

**PACTE
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COMITE DES DROITS DE L'HOMME

Onzième session

COMPTE RENDU ANALYTIQUE DE LA 247ème SEANCE

Tenue au Palais des Nations, à Genève,
le lundi 20 octobre 1980, à 10 h 30

Président : M. MAVROMMATIS

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Le présent compte rendu est sujet à rectifications.

Les rectifications doivent être rédigées dans l'une des langues de travail. Elles doivent être présentées dans un mémorandum et être également portées sur un exemplaire du compte rendu. Il convient de les adresser, une semaine au plus tard à compter de la date du présent document, à la Section d'édition des documents officiels, bureau E.6108, Palais des Nations, Genève.

Les rectifications éventuelles aux comptes rendus des séances de la présente session seront groupées dans un rectificatif unique, qui sera publié peu après la clôture de la session.

GE.80-16778

La séance est ouverte à 11 heures.

OUVERTURE DE LA SESSION

1. Le PRESIDENT déclare ouverte la onzième session du Comité des droits de l'homme. Il informe le Comité que cinq de ses membres au moins ne pourront pas participer à la session et que deux autres arriveront plus tard. Etant donné que, de ce fait, le quorum sera difficile à maintenir, il prie instamment tous les membres d'assister aux séances et de ne pas quitter Genève avant la fin de la session.

ADOPTION DE L'ORDRE DU JOUR (point 1 de l'ordre du jour provisoire) (CCPR/C/13)

2. L'ordre du jour est adopté.

EXAMEN DES RAPPORTS SOUMIS PAR LES ETATS PARTIES CONFORMEMENT A L'ARTICLE 40 DU PACTE (point 4 de l'ordre du jour)

3. M. ANABTAWI (Secrétaire du Comité) dit que depuis sa dixième session, le Comité a reçu les rapports initiaux de la Guinée, de la Jamaïque et du Portugal, conformément à l'article 40 du Pacte.

4. Le Liban, le Rwanda et l'Uruguay n'ont pas encore envoyé les rapports initiaux qu'ils devaient présenter en 1977. Conformément à une décision qu'il a prise à sa session précédente, le Comité a adressé une note verbale aux gouvernements de ces trois pays pour leur faire part de son intention d'indiquer, dans son rapport annuel à l'Assemblée générale, qu'ils ne se sont pas acquittés de l'obligation qui leur incombe de présenter des rapports conformément à l'article 40 du Pacte, et pour leur rappeler une fois de plus cette obligation et la demande qui leur a été faite par le Comité de lui faire parvenir leurs rapports sans plus tarder. Le Comité précisait aussi dans sa note qu'il avait décidé de demander à son Président d'adresser au Président de la Troisième Réunion des Etats parties au Pacte une lettre dans laquelle il appellerait tout particulièrement l'attention sur les mesures prises jusqu'à présent à l'égard des quelques Etats parties qui ne s'étaient pas encore acquittés de leur obligation de présenter des rapports. Depuis, la Jamaïque a soumis son rapport, dont la reproduction est en cours. Le Président de la Troisième Réunion des Etats parties au Pacte qui a eu lieu le 12 septembre 1980 a fait savoir aux participants qu'il avait reçu du Président du Comité des droits de l'homme, une lettre dont un résumé figure dans le compte rendu analytique de cette séance. Les représentants de la Jamaïque et de la Guyane ont annoncé à cette réunion que les rapports de leurs pays étaient en préparation.

5. Conformément à la décision prise par le Comité à sa dixième session, un aide-mémoire a été établi pour communication par le Président aux représentants auprès de l'Organisation des Nations Unies de la Guyane, du Panama et du Zaïre, pays qui auraient dû présenter leurs rapports en 1978, et dont les obligations à cet égard étaient rappelées. Le secrétariat n'a encore reçu aucun de ces rapports.

6. Les rapports initiaux que la République dominicaine et l'Autriche auraient dû présenter en 1979 n'ont pas encore été reçus. Conformément à la décision que le Comité a prise à sa dixième session, un deuxième rappel a été adressé à ces Etats parties. La Mission permanente de l'Autriche à Genève a indiqué au Secrétaire général que le Gouvernement autrichien avait achevé le rapport qu'il devait présenter en application du Pacte mais que, pour des raisons de traduction, ce rapport ne serait pas disponible avant décembre 1980.

7. Les rapports que les Pays-Bas, la Trinité-et-Tobago, la Nouvelle-Zélande, la Gambie, l'Inde, le Maroc et le Japon doivent présenter en 1980 ne sont pas encore arrivés. La Mission permanente des Pays-Bas a fait savoir au Secrétaire général que

7. Reports due in 1980 from the Netherlands, Trinidad and Tobago, New Zealand, the Gambia, India, Morocco and Japan were still outstanding. The Permanent Mission of the Netherlands had informed the Secretary-General that the preparation of the report of the Netherlands and the Netherlands Antilles had taken longer than had been foreseen but that the report would be forwarded to the Committee in time for the current session. The Permanent Mission of New Zealand had informed the Secretary-General of the work being carried out on the New Zealand report and the various technical difficulties which had delayed its submission, and it had given an assurance that every effort would be made to complete the report in the fairly near future, possibly in early 1981.

