

**INTERNATIONAL  
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ON CIVIL AND  
POLITICAL RIGHTS**



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HUMAN RIGHTS COMMITTEE

Ninth session

SUMMARY RECORD OF THE 196TH MEETING

Held at the Palais des Nations, Geneva,  
on Tuesday, 18 March 1980, at 10.30 a.m.

Chairman: Mr. MAVRÖMMATIS

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The meeting was called to order at 11.20 a.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2)

1. The CHAIRMAN submitted the draft programme and schedule of the Committee's work which had been examined by the Bureau. If there were no objections, he would consider the draft approved by the Committee.

2. It was so decided.

3. Mr. van BOVEN (Director of the Division of Human Rights) said that at the thirty-fourth session of the General Assembly great importance had been attached to the work of the Committee and several speakers had commended it for the quality of its work. A large number of representatives had praised the Committee's efforts to establish a dialogue with Governments. The representative of a country whose report had been considered by the Committee had expressed gratitude to the Committee for its careful and constructive criticism.

4. Several speakers had stressed the interdependence and indivisibility of all human rights, whether civil and political or economic, social and cultural, and had suggested that there should be co-ordination and interconnexion in the implementation of the two International Covenants on Human Rights. It had also been pointed out that human rights should be seen against the historical, political, economic, social and cultural conditions of the various countries and regions, and implemented in the light of the political, economic and social systems in the various States Parties.

5. On the subject of the Committee's rôle, it had been stated that its task was to analyse the reports provided by States in application of the Covenants and not to question the constitutional principles upon which the political organization of States or the fundamental values of national societies were based. It had been appreciated that the discussion of the reports submitted by States Parties made it possible to exchange useful information and experience, and it had been felt that such co-operation should be further extended on the basis of article 40 of the Covenant.

6. With regard to the Committee's methods of work, it had been suggested that, as a general rule, the Committee should not necessarily limit itself to the information in the reports submitted by the Government of a State Party but should also be able to draw upon other available information bearing on the implementation of the Covenant by that particular State Party. In so doing, the Committee should seek to establish a parallel between the contents of national reports and the real situation prevailing in a given country. It had been stated that consideration of the reports of States Parties proved that no country could claim that it had fully implemented human rights. Concerning the standards established in the Covenant, it had been recognized that some of the provisions of the Covenant might be in need of further elaboration either through the conclusion of additional instruments or through interpretation and application by the Human Rights Committee.

7. Some specific comments had been made on the report of the Committee (A/34/40). It had been stated, for example, that, though the Committee's report was a useful source of information, it should also look ahead and serve for the further promotion and protection of human rights. It had been asked why the Committee had reached a conclusion on only one of the reports considered (para.108 of the Committee's report). It had also been pointed out that the report did not give any indication of problems arising from the implementation of the Covenant. It had been felt that it would be useful for the Committee to give an indication of its interpretation of certain provisions of the Covenant and, if necessary, to draw attention to weak points that might need to be improved. It had been said that it was the General Assembly's responsibility to seek ways of dealing with the issues mentioned in the Committee's report and to draw political conclusions from it, and that the General Assembly would be unable to fulfil that responsibility if the Committee's report did not supply analytical information. It had also been suggested that a dialogue should be developed between the General Assembly and the Committee and it had been noted that, in contrast to previous reports, the Committee's latest report had given no indication of an exchange of views within the Committee on the comments made on its work by the Third Committee at the thirty-third session of the General Assembly. It had been further pointed out that owing to the Committee's schedule of meetings the General Assembly's review of the results of the Committee's third session each year had to be deferred until the following year. It had therefore been suggested that a way should be found of informing the Assembly of the work carried out and the decisions taken by the Committee at the last of its sessions each year. It would be useful to hear the Committee's views on that matter.

8. On the subject of the Optional Protocol, the comment had been made that the Committee had discharged its responsibilities with fairness but some speakers had expressed the hope that communications under the Protocol could be handled more speedily. With respect to article 41 of the Covenant, some speakers had expressed the wish that more States would make the declaration under that article. Many speakers had commented on the need for more publicity for the Committee's work. A few delegations had commented on the Committee's wish to be able to meet in developing countries and it had been felt that the matter should be considered by the States parties to the Covenant.

9. Following its consideration of the Committee's report, the General Assembly in resolution 34/45, which had been adopted without a vote, had noted the Committee's report with appreciation and had expressed satisfaction at the serious and constructive manner in which the Committee was continuing to undertake its functions. The Assembly had expressed its appreciation of the fact that the Committee was continuing to strive for uniform standards in the implementation of the provisions of the Covenant and of the Optional Protocol and had emphasized the importance of the strictest compliance by States parties with their obligations under the Covenant. The Assembly had noted with due attention the recommendation of the Committee regarding the holding of future meetings in developing countries and had requested the Secretary-General to explore that possibility, taking into account the Committee's recommendation, and to submit a report on the matter to the General Assembly at its thirty-fifth session.

