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POLITICAL RIGHTS**



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HUMAN RIGHTS COMMITTEE

Eighth session

SUMMARY RECORD OF THE 180th MEETING

held at the Palais des Nations, Geneva,
on Wednesday, 17 October 1979, at 10.30 a.m.

Chairman: Mr. MAVROMMATIS

later: Mr. KOULISHEV

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Question of the co-operation of the Committee with the specialized agencies concerned.

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

QUESTION OF THE CO-OPERATION OF THE COMMITTEE WITH THE SPECIALIZED AGENCIES CONCERNED (CCPR/C/L.3 and Add.1-3, CCPR/C/IV/CRP.2 and CCPR/C/VIII/CRP.1)

1. The CHAIRMAN announced that the UNESCO representative had given him a number of copies of a document on the contribution of UNESCO to the implementation of the International Covenants on Human Rights and the Optional Protocol to the International Covenant on Civil and Political Rights (100 EX/CR/SS.1). If there were no objections, he would take it that the members of the Committee wished that document to be circulated to them for information.
2. It was so decided.
3. The CHAIRMAN read out paragraphs 600, 605 and 606 of the Report of the Human Rights Committee (A/33/40), which recorded the decisions previously taken by the Committee on the question of its co-operation with the specialized agencies concerned. He drew attention to the fact that representatives of ILO and UNESCO were attending the Committee's meeting.
4. Mr. TOMUSCHAT suggested that it might be desirable to hear what the representatives of ILO and UNESCO had to say about the contributions those agencies could make to the Committee's work.
5. The CHAIRMAN said that, if there were no objections, he would take it that the Committee wished to hear the representatives of ILO and UNESCO.
6. Mr. SAMSON (International Labour Office), speaking at the invitation of the Chairman, assured the Committee that ILO was following its work attentively, studying the reports of States parties submitted to the Committee and the summary records of its meetings. As to the articles of the Covenant of interest to ILO, the Committee had already in its decisions, that the provisions of paragraph 3 (concerning forced or compulsory labour) of article 8 of the Covenant and the provisions of article 22 (concerning trade unions) were of interest to ILO. On that point ILO and the Committee were agreed.
7. In a letter dated 25 January 1978, to the Chairman of the Human Rights Committee (CCPR/C/L.3/Add.2), ILO had indicated what information it could give the Human Rights Committee, and in what form. In October 1978, in a letter to the Assistant Director of the Division of Human Rights (CCPR/C/L.3/Add.3) it had been explained that ILO would not consider itself called upon to comment on the reports made by States Parties under the Covenant on Civil and Political Rights or on the observance by them of their obligations under the Covenant. It had also been stated that it would be for the Human Rights Committee itself to decide what use to make of any information supplied to it.
8. The Committee had been informed of the measures taken with respect to other international instruments, such as the International Convention on the Elimination of All Forms of Racial Discrimination, even though no provision was made for co-operation between the specialized agencies and the Committee set up in pursuance of that Convention. In paragraphs 15 to 18 of supplement No. 18 of the Official Records of the Thirty-fourth Session of the General Assembly of the United Nations, the members of the Committee would find information on how collaboration was organized between ILO, UNESCO and the Committee on the Elimination of Racial Discrimination.

9. ILO had also made arrangements to secure the collaboration of the United Nations and certain specialized agencies on the implementation of several ILO conventions on matters that were also within the competence of other United Nations bodies. Those arrangements were mainly concerned with exchanges of information and representation of the bodies concerned at meetings of the leading organs of ILO. With regard to the adoption of certain recent international instruments (migrant workers, safety problems), collaboration between ILO and certain United Nations bodies had been strengthened. ILO would be prepared to provide more information on that subject, either orally or in writing.

10. Mr. BOISSON (United Nations Educational, Scientific and Cultural Organization) speaking at the invitation of the Chairman, said that the Executive Board and General Conference of UNESCO had from the outset shown great interest in the implementation of the International Covenants on Human Rights. Thus the General Conference of UNESCO had invited members of that organization to ratify the Covenants and the Protocol. Since several of the rights set out in the International Covenant on Civil and Political Rights fell directly or indirectly within the competence of UNESCO, the Executive Board had studied the problems that might be raised by collaboration between UNESCO and the Human Rights Committee.

