NGOs 之會議是否公開，須徵詢 NGOs 之意見，並經審查委員會決議(公開程度、旁聽席及記者席之安排以及錄音錄影等須徵詢審查委員之意見)；3. 會議時間之安排，視參與會議之 NGOs 人數多寡再予調整。			
國際人權專家與政府部門之會議： 1. 與政府部門之會議原則上均為公開(公開程度、旁聽席及記者席之安排以及錄音錄影等須徵詢審查委員之意見)；2. 各場會議時間之安排，視參與會議之部門多寡再予調整。			
結論性意見			
2013.2.28 (四)	上午	10h00-12h00 結論性意見撰寫討論(一)(closed)	
	下午	14h30-16h30 結論性意見撰寫討論(二)(closed)	
2013.3.1 (五)	上午	10h00 結論性意見發表	結論性意見發表形式須再予審查委員溝通確認。
	下午	14h00 總統面會及參訪行程	
	晚上	18h30 晚宴暨歡送會	
2013.3.2 (六)	下午	國際人權專家離臺	



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**Human Rights Committee**

**104th session**

New York, 12 to 30 March 2012

**Provisional agenda and annotations**

**Note by the Secretary-General**

1. The 104th session of the Human Rights Committee will be held at United Nations Headquarters, New York, from 12 to 30 March 2012. The first meeting will be convened on Monday 12 March at 10 a.m. in Conference Room 4.
2. In accordance with rule 6 of the Committee's rules of procedure, the Secretary-General has prepared, in consultation with the Chairperson of the Committee, the attached provisional agenda for the 104th session. Annotations to the provisional agenda are also attached.
3. Pursuant to rule 33 of the Committee's rules of procedure, the meetings of the Committee will be held in public unless the Committee decides otherwise or it appears from the relevant provisions of the Covenant or the Optional Protocol that the meetings should be held in private.
4. The attention of States parties is drawn, in particular, to the annotations to item 7, which contain the tentative timetable for the consideration of reports during the 104th session. In accordance with rule 68 of the Committee's rules of procedure, representatives of States parties are expected to be present at the meetings of the Committee when their reports are examined.
5. As established under rule 95 of its rules of procedure, a working group should meet for a period of one week prior to its 104th session. The pre-sessional working group will meet from 5 to 9 March 2012.

## **Provisional agenda**

1. Opening of the session by the representative of the Secretary-General.
2. Solemn declaration by the newly elected members of the Committee in accordance with article 38 of the Covenant.
3. Adoption of the agenda.
4. Organizational and other matters, including the adoption of the report of the pre-sessional working group on individual communications.
5. Meeting with representatives of United Nations bodies, specialized agencies, national human rights institutions and non-governmental organizations.
6. Submission of reports by States parties under article 40 of the Covenant.
7. Consideration of reports submitted by States parties under article 40 of the Covenant.
8. Consideration of country situations in the absence of reports, pursuant to rule 70 of the Committee's rules of procedure.
9. Follow-up to concluding observations on State reports and to Views under the Optional Protocol.
10. Consideration of communications under the Optional Protocol to the Covenant.
11. Adoption of the annual report to the General Assembly.

## **Annotations**

### **1. Opening of the session by the representative of the Secretary-General**

The representative of the Secretary-General will open the 104th session of the Committee.

### **2. Solemn declaration by the newly elected member of the Committee in accordance with article 38 of the Covenant**

In accordance with article 38 of the Covenant and rule 16 of the rules of procedure, the members of the Committee elected at the thirtieth meeting of States Parties to the Covenant on 17 January 2012 will make the following solemn declaration:

"I solemnly undertake to discharge my duties as a member of the Human Rights Committee impartially and conscientiously".

### **3. Adoption of the agenda**

Under rule 8 of the Committee's rules of procedure, the first item on the agenda for any session shall be the adoption of the agenda. In accordance with rule 9, the Committee may revise the agenda during a session and may, as appropriate, defer or delete items.

#### **4. Organizational and other matters, including the adoption of the report of the pre-sessional working group on individual communications**

Under this item, the Committee will consider miscellaneous issues relevant to the Committee's business.

#### **5. Meeting with representatives of United Nations bodies, specialized agencies, national human rights institutions and non-governmental organizations**

At each session, the Committee hears representatives of non-governmental and intergovernmental organizations represented at the United Nations offices at Geneva and New York. The following meetings have accordingly been scheduled: for specialized agencies on 12 March from 12 to 12.30 p.m.; for NHRIs and NGOs on the Dominican Republic on 12 March from 12.30 to 1 p.m.; for NHRIs and NGOs on Yemen and Turkmenistan on 14 March from 12 to 1 p.m., and for NHRIs and NGOs on Guatemala, Mozambique and Cape Verde on 19 March from 11.30 a.m. to 1 p.m.

#### **6. Submission of reports by States parties under article 40 of the Covenant**

For the situation with regard to the submission of reports by States parties under article 40 of the Covenant, reference is made to chapter III and annexes III and IV of the Committee's annual report to the General Assembly for 2011 (A/66/40, vol. I).

#### **7. Consideration of reports submitted by States parties under article 40 of the Covenant**

The reports to be considered during the 104th session are those of Dominican Republic, Yemen, Turkmenistan and Guatemala. A tentative timetable for the consideration of reports at the 104th session, prepared in consultation with the Committee, is given below:

**Timetable for consideration of reports under article 40 of the Covenant**

Dominican Republic	Fifth periodic report (CCPR/C/DOM/5)	Monday 12 March 2012, p.m. Tuesday 13 March, a.m.
Yemen	Fifth periodic report (CCPR/C/YEM/5)	Wednesday 14 March, p.m. Thursday 15 March, a.m.
Turkmenistan	Initial report (CCPR/C/TKM/1)	Thursday 15 March, p.m. Friday 16 March, a.m. and p.m.
Guatemala	Third periodic report (CCPR/C/GTM/3)	Monday 19 March, p.m. Tuesday 20 March, a.m.

In accordance with rule 68 of the Committee's rules of procedure, the Secretary-General has informed

the States parties concerned of the dates on which their respective reports are scheduled for consideration by the Committee at its 104th session.

Country report task forces will examine and adopt lists of issues on the reports of the Philippines, Bosnia and Herzegovina, Paraguay, Portugal and Turkey.

#### **8. Consideration of country situations in the absence of reports, pursuant to rule 70 of the Committee's rules of procedure.**

The Committee will also consider the situation of civil and political rights protected under the Covenant in Mozambique and Cape Verde in the absence of a report on Tuesday 20 March, p.m., and Wednesday 21, a.m.

#### **9. Follow-up to concluding observations on State reports and to Views under the Optional Protocol**

At its seventy-fourth session, the Committee adopted decisions governing the procedure for following up on concluding observations. During the seventy-fifth session, a Special Rapporteur for follow-up on concluding observations was appointed; she will provide a progress report on his activities during the 104th session. The Special Rapporteur for follow-up on Views will also provide a progress report on his activities.

