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INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Report of the Third Committee

Rapporteur: Mr. Paul-Désiré KABORE (Burkina Faso)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 20 September 1985, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fortieth session the item entitled:

"International Covenants on Human Rights:

"(a) Report of the Human Rights Committee;

"(b) Status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights: report of the Secretary-General;

"(c) Reporting obligations of States parties to United Nations conventions on human rights: report of the Secretary-General".

At the same meeting, the Assembly decided to allocate the item to the Third Committee.

2. The Third Committee considered the item jointly with items 101, 102, 103 and 144 at its 46th to 48th, 50th to 53rd, 58th and 60th meetings on 19 to 22, 25 and 29 November and 2 December 1985. An account of the discussions of the Committee is contained in the relevant summary records (A/C.3/40/SR.46-48, 50-53, 58 and 60).

3. The Committee had before it the following documents:

(a) Report of the Economic and Social Council, chapters III, section D, VII and IX, section F; 1/

(b) Report of the Human Rights Committee; 2/

(c) Reporting obligations of States parties to United Nations conventions on human rights: report of the Secretary-General (A/40/600 and Add.1);

(d) Status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights: report of the Secretary-General (A/40/605);

(e) Letter dated 29 January 1985 from the Permanent Representative of Democratic Kampuchea to the United Nations addressed to the Secretary-General (A/40/109-S/16914);

(f) Letter dated 4 March 1985 from the Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General (A/40/160);

(g) Letter dated 25 April 1985 from the Permanent Representative of Democratic Kampuchea to the United Nations addressed to the Secretary-General (A/40/267-E/1985/69);

(h) Letter dated 19 June 1985 from the Permanent Representative of Democratic Kampuchea to the United Nations addressed to the Secretary-General (A/40/393-E/1985/128);

(i) Letter dated 23 September 1985 from the Permanent Representative of Democratic Kampuchea to the United Nations addressed to the Secretary-General (A/40/678-S/17492);

(j) Letter dated 14 October 1985 from the Permanent Representative of Democratic Kampuchea to the United Nations addressed to the Secretary-General (A/40/750-S/17565);

(k) Letter dated 27 September 1985 from the Permanent Representative of Democratic Kampuchea to the United Nations addressed to the Secretary-General (A/C.3/40/2).

1/ To be issued as Official Records of the General Assembly, Fortieth Session, Supplement No. 3 (A/40/3/Rev.1).

2/ Official Records of the General Assembly, Fortieth Session, Supplement No. 40 (A/40/40).

4. At the 46th meeting, on 19 November, the Assistant Secretary-General for Human Rights made an introductory statement.

II. CONSIDERATION OF DRAFT RESOLUTIONS

A. Draft resolution A/C.3/40/L.55

5. At the 58th meeting, on 29 November, the representative of the German Democratic Republic introduced a draft resolution (A/C.3/40/L.55) entitled "Indivisibility and interdependence of economic, social, civil and political rights", sponsored by Bulgaria, the Byelorussian Soviet Socialist Republic, the Gambia, the German Democratic Republic, Hungary, Mongolia, Nicaragua, Peru and the Syrian Arab Republic. Peru withdrew from the co-sponsorship of the draft resolution.

6. The tenth preambular paragraph of the draft resolution read as follows:

"Desirous of removing all obstacles to the full realization of human rights, in particular colonialism, neo-colonialism, racism, apartheid and all forms of foreign occupation, aggression, discrimination and domination,".

7. At the 60th meeting, on 2 December 1985, the representative of Pakistan orally introduced an amendment to the tenth preambular paragraph, as follows:

(a) To add the words "racial discrimination in all its forms" between the words "racism" and "apartheid";

(b) To delete the words "and all forms of" between the words "apartheid" and "foreign";

(c) To add the words "intervention" between the words "foreign" and "occupation".

