

**INTERNATIONAL
COVENANT
ON CIVIL AND
POLITICAL RIGHTS**



Distr.
GENERAL

CCPR/C/SR.201
24 March 1980

ENGLISH

Original: FRENCH

HUMAN RIGHTS COMMITTEE

Ninth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)*/
OF THE 201st MEETING

held at the Palais des Nations, Geneva,
on Friday, 21 March 1980, at 10.30 a.m.

Chairman: Mr. KOULISHEV

CONTENTS

Submission of reports by States parties under article 40 of the Covenant (continued)

Organizational and other matters (continued)

*/ The summary record of the second part (closed) of the meeting appears as document CCPR/C/SR.201/Add.1.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.6108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.80-11695

The meeting was called to order at 11 a.m.

SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT
(agenda item 3) (continued)

1. The CHAIRMAN said that the Mongolian delegation had requested further time for reflection and would not answer the questions put by Committee members with regard to the Mongolian report until the afternoon meeting. He therefore suggested that the Committee should continue its consideration of agenda item 3 (Submission of reports by States parties under article 40 of the Covenant) and then hold a closed meeting to deal with item 5 (Consideration of communications received in accordance with the provisions of the Optional Protocol to the Covenant).
2. Mr. TOMUSCHAT said that strongly-worded reminders should be sent to the four countries (Jamaica, Lebanon, Rwanda and Uruguay) which had not yet submitted the reports due in 1977, and in particular to Rwanda and Uruguay. The considerable delay seriously hindered the Committee's work, and those countries should be reminded of their obligations under article 40 of the Covenant.
3. Sir Vincent EVANS expressed the hope that the Committee would consider also the measures to be taken with regard to other States parties which had not submitted their reports in due time. Reminders had been sent in 1978 and 1979 to the three States parties whose reports were due in 1978 (Guyana, Panama and Zaire) and he thought that the time had come for the Chairman of the Committee to approach personally the ambassadors of those countries.
4. With regard to the four States parties which should have submitted reports in 1979, he suggested that a straightforward reminder should be sent to three of them (Dominican Republic, Guinea and Portugal). In the case of the fourth, Austria, whose report had not been due until 9 December 1979, he suggested that the Committee should wait until its next meeting before sending a reminder.
5. Mr. HANGA asked whether the successive reminders addressed to States were always drafted in the same terms. He considered that from a legal standpoint the text should always be the same because the particular point at issue was to draw the attention of the States in question to the fact that they had not fulfilled their obligations under article 40 of the Covenant. Once a State party had ratified that instrument, it incurred a legal obligation; that was the point to be emphasized.
6. Mr. ANABTAWI (Secretary of the Committee) stated that the wording of the first reminder to countries was practically identical in all cases. In the case of the second reminder, the Secretariat complied with the Committee's instructions and decisions.

7. Mr. SADI said that he was more especially concerned with the case of the States which should have submitted their reports in 1977. He could not remember the exact wording of the letters of reminder sent to them previously but in any case they should now be told very clearly that, if they persisted in their failure to co-operate with the Committee, the latter would mention in its report to the General Assembly that they had not performed their obligations under article 40 of the Covenant. He considered that the obligation of States parties to submit reports was as important as the application of any other provision of the Covenant and the countries in question should be made aware, in very strong terms, of the fact that failure to submit a report was a serious violation of the Covenant. While an exception should be made for Lebanon, in view of the particular situation in that country, there was no justification for the failure of the other three countries to submit their report.

8. The CHAIRMAN reminded the Committee that at its 196th meeting Mr. Mavrommatis had given further details of the outcome of the approaches he had made to the ambassadors or authorities of those four countries, and in particular had stated that he had received no further information in the case of Rwanda. He asked the Secretary of the Committee to remind the members of the text of the latest aide-mémoire sent to the four countries.

9. Mr. ANABTAWI (Secretary of the Committee) read out the latest aide-mémoire sent to the four States parties which had not yet sent in the reports due in 1977. In particular, the text stated that if the reports in question did not reach the Committee by the designated date, the Committee would be obliged, under rule 69, paragraph 2, of its provisional rules of procedure, to bring the matter to the attention of the General Assembly in its annual report.

10. Replying to a question by Mr. SADI, Mr. ANABTAWI (Secretary of the Committee) said that the aide-mémoire had been sent on 25 May 1979.

11. Mr. SADI said that it was not necessary to send further reminders to those countries and that the time had come to inform them that the Committee would mention in its report to the General Assembly that they had failed to fulfil their obligations. He suggested that they should be sent a copy of the relevant part of the report.

12. Mr. BOUZIRI said that he too felt that the States parties in question should be made fully aware that their failure to submit their reports in due time represented, in the Committee's opinion, a clear violation of their obligations under the Covenant. The Chairman of the Committee could send them a letter to that effect and thus give them an opportunity to reply before the next session of the General Assembly; if they failed to reply, the Committee could then draw the attention of the General Assembly to the fact that they had not fulfilled their obligations.

