

**INTERNATIONAL
COVENANT
ON CIVIL AND
POLITICAL RIGHTS**



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HUMAN RIGHTS COMMITTEE

Twelfth session

SUMMARY RECORD OF THE 263rd MEETING

Held at Headquarters, New York
on Monday, 23 April 1981, at 10.30 a.m.

Temporary Chairman: Mr. PRIETO (Division of Human Rights)

Chairman: Mr. MAVROMMATIS

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The meeting was called to order at 11.05 a.m.

OPENING OF THE SESSION BY THE REPRESENTATIVE OF THE SECRETARY-GENERAL

1. The TEMPORARY CHAIRMAN, speaking on behalf of the Secretary-General, declared open the twelfth session of the Human Rights Committee, which coincided with the fifth anniversary of the entry into force of the International Covenant on Civil and Political Rights on 23 March 1976. He welcomed the members of the Committee, in particular the four new members, Mr. Aguilar, Mr. Al Douri, Mr. Ermacora and Mr. Herdocia Ortega, and congratulated the five members who had been re-elected to serve a further term.
2. Referring to developments since the eleventh session, he said that in its resolution 35/132 the General Assembly had expressed satisfaction at the serious and constructive manner in which the Committee was continuing to undertake its functions, noted that the Committee was considering the question of the follow-up to its consideration of the reports of the States parties to the Covenant, welcomed the measures already taken by the Secretary-General to improve the publicity for the Committee's work, and requested the Secretary-General to make appropriate arrangements for the holding of meetings of the Committee in developing countries and to report to the Assembly in that regard at its thirty-sixth session.
3. All documents relating to the consideration of the Committee's last annual report (A/35/40) by the General Assembly were available to members. In compliance with the request made by the Committee at its last session, the Secretary-General had sent notes verbales to Guyana, Lebanon, Panama, Uruguay and Zaire, which had not yet submitted their initial reports due in 1977 and 1978, and to Chile and Iran, which had undertaken to submit new reports, inviting them to send representatives to meet with the Committee at its twelfth session with a view to discussing the question of submission of their reports and the manner in which the Committee might be able to assist them in fulfilling their obligations under the Covenant.
4. With regard to the question of the publication of Committee documents, the Division of Human Rights was in touch with the Department of Public Information with a view to exploring the possibility of having them published outside the United Nations on a commercial basis, in the hope that that would reduce the financial implications. The Committee would be kept informed of any further developments.
5. Copies of the draft Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty, which had been proposed by certain Member States and was the subject of General Assembly decision 35/437, would be made available to the members of the Committee. The replies to the questionnaire on torture submitted by Governments of States parties to the Covenant had also been made available in accordance with General Assembly resolution 35/178.
6. He was pleased to inform the Committee that at its thirty-fifth session the General Assembly had decided that, with effect from 1 January 1981, the honoraria payable to members under article 35 of the Covenant would be increased to \$5,000 for the Chairman and to \$3,000 for other members of the Committee.

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(The Temporary Chairman)

7. With respect to the status of the Covenant and the Optional Protocol, since the last session of the Committee France had acceded to the Covenant, bringing the number of States parties to 65; Trinidad and Tobago had acceded to the Optional Protocol, bringing the number of States parties to 25; and Senegal had made the declaration under article 41 of the Covenant, bringing the number of such declarations to 14.

8. Finally, he was sure that the Committee would take satisfaction from a letter received by the Director of the Division of Human Rights from the Ministry of Foreign Affairs of Sweden, dated 4 February 1981, stating that the Swedish Government, in accordance with a decision by the Parliament, had recently promulgated an act repealing as from 1 January 1982 the act concerning anti-social behaviour about which concern had been expressed in the Committee during its consideration of the initial and supplementary reports submitted by Sweden under article 40 of the Covenant. That was yet another manifestation of the Committee's influence and of the success of its policy of conducting fruitful dialogue with States parties for the promotion of human rights.

SOLEMN DECLARATIONS BY NEWLY ELECTED MEMBERS OF THE COMMITTEE IN ACCORDANCE WITH ARTICLE 38 OF THE COVENANT

9. At the invitation of the TEMPORARY CHAIRMAN, and in accordance with article 38 of the Covenant and rule 16 of the provisional rules of procedure, Mr. ERMACORA and Mr. HERDOCIA ORTEGA, newly elected members of the Committee, solemnly declared that they would discharge their duties impartially and conscientiously.

