

United Nations
**GENERAL
ASSEMBLY**

THIRTY-SECOND SESSION

Official Records *



THIRD COMMITTEE
31st meeting
held on
Wednesday, 26 October 1977
at 3 p.m.
New York

SUMMARY RECORD OF THE 31st MEETING

Chairman: Mrs. MAIR (Jamaica)

CONTENTS

AGENDA ITEM 81: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued)

- (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

OTHER MATTERS

* This record is subject to correction. Corrections should be incorporated in a copy of the record and should be sent *within one week of the date of publication* to the Chief, Official Records Editing Section, room A-3550.

Corrections will be issued shortly after the end of the session, in a separate fascicle for each Committee.

77-57461

Distr. GENERAL
A/C.3/32/SR.31
31 October 1977
ENGLISH
ORIGINAL: SPANISH

/...

The meeting was called to order at 3.20 p.m.

AGENDA ITEM 81: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued)

- (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 (A/32/44, A/32/188; A/C.3/32/4; A/C.3/32/L.7, L.9 and L.11)
1. Mr. MERKEL (Federal Republic of Germany) observed that for the first time in the history of the United Nations a report (A/32/44) was being considered concerning the situation of human rights in several States in different regions and with different ideologies. A whole group of States had had to answer questions by independent experts which, together with the corresponding answers, provided an objective indication of the human rights situation in the countries concerned. It was no longer possible to argue that questions concerning the situation of human rights constituted interference in the domestic affairs of States, especially in the case of States which had ratified the International Covenants on Human Rights. Thus far only one out of every three or four Members of the United Nations had ratified those Covenants, but it was to be hoped that it would be possible to prevail upon all Members of the United Nations to ratify them within a few years.
 2. His country had ratified the Covenants in 1973, and at the same time had made the declaration provided for in article 41 of the Covenant on Civil and Political Rights. The question whether it was possible to accept the Optional Protocol while individual complaints were pending before the European Commission of Human Rights and the Court of Human Rights in Strasbourg was still under consideration. In his country individuals were entitled to appeal to the Federal Constitutional Court concerning the constitutionality of laws and decisions.
 3. The world-wide implementation of the Covenants and other important United Nations instruments on human rights in accordance with the spirit of the Universal Declaration of Human Rights would contribute to the effective enjoyment of those rights throughout the world. The Human Rights Committee could certainly not improve the human rights situation in the world overnight, since it could only discuss the situation in those States which submitted reports and assist individuals in those States which had acceded to the Optional Protocol to the Covenant on Civil and Political Rights. Nevertheless, in its first year of existence, the Human Rights Committee had done excellent work by deciding on its rules of procedure and considering the reports submitted by six States and the first individual complaints. The rules of procedure, which guaranteed that the Committee would realistically fulfil its obligations, contained an important rule making it possible for communications to be submitted not only by the alleged victim but also by some other person on his behalf. The decisions taken by the Committee concerning the publication of summary records and the reports of States, additional information requested, the handling of reports, and the guidelines for submission of reports all met with his delegation's approval.

/...

(Mr. Merkel, Federal Republic of Germany)

4. It was important that the necessary financial steps be taken to ensure the correct functioning of the Committee. The last operative paragraph of draft resolution A/C.3/32/L.7 contained a provision on that subject and he hoped that the draft resolution as a whole would be adopted by consensus.

5. The CHAIRMAN announced that Italy had joined the sponsors of draft resolution A/C.3/32/L.7.

6. Mr. GARVALOV (Bulgaria) introduced draft resolution A/C.3/32/L.9 on behalf of his own delegation and those of the German Democratic Republic, Guyana, Iran, Iraq, Kenya, Madagascar, Mali, Poland, the Syrian Arab Republic and the United Republic of Tanzania. The preambular part of the draft resolution referred to the fundamental considerations on which the draft was based, namely that the Covenants on Human Rights constituted the first all-embracing and legally binding international treaties in the field of human rights, and that the importance of their entry into force lay in the fact that they would enhance the ability of the United Nations to promote and encourage respect for human rights and fundamental freedoms, thus contributing to the attainment of the purposes and principles of the Charter. That being so, the sponsors considered that the General Assembly must adopt a proposal which would focus on the merits of the Covenants as instruments of international law in the field of human rights, as was done in paragraph 1. The same aim had prompted the drafting of paragraph 4, whose political implications could not be disregarded, since the universal character of the Covenants could only be realized when they were ratified by all States.