#### **10. Consideration of communications under the Optional Protocol to the Covenant**

In accordance with the provisions of chapter XVII of the rules of procedure, the Committee will consider under this item communications which are or appear to be submitted to it under the Optional Protocol.

A total of 340 communications were pending before the Committee as of 1 December 2011. Pursuant to the Committee's new rules of procedure allowing the joint examination of admissibility and merits in most cases, the Committee's examination of these communications may result in the adoption of Views, or in decisions declaring the communications admissible or inadmissible.

In accordance with article 5, paragraph 3, of the Optional Protocol and rule 88 of the Committee's rules of procedure, this agenda item will be considered in closed meetings.

#### **11. Adoption of the annual report to the General Assembly**

**Proposed Programme of Work**  
**as of 6 March 2012 (SUBJECT TO CHANGE)**  
**104<sup>th</sup> session – 12 – 30 March 2012**  
**NEW YORK – 4 North Lawn Building**

Monday, 12 <sup>th</sup> March 2012	a.m. 2863 <sup>rd</sup>	10h00 Opening of session, solemn oath of office new members, adoption of agenda, report of working group (public) 11h00 Tribute to Mr. Abdulfattah Amor (public) 12h00 Briefings by UN organizations, and specialized agencies (closed) 12h30 NHRIs and NGOs on the Dominican Republic only (closed)
	p.m. 2864 <sup>th</sup>	15h00 Fifth report of the Dominican Republic (CCPR/C/DOM/5) (public)
Tuesday, 13 <sup>th</sup> March 2012	a.m. 2865 <sup>th</sup>	10h00 Fifth report of the Dominican Republic (CCPR/C/DOM/5) (public)
	p.m. 2866 <sup>th</sup>	15h00 Working Methods (closed)
Wednesday, 14 <sup>th</sup> March 2012	a.m. 2867 <sup>th</sup>	10h00 Bureau meeting (closed) 11h00 Communications (closed) 12h00 NHRIs and NGOs on Yemen and Turkmenistan (closed)
	p.m. 2868 <sup>th</sup>	15h00 Fifth report of Yemen (CCPR/C/YEM/5) (public)
Thursday, 15 <sup>th</sup> March 2012	a.m. 2869 <sup>th</sup>	10h00 Fifth report of Yemen (CCPR/C/YEM/5) (public)
	p.m. 2870 <sup>th</sup>	15h00 Initial report of Turkmenistan (CCPR/C/TKM/1) (public)
Friday, 16 <sup>th</sup> March 2012	a.m. 2871 <sup>st</sup>	10h00 Initial report of Turkmenistan (CCPR/C/TKM/1) (public)
	p.m. 2872 <sup>nd</sup>	15h00 Initial report of Turkmenistan (CCPR/C/TKM/1) (public)

Monday, 19 <sup>th</sup> March 2012	a.m. 2873 <sup>rd</sup>	10h00 Communications (closed) 11h30 NHRIs and NGOs briefings on Guatemala and Cape Verde(closed)
	p.m. 2874 <sup>th</sup>	15h00 Third report of Guatemala (CCPR/C/GTM/3) (public)
Tuesday, 20 <sup>th</sup> March 2012	a.m. 2875 <sup>th</sup>	10h 00 Third report of Guatemala (CCPR/C/GTM/3) (public)
	a.m. 2876 <sup>th</sup>	15h00 Communications
Wednesday, 21 <sup>st</sup> March 2012	a.m. 2877 <sup>th</sup>	10h00 Country situation of Cape Verde in the absence of a report (public)
	p.m. 2878 <sup>th</sup>	15h00 Bureau meeting (closed) 16h00 Communications (closed)
Thursday, 22 <sup>nd</sup> March 2012	a.m. 2879 <sup>th</sup>	10h00 Communications (closed)
	p.m. 2880 <sup>th</sup>	15h00 Working Methods (public)
Friday, 23 <sup>rd</sup> March 2012	a.m. 2881 <sup>st</sup>	10h00 Communications (closed)
	p.m. 2882 <sup>nd</sup>	15h00 Working Methods (public)

Monday, 26 <sup>th</sup> March 2012	a.m. 2883 <sup>rd</sup>	10h00 Communications (closed)
	p.m. 2884 <sup>th</sup>	15h00 Communications (closed)
Tuesday, 27 <sup>th</sup> March 2012	a.m. 2885 <sup>th</sup>	10h00 Bureau meeting (closed) 11h00 Progress report of Special Rapporteur on Follow-up to Concluding Observations (public) 12h00 Progress report of Special Rapporteur on Follow-up to Views (public)
	p.m. 2886 <sup>th</sup>	15h00 Concluding Observations on the fifth periodic report of Dominican Republic (closed) Concluding Observations on the second periodic report of Yemen (closed)
Wednesday, 28 <sup>th</sup> March 2012	a.m. 2887 <sup>th</sup>	10h00 Concluding Observations on the second periodic report of Turkmenistan (closed) Concluding Observations on the Country situation of Cape Verde (closed)
	p.m. 2888 <sup>th</sup>	15h00 Concluding Observations on the second periodic report of Guatemala (closed)
Thursday, 29 <sup>th</sup> March 2012	a.m. 2889 <sup>th</sup>	10h00 Country report task force on the Philippines (closed) 11h00 Country report task force on Bosnia and Herzegovina (closed) 12h00 Country report task force on Paraguay (closed) 13h00 Press Conference (public)
	p.m. 2890 <sup>th</sup>	15h00 Committee's Annual Report to the General Assembly (public)
Friday, 30 <sup>th</sup> March 2012	a.m. 2891 <sup>st</sup>	10h00 Country report task force on Portugal (closed) 11h00 Country report task force on Turkey (closed) 12h 00 Working Methods (public) )
	p.m. 2892 <sup>nd</sup>	15h00 Working Methods and announcement of bureau decisions (public)

NB: Any remaining time will be allocated to consideration of communications.



## HUMAN RIGHTS COMMITTEE

HRCtte

104<sup>th</sup> session (March 2012)

New York

### NGO Information Note

#### Human Rights Committee Members

The Human Rights Committee (hereinafter 'the HRCtte') consists of 18 members, serving in their personal capacity. For the details about all HRCtte members, see: <http://www2.ohchr.org/english/bodies/hrc/members.htm>

#### Venue of the session

The 104<sup>nd</sup> session of the HRCtte will take place in New York, UN Headquarters, 4 North Lawn Building.

#### States parties to be examined

The HRCtte will examine the reports and country situations in the following six States parties during its 104<sup>nd</sup> session: **Fifth Report of Dominican Republic; Fifth Report of Yemen; Initial report of Turkmenistan; Third report of Guatemala; Mozambique (in the absence of a report) (this was subsequently postponed/State party commits to producing a report by February 2012); and Cape Verde (in the absence of a report).**

#### Adoption of List of Issues

The HRC will also adopt list of issues on the following 5 State parties: **Fourth report of the Philippines; Second report of Bosnia and Herzegovina; Third report of Paraguay; Fourth report of Portugal; Initial report of Turkey.**

#### Documentation

The reports of the States parties, the provisional agenda (ICCPR/C/104/1) and other documents pertaining to the session are posted on the OHCHR website at <http://www2.ohchr.org/english/bodies/hrc/hrc>

s104.htm

#### Adoption of Concluding observations and List of Issues

Following the consideration of the States parties' reports during the 104<sup>nd</sup> session, the HRCtte will, in a closed meeting, adopt concluding observations that will assist the States parties concerned in the implementation of the Covenant. These concluding observations outline positive aspects, principal subjects of concern and the Committee's recommendations on how to address challenges faced by the States parties. Once the concluding observations have been adopted, the documents will be posted on the HRCtte Webpage under the relevant session.