11. In order to prepare its contribution to the implementation of the International Covenant on Civil and Political Rights, UNESCO had sent to the United Nations Secretariat, on 26 June 1976, a communication concerning the provisions of the Covenant which seemed to fall within constitutional competence of UNESCO. It had been proposed that the Executive Board of UNESCO should study articles 6, 7, 8, 12, 13, 22, 23 and 24 of the International Covenant on Civil and Political Rights, which indirectly concerned UNESCO, and articles 18, 19 and 27, which concerned its fields of competence more directly. UNESCO was awaiting the decision of the Human Rights Committee to find out how much it could contribute to the Committee's work and, especially, what form its contribution could take and under what conditions it should be made.

12. The Executive Board of UNESCO had invited the Director General to make the necessary arrangements for the Committee on Conventions and Recommendations to examine all questions raised by the preparation of UNESCO's contribution to the implementation of the International Covenants on Human Rights and the Optional Protocol to the International Covenant on Civil and Political Rights. The Committee on Conventions and Recommendations intended to ask the Executive Board to give the most careful attention to anything that the Human Rights Committee might ask of UNESCO concerning the implementation of the Covenant and the Protocol.

13. Mr. SADI enquired what would be the status of the information supplied, for example, by ILO concerning States Parties which did not observe the provisions of the Covenant. According to the Covenant and the rules of procedure, the Committee was required to study the reports by States Parties as submitted. But in dealing with the report submitted by Chile, the Committee had taken into account United Nations documents which it had considered relevant. What, then, would the Committee do with information from ILO concerning the fact that a State Party was not fulfilling its obligations under the Covenant in regard, for example, to trade unions or forced labour?

14. The CHAIRMAN reminded members that it had been agreed that the specialized agencies would not be asked to submit comments on those passages from the reports of States Parties which had been transmitted to them. Moreover, in a letter

dated 11 October 1978 (CCPR/C/L.3/Add.3), ILO had stated that it would not consider itself called upon to comment on the reports made by States Parties under the Covenant on Civil and Political Rights, or on the observance by them of their obligations under the Covenant.

15. Mr. SADI said he wondered whether the procedure applied by ILO might not lead it to the conclusion that a State Party to the Covenant was not fulfilling its obligations, if those obligations were the same as those imposed on it by certain ILO standards. In such a case it was open to question whether the Committee should take that kind of information into account. In the case of Chile the Committee had indeed considered information other than that supplied by the State Party in its report.

16. Sir Vincent EVANS said he thought that the Committee had not yet given enough time to the question under study, so that it had not been able to take measures which would enable it to make the best use of the assistance which certain specialized agencies could provide. In the sphere of protection of human rights all United Nations bodies should co-operate and the Committee must not work in a kind of ivory tower, without taking account of what was being done by other United Nations organs.

17. With regard to one of the States Parties, as Mr. Sadi had said, the Committee had already made good use of information from internal United Nations sources. In studying the reports of the States Parties, the members of the Committee should take into consideration information from all available sources. Information that specialized agencies such as ILO and UNESCO could provide would be useful in two respects. First, on human rights questions it was important that United Nations bodies should try to be consistent. The Committee therefore needed to know what standards were being applied by other United Nations bodies, especially in fields in which their experience was greater than its own. Secondly, information from United Nations bodies could help the Committee to determine whether States Parties to the Covenant were fulfilling their obligations.

18. As to the form and the nature of the information to be supplied by the specialized agencies, it should be remembered that an informal Working Group of the Committee had recommended that the specialized agencies should make written statements (CCPR/C/IV/GRP.2, paragraph 3). Those statements could be distributed either to the Committee as such or to its members individually. It remained to be seen whether the specialized agencies were willing to respond to that recommendation.

19. Mr. LALLAH said he welcomed the action taken, particularly by ILO and UNESCO, to promote accession to the International Covenants on Human Rights and their implementation, and regretted that the Committee had not used the assistance of those organizations to better advantage. The Committee should establish more fruitful co-operation with the specialized agencies and decide how it could make the best use of the material they would supply, on the understanding that it was for information only. With that end in view, the Committee should send the specialized agencies relevant extracts from the reports of the States Parties concerned before studying them, not afterwards, as was done at present.