7. The draft resolution also contained specific references to the important role of the Economic and Social Council in the implementation of the Covenant on Economic, Social and Cultural Rights, and the role to be played in connexion with the Covenant on Civil and Political Rights by the Human Rights Committee, whose work in its first year of existence was bound to be appreciated. In that connexion, the General Assembly should express its appreciation to the States parties to the Covenant on Civil and Political Rights which had extended their co-operation to the Committee, as was done in paragraph 3.

8. The draft resolution was not restricted to one or another aspect of the Covenants, but stressed their importance as a whole. Some of its provisions were procedural, and given the overwhelming recognition of the importance of the Covenants, the substantive provisions would surely win general acceptance. The idea behind the draft resolution had been to provide a text which presented no difficulties either to the States which had ratified the Covenants or to those which had not done so. Care had been taken to avoid any suggestion which might interfere with the work of the Human Rights Committee, since the aim was to promote its future work. The draft resolution reflected the current situation with regard to the Covenants and the course which States and the international community would have to follow to achieve their implementation.

9. The sponsors hoped that the draft resolution would form the basis of any proposal which the Third Committee might recommend to the General Assembly on the item relating to the international Covenants. They considered that as worded the draft would receive the overwhelming support of the Third Committee and could even be adopted unanimously.

/...

10. Mr. MATELJAK (Yugoslavia) said that one of the important ways of promoting human rights and fundamental freedoms was the acceptance of appropriate international instruments by an ever-increasing number of States. The report of the Human Rights Committee (A/32/44) showed that that body could play an important role in the implementation of the International Covenant on Civil and Political Rights, thus contributing greatly to the promotion of human rights as a whole. That Committee had already completed a significant initial part of its work, giving grounds for hope that its future activities would be fruitful. That would require the co-operation of Member States; those which had not yet ratified the Covenant should do so and those which had already ratified it should apply it.

11. His delegation welcomed the readiness expressed by ILO and UNESCO to extend full co-operation to the Human Rights Committee; that might serve as an example to other specialized agencies and United Nations bodies dealing with human rights. His delegation also commended the Committee for its decision to give the widest possible publicity to its work.

12. He noted that of the 44 States which had ratified or acceded to the Covenant, 26 were non-aligned or developing countries. That showed the great interest of those countries in the promotion of civil and political rights, an attitude which was logical considering that the promotion of human rights was closely connected with over-all economic and social development. In addition, those countries had been more exposed than others to pressure from the forces of colonialism, foreign occupation, apartheid and other forms of racial discrimination and oppression. The United Nations and the international community should aim at the elimination of those evils in its efforts to secure implementation of the Covenant on Civil and Political Rights. Moreover, the full realization of civil and political rights was not possible without the enjoyment of economic, social and cultural rights. His delegation therefore attached special importance to the entry into force of the International Covenant on Economic, Social and Cultural Rights.

13. His delegation also considered that the successful implementation of the Covenants, like the successful promotion of human rights in general, depended closely on the establishment of a new international economic order. The present order limited the national, human and other rights of the peoples of the developing countries. For that reason, Yugoslavia had been actively seeking to promote the establishment of the new international economic order and had participated in the struggle against colonialism, foreign occupation, apartheid and racism, as well as against other forms of violation of human rights. Yugoslavia had ratified the Covenants several years earlier and was implementing them fully; also, it was one of the countries which had ratified the largest number of international instruments concerning human rights.

14. With regard to the protection of human rights at the national level, he said that was a problem which required the greatest goodwill and maximum efforts on the part of every Member State. The ratification of the Covenants by Yugoslavia had not required any changes in its laws, since the rights recognized in those instruments had already been guaranteed in the existing legislation and in a number of cases the rights so guaranteed were even more extensive than the rights established in the Covenants, especially in the case of the right of self-management

(Mr. Mateljak, Yugoslavia)

enjoyed by workers in Yugoslavia. As to the rights of minorities, Yugoslavia provided broader protection than that envisaged in the Covenant on Civil and Political Rights, for it fully protected not only the rights of ethnic, religious and linguistic minorities but also the rights of national minorities.