8. At the same meeting, the representative of Morocco recalled that in 1966 the General Assembly adopted first the Covenant on Civil and Political Rights and then the Covenant on Economic, Social and Cultural Rights. The representative of Morocco proposed, therefore, that the third preambular paragraph should be redrafted by referring to the International Covenant on Civil and Political Rights before the International Covenant on Economic, Social and Cultural Rights. In this connection, the representative of the German Democratic Republic stated that the Covenant on Economic, Social and Cultural Rights had entered into force before the Covenant on Civil and Political Rights and should therefore be mentioned first. The proposal was not taken into account.

9. At the same meeting, the representative of the German Democratic Republic, on behalf of the sponsors, accepted the amendment of Pakistan and revised the text accordingly.

10. At the same meeting, the Committee voted on the revised draft resolution as follows:

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(a) The eighth preambular paragraph was adopted by a recorded vote of 107 to 8, with 18 abstentions. The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Gabon, Gambia, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Mozambique, Nepal, Netherlands, Nicaragua, Nigeria, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Samoa, Saudi Arabia, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Costa Rica, France, Germany, Federal Republic of, Honduras, Israel, Italy, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Belgium, Canada, Denmark, Finland, Greece, Iceland, Ireland, Ivory Coast (Côte d'Ivoire), Japan, Luxembourg, New Zealand, Norway, Portugal, Senegal, Spain, Sweden, Turkey.

(b) The tenth preambular paragraph, as orally revised, was adopted by a recorded vote of 113 to 1, with 21 abstentions. The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ivory Coast (Côte d'Ivoire), Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland,

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Qatar, Romania, Rwanda, Samoa, Saudi Arabia, Senegal, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: United States of America.

Abstaining: Austria, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Greece, Honduras, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.

(c) The eleventh preambular paragraph was adopted by a recorded vote of 113 to 7, with 16 abstentions. The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ivory Coast (Côte d'Ivoire), Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Samoa, Saudi Arabia, Senegal, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: France, Germany, Federal Republic of, Israel, Italy, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Belgium, Canada, Denmark, Finland, Greece, Iceland, Ireland, Japan, Luxembourg, New Zealand, Norway, Portugal, Spain, Sweden.

(d) The draft resolution as a whole, as orally revised, was adopted by a recorded vote of 119 to 1, with 18 abstentions (see para. 16, draft resolution I). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Ivory Coast (Côte d'Ivoire), Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, Nicaragua, Niger, Nigeria, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Samoa, Saudi Arabia, Senegal, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: United States of America.

Abstaining: Austria, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Iceland, Israel, Italy, Japan, Luxembourg, Malawi, New Zealand, Norway, Portugal, Sweden, United Kingdom of Great Britain and Northern Ireland.

B. Draft resolution A/C.3/40/L.56

11. At the 58th meeting, on 29 November, the representative of Denmark introduced a draft resolution (A/C.3/40/L.56) entitled "The International Covenants on Human Rights", sponsored by Australia, Bulgaria, Canada, Costa Rica, Cyprus, Denmark, Finland, Iceland, Italy, the Netherlands, Nicaragua, Norway, Peru, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland as well as Ecuador and France. The representative of Denmark revised the draft resolution by deleting operative paragraph 2, which read as follows:

"2. Appreciates that the Human Rights Committee continues to strive for uniform standards in the implementation of the provisions of the International Covenant on Civil and Political Rights and the Optional Protocol thereto;"

/...

12. At its 60th meeting, on 2 December, the Committee adopted the draft resolution, as orally revised, without a vote (see para. 16, draft resolution II).

C. Draft resolution A/C.3/40/L.73

13. At the 58th meeting, on 29 November, the representative of Italy introduced a draft resolution (A/C.3/40/L.73) entitled "Reporting obligations of States parties to United Nations conventions on human rights", sponsored by Austria, Belgium, Canada, Costa Rica, Finland, Germany, Federal Republic of, Italy, Morocco, Nicaragua, Suriname and Venezuela.