The HRCtte will also adopt List of Issues to be transmitted to States parties. States parties are in turn expected to submit replies to the List of Issues. Both the List of Issues and Replies will be posted on the HRCtte webpage.

#### Follow-up report to concluding observations

The HRCtte considers a report on information received and activities undertaken in the context of follow-up to concluding observations at each session. NGOs may provide information on follow-up, in particular relating to follow-up reports received by States parties, to the Secretariat, which may be posted on the web. Following each session, the follow-up report adopted by the Committee is posted on the OHCHR website,

<http://www2.ohchr.org/english/bodies/hrc/hrcs104.htm>

#### NGO reports for the HRCtte at its sessions

The HRCtte welcomes written information, which should be as specific, reliable and

objective as possible, from international, regional, national and local organizations. NGO “alternative reports” which follow the same form of presentation as the reports submitted by the Government concerned, are especially welcome. NGO reports prepared by coalitions, rather than individual NGOs, are also encouraged.

All submissions to the HRCtte should be:

1. submitted in English, French or Spanish. As most HRCtte members use English as their working language, documents submitted in French and Spanish should, to the extent possible, be translated into English. Please note that **the UN Secretariat does not translate documents submitted by NGOs.**
2. transmitted to the HRCtte Secretariat in Geneva **by 30 December 2011 with respect to States upon which List of Issues will be adopted** (at least in electronic form) **and by 1 February for hardcopies of information relating to States upon which list of issues will be adopted (10 hardcopies).** For information on State parties to be examined by the Committee, electronic and hardcopies should be provided by **1 February (22 hardcopies).** These deadlines allow the Country Taskforces and other members of the HRCtte time to read the reports before the session and to include the content of them in their lists of issues (the preliminary draft of which is prepared long before the session).
3. **OHCHR does not reproduce NGO documents.**

**Hardcopies of documents received after the deadline (1 February) will not be sent to New York for the session.**

**NGOs may wish to send them directly to New York at the address below and they will be put in the Members meeting room but not in their files.**

#### ***4. Contacts of the Secretariat:***

Kate Fox Principi  
Secretary of the Human Rights Committee  
**kfox@ohchr.org**

Sindu Thodiyil  
HRCtte Administrative Assistant  
**[sthodiyil@ohchr.org](mailto:sthodiyil@ohchr.org)**

#### ***Postal address of the Secretariat Geneva:***

Human Rights Committee Secretariat  
8-14 Avenue de la Paix  
CH 1211 Geneva 10  
Switzerland  
**Attention: Kate Fox/Sindu Thodiyil**

#### ***Postal address of the Secretariat New York:***

**Human Rights Committee Secretariat  
United Nations OHCHR  
1 UN Plaza, Rm 511  
New York, NY 10017**

#### **Accreditation**

NGO representatives who wish to attend the session are requested to submit the **Complete grounds pass application (form SSS.160), Sections 1 and 3.**

They should also provide a list with the full name of the NGO, names of their representatives, and proposed dates of attendance to Ms. Sindu Thodiyil (**[sthodiyil@ohchr.org](mailto:sthodiyil@ohchr.org)**) by **1<sup>st</sup> March 2012**, so that arrangements can be made with the Accreditation Office for the issuance of the United Nations ground passes to enter United Nations premises.

A non-photo/day pass is issued for 5 days or less. Applicants may pick up their pass from The **Pass & ID Office (of Security Division)** with a valid photo ID (national passport or US driver's license or State Non-Driver's identification card bearing a photograph). No photocopies of documents will be accepted. Passes may be picked up

approximately 2 hours prior to a scheduled meeting or event.

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NGO representatives must bring their passports or identification cards every time they wish to enter UN premises.

**Please note that OHCHR will neither send letters of invitations to NGOs to attend HRCtte sessions nor assist with visa requests, travel or accommodation costs relating to their participation.**

#### **Informal meetings and lunchtime briefings**

NGO representatives are welcome to attend public meetings of the HRCtte as observers, but will not be given the opportunity to address the HRCtte during its meetings with the State delegation. Nevertheless, since the 103<sup>rd</sup> session NGO representatives have had the possibility of addressing the Committee in formal private sessions (closed meetings) with interpretation, for a half an hour per State party to be examined. These meetings are set out in the programme of work (ICCPR/C/104/1) and normally take place a day or two before the consideration of the State party concerned.

NGO may also organize *informal (without interpretation)* coffee briefings with members of the HRCtte at 14hrs for one hour on the day prior to or day of the examination. To find out the schedule of informal meetings, contact the CCPR Centre, **info@ccprcentre.org** (**www.ccprcentre.org**) – an NGO which coordinates NGO participation and

collaboration with the Committee - or the Secretariat.

There will be a designated room for these briefings.

Please contact the HRCtte Secretariat ([sthodiyil@ohchr.org](mailto:sthodiyil@ohchr.org)) preferably **before 1 March 2012 to confirm attendance at a formal briefing and/or coffee briefing with the members.**

#### **Further information**

For more information on how NGOs can participate in the reporting process, please consult the NGO Guidelines available on the ICCPR Centre Website: **www.ccprcentre.org**



## HUMAN RIGHTS COMMITTEE

HRCtte

104<sup>th</sup> session (March 2012)

New York

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s104.htm

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#### Follow-up report to concluding observations

The HRCtte considers a report on information received and activities undertaken in the context of follow-up to concluding observations at each session. NHRIs may provide information on follow-up, in particular relating to follow-up reports received by States parties, to the Secretariat, which may be posted on the web. Following each session, the follow-up report adopted by the Committee is posted on the OHCHR website, <http://www2.ohchr.org/english/bodies/hrc/foll>

owup-procedure.htm.

### **NHRI reports for the HRCtte at its sessions**

The HRCtte welcomes written information, which should be as specific, reliable and objective as possible, from international, regional, national and local organizations. NHRI “alternative reports” which follow the same form of presentation as the reports submitted by the Government concerned, are especially welcome.

All submissions to the HRCtte should be:

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Secretary of the Human Rights Committee  
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United Nations OHCHR  
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New York, NY 10017.

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There will be a designated room for these

briefings.

