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ON CIVIL AND
POLITICAL RIGHTS**



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Thirteenth session

SUMMARY RECORD OF THE 303rd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 22 July 1981, at 5.40 p.m.

Chairman: Mr. MAVROMMATIS

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The meeting was called to order at 5.40 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40
OF THE COVENANT (agenda item 4) (continued)

Decision on periodicity

1. The CHAIRMAN noted that the Open-ended Drafting Group had worked very hard on a draft decision on periodicity all morning and all through the afternoon until 5.30 p.m. After many hours of deliberations it had finally agreed on a unanimous text, which he now invited the Chairman of the Group to introduce.

2. Mr. LALLAH (Chairman of the Open-ended Drafting Group) confirmed that the Group had succeeded in reaching unanimous agreement on a number of matters referred to it regarding the periodicity of reports. He was happy to inform the Committee that the Group was now in a position to recommend that the Committee should adopt the following decision:

"Decision on periodicity

"1. Under article 40 of the Covenant, States parties have undertaken to submit reports to the Human Rights Committee:

- (a) Within one year of the entry into force of the Covenant for the State party concerned (initial reports);
- (b) Thereafter whenever the Committee so requests (subsequent reports).

"2. In accordance with article 40, paragraph 1 (b), the Human Rights Committee requests:

- (a) States parties which have submitted their initial reports or additional information to their initial report before the end of the thirteenth session to submit subsequent reports every five years from the consideration of their initial report or their additional information;
- (b) Other States parties to submit subsequent reports to the Committee every five years from the date when their initial report was due.

This is without prejudice to the power of the Committee under article 40, paragraph 1 (b), to request a State party to submit a subsequent report whenever it deems it appropriate."

3. Under the proposed arrangements a problem would arise in the case of Tunisia, which would have too short a time in which to prepare its next report. The Group therefore recommended that Tunisia should be requested to submit its report not later than March 1983. It also recommended that, in the absence of any explanation in the decision, a paragraph should be included in the Committee's annual report indicating the considerations which had led the Committee to adopt the decision. It was the

Group's understanding that the Secretariat, when informing States parties of the decision reached by the Committee, would draw attention to the reasons mentioned in the Committee's report and would notify each State party of the date by which its subsequent report would be due in accordance with that decision.

4. The question of future supplementary reports had not been referred to the Group.

5. Mr. SADI said that he supported the decision recommended by the Group. However, the decision should not affect the right of States parties to submit, on a voluntary basis, any further information at any time they deemed appropriate.

6. Mr. HERDOCIA ORTEGA said that, although he had not participated in the Group's deliberations, he agreed with its recommended decision.

7. Mr. OPSAHL welcomed the result obtained but noted that some of the important questions before the Group had still not been settled. In particular, some of the initial reports submitted to the Committee were so brief that they did not really meet the reporting obligations of the States parties concerned. He hoped that in that connection the Committee would, as a matter of priority, exercise in an appropriate manner, the power referred to in the final sentence of the recommended decision.

8. Mr. TARNOPOLSKY said that he had no difficulty in accepting the decision recommended by the Group.

9. Mr. TOMUSCHAT observed that the recommended decision did not cover all aspects of States parties' reporting obligations. In his view, States parties were under an obligation to reply, either orally or in writing, to any questions raised by members when their reports were being considered by the Committee.

10. Sir Vincent EVANS associated himself with Mr. Tomuschat's remarks. States parties had a duty to co-operate with the Committee by supplying, as promptly as possible, any additional information concerning the implementation of the Covenant that members of the Committee might request. The weakness of the decision now before the Committee was that it made no proper provision for the early consideration of such supplementary information by the Committee. It remained to be seen whether a solution to such an important problem could be found.

11. The CHAIRMAN said that the Committee would revert to that point at a subsequent session.

12. Mr. ERMACORA expressed his agreement with Mr. Tomuschat and Sir Vincent Evans.

13. Mr. DIEYE said he welcomed the results achieved. The matter under consideration might seem to be purely procedural; however, such an assessment would be superficial, since certain procedural matters had very important substantive aspects. In reaching the decision now recommended to the Committee for adoption, the Chairman of the Group had played a decisive role.

14. He associated himself with Mr. Sadi's remarks regarding the possibility that any State party might submit additional information to clarify the measures it had taken, thereby rendering the Committee's deliberations more effective. The time had perhaps come to concentrate more intently on the substance of the reports submitted.

15. The CHAIRMAN said that, if there was no objection, he would take it that the Committee adopted the decision on periodicity recommended by the Group.

16. It was so decided.

17. The CHAIRMAN observed that the decision just adopted was extremely important because it placed the question of reporting on a better footing. Time would show how sound the decision was and whether any further improvements would be needed in the light of experience. He suggested that Tunisia should be requested to submit its next report not later than March 1983.

