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HUMAN RIGHTS COMMITTEE

Seventh session

SUMMARY RECORDS OF THE 152nd TO 176th MEETINGS

held at the Palais des Nations, Geneva,
from 30 July to 17 August 1979

Corrigendum

PUBLIC MEETINGS

The present document contains the corrections received from the members of the Human Rights Committee and from the Secretariat applying to the English text of the summary records of the public meetings, or parts thereof, of the Committee at its seventh session (CCPR/C/SR.152-156, 158-162, 164-166, 169-172 and 175-176).

The Committee also held nine closed meetings, the records of which (CCPR/C/SR.157, 160/Add.1, 163, 167, 168, 171/Add.1, 172/Add.1 and 173-174) were issued in restricted distribution. The corrections to the records of these closed meetings appear in document CCPR/C/SR.152-176/Corrigendum/Add.1, which is also issued in restricted distribution.

With the issuance of the corrigenda (CCPR/C/SR.152-176/Corrigendum and Add.1), the records of the above-mentioned meetings are to be considered final.

153rd meeting

Paragraph 2

Replace the words "said it was not certain" by the word "asked".

Paragraph 23

In the fifth sentence, replace the words "the exercise simply of the right to participate in elections" by "eligibility".

154th meeting

Paragraph 34

The second sentence should read as follows: "Although the Ukrainian SSR had been ravaged by two world wars and the mass starvation of the 1930s, it had now adopted a new Constitution which proclaimed civil liberties in accordance with international standards".

Paragraph 36

Delete the second and third sentences.

New paragraph 36a

36a. In article 32 of the Ukrainian Constitution, quoted on page 2 of the report, political beliefs or opinions were not included among the grounds which could not effect the equality of citizens before the law. That prohibited ground of discrimination was most important in a country such as the Ukrainian SSR where the Constitution gave a particular political party a dominant position.

Paragraph 37

At the end of the last sentence, add the following words "in places such as the Kuban, where there were large numbers of Ukrainians?"

Paragraph 39

The end of the paragraph should read as follows: "... how he could assert his independence vis-à-vis those who had appointed and dismissed him, and further whether the independent exercise of powers with regard to the administration of justice and the protection of civil and political rights was possible in the Ukrainian SSR when there was such subordination to the Procurator-General of the USSR.

Paragraph 42

At the end of the last sentence, add the following words ", i.e. proportionality of punishment, as well as such matters as the conditions of solitary confinement."

Paragraph 43

In the first sentence, replace the words in brackets by the following "(prohibition of forced or compulsory labour)".

Paragraph 44

In the first sentence, replace the words "for a punishment" by the words "for punishment".

Paragraph 44

The last line should read "through an interpreter or in Russian on account of the presence of warders?".

Paragraph 45

The penultimate sentence should read as follows: "Could a person be confined for psychiatric reasons merely because his opinions were very different from those of the society in which he lived?"

Paragraph 50

In the first sentence, replace the words "to publicity of court hearings" by the words "to public court hearings".

Paragraph 52

In the last line, replace the words "freedom of interference" by the words "freedom from interference".

Paragraph 55

The paragraph should read as follows:

55. The report (in its English version) stated that there was an ecclesiastical seminary in the Ukrainian SSR. That appeared to be very little. Furthermore, in a country where there were between 500,000 and 1 million Jews, not to speak of Jehovah's Witnesses, Baptists or Uniates, he would like to know what rights such persons had, in respect not only of seminaries and religious instruction, and conduct of services, but also of publications, such as religious texts.

Paragraph 60

In the first sentence, delete the words "or ethnic". In the second sentence, replace the words "which did not fall within that definition" by the words "which might not fall within that definition".

Paragraph 74

The text in brackets should read "(p.30 in relation to article 26)".

155th meeting

Page 1

The line relating to the Chairman should read:

"Chairman:

Mr. MAVROMMATIS"

Page 2

At the top of the page, above the heading, insert the following action line:

"In the absence of the Chairman, Sir Vincent Evans, Vice-Chairman, took the Chair."