20. The CHAIRMAN invited members of the Committee to express an opinion on the choice of articles made by UNESCO.

21. Mr. MOVCHAN expressed his satisfaction at the co-operation which the Committee, under the Covenant and its rules of procedure, had established with the specialized agencies; he particularly welcomed the active participation of ILO and UNESCO in the Committee's work. He saw no reason why it should not be left to the specialized agencies to decide which articles of the Covenant interested them particularly.

22. The Committee was entitled to obtain information from the relevant documents of the specialized agencies, on the understanding that its decisions would be taken according to the best of its knowledge and belief and in conformity with its procedure, and that it could at any time apply to those agencies, through its Chairman, for information likely to be of interest to it. That co-operation should, of course, be reciprocal.

23. The CHAIRMAN pointed out that it was the complete reports of the States Parties which were sent to the specialized agencies.

24. Sir Vincent EVANS said he hoped that the specialized agencies would provide information on their current practice and experience concerning the interpretation and implementation of those provisions of international instruments within their competence which were similar to provisions of the Covenant with which they were concerned - which would help the Committee in studying the reports of States Parties.

25. In reply to a question by the Chairman, he said that for the moment he was trying to obtain general information. It was of little importance whether the information he needed appeared in a document of the Committee or in a document issued by ILO or UNESCO and transmitted to him direct.

26. Mr. MOVCHAN, referring to the question of financial procedures, said he doubted whether a member of the Committee could request information personally, basing his request not on a decision of the Committee, but on a mere proposal of the Working Group. The Committee had not yet completed consideration of the Working Group's proposals. That being so, the question arose to whom information should be supplied in writing, where the resources needed for the communication of that information should be obtained and whether the cost of such communication would be borne by the specialized agency concerned or by the Committee. A request for information did not raise difficulties if it was based on a decision by the Committee and thus took account of the opinions of the other members.

27. Mr. SADI said he saw no objection to the information communicated being of an abstract nature, but it must be really useful for the Committee's work. For instance, a knowledge of the decisions taken by the ILO Committee of Experts on the Application of Conventions and Recommendations concerning the conduct of States Members of that organisation in regard, for example, to migrant workers, forced labour or the exercise of trade union rights, would help the Committee in its examination of the reports of States Parties to the Covenant which were also members of ILO, and would make it possible to ask each of them pertinent questions. A simple request for the communication of those decisions would have no financial implications.

28. Mr. OPSAHL said that as he understood it, Sir Vincent Evans wished to be able to request information which he would use, as an expert member of the Committee, in considering questions within its competence. He himself would also like to be on the list of correspondents of the specialized agencies, in order to obtain information direct and avoid loss of time. He hoped that the information concerning Poland and Sweden, whose reports were to be studied the following week, would reach the Committee in good time.

29. Mr. TOMUSCHAT said he thought the Committee should receive the documents of the specialized agencies direct. Those documents would not be prepared specially for the Committee: they would form part of the existing documentation of the agency concerned. That was how he had been able to obtain the conclusions of the ILO Committee of Experts on the Application of Conventions and Recommendations. The important point was to know what legal value to attribute to that documentation. It should provide the Committee with basic information which would enable it to put pertinent, precise questions to the representatives of the States Parties whose reports were being studied. But it was obvious that the Committee must evaluate that information itself, that it was not bound by the conclusions of another body and that it must formulate its own conclusions.

30. Mr. Koulishev took the chair.

31. Mr. HANGA said he thought the information communicated by the specialized agencies raised two problems. First, it was necessary to know who would request the information; in his view it was not for individual members of the Committee to make the request, but for the Committee itself. Such information might prove necessary, for example, during the study of the reports of States Parties or of provisions of the Covenant. The second problem was the value of the information communicated. It should be simple, factual information of the sort provided in the consultations preceding the conclusion of a contract, but which did not form part of the contract itself.

32. Moreover, since the Committee had invited representatives of the specialized agencies to attend its meetings, he suggested that a member of the Committee should attend the public meetings of the specialized agencies.