ELECTION OF THE CHAIRMAN AND OTHER OFFICERS OF THE COMMITTEE

10. The TEMPORARY CHAIRMAN said that, in accordance with article 39, paragraph 1, of the Covenant and rules 17 and 18 of the provisional rules of procedure, the Committee should elect a chairman, three vice-chairmen and a rapporteur to serve for a two-year term of office. He took it that, in accordance with rule 58, the Committee agreed to waive a secret ballot in cases where the number of candidates was equal to the number of vacancies.

11. He suggested that the Committee should immediately proceed with informal consultations.

12. It was so decided.

The meeting was suspended at 11.20 a.m. and resumed at 11.50 a.m.

13. Mr. PRADO VALLEJO nominated Mr. Mavrommatis for the office of Chairman.

14. Mr. Mavrommatis was elected Chairman by acclamation.

15. Mr. Mavrommatis took the Chair.

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16. The CHAIRMAN thanked the members of the Committee for re-electing him and said he interpreted that as a mandate to continue endeavouring to enhance the prestige of the Committee, along the same lines as in the past. However, he believed that the Committee should at some point consider adopting the practice of rotation in electing its officers.
17. Mr. HERDOCIA ORTEGA nominated Mr. Prado Vallejo for the office of Vice-Chairman.
18. Sir Vincent EVANS nominated Mr. Tomuschat for the office of Vice-Chairman.
19. Mr. JANČA nominated Mr. Graefrath for the office of Vice-Chairman.
20. Mr. Graefrath, Mr. Prado Vallejo and Mr. Tomuschat were elected Vice-Chairmen by acclamation.
21. Mr. BOUZIRI nominated Mr. Lallah for the office of Rapporteur.
22. Mr. Lallah was elected Rapporteur by acclamation.

ADOPTION OF THE AGENDA (CCPR/C/15)

23. The agenda was adopted.

ORGANIZATIONAL AND OTHER MATTERS

24. The CHAIRMAN suggested that the officers of the Committee and the Chairman of the Working Group on Communications should meet forthwith to draft a programme of work for submission to the Committee at its next meeting. At that meeting, the Committee would take up the report of Barbados, and it was also expected that Mr. Dieye would have some views to report on the confidential communication on which he had been working.
25. Mr. OPSAHL said he understood that the agenda was flexible and that the matters mentioned in document CCPR/C/15 were illustrative and not exhaustive. It was on that basis that he had agreed to the adoption of the agenda. The possible holding of a special session on communications referred to in the annotations under item 5 would depend on how much progress had been made by the Working Group. With regard to item 6, he asked whether, if any of the reports due at the current session were postponed, other matters could perhaps be included such as meetings with representatives of States parties which had not yet submitted their reports. Referring to item 7, he said he hoped that the Bureau would carefully consider the question of follow-up and make arrangements for discussion of it at the current session.
26. Mr. TARNOPOLSKY said that he would like the information that had been given by the representative of the Secretary-General to be made available in writing. He also felt that the Secretariat should handle automatically the tax exemption in connexion with members' hotel bills.

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27. The CHAIRMAN said that he would request the Secretariat to prepare the tax forms for members.
28. Sir Vincent EVANS said that it would be helpful, in connexion with item 7, to have copies of the Constitution of Barbados available as soon as possible.
29. The CHAIRMAN requested the Secretariat to make such copies available.
30. Mr. SADI asked for additional information on the state of health of Mr. Movchan and suggested that the Committee should send a message wishing him a speedy recovery.
31. The CHAIRMAN said that the Secretariat had made inquiries of the Soviet Mission and had learnt that Mr. Movchan was not in New York. He suggested that members should consult among themselves about sending him a message.
32. Mr. TOMUSCHAT said that Conference Room 8 was not ideally suited to the Committee's needs, since there was not sufficient access for the public. He also noted that no announcement of the current meeting had appeared in The New York Times.
33. The CHAIRMAN said that The New York Times received the Journal and chose which announcements to include. He doubted whether another conference room would be available, since it had been difficult enough to obtain the use of Conference Room 8. However, he would request that inquiries should be made about finding another meeting room.
34. Mr. SADI suggested that, in order to make the Committee's work as smooth as possible, the Chairman or other officers might sit with new members so as to help them to get acquainted with the current stage of the work.
35. The CHAIRMAN said that the entire Bureau was available to help the members; however, the best university was actual practice.
36. Mr. ERMACORA said that, in his view, new members should be left free to approach the Committee's work from their own perspective, not necessarily based on methods and practices developed so far.
37. The CHAIRMAN said that the Committee would always welcome new ideas and new approaches.

The meeting rose at 12.45 p.m.