Paragraph 4

In the sixth sentence, replace the words "and the philosophical basis" by the words "as the philosophical basis".

Paragraph 17

In the penultimate sentence, replace the word "Convention" by the word "Covenant".

Paragraph 18

In the second sentence, replace the word "Convention" by the word "Covenant." In the fifth sentence, the reference should read "article 18, paragraph 4".

The action line at the top of the page should read as follows:

50. "Sir Vincent Evans, Vice-Chairman, took the Chair."

Paragraph 53

In the penultimate sentence, replace the words "could co-exist with slavery" by the words "had co-existed with slavery".

Paragraph 54

Delete the penultimate sentence.

Paragraph 55

In the first sentence, replace the words "was normal" by the words "that used in other reports".

Paragraph 57

In the first sentence, replace the words "In general, the Ukrainian Constitution" by the words "The Ukrainian Constitution in referring always to rights and duties of citizens".

156th meeting

Page 1

The line referring to the Chairman should read as follows:

"Chairman: Mr. MAVROMMATIS"

Page 2

At the top of the page, before the heading, insert the following action line:

"In the absence of the Chairman, Sir Vincent, Evans, Vice-Chairman, took the Chair."

Paragraph 12

In the third sentence, the reference should read "article 57 of the Civil Code".

Paragraph 24

The action line should read as follows:

"24. Mr. Koulishhev, Vice-Chairman, took the Chair."

Paragraph 27

In the first sentence, replace the words "draft rules" by the words "Committee's provisional rules", and the words "providing that a particular member should withdraw" by the words "to provide for the withdrawal of a member who was a national of one of the States concerned".

In the third sentence, replace the words "there were grounds for authorizing" by the words "another possibility might be to authorize".

158th meeting

Paragraphs 6, 7, 14, 16, 22, 24, 25, 29, 30, 32-34, 38, 40

Replace passim "Syria" by "the Syrian Arab Republic".

Paragraph 46

In the first sentence, replace the words "had warned off" by the words "had pointed out".

In the second sentence replace the words "the State party submitted" by the words "the State party should submit".

The fourth sentence should read as follows:

The Committee should also have the texts of the most important laws, so that they could usefully be discussed during the second round.

Paragraph 47

In the first sentence, replace the words "did not need so much information" by the words "did not need as much information".

The end of the second sentence should read "... the Covenant had become fundamental law."

In the third sentence, replace the words "because even in the event of conflict" by the words "because in the event of conflict".

159th meeting

Paragraph 25

In the ninth sentence, replace "in paragraph 34" by "on page 31".

160th meeting

Paragraph 34

The paragraph should read as follows:

34. Mr. Koulishev, Vice-Chairman, took the Chair.

Paragraphs 35, 41, 46, 52-56, 62 and 69

Replace passim "Syria" by "the Syrian Arab Republic".

Paragraph 50

At the end of the paragraph, add the following sentence:

Were the safeguards duly observed in proceedings before the security courts?

Paragraph 55

In the second sentence, replace "article 2, paragraph 2" by "article 4, paragraph 2".

161st meeting

Paragraph 8

At the beginning of the last sentence, replace the words "large institutions" by the words "local institutions".

Paragraph 21

The third sentence should read as follows:

What were the future prospects for Hong Kong and Gibraltar in view of their close links with China and Spain respectively?

Paragraph 22

The last sentence should read as follows:

If religious instruction was an essential feature of the curriculum, were there examinations on the subject, and, if so, did the children who were excused from religious instruction not suffer a handicap?

Paragraph 29

At the end of the second sentence, replace the words "mother's health" by the words "mother's mental health".

Paragraph 36

The beginning of the third sentence should read "He appreciated that ...".

Delete the last sentence.

Paragraph 37

The first sentence should read as follows:

37. With regard to the other territories covered by the report, he could not help feeling that their dependent status in itself was in contradiction to article 1 of the Covenant.