10. Turning to some relevant aspects of the United Nations human rights programme, he said that the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-second session, held in 1979, had adopted a resolution deciding to establish each year a sessional working group composed of five members of the Sub-Commission to meet during the sessions of the Sub-Commission to consider ways and means of encouraging governments which had not yet done so to ratify or accede to international human rights instruments such as the International Covenants on Human Rights. The Sub-Commission had requested the Secretary-General to write to governments which had not yet accepted instruments such as the Covenants, requesting them to inform the Sub-Commission of the circumstances which accounted for that situation and to explain any particular difficulties which they might face and which the United Nations might be able to help them to overcome. The sessional Working Group had been invited by the Sub-Commission to examine the replies received from governments and, if necessary to invite the representatives of the governments concerned to hold discussions with members of the Working Group with a view to providing further clarifications. The Sub-Commission had specifically requested the Working Group to consider in appropriate cases what forms of assistance could be provided to governments by the United Nations with a view to assisting them to ratify or accede to human rights instruments such as the Covenants as speedily as possible.

11. At its thirty-sixth session, which had just concluded, the Commission on Human Rights had adopted a resolution in which it had expressed its satisfaction that the Human Rights Committee was continuing to strive for uniform standards in the implementation of the provisions of the International Covenant on Civil and Political Rights and of the Optional Protocol thereto and had emphasized the importance of the strictest compliance by States parties with their obligations under the Covenant. The Commission had also encouraged all Governments to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the latter Covenant, and to ensure the widest possible dissemination of them in their territories.

12. It might be of interest to the Committee to learn that in the debates of organs such as the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the provisions of article 4 of the International Covenant on Civil and Political Rights were frequently invoked and great reliance was placed upon the duty of States to respect human rights even in situations of emergency. A related issue which had attracted much attention was that of violence and human rights. It was increasingly being argued by some Governments that their conflicts with forces seeking to bring about violent change seriously affected the implementation within their countries of international standards such as those in the Covenant. The issues involved in such an argument could be expected to give rise to further discussion in the future.

13. Human rights organs had in recent years placed much emphasis on the interdependence and indivisibility of economic, social and cultural rights and civil and political rights, and on the need to place equal importance on the implementation of both those categories of rights. In resolution 34/46, the General Assembly had once more reiterated its profound conviction that all human rights and fundamental freedoms were indivisible and interdependent, and that equal attention and urgent

consideration should be given to the implementation, promotion and protection both of civil and political and of economic, social and cultural rights. The Assembly had emphasized the fact that the right to development was a human right and that equality of opportunity for development was as much a prerogative of nations as it was of individuals within nations. The Commission on Human Rights had been discussing the question of the right to development as a human right on the basis of studies prepared by the Secretary-General, and later in the year a seminar would be held in Geneva on the effects of the present unjust international economic order on human rights. That topic would also be considered during the year at the thirty-third session of the Sub-Commission, which had requested one of its members to prepare a study on the new international economic order and the promotion of human rights.

14. The General Assembly and the Commission on Human Rights had recently placed much emphasis also on the need to implement human rights at various levels, international, regional, national and local. Both those bodies had encouraged the establishment of further regional institutions for the protection of human rights, and at their request a seminar had been held at Monrovia, Liberia, in 1979 to consider the question of the establishment of an African commission on human rights. The seminar had adopted several proposals on the subject. The matter was now under consideration within the framework of the efforts of the Organization of African Unity to draw up an African charter for human rights. At its latest session, the General Assembly had reiterated its appeal to States in areas where regional arrangements in the field of human rights did not yet exist to consider concluding agreements with a view to the establishment within their respective regions of suitable arrangements for the promotion and protection of human rights.

15. A set of guidelines for the establishment of national and local institutions had been adopted at a seminar on national and local institutions for the promotion and protection of human rights held at Geneva in 1978. At its most recent session, the General Assembly had again invited all Member States to take appropriate steps for the establishment of such national institutions and had drawn attention to the constructive role which national non-governmental organizations could play in the work of such national institutions.

16. He drew the Committee's attention to some of the standard-setting work undertaken in other human rights organs which might be of relevance to the Committee's own work. At its most recent session, the General Assembly had adopted a Convention on the Elimination of All Forms of Discrimination Against Women and a Code of Conduct for Law Enforcement Officials. The Commission on Human Rights was currently engaged in drafting a convention against torture, a convention on the rights of the child, a declaration on the rights of minorities, and a declaration on the elimination of religious intolerance.

