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Agenda item 87

INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Report of the Third Committee

Rapporteur: Mr. Naoharu FUJII (Japan)

I. INTRODUCTION

1. At its 4th plenary meeting, on 18 September 1981, the General Assembly decided to include in its agenda 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) Elaboration of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty: report of the Secretary-General".

2. The Committee considered this item jointly with items 75, 85, 86 and 91 at its 27th to 38th meetings, from 22 to 30 October, and on 2 and 3 November 1981. The views expressed by the representatives of Member States and observers on this item are contained in the summary records of those meetings (A/C.3/36/SR.27-38).

3. The Committee had before it the following documents:

- (a) Report of the Human Rights Committee; 1/

1/ Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 40 (A/36/40).

(b) Elaboration of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty: report of the Secretary-General (A/36/441 and Add.1);

(c) 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/36/455);

(d) Report of the Economic and Social Council, chapters XXIII, XXV and XXVI (A/36/3/Add.23, 25 and 26); 2/

(e) Letter dated 24 December 1980 from the Permanent Representative of the Lao People's Democratic Republic to the United Nations addressed to the Secretary-General (A/36/63);

(f) Letter dated 24 February 1981 from the Permanent Representative of Czechoslovakia to the United Nations addressed to the Secretary-General (A/36/129);

(g) Letter dated 3 August 1981 from the Permanent Representative of Democratic Kampuchea to the United Nations addressed to the Secretary-General (A/36/417);

(h) Letter dated 11 August 1981 from the Chargé d'Affaires a.i. of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General (A/36/434);

(i) Letter dated 5 October 1981 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General, transmitting the resolutions adopted by the 68th Inter-Parliamentary Conference, held at Havana from 15 to 23 September 1981 (A/36/584).

4. At the 27th meeting, on 22 October, the Deputy Director of the Division of Human Rights made an introductory statement on the item.

II. CONSIDERATION OF DRAFT RESOLUTIONS

A. Draft resolution A/C.3/36/L.36

5. At the 37th meeting, on 2 November, the representative of Denmark introduced a draft resolution (A/C.3/36/L.36), entitled "International Covenants on Human Rights", sponsored by Canada, the Central African Republic, Costa Rica, Cyprus, Denmark, Ecuador, Finland, Iceland, the Netherlands, Norway, Peru and Sweden, later joined by Australia and Nicaragua.

6. At its 38th meeting, on 3 November, the Committee adopted the draft resolution without a vote (see para. 10, draft resolution I).

2/ To be incorporated in Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 3 (A/36/3/Rev.1).

B. Draft resolution A/C.3/36/L.33 and Rev.1

7. At the 37th meeting, on 2 November, the representative of the Federal Republic of Germany introduced a draft resolution (A/C.3/36/L.33), entitled "Elaboration of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty - Capital punishment" sponsored by Austria, Costa Rica, the Dominican Republic, Ecuador, Germany, Federal Republic of, Italy, the Netherlands, Nicaragua, Panama, Peru, Portugal and Sweden. The draft resolution read as follows:

"The General Assembly,

"Having regard to article 3 of the Universal Declaration of Human Rights and to article 6 of the International Covenant on Civil and Political Rights,

"Mindful of its resolutions 2857 (XXVI) of 20 December 1971 and 32/61 of 8 December 1977,

"Recalling its decision 35/437 concerning the idea of elaborating a draft of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty,

"Taking note of the Report of the Secretary-General (A/36/441),

"1. Invites those Member States which have not yet done so to submit their comments and observations on document A/C.3/35/L.75 (annex to decision 35/437 of 15 December 1980);

"2. Requests the Secretary-General, to submit a report to the General Assembly at its thirty-seventh session, taking into account the views expressed by Governments in their comments and observations;

"3. Decides to continue at its thirty-seventh session, under the item 'International Covenants on Human Rights', the discussion of the idea of elaborating a draft of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty."

8. At its 38th meeting, on 3 November, the Committee had before it a revised draft resolution (A/C.3/36/L.33/Rev.1), entitled "Capital punishment", sponsored by Austria, Costa Rica, the Dominican Republic, Ecuador, Germany, Federal Republic of, Italy, the Netherlands, Nicaragua, Panama, Peru, Portugal and Sweden, later joined by Norway and Uruguay.