The fourth sentence should read as follows:

In that connexion, he would be grateful for information from the United Kingdom Government as to what positive steps it had undertaken to enable the peoples of the various Territories to decide their status, in accordance with the resolutions adopted by the General Assembly on the granting of independence to colonial territories and peoples to safeguard their right to enjoy their natural resources and to establish and maintain control of their future development.

In the last sentence, replace the words "those resolutions defined the duties" by the words "those resolutions defined some of the duties".

Paragraph 38

The fourth sentence should read as follows:

For example, the Orders referred merely to the protection of fundamental rights and freedoms of the individual, whereas the Covenant spoke not only about protection, but also of ensuring the equal enjoyment by all individuals of their various civil and political rights and was not confined to rights of individuals but included rights of peoples and groups of persons, e.g. the family.

Paragraph 40

The last sentence should be redrafted to form the following two sentences:

The relevant provisions of the Constitution Orders of those two territories did not appear entirely to bear out those two statements: their non-discrimination clauses were drafted differently from those of the Covenant and did not refer to social and property status. Section 11 of the Bermuda Constitution Order 1968 appeared to permit discrimination based on sex.

Paragraph 43

At the end of the first sentence, replace the words "... appeared after a general reservation" by the words "...were subject to a general reservation."

Paragraph 44

The first sentence should be redrafted to form two sentences as follows:

44. In connexion with article 9 of the Covenant, on the right to liberty and security of person, he observed that if a person could be deprived of liberty simply upon suspicion that he was about to commit a criminal offence, that would practically exclude a meaningful writ of habeas corpus. He noticed that schedule section 5 of the Bermuda Constitution Order 1968 ..."

Paragraph 45

At the end of the second sentence, add the following words "and the Governor had far-reaching powers to alter court decisions."

The last sentence should be redrafted to form the following two sentences:

Schedule section 6, subsection 12, of the Bermuda Constitution Order 1968 defined as a legal representative a person entitled to practise before the Bermuda courts. Did that mean that foreign lawyers could not act before Bermuda courts?

Paragraph 49

In the last sentence, replace the words "there must be legal rights" by the words "there were legal rights".

162nd meeting

Page 1

The line referring to the Chairman should read as follows:

Chairman: Mr. MAVROMMATIS

Page 2

At the top of the page, above the heading, insert the following action line:

In the absence of the Chairman, Mr. Koulishev, Vice-Chairman, took the Chair.

Paragraph 39

In the first sentence, replace the words "a diet of dry bread" by the words "a bread and water diet".

Paragraph 51

The last sentence should read as follows:

In that connexion, what was the ratio of women from the mother country to those of the Territory?

Paragraph 76

The paragraph should read as follows:

76. He had been struck by the seemingly arbitrary way in which the Constitutions of the dependent territories had been supplemented or not by a chapter on fundamental rights and freedoms. Why, for example, was such a chapter lacking in the 1976 Constitution Order enacted for the Virgin Islands, whereas fundamental rights and freedoms were set forth in the Constitution of the same year of the Turks and Caicos Islands?

Paragraph 77

At the end of the paragraph, replace the words "order issued by a local authority." by the words "act of ordinary legislation or legislation under delegated authority."

Paragraph 81

The second sentence should read as follows:

The protection of just any legal interests by firearms would violate the general principles of proportionality inherent in the Covenant, and in that respect he shared the concern expressed by Mr. Graefrath.

Paragraph 82

In the first sentence, replace the words "compensation was provided" by the words "compensation seemed to be provided".

Paragraph 85

The third sentence should read as follows:

Further clarification on recourse procedures in Belize and Hong Kong where specific leave was required would also be welcome.

The last sentence should be modified as follows:

That right was dependent on no condition.

Paragraph 96

The beginning of the fourth sentence should read as follows:

With the adoption of the Charter of the United Nations, that right had become a legal obligation for States ..."