13. Mr. ANABTAWI (Secretary of the Committee) said that the report submitted by the Committee to the General Assembly at its thirty-fourth session (A/34/40), in particular paragraph 64, had shown that the Committee had not taken any decision concerning the sending of further reminders to countries which had not yet submitted their reports, and that it had seemed instead to favour personal contacts between its Chairman and the representatives of those countries. He added that the States parties which had not lived up to their obligations under the Covenant were mentioned in the Committee's report.

14. Mr. LALLAH pointed out that in that report the Committee had indeed mentioned the cases of non-submission of reports, in compliance with rule 69 of its rules of procedure, but that did not seem to have had the desired effect. Speaking as Rapporteur, he suggested that in future the first section of chapter IV of the Committee's report, entitled Submission of Reports, should be replaced by a new chapter, which might be entitled "States parties which have not submitted their report pursuant to article 40 of the Covenant", in which the Committee would indicate all the measures taken to remind the States of their obligations and finally note that they had not fulfilled them. The Committee would thus have a more efficient means of action, in the case of non-submission of reports, than repeating its reminders.

15. Mr. GRAEFRATH said that in his opinion it was not within the competence of the Committee to decide whether or not a country had fulfilled its obligations under article 40 of the Covenant. In any case, he did not see what provision of the Covenant empowered it to do so.

16. Mr. SADI said that he found the situation perfectly clear. While it was sometimes difficult to reach a consensus when deciding whether or not a State had violated a provision of the Covenant, there could be no disagreement about whether or not a State had submitted a report. Since article 40 was an integral part of the Covenant, the fact that a State party had not fulfilled its obligations under that article constituted a clear violation of the Covenant and States must be well aware of that fact. He therefore supported Mr. Lallah's proposal and suggested that the report should include a new chapter dealing with States which had failed to live up to their obligations.

17. Sir Vincent EVANS pointed out that when a State party failed to submit its report under article 40 of the Covenant, the Committee was not without recourse and had means of action at its disposal. According to the procedure followed up to that time, the Committee sent a reminder to the State party concerned. If the first reminder had no effect, it sent a second reminder couched in firmer language. If the country in question still failed to reply, the Chairman of the Committee sought a personal interview with the ambassador of the country and handed him an extremely firmly worded aide-mémoire. In addition, the Committee might, as it had done up to the present, state explicitly in its report that such and such a State had failed to submit reports. In that respect, paragraph 64 of the last report of the Committee (A/34/40), which dealt with the problem, was, in his opinion, worded in a perfectly satisfactory way. If the members of the Committee so wished, however, he would have no objection to the use of even stronger language when informing the General Assembly that certain States parties had not submitted their reports under article 40 of the Covenant.

18. He thought that the question whether it would be advisable to divide the present chapter IV of the Committee's report entitled: "Consideration of reports submitted by States parties under article 40 of the Covenant" into two separate chapters was, at the present stage of the work, a matter for the Rapporteur's judgement. In choosing a title for the first of the two proposed chapters, however, it should be remembered that States which had submitted reports must also be mentioned in that chapter.

19. As for the specific measures to be taken with regard to the four States parties that had still not sent in the reports due in 1977, he understood that the authorities of Jamaica had assured the Chairman of the Committee that they would submit their report very shortly. In the case of Lebanon, he considered that it would be unrealistic, in view of the present situation in that country, to take any new measures. On the other hand, the Committee should, through its Chairman, inform the authorities of Uruguay and of Rwanda that it was expecting to receive their reports very shortly. With regard to the countries whose reports had been due in 1978, the Chairman should personally approach the ambassadors of those countries and hand them an aide-mémoire worded in the same way as that which Mr. Anabtawi had read out earlier. The Committee should also send a reminder to the States parties which should have submitted their reports in 1979 and had not yet done so.

20. Mr. GRAEFERATH said that he recognized that the failure of a country to submit a report was indeed a violation of article 40 of the Covenant, but he feared that the Committee was not empowered to make statements to that effect or to decide that, by failing to submit a report, such and such a country had violated article 40 of the Covenant. It was incumbent upon the States parties, which were to meet in September, to consider that question and to take any necessary decisions.

21. Mr. LALLAH pointed out that the Committee was required by rule 69, paragraph 2, of its rules of procedure, to state in the annual report which it submitted to the General Assembly of the United Nations through the Economic and Social Council that certain States had not submitted the report or additional information requested of them. He had suggested that the Committee should change the wording of the relevant part of the report because, in his opinion, if it was desired to give more prominence to the problem, a more forceful and more specific form of words must be used.

22. Mr. SADI said that the statement that a given country had failed to submit a report under article 40 of the Covenant amounted to a recognition that the country concerned had not fulfilled its obligations under article 40 and had therefore violated the Covenant. In his opinion, there was no reason why there should not be a special section in the report entitled "States parties which have violated the Covenant" or, if some people considered that wording too strong, "States parties which have violated article 40 of the Covenant". The Committee could not confine itself to stating that a given country had not submitted its report. It must draw the inescapable conclusions, or else it was failing to fulfil its purpose.