14. At the 60th meeting, on 2 December, the representative of Italy orally corrected the draft resolution by replacing the word "Conference" by the word "Meeting" in operative paragraph 10.

15. At the same meeting, the Committee adopted the draft resolution, as orally corrected, without a vote (see para. 16, draft resolution III).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

16. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Indivisibility and interdependence of economic, social,
cultural, civil and political rights

The General Assembly,

Mindful of the obligations of States under the Charter of the United Nations to promote social progress and better standards of life in larger freedom and universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling the Universal Declaration of Human Rights 3/ as well as the International Covenant on Economic, Social and Cultural Rights 4/ and the International Covenant on Civil and Political Rights, 4/

3/ Resolution 217 A (III).

4/ See resolution 2200 A (XXI), annex.

Acknowledging that the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights have created new standards and obligations to which States should conform,

Recalling that 1986 marks the twentieth anniversary of the adoption of the International Covenants on Human Rights, 4/

Also recalling the Declaration on Social Progress and Development, based on the Charter of the United Nations and solemnly proclaimed on 11 December 1969, 5/

Taking note of the 1985 Report on the World Social Situation, 6/

Reaffirming the provisions of its resolution 32/130 of 16 December 1977 that all human rights and fundamental freedoms are indivisible and interdependent and that the promotion and protection of one category of rights can never exempt or excuse States from the promotion and protection of the other rights,

Convinced that the full realization of civil and political rights is inseparably linked with the enjoyment of economic, social and cultural rights,

Convinced also that the achievement of lasting progress in the implementation of human rights is dependent upon sound and effective national and international policies of economic, social and political development,

Desirous of removing all obstacles to the full realization of human rights, in particular colonialism, neo-colonialism, racism, racial discrimination in all its forms, apartheid, foreign intervention, occupation, aggression, discrimination and domination,

Recognizing the fundamental rights of every people to exercise full sovereignty over its natural wealth and resources,

Recognizing also that the realization of the right to development could help to promote the enjoyment of economic, social and cultural rights,

Reaffirming that there is a close relationship between disarmament and development, that progress in the field of disarmament could considerably promote progress in the field of development and that resources released through disarmament measures would contribute to the economic and social development and well-being of all peoples, in particular those of the developing countries,

5/ Resolution 2542 (XXIV).

6/ United Nations publication, Sales No. E.85.IV.2.

Recalling Commission on Human Rights resolution 1985/42 of 14 March 1985, in which the Commission stated that the promotion and implementation of economic, social and cultural rights and the obstacles to their realization have not received sufficient attention within the framework of the United Nations organs, 7/

Requesting the Secretary-General to enhance his efforts under the programme of advisory services to States in the implementation of the International Covenants on Human Rights,

1. Recognizes that equal attention should be given to the implementation, promotion and protection of economic, social and cultural rights and civil and political rights;
2. Appeals to all States, on the occasion of the twentieth anniversary of the adoption of the International Covenants on Human Rights, to pursue policies directed to the full implementation of the rights contained therein;
3. Requests the Commission on Human Rights to continue its consideration of the realization of economic, social and cultural rights and to submit, through the Economic and Social Council, its views and recommendations on these human rights to the General Assembly at its forty-second session;
4. Welcomes the decision of the Economic and Social Council, in its resolution 1985/17 of 28 May 1985, to establish the Committee on Economic, Social and Cultural Rights, which will be entrusted from 1987 on with the important task of examining the implementation of the International Covenant on Economic, Social and Cultural Rights;
5. Encourages Governments to give careful consideration to nominations for the Committee on Economic, Social and Cultural Rights in due recognition of the status of Committee members as experts with recognized competence in the field of human rights, serving in their personal capacity;
6. Urges the Secretary-General to take determined steps, within existing resources, to give publicity to the Committee on Economic, Social and Cultural Rights and to ensure that it receives full administrative support in order to enable it to commence its functions effectively;
7. Decides to convene, on 16 December 1986, a commemorative plenary meeting of the forty-first session of the General Assembly devoted to the twentieth anniversary of the adoption of the International Covenants on Human Rights;

7/ See Official Records of the Economic and Social Council, 1985, Supplement No. 2 (E/1985/22), chap. II, sect. A.

