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HUMAN RIGHTS COMMITTEE

Eighth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC) \*/ OF THE 192nd MEETING

held at the Palais des Nations, Geneva,  
on Thursday, 25 October 1979, at 10.30 a.m.

Chairman: Mr. MAVROMMATIS

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\*/ The summary record of the second part (closed) of the meeting appears as document CCPR/C/SR.192/Add.1.

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The meeting was called to order at 10.55 a.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

1. The CHAIRMAN said that the Secretary of the Inter-Parliamentary Union had just transmitted a document on the Union's recent work in the field of human rights and that copies were available to members of the Committee, in English, French and Spanish.
2. He also informed the Committee that he had just talked to the person in charge of the Information Service, who had said that the lack of press releases on the work of the current session was due to the fact that the press officer responsible for preparing them was rather new and did not know how to proceed, and that, in the circumstances, it would be a good idea to establish liaison between the Division of Human Rights and the Information Service, so as to give the press officer some guidance in his work; the person in charge of the Information Service had added that all necessary steps would be taken to ensure that the work of the next session was properly reported. He (the Chairman) thought that the officer concerned could be given some explanations on the work of the Committee at an informal meeting.
3. Mr. BOUZIRI said that it was the responsibility of the Information Service to prepare press releases and that of the United Nations to recruit qualified people for that purpose. It was inadmissible to be informed that the person assigned to that task was inexperienced and needed to be told how to set about it.
4. The CHAIRMAN observed that certain criticisms expressed in the past had made the Information Service extremely circumspect.
5. Mr. TOMUSCHAT said he shared Mr. Bouziri's feelings of dissatisfaction. It was not a question of personal qualifications, but an institutional problem concerning the responsibility of the Information Service, whose task was to prepare press releases; the inexperience of a particular individual did not justify failure to perform that task. The Committee expected the Information Service to ensure that, for the following session, competent people were available to prepare press releases and inform the public about the Committee's work.
6. The CHAIRMAN invited the Committee to resume consideration of the question of the submission of reports by States parties to the Covenant and drew attention... to the fact that the Committee had decided not to send reminders to States. It would, however, try to impress upon the representatives of States which had submitted a brief report the need to provide the Committee with fuller information. At its following session, the Committee would consider the reports of Canada, Mongolia, Iraq and, if possible, the report of Senegal.
7. Mr. MOVCHAN reminded the Committee that the Canadian delegation had expressed the wish that its report should be considered in New York. The delegations of Mongolia and Iraq, for their part, might express a desire for their reports to be considered at Geneva, since it was closer for them. It would then be difficult for the Committee to meet the requests of those three delegations.

8. The CHAIRMAN confirmed that the Canadian Government, which wished to send a large delegation for the consideration of its report, had felt that it would be more practical for the report to be considered in New York. Mongolia had requested that consideration of its report should be postponed from 1979 to 1980, but had not proposed any change with regard to the place of the session at which the report would be considered. If the reports which were currently scheduled for consideration were not received in time by the secretariat of the Committee, the Committee could consider other reports.
9. Sir Vincent EVANS said that, in his view, the Committee should adopt a fairly flexible approach and leave it to the Chairman and the secretariat of the Committee to act as they saw best. Some reports which had reached a sufficiently advanced stage of consideration could be examined, for example that of Hungary.
10. Mr. TARNOPOLSKY said that he would not be able to attend the beginning of the spring session, since it was to be held at Geneva instead of New York; he suggested that the order for consideration of reports should be altered and that Canada should not be the first on the list.
11. The CHAIRMAN suggested that Monday and Tuesday of the first week could be devoted to organizational matters, Wednesday and Thursday to consideration of the reports of Mongolia and Iraq, and Friday to the replies of the representatives of the Governments of those countries. As requested by Mr. Tarnopolsky, the report of Canada could be taken up during the second week and the report of Senegal, if possible, during the third week of the session.
12. It was so decided.
13. Mr. MOVCHAN noted that the Committee already had some experience in considering reports. In his view, the first three days of the following session should be devoted to general problems raised by their consideration. To date, opinions had been expressed individually by members of the Committee, either at informal or at formal meetings, without any attempt being made to arrive at a common point of view. It might perhaps be a good idea to set up a working group to assess those discussions. The specific proposals made by the members who had joined the Committee recently - Mr. Bouziri, Mr. Sadi and Mr. Diéye - should also be taken into account.
14. The CHAIRMAN pointed out that the first two days of the following session would be devoted to organizational matters, which would be considered at formal and informal meetings.