9. At the same meeting, the Committee adopted the revised draft resolution without a vote (see para. 10, draft resolution II).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

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

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DRAFT RESOLUTION I

International Covenants on Human Rights

The General Assembly,

Recalling its resolutions 32/66 of 8 December 1977, 33/51 of 14 December 1978, 34/45 of 23 November 1979 and 35/132 of 11 December 1980,

Having noted the report of the Secretary-General 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, 3/

Noting with appreciation that, following its appeal, more Member States have acceded to the International Covenants on Human Rights, 4/

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

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 important responsibilities of the Sessional Working Group on the Implementation of the International Covenant on Economic, Social and Cultural Rights,

1. Notes with appreciation the report of the Human Rights Committee on its eleventh, twelfth and thirteenth sessions 5/ and expresses satisfaction at the serious and constructive manner in which the Committee is continuing to undertake its functions;
2. Expresses its appreciation to the States parties to the International Covenant on Civil and Political Rights which have extended their co-operation to the Human Rights Committee when submitting their reports under article 40 of the Covenant and urges States parties which 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 which have been requested by the Human Rights Committee to provide additional information to comply with this request;

3/ A/36/455.

4/ Resolution 2200 A (XXI), annex.

5/ Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 40 (A/36/40).

4. Takes note of the decisions of the Human Rights Committee on the question of periodicity 6/ and on guidelines regarding the form and content of reports from States parties under article 40, paragraph 1 (b), of the Covenant 7/ as well as the adoption by the Committee of general comments under article 40, paragraph 4, of the Covenant; 8/
5. 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 which have not yet done so to submit their reports as soon as possible;
6. Takes due note of Economic and Social Council decision 1981/162 of 8 May 1981 concerning the review of the composition, organization and administrative arrangements of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights and looks forward to further results in this regard at the first regular session of the Council in 1982;
7. Again invites all States which 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;
8. 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;
9. 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 of the Optional Protocol thereto;
10. Emphasizes the importance of the strictest compliance by States parties with their obligations under the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocol thereto;
11. Requests the Secretary-General to continue to keep the Human Rights Committee informed of the activities of the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Committee on the Elimination of Racial Discrimination and also to transmit the annual reports of the Human Rights Committee to these bodies;
12. Requests the Secretary-General to submit to the General Assembly at its thirty-seventh session a report on the status of the International Covenant on

6/ Ibid., annex V.

7/ Ibid., annex VI.

8/ Ibid., annex VII.

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;

13. Welcomes the measures taken by the Secretary-General to improve the publicity for the work of the Human Rights Committee and requests the Secretary-General to consider the most appropriate steps for the publication of the Committee's documentation and to report on this question to the General Assembly at its thirty-seventh session;

14. Requests the Secretary-General to continue to take all possible steps to ensure that the Division of Human Rights of the Secretariat is able to assist effectively the Human Rights Committee and the Economic and Social Council in the implementation of their respective functions under the International Covenants on Human Rights, taking into account General Assembly resolutions 3534 (XXX) of 17 December 1975 and 31/93 of 14 December 1976.

DRAFT RESOLUTION II

Capital punishment

The General Assembly,

Recalling its decision 35/437 of 15 December 1980,

Taking note of the report of the Secretary-General, 9/

1. Invites Member States to submit further comments and observations on the draft resolution entitled "Measures aiming at the ultimate abolition of capital punishment (draft Second Optional Protocol to the International Covenant on Civil and Political Rights)", 10/ submitted at the thirty-fifth session of the General Assembly, and requests the Secretary-General to submit to the Assembly at its thirty-seventh session a report containing the views expressed by Governments;

2. Decides to consider at its thirty-seventh session, under the item entitled "International Covenants on Human Rights", the idea of elaborating a draft of a second optional protocol to the International Covenant on Civil and Political Rights, 11/ aiming at the abolition of the death penalty.

9/ A/36/441 and Add.1.

10/ Official Records of the General Assembly, Thirty-fifth Session, Annexes, agenda item 65, document A/35/742, para. 20.

11/ Resolution 2200 A (XXI), annex.