Please contact the HRCtte Secretariat (sthodiyil@ohchr.org) preferably **before 1 March 2012 to confirm attendance at a formal briefing and/or coffee briefing with the members.**

#### **Further information**

For more information on how NHRIs can participate in the reporting process, please consult: the HRCtte Secretariat abovementioned and/or

**Liza Sekaggya**, National Institutions and Regional Mechanisms Section, FOTCD, [lsekaggya@ohchr.org](mailto:lsekaggya@ohchr.org) and/or

**Katharina Rose**, International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC)

**k.rose@europe.com**

For further information on how NHRIs can engage with the treaty bodies generally please consult the **Practical Information note** <http://nhri.ohchr.org/EN/IHRS/TreatyBodies/Pages/default.aspx>.

## Committee on Economic, Social and Cultural Rights, 48<sup>th</sup> session

### **Tentative Programme of Work**

#### **48<sup>th</sup> Session of the Committee on Economic, Social and Cultural Rights**

**Geneva, 30 April – 18 May 2012**


**Palais Wilson. Ground floor - Conference Room**

Monday, 30 April 2012	10.00	Items 1,2,7,9,3	Adoption of agenda/ Submission of reports/Organization of work /Substantive issues/Miscellaneous matters
	15:00	Items 5 & 3	Meetings with partners (UN, NGOs, etc.)/Substantive issues
Tuesday, 1 May 2012	10:00	Item 6	Slovakia
	15:00	Item 6	Slovakia
Wednesday, 2 May 2012	10:00	Item 6	Slovakia
	15:00	Item 6	Peru
Thursday, 3 May 2012	10:00	Item 6	Peru
	15:00	Item 6	Peru
Friday, 4 May 2012	10:00	Item 6	New Zealand
	15:00	Item 6	New Zealand
Monday, 7 May 2012	10.00	Item 6	New Zealand
	15:00	Item 6	Spain
Tuesday, 8 May 2012	10:00	Item 6	Spain
	15:00	Item 6	Spain
Wednesday, 9 May 2012	10:00	Item 6	Ethiopia
	15:00	Item 6	Ethiopia
Thursday, 10 May 2012	10:00	Item 6	Ethiopia
	15:00	Item 7	Closed meeting
Friday, 11 May 2012	10:00	Item 3	Closed meeting
	15:00	Item 3	Closed meeting
Monday, 14 May 2012	10.00	Item 3	Closed meeting
	15:00	Item 3	Closed meeting
Tuesday, 15 May 2012	10:00	Item 3,6	Closed meeting
	15:00	Item 6	Closed meeting
Wednesday, 16 May 2012	10:00	Item 6	Closed meeting
	15:00	Item 6	Closed meeting
Thursday, 17 May 2012	10:00		<i>Official UN HOLIDAY</i>
	15:00		<i>Official UN HOLIDAY</i>
Friday, 18 May 2012	10:00	Items 3,6, 4, 8, 9	Closed Meeting
	15:00	Items 3,6, 4, 8, 9	Closed Meeting Public closing

3 January 2012

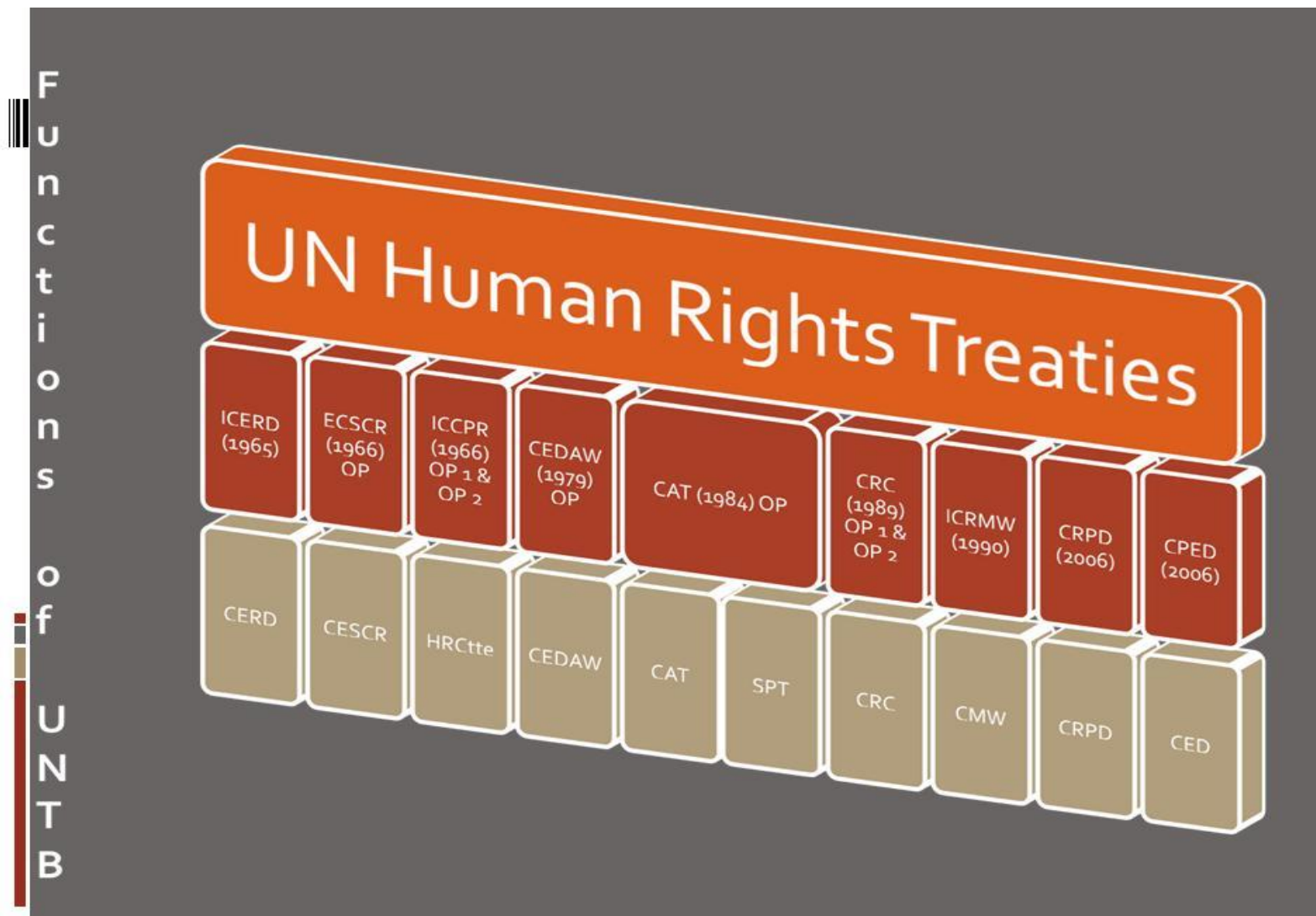
## The Center for Civil and Political Rights

### The Reporting Process before the UN Treaty Bodies — the Role of NGOs



**THE REPORTING PROCESS BEFORE  
THE UNTREATY BODIES**  
**THE ROLE OF THE NGOs**

The Centre for Civil and Political Rights (CCPR Centre)  
Patrick Mutzenberg: [pmutzenberg@ccprcentre.org](mailto:pmutzenberg@ccprcentre.org)