FUTURE MEETINGS (agenda item 7) (continued)

15. The CHAIRMAN drew attention to the fact that the Committee had taken note of the change of venue proposed for the forthcoming spring session and had requested the appropriate services at Headquarters to accommodate the spring session in New York, as initially decided by the Committee. The services at Headquarters had informed him that, for technical reasons, they were not able to provide the Committee with the necessary space and services for its spring session. However, the Committee could hold its summer session in New York if it wished to do so.

16. He understood that the Government of the Federal Republic of Germany was prepared to act as host for one of the Committee's 1981 sessions and would like to know where it stood on that subject, in view of the financial implications of such a meeting. If there was no objection, he would take it that the Committee agreed to hold one of its 1981 sessions in the Federal Republic of Germany, if the Government of that country confirmed its invitation.

17. It was so decided.

18. The CHAIRMAN said that several members of the Committee had expressed the wish that the Committee should hold one of its forthcoming sessions in a developing country, either in Latin America or in Africa. If a decision to that effect was taken, the Secretariat should make sure that it did not involve too much expenditure for the host developing country.

19. If a resolution on the Committee's work was submitted to the Third Committee, the Secretariat could ensure that a paragraph reflecting the Committee's decision was included in it. He understood that the Third Committee had begun its work by considering human rights questions. The report of the Human Rights Committee should be considered at the end of October or at the beginning of November.

20. Mr. SADI pointed out that if the forthcoming spring session was held in Geneva, five consecutive sessions would have taken place at Geneva; that would be contrary to the Covenant, which was also the Committee's constitution.

21. The CHAIRMAN said that, if the forthcoming spring session was held at Geneva, the summer session could be held in New York if the Committee so decided. If the Committee was insistent that the following spring session should be held in New York, it should so inform Headquarters immediately.

22. Mr. GRAEFRATH observed that, while the holding of the United Nations Conference on the Law of the Sea in New York in spring 1980 presented difficulties, the organization of a session in New York in summer also had its drawbacks.

23. Mr. OPSAHL noted with regret that it was the third year in succession that the Committee had had difficulties with Headquarters over its meetings in New York. The Committee should not be obliged to change its system for internal reasons at Headquarters and its own problems should be taken into account. In his view, priority should be given to Geneva, even for the summer session.

24. Mr. SADI stressed that, in accordance with article 37, paragraph 3, of the Covenant, which was its constitution, the Committee should normally meet at the Headquarters of the United Nations or at the United Nations Office at Geneva. To hold four or five consecutive sessions of the Committee at Geneva was therefore contrary to the spirit and letter of the Covenant. The Committee should approach the Secretariat in New York and insist that its spring session should be held there; the Committee might win its case. There should be no inconvenience to the United Nations Conference on the Law of the Sea, in view of the kind of room required for the Committee's meetings.

25. Sir Vincent EVANS pointed out that, since the autumn 1980 session could not be held in New York, because of the General Assembly, five consecutive sessions would take place in Geneva if the Committee did not meet in New York in July 1980. Factors other than the climate must be taken into consideration, particularly the convenience of States parties submitting reports. For example, Barbados might well prefer New York for the consideration of its report, as might other States in that region.

26. Mr. HANGA said that in the modern world, planning played an extremely important role from the economic and legal point of view. It had been decided previously that the Committee's spring session would take place in New York and that decision had been accepted by the responsible bodies. If, now, the Committee was made to hold that session in Geneva, it could not be blamed for failure to respect the Covenant. With regard to the summer session, Mr. Sadi had noted that the information opportunities there in summer were very limited; he suggested that the summer session should be held either in Geneva, or in another city such as Vienna.

27. Mr. OPSAHL said it was the decision not of the Committee but of other bodies which prevented the Committee's sessions from alternating in the manner provided for in the Covenant. He personally was opposed to a change in the venue of the Committee's following summer session, but that was for family and not climatic reasons.

28. Mr. KELANI endorsed the comments made by Mr. Opsahl and Mr. Hanga. It was the New York Secretariat which had changed the venue of the session and, if the Covenant was not respected in that regard, the fault lay with the Secretariat. He would prefer the three sessions in 1980 to be held at Geneva.