17. He concluded by pledging continued co-operation and support to the important work of the Committee.

18. The CHAIRMAN said that as soon as all of the relevant documents had been circulated the Committee could revert to the statement made by the Director of the Division of Human Rights and examine certain points raised during the thirty-fourth session of the General Assembly regarding the report and the work of the Human Rights Committee.

19. Mr. TOMUSCHAT said that he would like to familiarize himself with the summary records of the meetings which the Third Committee of the General Assembly, at its thirty-fourth session, had devoted to consideration of the report of the Human Rights Committee.

20. The CHAIRMAN asked the Secretariat to arrange for the summary records to be circulated as soon as possible.

21. Mr. PRADO VALLEJO said that the report which the Director of the Division of Human Rights had just delivered on the observations on the Committee's work made during the thirty-fourth session of the General Assembly was extremely interesting. Some of his comments were in fact very constructive and deserved to be examined in detail during the present session.

22. The CHAIRMAN said that it was his understanding that the Committee wished to revert later to the statement made by the Director of the Division of Human Rights.

SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT  
(agenda item 3) (CCPR/C/4 and Addenda; CCPR/C/6 and Addenda; CCPR/C/10)

23. Mr. ANABTAWI (Secretary of the Committee) gave a list of the documents regarding that agenda item which had been or soon would be circulated to the Committee.

24. Since the eighth session, Colombia, Venezuela and Italy had submitted their initial reports under article 40 of the Covenant, which brought the number of initial reports submitted under that article to 41. In the same period, Denmark and Norway had submitted additional information.

25. Four States parties, i.e., Jamaica, Lebanon, Rwanda and Uruguay, had still not submitted their initial reports due in 1977. Nor had the Committee yet received the initial reports of Guyana, Panama and Zaire, which were due in 1978. In accordance with the decision taken by the Committee at its sixth session, a reminder had been sent to those States on 14 May 1979. The Dominican Republic, Guinea, Portugal and Austria had still not submitted their initial reports due in 1979. No reminder had been sent to those States, but the Secretary-General had in due time sent them a note verbale drawing their attention to the date on which the Covenant had come into force in their countries and the date by which they had been expected to submit their reports under the Covenant. Reports were due from the Netherlands, Trinidad and Tobago, New Zealand, Gambia, India, Morocco, Japan and Iceland in 1980. Notes verbales had been sent in due time to all those States to remind them of the date. The Libyan Arab Jamahiriya, the Federal Republic of Germany, Jordan, Madagascar, Mauritius and Yugoslavia had still not submitted the additional information that they had promised during the second, third, fourth and fifth sessions of the Committee. It should be noted that at its eighth session the Committee had taken no decision regarding the delay in the submission of the above-mentioned additional information or of the reports already due in 1977 or 1978.

26. At the present session, the Committee must consider the initial reports of the following countries: Barbados, Suriname, Peru, Costa Rica, Kenya, United Republic of Tanzania, Mali, Colombia, Venezuela and Italy. At the previous session of the Committee the Chairman had said that he proposed to contact representatives of four of those countries, i.e., Kenya, Mali, Peru and the United Republic of Tanzania, and request them to consider the possibility of providing the Committee with additional information to supplement their initial reports, which some members had felt were not substantial enough. The Committee must also consider the additional reports submitted by Hungary, Denmark and Norway.

27. On 30 November 1979 El Salvador had ratified both Covenants and in a communication dated 21 November 1979 the Norwegian Government had notified the Secretary-General that it withdrew its reservation with regard to article 6, paragraph 4, of the International Covenant on Civil and Political Rights. The text of that reservation was published in document CCPR/C/2.

28. The CHAIRMAN said that he had in fact consulted the representatives of Kenya, Mali, Peru and the United Republic of Tanzania and had tried to show them that it was in their interests to provide the additional information. In order to make it easier for them, he had given them a copy of reports which the Committee had regarded as comprehensive. The representatives of those four countries had informed the Chairman that they would recommend that their Governments should submit additional information to the Committee if possible.

29. With regard to Jamaica, which, like Lebanon, Rwanda and Uruguay, had still not submitted the report due in 1977, he informed the Committee that he had met the Director of the International Division of the Ministry of Foreign Affairs of that country and had handed him a copy of the general guidelines for the form and content of reports and some examples of reports. He thought that the Committee would be receiving Jamaica's report very shortly. He had not, however, made any further approach to the Lebanese Government, for reasons which were well known. In the case of Rwanda, he had obtained no specific commitment and the Committee should perhaps take some action with regard to that country. In the case of Uruguay, he had taken no further steps since the statement made by the representative of that country on the matter.

30. The Committee must take a decision regarding the course to be followed in respect of the countries whose reports were long overdue and regarding the reports which would be considered at the summer session.

The meeting rose at 12.10 p.m.