# Main Treaty Bodies Functions

Consider  
State  
Reports

Consider  
Individual  
Complaints

Adopt  
General  
Comments

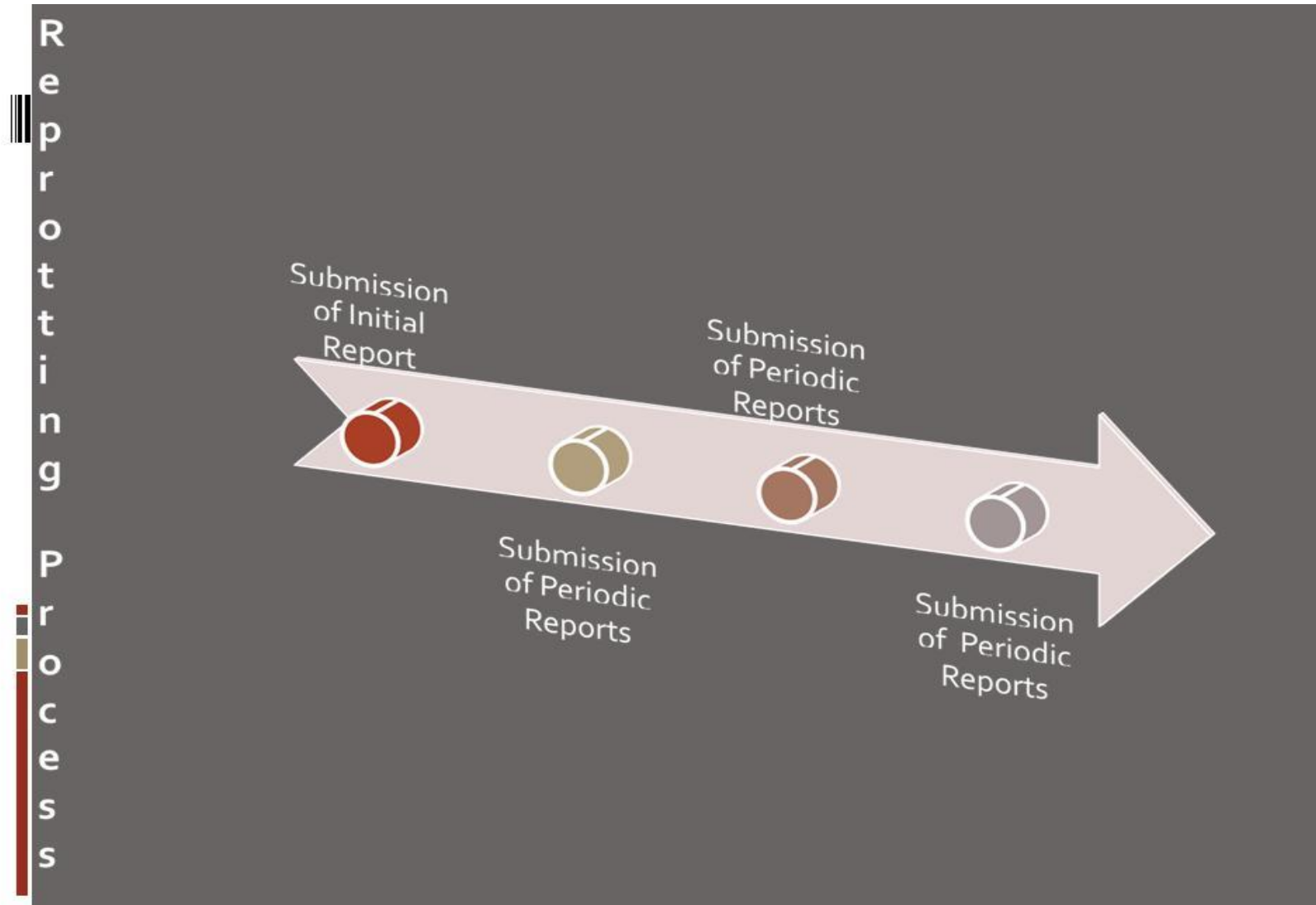
Conduct  
Enquiries

## Characteristics of the UNTB

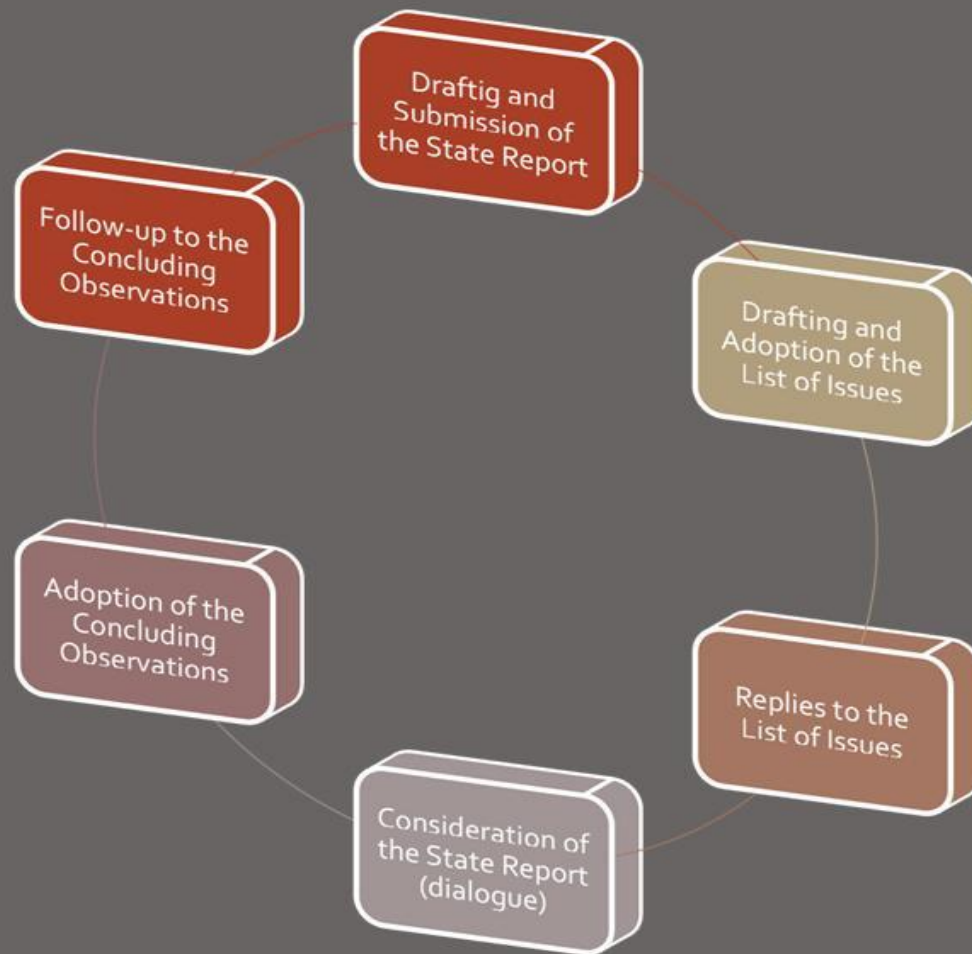
- Independent experts
- Elected
- Terms
- Meetings
  - GVA or NY
  - Public
- Working Methods & Rules of procedure
- Support of the Secretariat



# PART I: THE REPORTING PROCESS



# R e p r o t t i n g P r o c e s s





## PART II: THE ROLE OF THE CSO / NGO



## WHY CSO & NGO SHOULD PARTICIPATE TO THE REPORTING PROCESS?



Drafting and  
Submission  
of the State  
Report

NGO Participation  
to the State report

- Participation to the official process
- Level of independence?