29. Mr. TARNOPOLSKY pointed out that the Committee had decided in good time on the venues and dates for its 1980 sessions. Its members might well have entered into commitments in consequence and it seemed that the Secretariat, in calling for a change in its schedule of meetings, was paying very little heed to that fact.

30. Mr. PRADO VALLEJO said that he, too, thought that the decision taken by the Secretariat in New York showed a definite lack of respect for the members of the Committee. It was, unfortunately, irreversible at the present juncture. However, the Committee could still propose that the General Assembly should authorize it to meet elsewhere than in New York or Geneva, without thereby violating article 37, paragraph 3, of the Covenant, which provided that the Committee should normally meet at Headquarters or at the United Nations Office at Geneva.

31. Mr. SADI said he believed it was still possible to urge the Secretariat at New York to reconsider its request, explaining that the members of the Committee had already entered into family or professional commitments for the coming year in the light of the Committee's decision to hold its spring session in New York. He was quite sure that the Secretariat would be able to make a conference room available to the Committee.

32. Mr. MOVCHAN said he did not think that the Secretariat's decision showed disregard or disrespect for the Committee. The fact was that Headquarters had to receive the United Nations Conference on the Law of the Sea in the spring and all its resources might well be needed for that purpose. The Chairman could, however, contact the Secretariat and stress the provisions of article 37, paragraph 3, of the Covenant and the views expressed by the members of the Committee.

33. The CHAIRMAN said that he could also mention the preferences expressed by the Governments of States parties with regard to the place where they would like their reports to be considered - as, for example, in the case of Barbados.

34. Mr. GRAEFRATH stated that he, like Mr. Opsahl, would be unable to go to New York in July.

35. The CHAIRMAN said that he would not be able to take part in the work of the Committee during the third week of its summer session - specifically, the adoption of the report - if that session was held in New York, because he had to be in Geneva for the summer session of the Economic and Social Council.

36. Mr. DIEYE said that the Secretariat decision seemed to him to be discourteous, because the Committee had decided, before the Conference on the Law of the Sea had done so, to meet in New York in the spring and that decision should have been taken into account. The Committee must react firmly if its authority and prestige were not to be diminished.

37. The CHAIRMAN said that he would point out to the Secretariat that some members of the Committee would not be able to attend the summer session if it was held in New York and that it would therefore be practically impossible to obtain a quorum at a session during which, inter alia, the report to the General Assembly was to be adopted. He therefore suggested that the decision concerning the venue of the summer session should be postponed until the spring session, although that might be leaving it late.

38. Mr. NOVCHAN said he understood the difficulties that a summer session in New York raised for some members of the Committee, but felt that only the problems it would involve for the proper conduct of the Committee's business should be pointed out to the Secretariat; if Geneva afforded better guarantees in that respect, the Committee should hold its summer session there.

39. The CHAIRMAN said he understood that the Committee would have no difficulty in meeting in the spring, either at Geneva or in New York. It only remained for it to decide upon the venue of its summer session.

40. Mr. SADI requested the Chairman to draw the attention of the Secretariat to the provisions of article 37, paragraph 3, of the Covenant and to the fact that the Human Rights Committee was no less important than the Conference on the Law of the Sea and that several members of the Committee, for various reasons, had entered into commitments on the basis of the decision to hold the summer session in Geneva. The Secretariat might perhaps have to review its decision.

41. Mr. TARNOPOLSKY said that, in his view, the Committee could decide immediately that it would not be possible for it to hold its summer session in New York. Perhaps it should even cancel one of its 1980 sessions.

42. The CHAIRMAN said that both he and Mr. Diéye would urge the Secretariat in New York to make provision for the Committee to hold its spring session in New York. The members of the Committee would naturally be informed of the results of those efforts.

43. Mr. PRADO VALLEJO said that it would be unfortunate to cancel the March session.

44. Sir Vincent EVANS said that the Committee could take an immediate decision to hold its summer session at Geneva.

45. The CHAIRMAN said he understood that the Committee agreed to hold its summer session in Geneva.

46. Mr. ANABTAWI (Secretary of the Committee), replying to a question put by Mr. TONUSILAT, said that the ninth session of the Committee would be held from 17 March to 4 April, the tenth from 14 July to 1 August, and the eleventh from 20 to 31 October, and that in each case the Working Group would meet one week before the Committee.