18. It was so decided.

19. Mr. TOMUSCHAT said it was his assumption that the decision would apply to all those States whose reports had been examined in January or February 1977. The arrangement would therefore affect not only Tunisia, but also Libya, Czechoslovakia and the German Democratic Republic.

20. The CHAIRMAN observed that, as far as he was aware, all the other States mentioned had submitted additional information. However, if any of them had not done so, they would be treated in the same way as Tunisia.

21. It had been recommended that the annual report should indicate the considerations underlying the Committee's decision on periodicity. No formal decision was required, since the matter would be left to the discretion of the Rapporteur.

22. In conclusion, he suggested that the Secretariat should be instructed to notify all States parties of the Committee's decision on periodicity and of the date on which their subsequent reports should be submitted. They should also be sent an excerpt from the report indicating the grounds for the Committee's decision. If there was no objection, he would take it that the Committee adopted the suggestions he had made.

23. It was so decided.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2)

24. The CHAIRMAN said that a decision was required on the guidelines for the compilation of reports, since the guidelines should obviously accompany the notification of the decision on periodicity. He therefore proposed that two subsequent meetings should be devoted to follow-up matters, starting with the guidelines and continuing with the general comments, so as to enable the results of the Committee's discussions to be included in the annual report. He hoped that some form of written text would be available to assist the Committee in its discussion of the guidelines.

25. Sir Vincent EVANS said it was his understanding that a text had already been prepared; perhaps it could be circulated at once so as to give members time to study it before it was discussed.

26. Mr. MOCHVAN supported the Chairman's suggestion concerning the work of the Committee, but with a minor modification. Since a proposed course of action with regard to the guidelines had been incorporated in the consensus adopted at the eleventh session, he had hoped that a document would be prepared on the basis of the relevant paragraphs. Unfortunately, no such document had been circulated to members of the Committee. He therefore proposed that the Committee should start the next meeting with a discussion of the draft general comments prepared by the Working Group on "Follow-up" (CCPR/C/XIII/CRP.2), after which the Committee could go on to consider the guidelines. There was a further point: the decision taken in the Group had been to submit the Group's text to the Committee, which would then consider the text and express its opinion. No document other than the Group's text should be submitted to the Committee, although of course the members of the Group - who were also members of the Committee - could express their own individual views during discussion in the Committee.

27. Mr. BOUZIRI said that, in the event of disagreement within a particular working group, individual views could, of course, be presented to the Committee with a view to a final decision, but that had not occurred in the present case. Discussions within the Group had resulted in a comprehensive document and it was that document which, he believed, should be submitted to the Committee for consideration.

28. The CHAIRMAN said that if other documents were submitted, it was merely for the sake of convenience; that had been done in the past in order to save time. Those documents obviously had no official status, but they did enable the Committee to proceed with its work more rapidly.

29. Mr. AL DOURI said that there were some subjects which were totally unfamiliar to new members of the Committee. In consequence, he felt bound to urge that no discussion of any subject should take place until the complete relevant documentation had been circulated to members of the Committee.

30. The CHAIRMAN pointed out that an official document was available for the discussion on general comments to be held at the next meeting and would be issued to members of the Committee immediately.

31. Mr. TOMUSCHAT was unable to agree that documents containing individual views must be accepted by the Group before they could be submitted to the Committee, with which ultimate responsibility for any decision rested.

32. Mr. HERDOCIA ORTEGA said he hoped that he had not misinterpreted the Chairman's remarks. Although there might have been a delay resulting from translation into the various working languages, it had never been his intention to hold up proceedings while awaiting translation into Spanish.

33. The CHAIRMAN said that, on the contrary, Mr. Herdocia Ortega had displayed inexhaustible patience when working in a language with which he was not completely familiar. The point he had intended to make was that there had been a delay in translation; attempts were being made to avert such delays in the future.

34. Mr. BOUZIRI said that he was not questioning the right of members of the Group to communicate directly with the Committee. If however a member of the Group wished to submit a proposal, it should be submitted in the first place to the Group, where it might be amended. In the event of his not being satisfied with the amended version, he could of course communicate directly with the Committee. If members of the Group were all going to submit their own proposals, there would be no point in its existence.

35. Mr. LALLAH said that there had obviously been a misunderstanding. There were texts prepared by the Group and also texts prepared by individual members, which the Group had not had time to consider. It would have been preferable to hold a further meeting of the Group so as to elicit additional comments on document CCPR/C/XIII/CRP.2, which would be issued by the Secretariat forthwith.

36. Mr. ERMACORA said that the real problem was that members of the Committee were already in possession of the document referred to by Mr. Lallah, but not of the texts prepared by individual members.

37. The CHAIRMAN said that the relevant documents would be circulated as soon as they were ready. At its next meeting the Committee would initially consider the draft general comments prepared by the Group. A decision on the guidelines was urgently required, but would have to await distribution of the relevant document.

The meeting rose at 6.20 p.m.