## Drafting an NGO report before the List of Issues

### Preparation of an NGO report

- Be prepared well in advance (see timeline)
- Scope of the report
  - Structure
  - Previous CO
  - Main concerns
- Global report vs. Thematic report
- Working as a coalition
  - Advantage
  - Difficulties
- Any information is useful – and welcomed by the Committee

Timeline for  
submission  
of NGO  
written  
information

Before the  
List of  
Issues

## Responding to the List of Issues

### NGO's replies to the List of Issues

- Focus on the concerns of the Committee
- Why is it important?
- Update of NGO report

## Consideration of the Report

### Lobby activities at the session

- Formal briefing
  - Translation
  - Attendance
- Informal briefing
  - Practical issues
- Strategies for a successful lobby
- Interacting with the Committee

Timeline for  
submission  
of NGO  
written  
information

After the  
List of  
Issues

# Media awareness

## Before the session

- Content of the State report
- Concerns raised by the Committee

## At the session

- Feedback of the dialogue
- Publicity of the NGO report
- Press conference and PR



Questions ?

Thank you!!

More information:

[www.ohchr.org](http://www.ohchr.org) – see pages on follow-up

[www.ccprcentre.org](http://www.ccprcentre.org) – on the HR Committee

Follow-up to the UNTB Concluding Observations & Views — the Role of the Civil Society

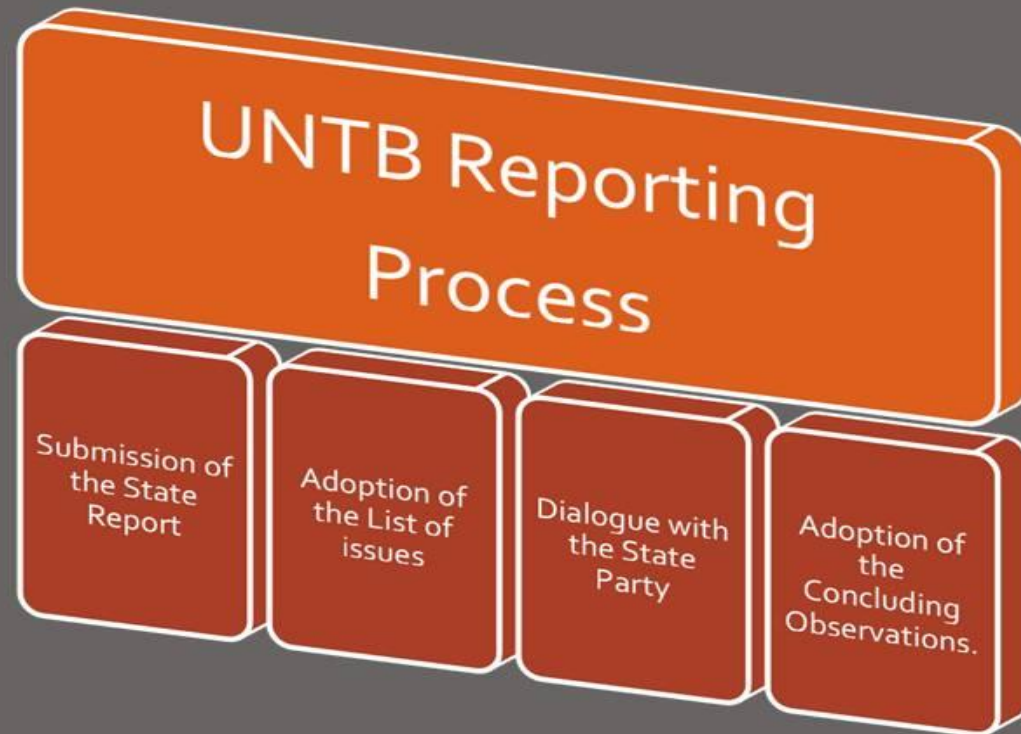


# **FOLLOW-UP TO THE UNTB CONCLUDING OBSERVATIONS & VIEWS**

## **THE ROLE OF THE CIVIL SOCIETY**

The Centre for Civil and Political Rights (CCPR Centre)  
Patrick Mutzenberg: [pmutzenberg@ccprcentre.org](mailto:pmutzenberg@ccprcentre.org)

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# Follow-up to the Concluding Observations

The adoption of the Concluding Observations is NOT the last step of the reporting process.

The follow-up process is the most challenging part of the reporting process

Raising awareness about the Concluding Observations

Working with the civil society

Advocacy

Report back to the Treaty bodies



# RAISING AWARENESS ABOUT THE CONCLUDING OBSERVATIONS

# || Raising awareness about the Concluding Observations

Get the Concluding Observations as soon as possible:

- The Concluding Observations are adopted at the end of the session
- Available on the OHCHR's website on the UNTB's pages
- Ask for support to get them to the NGOs working with the UNTB.

Issuing press releases and organising press conferences:

- Issuing press releases, as soon as possible to ensure that the national media are aware of the UNTB Recommendations.
- Organise press conferences at the national level.

# Raising awareness about the Concluding Observations

Make the Concluding Observations available in the national languages:

- Should be translated by the States.
- Importance to translate in all languages.
- If not translated by the States, NGO may take a leading role and ensure that they are accessible to all the national, regional and local authorities.

Disseminate the Concluding Observations:

- NGOs and associations
- Trade Unions
- Universities
- Religious Groups
- Lawyers and Courts



# WORKING WITH THE CIVIL SOCIETY

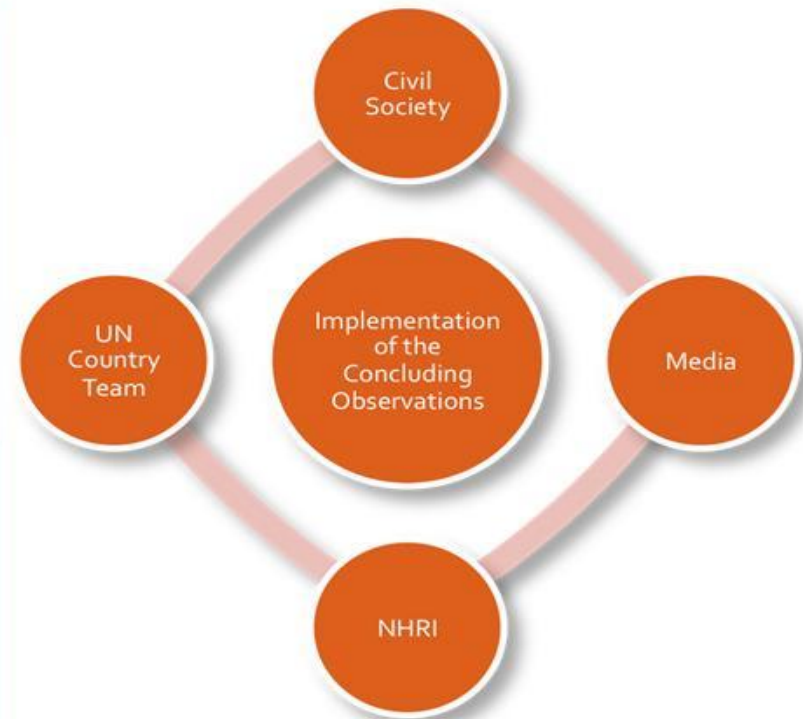
## Working with the Civil Society

Organisation of workshops to discuss the Concluding Observations (CO):