8. Decides also to discuss the question of the Indivisibility and interdependence of economic, social, cultural, civil and political rights at its forty-first session under the item entitled "International Covenants on Human Rights".

DRAFT RESOLUTION II

International Covenants on Human Rights

The General Assembly,

Recalling its resolutions 33/51 of 14 December 1978, 34/45 of 23 November 1979, 35/132 of 11 December 1980, 36/58 of 25 November 1981, 37/191 of 18 December 1982 and 38/116, 38/117 of 16 December 1983 and 39/136 and 39/138 of 14 December 1984,

Taking note of the report of the Secretary-General 8/ on the status of the International Covenant on Economic, Social and Cultural Rights, 9/ the International Covenant on Civil and Political Rights 9/ and the Optional Protocol to the International Covenant on Civil and Political Rights, 9/

Noting with appreciation that, following its appeal, more Member States have acceded to the International Covenants on Human Rights, 9/

Recognizing the important role of the Human Rights Committee in the implementation of the International Covenant on Civil and Political Rights and the Optional Protocol thereto,

Taking into account the useful work of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights,

Bearing in mind the important responsibilities of the Economic and Social Council in relation to the International Covenants on Human Rights,

Calling attention to the twentieth anniversary, in 1986, of the adoption of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

1. Notes with appreciation the report of the Human Rights Committee on its twenty-third, twenty-fourth and twenty-fifth sessions 10/ and expresses satisfaction with the serious and constructive manner in which the Committee is continuing to undertake its functions;

8/ A/40/605.

9/ See resolution 2200 A (XXI), annex.

10/ Official Records of the General Assembly, Fortieth Session, Supplement No. 40 (A/40/40).

2. Expresses its appreciation to the States parties to the International Covenant on Civil and Political Rights that have submitted their reports under article 40 of the Covenant and urges States parties that have not yet done so to submit their reports to the Committee as speedily as possible;
3. Urges the States parties to the International Covenant on Civil and Political Rights that have been requested by the Human Rights Committee to provide additional information to comply with that request;
4. Commends the States parties to the International Covenant on Economic, Social and Cultural Rights that have submitted their reports under article 16 of the Covenant and urges States that have not yet done so to submit their reports as soon as possible;
5. Notes with satisfaction that the majority of States parties to the International Covenant on Civil and Political Rights, and an increasing number of States parties to the International Covenant on Economic, Social and Cultural Rights, have been represented by experts for the presentation of their reports, thereby assisting the Human Rights Committee and the Economic and Social Council in their work, and hopes that all States parties to both Covenants will arrange such representation in the future;
6. Again urges all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as to consider acceding to the Optional Protocol to the International Covenant on Civil and Political Rights;
7. Invites the States parties to the International Covenant on Civil and Political Rights to consider making the declaration provided for in article 41 of the Covenant;
8. Emphasizes the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocol thereto;
9. Stresses the importance of avoiding the erosion of human rights by derogation and underlines the necessity of strict observance of the agreed condition and procedures for derogation;
10. Recommends to States parties that they continually review whether any reservation made in respect of the provisions of the International Covenants on Human Rights should be upheld;
11. Urges States parties to continue to pay active attention to the protection and promotion of civil and political, as well as economic, social and cultural, rights;

12. Welcomes the decision of the Economic and Social Council, in its resolution 1985/17 of 28 May 1985, to establish the Committee on Economic, Social and Cultural Rights, which will be entrusted as at 1987 with the important task of overseeing the implementation of the International Covenant on Economic, Social and Cultural Rights;