23. Mr. OPSAHL said that the fact that the Committee did not know the exact extent of its powers should not prevent it from acting. In his opinion, however, it would not be wise to state expressly in the report, as Mr. Sadi had suggested, that States parties which had not submitted reports had violated article 40 of the Covenant. Indeed, if it were decided to list in the report the States parties which had not fulfilled their obligations under article 40 of the Covenant, mention would have to be made not only of the countries that had not submitted reports but also of those whose reports did not conform with the requirements, and that would raise problems. Before considering any other action, the Committee should try to make the greatest possible use of its influence.

24. Mr. TOMUSCHAT said that, without going beyond its powers, the Committee could state, in carefully chosen terms, that a given State party had not fulfilled its obligations under article 40 of the Covenant. In his opinion, the Committee was not required to restrict itself to a statement of facts. It could, with all due caution, pass judgement on the facts.

25. Mr. MOVCHAN said that in his opinion it was for the States parties and not for the Committee to decide whether such and such countries had not fulfilled their obligations under article 40 of the Covenant and whether measures should be taken with respect to them. The Committee might therefore consider submitting the question to the States parties at their forthcoming meeting in September 1980.

26. The CHAIRMAN said that the discussion on the matter would be resumed later and that the Committee would then have plenty of time to consider Mr. Movchan's suggestion.

27. He invited the Director of the Division of Human Rights to make a statement in connexion with agenda item 2 on the measures taken by the United Nations Secretariat to inform the general public about activities in the field of human rights.

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

28. Mr. van BOVEN (Director of the Division of Human Rights) said that the Division of Human Rights was actively engaged in making the work of the United Nations bodies concerned with human rights better known. A study group of the Information Service met regularly to consider the programme of work in the field of human rights and to study the measures that could be taken to inform the public about the different aspects of the programme and the resolutions and decisions that had been adopted. Some of the participants at the thirty-sixth session of the Commission on Human Rights had, however, considered that insufficient publicity was being given to the work of the Commission. During that session, the Commission had adopted and submitted to the Economic and Social Council for its **approval** a resolution (resolution 24(XXXVI)) entitled "Development of Public Information Activities in the Field of Human Rights", in which it invites the Economic and Social Council, inter alia, "to request the Secretary-General, in co-operation with UNESCO and ILO, to draw up and implement a World-Wide Programme for the Dissemination of International Instruments on Human Rights in as many languages as possible, and to report on the implementation of this programme to the Commission on Human Rights at its thirty-seventh session". The Commission on Human Rights had, in fact, considered that, if it was desired that human rights should be fully respected one day, the general public must learn of the existence of international instruments relating to human rights and become familiar with their provisions.

29. With a view to making activities in the field of human rights better known, the Secretariat had since 1 January 1980 been publishing a "Monthly Notice" which reproduced the agendas of the various sessions of the bodies concerned with human rights, including the Human Rights Committee, and extracts from or summaries of important reports that had recently been published. The Human Rights Bulletin was now published every three months and changes had been made in its format and its contents. It no longer reproduced only the texts of the various decisions and

resolutions on human rights, but also other relevant documents, including extracts from the report of the Human Rights Committee together with brief items of information. For that purpose the Secretariat would need the assistance of the Committee. It often found it very difficult to select items of information and to decide, for instance, what parts of the Committee's report should be published. The Committee should therefore provide some guidelines. Among the different means of attracting the public's attention to activities in the field of human rights, mention should also be made of the press releases, which not only gave a brief account of the discussions in the various bodies but served a wider purpose, as, for instance, when the conclusion reached by the Human Rights Committee in 1979 concerning a State party to the Optional Protocol had been published in a press release. Press releases were read very widely and, generally speaking, the information about the work of the Human Rights Committee published in them had often been reproduced by the press throughout the world, and particularly by the South American press. As far as the United Nations Yearbook on Human Rights was concerned, the Economic and Social Council had, on the recommendation of the Commission on Human Rights, decided that henceforward the Yearbook would once again be published every year and had adopted new guidelines for its contents and its format. Using the credits that it had been able to obtain, the Secretariat was to speed up the programme for the publication of the issues of the Yearbook in arrears. The Yearbook for the period 1975/1976 was practically ready, that for the following period was in preparation and it was hoped that, before the end of the year, work would be started on the Yearbook for 1979, which would give an account of the work of the Human Rights Committee.

30. Mr. MOVCHAN said that before taking steps, useful as they might be, to inform the general public about activities in the field of human rights, the Secretariat should see to it that the basic texts relating to human rights were available in sufficient numbers in Russian, which was an official language of the United Nations. He would like to know why no copy of the texts was available in Russian.

31. He wished also to point out that, in the last press releases published, the names of the members of the Committee were followed by the name of their countries in brackets. That could give rise to misunderstanding by giving the impression that he and his colleagues were serving on the Committee as representatives of their respective countries and not in their personal capacity. He also pointed out that the words "United Nations" did not form part of the name of the Committee.

32. The CHAIRMAN said that he considered Mr. Movchan's remarks to be pertinent and requested the Information Service to take note of them.

The public meeting rose at 12.25 p.m.