15. Miss CAO-PINNA (Italy) said that Italy was about to ratify the two Human Rights Covenants and the Optional Protocol to the Covenant on Civil and Political Rights and to recognize the competence of the Human Rights Committee to receive and consider communications from States parties. The relevant bill had been approved by the Senate and by the competent commission of the Chamber of Deputies, which had now to consider it in plenary meeting. That global approach to the instruments in question reflected Italy's philosophy and policy with regard to human rights and also its firm conviction that the effective enjoyment of human rights was no longer merely an internal affair concerning each State but was of concern to the entire international community.

16. With regard to the report of the Human Rights Committee (A/32/44), she expressed satisfaction at the way in which that body had carried out its functions. In only two sessions it had adopted its rules of procedure and begun to consider the reports submitted by States parties and the communications received. The performance of those tasks had been facilitated by the Committee's decision to set up a small working group which had met for three days before the second session and the Committee had taken a similar decision with regard to its third session. At the resumed sixty-third session of the Economic and Social Council one delegation had raised the question of the financial implications of those activities of the Committee. In the opinion of her delegation, the functions of the Human Rights Committee were so important that that body should be empowered - as a rule and not as an exception - to establish working groups when the need to do so arose. To that effect, it thought that the Third Committee should recommend the Fifth Committee to give its most careful consideration to the programme budget implications of the work of the Committee which the Secretary-General had submitted to the General Assembly under the Council's decision 286 (LXIII) (A/C.3/32/L.11).

17. Similarly, her delegation considered that, in conformity with the provisions of article 36 of the Covenant on Civil and Political Rights, the Fifth Committee should study with the greatest care the need to provide the Division of Human Rights with the necessary staff and facilities, taking into consideration the Division's increased responsibilities relating to the entry into force of the Covenants and the Optional Protocol.

18. Among the various decisions adopted by the Committee, her delegation considered that those relating to communications received under the provisions of the Protocol were especially important. She referred in particular to rule 90, paragraph 1 (d), of the Committee's provisional rules of procedure, and noted that in the practical application of that provision the Committee had been very cautious, as was reflected in paragraphs 150 and 151 of its report.

/...

(Miss Cao-Pinna, Italy)

19. Her delegation welcomed and shared the non-restrictive interpretation given by the Committee to the provisions of the Protocol. It also welcomed the opinion held by all the members of the Committee that, while fully respecting the principle of confidentiality of its deliberations when dealing with communications, a minimum of information on its work was to be made available to the general public, as had already been done in the case of chapter V of its first report. Those criteria, together with the decisions concerning the general distribution of the reports of States parties and all other official documents of the Committee, unless the Committee decided otherwise, were aimed at establishing a close relationship with the public which might prove to be very fruitful for the cause of human rights.

20. She wished also to stress the detailed study by the Committee of the reports of States parties. At the same time it had elaborated general guidelines concerning the form and content of those reports, which seemed to indicate the Committee's concern not only to facilitate its work and that of the States parties but also to establish the basis for a progressive assessment of the standards of implementation of the Covenant on Civil and Political Rights with a view to the adoption of uniform standards by all States parties.

21. Lastly, her delegation would like to stress once again the importance which it attached to both Covenants and the Optional Protocol and it expressed the hope that in the following year the General Assembly would also begin to consider the implementation of the Covenant on Economic, Social and Cultural Rights, which would enable it to have a global overview of all human rights and fundamental freedoms.

22. Mr. DE FARIA (Portugal) said that ratification of the Human Rights Covenants was on the programme of the Assembly of the Republic of Portugal for its current session. Therefore, his delegation felt that it would be improper to express opinions concerning the nature of the relationship between the Human Rights Committee and the General Assembly, for it did not wish to prejudge the conclusions to be reached by the highest sovereign body of the country. He would accordingly not participate in the voting on any draft resolution on the matter.

OTHER MATTERS

23. Mr. NOTHOMB (Belgium), speaking on behalf of the delegations of the nine countries which were members of the European Community, said that the contents of the report of the Ad Hoc Working Group on the Situation of Human Rights in Chile (A/32/227) had been communicated to the press more than 24 hours before that document had been made available to the Permanent Missions of Member States. While they would not comment on the substance of the matter, the delegations in question felt that in proceeding as it had the Secretariat had not taken the most appropriate course of action.

The meeting rose at 4.05 p.m.