13. Requests the Secretary-General to keep the Human Rights Committee informed of the relevant activities of the General Assembly, the Economic and Social Council, the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women, and also to transmit the annual reports of the Human Rights Committee to those bodies;

14. Also requests the Secretary-General to submit to the General Assembly at its forty-first session a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights;

15. Again urges the Secretary-General, taking into account the suggestions of the Human Rights Committee, to take determined steps within existing resources to give more publicity to the work of the Human Rights Committee and, similarly, to the work of the Economic and Social Council and to improve the administrative and related arrangements to enable them to carry out their respective functions effectively under the International Covenants on Human Rights;

16. Welcomes the progress already made towards the publication of the official public records of the Human Rights Committee in bound volumes and looks forward to receiving the volumes covering the first two sessions in the near future;

17. Encourages 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 International Covenant on Civil and Political Rights in as many languages as possible and to distribute them and make them known as widely as possible in their territories;

18. Requests the Secretary-General to ensure that the Centre for Human Rights of the Secretariat effectively assists the Human Rights Committee and the Economic and Social Council in the implementation of their respective functions under the International Covenants on Human Rights.

DRAFT RESOLUTION III

Reporting obligations of States parties to United Nations
conventions on human rightsThe General Assembly,

Recalling its resolution 37/44 of 3 December 1982, in which it noted with concern the critical situation of overdue reports under the International Convention on the Elimination of All Forms of Racial Discrimination 11/ and affirmed the necessity to consider that situation in the overall framework of all reporting obligations of States parties to United Nations conventions on human rights,

Recalling also its resolution 38/117 of 16 December 1983, in which it noted that many delays were occurring also in the submission of reports under the International Covenant on Economic, Social and Cultural Rights, 12/ as indicated in the first report of the Secretary-General on the overall situation of reporting obligations, 13/

Recalling further its resolution 39/138 of 14 December 1984, in which the General Assembly, having considered the report of the meeting of the Chairmen of supervisory bodies for United Nations conventions on human rights and of the Commission on Human Rights, held at Geneva on 16 and 17 August 1985, 14/ expressed its concern about the problems experienced by those bodies in the functioning of the reporting procedures and its conviction of the need to improve the existing reporting system in order to solve the problems being faced by both the supervisory bodies and the States parties to various human rights conventions,

Having considered the report of the Secretary-General containing updated information as at 1 June 1985 on the general situation of the submission of reports of States parties to United Nations conventions on human rights and a compilation of the general guidelines elaborated by the various human rights bodies under the human rights instruments, 15/

Noting with deep concern that the number of overdue reports of States parties to at least one of the conventions on human rights has reached serious proportions and may even increase unless appropriate steps are taken to

11/ Resolution 2106 A (XX), annex.

12/ Resolution 2200 A (XXI), annex.

13/ A/38/393.

14/ A/39/484, annex.

15/ A/40/600 and Add.1.

further ascertain the root causes of the situation and to devise appropriate types of action that can progressively remove the difficulties being experienced,

Recalling in this respect Commission on Human Rights resolution 1985/26 of 11 March 1985 ^{16/} concerning the programme of advisory services in the field of human rights, ^{17/} and also resolution 1985/45 of 14 March 1985, ^{16/} in which the Commission, having considered the status of the International Covenants on Human Rights, requested the Secretary-General to consider ways and means of making advice and assistance available to States parties to these instruments in the preparation of their reports,

Recognizing once again and with deeper concern the burden that several coexisting reporting systems place upon Member States that are parties to various conventions, which in future may become more acute in relation to the ratification of other conventions,

Reiterating the importance it attaches to the fulfilment of obligations under international conventions on human rights, including reporting obligations,

1. Takes note with appreciation of the very comprehensive second report of the Secretary-General on reporting obligations of States parties to United Nations conventions on human rights, which contained:

(a) Updated information on the general situation of the submission of reports of States parties to the five conventions currently in force;