164th meeting

Paragraph 2

The first sentence should read as follows:

2. Mr. STRATTON (United Kingdom) said that the current colonial policy of the United Kingdom could still be summed up in the words of Mr. Michael Stewart: "Stay if you like, go when you wish".

At the end of the third sentence, add the following words "and at the same time impose restraints on them".

Paragraph 4

In the first sentence, replace the words "for which the problem of decolonization did not arise directly." by the words "which did not provide problems of decolonization as such."

Paragraph 5

The second sentence should read as follows:

However, in making legislation, considerable efforts were made to assess and, if possible, act upon the views of the interested parties.

In the third sentence, after "Furthermore," insert the words "in his experience".

Paragraph 10

The last sentence should read as follows:

A White Paper would be published shortly; in his personal view, Bermuda would eventually become independent, but not for several years to come.

Paragraph 11

The penultimate and last sentences should read as follows:

Again, it was likely that the Territory would eventually move to independence; but probably only when, with the United Kingdom's help, its economy had been further strengthened. Until very recently, it had been receiving budgetary aid.

Paragraph 12

The opening words of the second sentence should read as follows:

The members of the Committee had referred him to the visit of the Special Committee ...

The fourth sentence should read as follows:

The United Kingdom Government had been blamed and the people had asked him never to subject them to that kind of experience again.

Paragraph 14

In the first sentence, replace the words "aimed at making progress towards political advancement" by the words "aimed at their political advancement".

Paragraph 16

At the end of the second sentence, replace the word "authorities" by the word "Government".

The last sentence should read as follows:

If ever there were not enough able-bodied men to man the boats, the islanders would almost certainly have to leave the island and, for example, join many of their fellow islanders in New Zealand.

Paragraph 17

In the first sentence, replace the words "take decisions" by the words "make bye-laws".

Paragraph 18

The paragraph should read as follows:

18. Turning to certain specific questions raised by members of the Committee, he said that Sir Michael Hogan would elaborate on the specific functions of the colonial Governors, but he could assure members of the Committee that the Governors were not the ogres they were thought by some to be. Their functions were different from those of an Ambassador, though they did relay the views of the United Kingdom Government to the population of the Territories and conversely put forward, at times very strongly, the views of the population of the Territories to Whitehall; but they were first and foremost administrators and their tasks were therefore different from those of diplomatic representatives.

Paragraph 19

The second sentence should read as follows:

He himself had spent two years doing just that, but had not always obtained an encouraging response.

The opening words of the fourth sentence should read as follows:

For example, that very day a Minister of State was visiting Antigua ...

Paragraph 23

In the first sentence, replace the words "in order to avoid being accused" by the words "partly in order to avoid being accused".

The third sentence should read as follows:

The referendum organized at that time had shown that the population as a whole was in favour of the separation of these islands. The Government and people of the Gilbert Islands had been strongly opposed to the separation of Ocean Island.

Paragraph 24

In the last line, replace the word "would" by the word "might".

Paragraph 26

The fourth sentence should read as follows:

The laws in force in the United Kingdom and in many overseas Territories consisted broadly of common law and equity, as well as statutory enactments such as ordinances.

In the penultimate sentence, replace the words "something new" by the words "a new formal enactment".

Paragraph 27

The second sentence should read as follows:

Section 3 of the Crown Proceedings Ordinance in the Virgin Islands abolished earlier restrictions and the remedies available against the Crown were set out in section 4 to the details of which he referred.

Paragraph 28

In the penultimate sentence, replace the words "already being applied." by the words "specifically applied."

The last sentence should read as follows:

Metropolitan enactments did not apply automatically in the Territories.

Paragraph 29

The first and second sentences should read as follows:

Mr. Bouziri had asked about the marriageable age, particularly in Belize. There the Marriage Ordinance provided that parental consent was required for persons under the age of 18.

Paragraph 30

The second and third sentences should read as follows:

Paragraph 13 of the same report indicated that the Criminal Code contained similar provisions concerning pregnant women convicted of an offence punishable by death. Mr. Bouziri had asked what length of imprisonment was really involved: he thought the women over 18 would probably serve a somewhat longer period but it was unlikely to be more than eight or nine years.