8. Having ratified the Covenant on 13 August 1980, Australia would become the sixty-fourth State party to the Covenant on 13 November 1980. Peru had ratified the Optional Protocol on 3 October 1980 and on 3 January 1981 would become the twenty-fourth State party to the Optional Protocol. The reservations made by Australia on ratifying the Covenant would appear in an addendum to document CCPR/C/2. The text of a notification made under article 4 of the Covenant by the Government of Colombia was available to the members of the Committee and would also be published in that addendum. The addendum would also include a declaration by the Federal Republic of Germany concerning a declaration made by India upon accession in respect of article 1 of the Covenant.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2)

9. Mr. van BOVEN (Director, Division of Human Rights) said that work was going ahead on the 1982-1983 budget as well as on the medium-term plan for the period 1984-1989. As the main policy organ, the Commission on Human Rights would discuss the medium-term plan and establish priorities for the various programmes. He wished to assure the Committee that the implementation of international instruments would be assigned very high priority, since those instruments laid down the foundations and structures for the universal realization of human rights in the future.

10. Work was also going ahead on the recruitment of additional staff. The General Assembly had agreed to the recommendation for additional staff, particularly because of the increasing work-load of the Human Rights Committee in relation both to the examination of reports under the Covenant and to the consideration of communications received under the Optional Protocol. He hoped that the situation would improve by 1981.

11. At its eighth session, the Human Rights Committee had expressed the wish to hold one of its forthcoming sessions in a developing country. In its resolution 34/45 the General Assembly had noted that recommendation and had requested the Secretary-General to explore the possibility and to report back to it. In document A/35/417, the Secretary-General drew attention to the relevant provisions of General Assembly resolution 31/140 and also noted that it was his understanding that the General Assembly did not intend to suggest any departure from the application of the relevant provisions of that resolution. The Secretary-General's report had, however, stated that the General Assembly might wish to consider the possibility of establishing a special trust fund for the holding of meetings of the Human Rights Committee in developing countries and of inviting the Governments of States parties to the International Covenant on Civil and Political Rights to make contributions to that fund, whose resources would be utilized to cover the actual additional costs created by holding the Committee's meetings in developing countries. The question had not yet been discussed in the Assembly, the report of the Human Rights Committee and related matters being scheduled for consideration by the Third Committee early in November.

12. Members might wish to consider whether the General Assembly should be informed of the latest developments in the Committee's work. Some representatives in the Third Committee of the General Assembly in 1979 had considered that it might be useful to have such information, which could be provided either in a brief written report or orally by the representative of the Secretary-General.
13. With regard, lastly, to the question of publishing bound volumes to include basic materials relating to the proceedings of the Committee in a given year, the financial services of the United Nations had been requested to submit an estimate of the relevant financial implications which would, of course, have to be approved by the General Assembly. He would keep the Committee informed of any further developments in the matter.
14. Sir Vincent EVANS said he considered the publication of annual bound volumes was particularly important if the proceedings of the Committee were to be made better known and its work rendered as effective as possible. So far as the financial implications were concerned, he understood, from inquiries he had made of the Department of Conference Services in New York, that the cost would not be excessive: it was simply a matter of assembling the necessary material and reproducing it in bound volumes, since no re-editing or translation was involved. Since the General Assembly attached considerable weight to the Secretariat's views on the value of a publication of that kind, he would like to have some assurance that the Secretariat would support as strongly as possible the Committee's recommendation regarding the publication of annual bound volumes.
15. Mr. van BOVEN (Director, Division of Human Rights) said that, without prejudging the financial implications of the proposal, he believed he was speaking for the Secretary-General in saying that the publication of annual bound volumes was of considerable importance and, when introducing the matter before the Third Committee of the General Assembly, he would therefore refer to it in positive terms. It should, however, be noted that, if the Committee merely wished to have such volumes for its own use, the costs of publication would be relatively modest; if, on the other hand, wider distribution was intended, the amounts involved might well be considerable and on a recurring annual basis.
16. Mr. TARNOPOLSKY said that the immediate publication of bound volumes for the purposes of the Committee would have his strong support, since such publication would not only be most helpful to the members of the Committee but would also pave the way for publication on a wider basis.
17. Mr. van BOVEN (Director, Division of Human Rights) said he had not meant to suggest that bound volumes could be published immediately for the purposes of the Committee. The point he had wished to convey was that publication for such purposes would present fewer difficulties, since the costs involved would be relatively modest.
18. Mr. TOMUSCHAT asked whether a firm request had already been submitted for the necessary appropriation to be made for bound volumes or whether only preliminary inquiries as to the costs of such a publication had been made.
19. Mr. van BOVEN (Director, Division of Human Rights) said that a statement of the financial implications involved had been requested with a view to its immediate submission to the General Assembly should the question of bound volumes be raised during its forthcoming discussion of the Committee's report.

20. Mr. PRADO VALLEJO said he considered it would be extremely useful to provide the General Assembly with information, either of a specific or of a general nature, about the latest developments in the Committee's work. He also considered that attempts should be made, at the current session, to promote the creation of a special fund that would enable the Committee to meet in third world countries since, in that way, members would acquire greater experience of the problems encountered by those countries.

21. The CHAIRMAN assured Mr. Prado Vallejo that the Committee would revert to the question of the special fund later in its session. In the meantime, he would invite members to use their good offices with their respective Foreign Ministers with a view to ensuring the inclusion of a suitable reference to such a fund in the resolution to be adopted by the General Assembly and to securing generous contributions to the fund.

The meeting rose at noon.