- NGOs , Religious Groups, Universities, Trade Unions
- Involve the NHRI and the UN National Team

Outcome of the workshop:

- Identification of the most urgent CO
- Identify the role of the NGO in the implementation of the CO
- Come up with a plan of action for lobby actions
- Ensure regular meetings





ADVOCACY

## III Advocacy

The States Parties have the primary responsibility to implement the Concluding Observations:

- The implementation of the Concluding Observations is *in fine*, the ultimate objective of the NGOs.
- This is probably the most challenging aspect of the follow-up process as the result may be mitigated, depending of the willingness of the State authorities to cooperate and be actively involved in implementation.

Possible actions:

- Identify the key Ministries & departments
- Organise a round table where NGOs can:
  - Share the outcome of the civil society workshops
  - Discuss a possible plan of action and suggest priorities
  - Suggest support of the Civil Society
- Ensure regular meetings with the national authorities



# REPORT BACK TO THE UNTREATY BODIES

# Report back to the UN Treaty Bodies

## The follow-up procedure:

- Most of the UNTB have established a follow-up procedure to the Concluding Observations and the Views. Special Rapporteurs on CO and Views are appointed.
- Specific Concluding Observations are identified for the follow-up procedure (up to 4).
- The follow-up procedure requires that States Parties inform the Committees on the measures taken to implement the CO within one year and 6 months of the Views.

## The role of the NGOs:

- NGOs have an active role to play in the follow-up procedure, as the UNTB rely on them to objectively evaluate what steps have in fact been undertaken by the authorities.
- NGO should send their own progress reports to the UN TB on the selected Concluding Observations (only) and the Recommendations of the Views.
- Progress reports should also assess the replies provided by the States Parties (available online and only for the CO).

# Assessment of the implementation of the CO and Views: A Grading System

## Formal Assessment

### Grade 1:

Response complete – information requested is provided

### Grade 2:

Response not complete: information submitted is not complete

### Grade 3:

No Cooperation – No information provided.

## Assessment of the implementation

**Grade A: Response of the State Party satisfactory**

**A1** Response fully satisfactory

**A2** Response largely satisfactory

**Grade B: Response of the State Party partially satisfactory**

**B1** Response partially satisfactory: progress made, but need for additional information

**B2** Response partially satisfactory: progress made, but additional action required

**B3** Response partially satisfactory: initial action taken - implementation still pending

**Grade C: Response not satisfactory**

**C** No action taken by the State Party to implement the recommendation.

## McCallum v. South Africa Follow Up (as of July 2011)

CCPR/C/100/D/1818/2008  
Communication No. 1818/2008  
25 Oct. 2010 (adoption of views)  
28 April 2011 (180 days)

### Recommendation and Implementation\* (as of July 2011)

Recommendation	Implementation Grade
Investigation	D3
Prosecution	C
Reparation	C
Prevention of Similar Violation	C
Publication	C

### Implementation

- State representative contacted victim's attorney, Mr. Oswald, and the attorney was able to reopen criminal proceedings. The case number is 51/5/2011 and the Investigating Officer is Captain Gobler.
- 180 days passed without significant implementation. The State has made initial contact with the UN explaining the delay is due to counsel sickness and a backlog of cases.
- Mr. Oswald was contacted by the State Attorney asking for a copy of the complaints submitted to the United Nations.
- On 30/6/2011 the Victim's attorney was informed that the State will not prosecute the case further.

### Assessment of Implementation

- The case has been referred back to the same Police Station which should have dealt with the matter initially. The local Police Stations are under-resourced. Mr. Oswald, the representing attorney believes that the matter should have been investigated from a national level. This would have been a more efficient approach, especially because there have been 234 complaints and many of those initially in custody have been released and have moved throughout the country.
- The most effective way of getting relief to Mr. McCallum and his fellow victims would be to ensure that the State settles the civil case as soon as possible. The State's delay is exhausting Mr. McCallum's limited resources, providing another hurdle to prosecuting the claim to finally.
- The victim's attorney is not aware of any publication of the Committee's views by the State.

### Victim

Braceley McCallum has been released on parole. He is unemployed and is experiencing financial difficulties. The Eastern Cape suffers from a depressed economy and Mr. McCallum's attorney does not believe he has good prospects of finding employment in the near future.

### Violations

- Article 7
- Article 7 in conjunction with article 2, §3
- Article 10, §1

### Concerns

- Implementation steps have no positive effect on victim
- Concern about effective investigation
- Potential delay tactic
- Final decision made to not prosecute

### Sources

- Egar A. Oswald, victim's attorney.

**Evaluación de Comisión Ecuménica de Derechos Humanos / CCPR sobre la ejecución de las recomendaciones**  
**El informe completo está disponible en nuestra página de Internet [www.ccprcentre.org](http://www.ccprcentre.org)**

<b>Recomendación Párrafo 9</b>	<b>Calificación</b>	<b>Resumen</b>
El Estado parte debe proceder a la investigación y castigo de los agresores	R2	El Estado debe investigar y sancionar en tribunales penales, los delitos contra mujeres y niñas
Permitir un acceso efectivo a la justicia a las víctimas de violencia de género.	C1	El Estado debe brindar asesoría jurídica gratuita en tribunales a las mujeres y garantizar adecuada investigación penal
Otorgar una protección policial a las víctimas, así como la creación de albergues donde puedan vivir dignamente	R2	Estado debe establecer a nivel nacional centros de atención a víctimas al igual que establecerse en todas las provincias las salas de atención primaria de salud.
Redoblar sus esfuerzos para proporcionar un ambiente educativo libre de discriminación y violencia a través de campañas de sensibilización y la capacitación de los funcionarios y estudiantes	R2	Debe incorporarse en malla curricular educativa de los niveles primario, secundario e incluso universitario materias de derechos humanos y género. Los programas de capacitación a docentes deben ser permanentes
Tomar medidas de prevención y sensibilización sobre la violencia de género	R3	Debe establecer programas permanentes de capacitación en derechos humanos y género dirigido al personal de la Fuerza Pública y personal penitenciario

<b>Recomendación Párrafo 13</b>	<b>Calificación</b>	<b>Resumen</b>
El Estado debe tomar medidas inmediatas y eficaces para poner fin a dichos abusos, vigilar, investigar y cuando proceda, enjuiciar y sancionar a los miembros de las fuerzas del orden que cometan actos de malos tratos así como resarcir a las víctimas.	R3	El Estado debe informar detalladamente en cuantos casos por violación a derechos humanos ha impuesto sanciones administrativas y judiciales. Debe tipificar el delito de desaparición forzada y adecuar la tipificación del delito de tortura y establecer un mecanismo para reparar a las víctimas.