Paragraph 34

In the second sentence, replace the word "provision" by the word "passage" and delete the words "in authority".

Paragraph 35

In the first sentence replace the words "might not compromise the application of the Constitution" by the words "might impede the application of the Convention".

In the fourth sentence, replace the words "Crown instructions" by the words "Royal instructions".

The fifth sentence should read as follows:

In many matters, he was able to act only on the advice of various bodies.

In the sixth sentence, replace the words "a certain responsibility" by the words "an ultimate responsibility".

Paragraph 37

The last sentence should read as follows:

In practice judges were very reluctant to accept pleas of guilty to serious charges, but it could also be considered that acknowledgement of guilt was in itself a proof of guilt.

Paragraph 39

The first sentence should read:

39. Mr. Graefrath had also asked whether the ultimate decision that a case should be heard in camera was left to the judge.

Paragraph 40

The last sentence terminate as follows:

... and bail was not regarded as a means of keeping a person who had no financial resources in prison: in such cases another form of security would normally be found.

Paragraph 41

The paragraph should read as follows:

41. Replying to the question whether a person found guilty but subsequently pardoned was entitled to compensation, he said that in practice compensation was paid and the spirit of article 9 of the Covenant was fulfilled, but whether something more was required to satisfy the letter might need further consideration.

Paragraph 42

The first and second sentences should be redrafted to form the following three sentences:

42. Several members of the Committee had expressed concern about the statement that the Covenant was "widely respected" in the Cayman Islands (CCPR/C/1/Add.37, annex D, para. 1) and similar statements about other Territories, since that implied that in those Territories, as in the United Kingdom, the Covenant was not directly applicable. They also enquired whether it was permissible to refer to the Covenant in court. Everyone was free in court to refer to the existence of the Covenant and argue that, in principle, the legislation and, indeed, common law did not usually run counter to the treaty obligations of the United Kingdom Government.

In the fourth sentence, replace the words "domestic legislation over a particular point" by the words "domestic legislation covering a particular point".

Paragraph 43

In the first sentence, replace "Territory" by "Territories".

The penultimate sentence should read "If they exceeded those limits their decisions could be contested and quashed, notably by orders of certiorari."

Paragraph 44

The paragraph should read as follows:

44. When seeking further information about offences subject to capital punishment, Mr. Movchan had referred to the vagueness of a judge-made definition of murder, whilst Mr. Dieye and others had raised the question of unpremeditated murder. He did not think the common law concept of murder was lacking in clarity or precision but it did not embrace that division into degrees of murder known to other legal systems. Those were, however, reflected in the common law distinction between murder and manslaughter. Broadly, the offences subject to capital punishment were treason, piracy and murder. In some Territories, murder was still a common law offence but in most of them it had now been made the subject of statute and the definition somewhat narrowed by requiring a specific intent actually to kill.

Paragraph 46

The first and second sentences should read as follows:

46. Replying to the question whether the independence of judges could be jeopardized by the fact that they were appointed and could be dismissed by the Governor, he explained that as a rule the Governor appointed judges but was required to act on advice with respect to appointments and, more particularly, to dismissals. He referred, for example, to the elaborate provisions of Section 74 of the Bermuda Constitution, which required, inter alia, a reference to the Privy Council.

In the last sentence, replace the word "required" by the words "might merit".

Paragraph 48

The paragraph should read as follows:

48. Questions had been asked as to when the burden of proof shifted from the prosecution to the accused particularly in Hong Kong. In the Territories in question, the over-all burden of proof rested with the prosecution. There were, however, sometimes provisions in particular laws or ordinances which placed an evidential burden on the accused on a particular point. For example, if a person was found in possession of explosives or dangerous drugs, certain inferences might be drawn, and it was for the accused to rebut them. Broadly speaking, the burden of proof in all cases remained essentially on the prosecution which had to meet a standard higher than that required to discharge any evidential burden resting on the accused.