33. Mr. OPSAHL said he understood the need for members of the Committee to hold informal consultations to work out the policy to be followed in the matter. The question of the co-operation of the Committee with the specialized agencies was perhaps not so simple as it first appeared and he did not wish to prejudge the conclusions to which the informal consultations would lead.

34. Mr. LALLAH said he thought the Committee could take a decision at least on one point, namely, the transmission to UNESCO and ILO of all the extracts from the reports of States Parties concerning articles of the Covenant which were of interest to those agencies. The other points would be the subject of informal consultations.

35. The CHAIRMAN said there seemed to be a consensus that extracts from the reports of States Parties concerning articles of the Covenant which were of interest to the specialized agencies should be sent to them.

36. It was so decided.

37. Sir Vincent EVANS asked whether the discussion on the other aspects of the question of the co-operation of the Committee with the specialized agencies would be continued, and suggested that the representative of the International Labour Office should reply at once to the questions raised.

38. The CHAIRMAN said that the discussion would be continued at the next meeting if necessary.

39. Mr. SAMSON (International Labour Office) referred first to a specific example, that of Chile, which might clarify the position for the Committee. Chile had not ratified the ILO Convention on Freedom of Association and Protection of the Right to Organize, but, in accordance with a procedure instituted by a joint decision of the ILO Governing Body and the Economic and Social Council, ILO had taken steps to verify the validity of complaints concerning violation of trade union rights in that country; a Fact-Finding Commission had been appointed; it had made investigations in 1974 and 1975 and had drafted a report on the situation in regard to trade union rights in Chile. Subsequently, the ILO Governing Body had asked for further information on the development of the situation and fresh reports had been drawn up.

40. Under the existing arrangements, ILO could communicate to the Human Rights Committee the report drawn up by the Fact-Finding Commission in 1975 and the subsequent reports. Those documents contained information on the evolution of legislation concerning freedom of association and on the conditions under which trade union rights were actually exercised in Chile, as well as the relevant conclusions of ILO organs. In that connexion, he wished to specify that the conclusions of ILO organs were only of informational value to the Committee and could not bind it in any way. The same problem had arisen in ILO with regard to documents issued by other organs of the United Nations. Each organ must, of course, draw its own conclusions.

41. As to the more general question of the documentation which ILO could supply to the Committee, it would be possible for ILO to communicate regularly to the Committee all the reports drawn up; for example, by the Committee of Experts on the Application of Conventions and Recommendations concerning the implementation of the relevant provisions of ILO Conventions, or by the fact-finding commissions set up by ILO. That documentation would be voluminous. A simpler solution would be to inform the specialized agencies of the Committee's programme of work in advance, so that they would know which reports of States Parties it would be studying and be able to provide it with the relevant information. That information could concern the conventions ratified by the States in question and any comments made by the supervisory bodies of the ILO on the implementation of those conventions or on procedures specially provided for. The documentation would then be less voluminous and would have a direct bearing on the case of the country under consideration. It would also have the advantage of being up to date. ILO could also provide the Committee with more general documentation on the interpretation of ILO standards.

42. With regard to the wish expressed by a member of the Committee that a representative of the Committee should attend the meetings of the specialized agencies, that had already been arranged, for example, in regard to the Committee of Experts on the Application of Conventions and Recommendations.

43. Mr. BOUZIRI raised the question of the amount of work and the cost that would be entailed if the Secretariat was required to extract, from the summary records of the Committee's meetings, the passages relating to the different articles of interest to the specialized agencies.

44. The CHAIRMAN explained that the documents from which the passages concerning articles of interest to the specialized agencies would be extracted were the reports of States Parties to the Covenant, not the summary records of meetings.

45. Mr. HOUSHMAND (Division of Human Rights) said that the decision which had just been taken would extend the field of application of article 40, paragraph 3, of the Covenant, which had so far been applied in a limited way, for example, to articles 19 and 22 of the Covenant for ILO. The reports of States Parties would be transmitted to the specialized agencies, whose attention would be drawn to the passages relating to articles of particular interest to them. The transmission of those documents would not entail any additional expenditure.

The meeting rose at 1 p.m.