El Estado debe redoblar las medidas de formación de las fuerzas del orden sobre derechos humanos a fin de que no incurran en las mencionadas conductas

R3

A materia de derechos humanos debe ser parte de la currícula de formación de los agentes de la Fuerza Pública, los cursos deben ser permanentes y no eventuales y llegar a todos los miembros de la fuerza pública a fin de que adquieran conciencia de la importancia del respeto a los derechos humanos.

<b>Recomendación Párrafo 19</b>	<b>Calificación</b>	<b>Resumen</b>
El Estado parte debe adoptar medidas adecuadas para velar por la aplicación práctica de las disposiciones constitucionales y legales que garantizan el principio de no discriminación contra las poblaciones indígenas y el pleno cumplimiento de los artículos 26 y 27 del Pacto.	C1	El estado no debe criminalizar la protesta social indígena y sus autoridades deben abstenerse de emitir pronunciamientos con contenido racista

**A:** Completamente ejecutada

**R1:** Parcialmente ejecutada -La mayoría de los requisitos fueron cumplidos

**R2:** Parcialmente ejecutada -Se ha progresado, pero es necesaria una mayor intervención

**R3:** Parcialmente ejecutada -Se han tomado medidas iniciales (pero no se ha avanzado en la ejecución)

**C1:** Respuesta recibida a los asuntos y recomendaciones, pero sin adoptar medidas para la ejecución de la recomendación.

**C2:** Respuesta recibida, pero sin ser relevante a los asuntos y recomendaciones sugeridas.

## Take advantage of the other UN Mechanisms

### Reporting process to the other UN Treaty bodies

- Organise follow-up missions with Members of the UN TB
- Follow-up to the Concluding Observations when a State Party is reviewed by another UN TB.
- Request follow-up to the Views in the regular UN TB State Report Review.

### Reporting process to the Human Rights Council (UPR)

- NGO should provide information to the UPR, this will be added in the « *stakeholders submission* » prepared by the OHCHR.
- Advocacy to the HR Council.



Questions ?

Thank you!!

More information:

[www.ohchr.org](http://www.ohchr.org) – see pages on follow-up

[www.ccprcentre.org](http://www.ccprcentre.org) – on the HR Committee

## **The International Commission of Jurists**

### **About Us**<sup>\*</sup>

#### **OVERVIEW**

The International Commission of Jurists is dedicated to the primacy, coherence and implementation of international law and principles that advance human rights.

What distinguishes the International Commission of Jurists (ICJ) is its impartial, objective and authoritative legal approach to the protection and promotion of human rights through the rule of law.

The ICJ provides legal expertise at both the international and national levels to ensure that developments in international law adhere to human rights principles and that international standards are implemented at the national level.

#### **ICJ Conferences**

Since the founding International Congress of Jurists hosted in West Berlin in 1952, the International Commission of Jurists has through the ensuing decades and numerous subsequent conferences defined the Rule of Law and made important contributions to the elaboration of principles and norms of international human rights law, especially in respect of the administration of justice.

*For more on ICJ Conferences please [click here](http://icj.org/default.asp?nodeID=430&langage=1&myPage=About_us).*

#### **Statute**

More details on the ICJ mission statement and organisational structure are contained in the ICJ's Statute.

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<sup>\*</sup> 資料來源： [http://icj.org/default.asp?nodeID=430&langage=1&myPage=About\\_us](http://icj.org/default.asp?nodeID=430&langage=1&myPage=About_us)

*For a copy of the Statute please [click here](#).*

### **ICJ History**

For over five decades, the ICJ has played a seminal role in establishing international human rights standards and working towards their implementation. Through pioneering activities, including inquiry commissions, trial observations, fact-finding missions, public denunciations and quiet diplomacy, the ICJ has been a powerful advocate for justice.

*For more information please [click here](#).*

### **Awards & Recognition**

The International Commission of Jurists has during its prestigious history received a number of leading international human rights awards recognising its legal contribution to the promotion and development of international human rights standards and practice.

*For more information please [click here](#).*

## International Human Rights Law & Migration : Stakeholder Training\*



### **INTERNATIONAL HUMAN RIGHTS LAW & MIGRATION: STAKEHOLDER TRAINING**

9.15 – 9.30	Introduction & training objectives
9.30 – 10.00	Migration & International human rights law <i>Standards &amp; principles; regional &amp; global standards; general principles; main actors</i>
10.00 – 10.30	International Refugee Law & asylum procedures
10.30 – 11.00	Human rights in Maltese national law & practice
11.00 – 11.30	Questions & discussion
11.30 – 11.45	<i>Coffee Break</i>
11.45 – 12.15	Human rights, living conditions & social services <i>Rights to an adequate standard of living &amp; to benefits; right to adequate housing; right to the highest attainable standard of health; right to education</i>
12.15 – 12.30	Questions and discussion
12.30 – 13.00	Detention of migrants <i>Article 5 ECHR; place and conditions of detention; procedural protection; detention of children &amp; vulnerable persons</i>
13.00 – 13.30	Questions & discussion



\* 資料來源：[http://www.icj.org/dwn/database/StakeholdersTrainingProgramme\(September2011\).pdf](http://www.icj.org/dwn/database/StakeholdersTrainingProgramme(September2011).pdf)

## **International Human Rights Law & Migration : Civil Society Training**\*



### **INTERNATIONAL HUMAN RIGHTS LAW & MIGRATION: CIVIL SOCIETY TRAINING**

<b>14.30 – 14.40</b>	<b>Introduction &amp; Training Objectives</b>
<b>14.40 – 15.15</b>	<b>Migration &amp; International human rights law: standards &amp; principles</b> <i>Universality; non-discrimination; regional &amp; global standards; general principles; main actors</i>
<b>15.15 – 15.45</b>	<b>International Refugee law</b>
<b>15.45 – 16.15</b>	<b>Human rights in Maltese national law &amp; practice</b>
<b>16.15 – 16.30</b>	<b>Questions &amp; discussion</b>
<b>16.30 – 16.45</b>	<b>Coffee Break</b>
<b>16.45 – 17.30</b>	<b>Mainstreaming migrant issues</b> <i>Civil, political, economic, social &amp; cultural rights in context</i>
<b>17.30 – 18.00</b>	<b>Questions &amp; discussion</b>



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\*資料來源：[http://www.icj.org/dwn/database/CivilSocietyTrainingProgramme\(September2011\).pdf](http://www.icj.org/dwn/database/CivilSocietyTrainingProgramme(September2011).pdf)