Paragraph 49

The paragraph should read as follows:

49. The reply to the question whether provisions relating to fundamental rights were protected and safe from abrogation depended to a great extent on the level at which the enactment had been made. If it had been made by Order in Council, it could not be altered by legislation at a lower level. Some were subject to the stipulation that they could be altered only through a special process; for example, a two-thirds majority in parliament or a referendum. Such measures could be helpful in safeguarding the entrenched clauses.

Paragraph 50

The end of the first sentence should read "... the application of the Convention to such of its Dependent Territories as it wished."

The second sentence should read as follows:

That article had been invoked by the United Kingdom in 1953 when it had extended the Convention to most of its dependent Territories.

Paragraph 51

In the last line, after "the Falkland Islands", insert "Gibraltar".

Paragraph 52

The second sentence should read as follows:

He presumed that the decision to which Mr. Movchan was referring were those concerning certain practices in Northern Ireland, and the decision handed down earlier in the year concerning corporal punishment in the Isle of Man.

Paragraph 53

The first and second sentences should read as follows:

The question also arose whether decisions under the European Convention concerning the meaning to be given to certain provisions in that Convention also applied to the equivalent provisions in the Covenant. In his delegation's view, it would be wrong to regard decisions under the European Convention as necessarily determining conclusively, for the purposes of the Covenant, the meaning of the words or phrases which appeared in both instruments.

Paragraph 54

In the last sentence, replace the words "would carefully consider" by the words "would need to consider carefully".

Paragraph 60

In the first sentence, replace the words "the qualifications" by the words "the language and property qualifications".

Paragraph 61

The last sentence should read as follows:

But the general principles had to be seen in the light of other considerations; namely that there might be room for more than one view as to the precise nature of an obligation under the Covenant, that laws and practices in the dependent Territories had to be assessed in the light of all the local circumstances, and, lastly, that changes that were considered necessary in local laws and practices could not always be introduced overnight.

Paragraph 63

In the second line, replace "Cayman Islands" by "Turks and Caicos Islands".

165th meeting

Paragraph 12

In the second sentence, replace the reference "article 10, paragraph 3" by "article 18, paragraph 3".

166th meeting

Page 1

The line referring to the Chairman should read as follows:

Chairman: Mr. MAVROMMATIS

Page 2

At the top of the page, above the agenda item, insert the following action line:

Sir Vincent Evans, Vice-Chairman, took the Chair.

169th meeting

Page 1

The line referring to the Chairman should read as follows:

Chairman: Mr. MAVROMMATIS

Page 2

At the top of the page, above the agenda item, insert the following action line:

In the absence of the Chairman, Mr. Koulishev, Vice-Chairman, took the Chair.

170th meeting

Paragraph 41

The first sentence should read as follows:

41. Aliens must be free to voice their complaints regarding the treatment accorded to them by the Government concerned and to that end form political associations.

Paragraph 42

The second sentence should read as follows:

That raised the complex problem of the impact of the Covenant on the relationship between children and parents.

At the beginning of the third sentence, delete the word "such".

Paragraph 56

At the beginning of the paragraph, insert the following sentence:

56. Mr. HANGA expressed his appreciation to the Finnish Government for its very detailed and clear report and at the same time noted its willingness to co-operate with the Committee.

171st meeting

Paragraph 15

At the end of the first line, replace the word "why" by the word "who".

Paragraph 37

The sentence in quotes at the end of the paragraph should read as follows:

"A similar permission was required if more than one third of the membership of the association were foreigners."

Paragraph 25

At the end of the paragraph, add the following sentence:

Did those paragraphs refer to the position pending an appeal against conviction or sentence?

Paragraph 26

The last sentence should read as follows:

Bail was precisely a means which enabled an accused person to remain free while guaranteeing his appearance for trial.

Paragraph 30

At the end of the second sentence, add the following words:

"... and whether it was not inconsistent with freedom of religion."