(b) Consideration of and suggestions on the question of consolidating the guidelines of the supervisory bodies entrusted with the consideration of the reports of States parties on the implementation of the conventions;

(c) A list of articles dealing with related rights under the various conventions and a compilation of the current guidelines;

2. Expresses its deep concern about the alarming number of overdue reports of many States parties to the international conventions on human rights ^{18/} which negatively affects the reporting systems of those conventions, in particular of the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Economic, Social and Cultural Rights;

^{16/} See Official Records of the Economic and Social Council, 1985, Supplement No. 2 (E/1985/22), chap. II, sect. A.

^{17/} See E/CN.4/1985/30.

^{18/} See A/40/600, annex, paras. 11, 12 and 16.

3. Expresses particular concern that some States that are parties to four or to five conventions seem to find serious difficulties in submitting their reports, as indicated by the repeated reminders addressed to them by the Secretary-General at the request of the competent supervisory bodies; 19/
4. Takes note with interest of Economic and Social Council decision 1985/132 of 28 May 1985, which, while maintaining the first six-year cycle of the reporting procedures on the implementation of the International Covenant on Economic, Social and Cultural Rights, establishes a nine-year period for the subsequent cycles, and considers this decision a first step towards the necessary lightening of the heavy burden of reporting obligations placed upon the States parties to that Covenant;
5. Supports the request addressed by the Commission on Human Rights to the Secretary-General, in its resolution 1985/45, 16/ concerning the provision of practical assistance to States, under the programme of advisory services in the field of human rights, in the preparation of their reports under United Nations conventions;
6. Commends the United Nations Institute for Training and Research for having organized in the Caribbean region, at the suggestion of the Centre for Human Rights and with its close co-operation, a training course on the preparation and submission of reports under international conventions on human rights, and expresses the hope this other courses of that type may be organized in Africa and Asia;
7. Believes that new timely steps are needed in order to ascertain further the most relevant causes of the present situation regarding the non-submission of reports and to devise feasible types of action intended to remove the difficulties being encountered;
8. To this end requests the Secretary-General to send to all States parties to the five United Nations conventions on human rights having at 1 February 1986 more than two overdue reports, a note verbale inviting them to indicate, if they so wish, the reasons for their difficulties in complying with the reporting obligations on the conventions under which their reports are overdue and their interest, if any, in technical advice and assistance with a view to better fulfilling their reporting obligations;
9. Invites the supervisory bodies of all conventions currently in force to give particular attention, within the usual consideration of the action taken by the General Assembly on their annual reports, to the report of the Secretary-General on reporting obligations and to the present resolution;
10. Recommends to the next meeting of the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to consider suggesting to the Committee on the Elimination of

19/ Ibid., paras. 13 and 14.

Racial Discrimination the adoption, as a general rule, of the practice already being followed by the Committee of considering two successive reports in one single text;

11. Requests the Secretary-General to submit to the General Assembly at its forty-first session a report containing updated information on the general situation of overdue reports, an assessment of the operational and financial implications of increasing training activities in this field and the results of the requests addressed to him in paragraph 8 above;

12. Decides to consider at its forty-first session the convening, in 1987, of another meeting of the Chairmen of the supervisory bodies, including the Committee on the Elimination of Discrimination against Women and, if already established, the committee against torture, in order to consider jointly the report of the Secretary-General requested in paragraph 11 above;

13. Fully concurs with the considerations and suggestions of the Secretary-General on the question of consolidating the guidelines of the supervisory bodies entrusted with consideration of the reports of the States parties on the implementation of the conventions on human rights;

14. Takes note with appreciation of the compilation of the general guidelines elaborated by the various supervisory bodies and of the list of articles dealing with related rights under the five conventions, both of which are very helpful for States parties in the preparation of their reports;

15. Decides to include in the provisional agenda of its forty-first session a separate item "Reporting obligations of States parties to the United Nations conventions on human rights".
