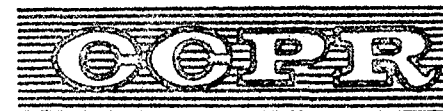


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HUMAN RIGHTS COMMITTEE

Fourteenth session

SUMMARY RECORD OF THE 333rd MEETING

Held at the Wissenschaftszentrum, Bonn-Bad Godesberg
on Friday, 30 October 1981, at 10.30 a.m.

Chairman: Mr. MAVROMMATIS

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The meeting was called to order at 10.45 a.m.

FUTURE MEETINGS OF THE COMMITTEE (agenda item 6)

1. The CHAIRMAN indicated the proposed dates of the Committee's meetings in 1983. He hoped that it would be possible to arrange for the October 1983 session to be held somewhat later. A similar arrangement would not be possible, however, for the autumn 1982 session, the dates of which had already been set.
2. Mr. BOUZIRI said he was concerned at the flood of communications with which the Committee had to deal and therefore wondered whether consideration could not be given to the possibility of holding intersessional meetings of the Working Groups. That would enable members of the Committee to be informed of communications sufficiently far in advance to study them carefully, which would result in a saving of time.
3. The CHAIRMAN said that the Secretariat might be requested to investigate the possibility of arranging at least one such meeting, just before the session which it was planned to devote mainly to the question of communications.
4. Mr. HERDOCIA ORTEGA said he shared the concern expressed by Mr. Bouziri, since he had noted that Latin Americans claiming to be victims of human rights violations increasingly preferred to apply to the Human Rights Committee rather than to the Inter-American Commission on Human Rights.
5. Mr. GRAEFRATH said that he saw no need to hold intersessional meetings of the Working Groups, since the Committee already had before it a large number of draft views or draft decisions which it should be possible to transmit to the members of the Committee well in advance.
6. The CHAIRMAN suggested that the summary record of the meeting should state that the Secretariat was requested by the Committee to transmit to each of its members the texts of all available draft decisions, taking care to respect their confidential nature.
7. Sir Vincent EVANS agreed with Mr. Graefrath that much work had been done, but stressed that there were still many draft texts to be prepared before the next session.
8. The CHAIRMAN said it was precisely for that reason that it was intended to set up two Working Groups, one of which would be concerned mainly, and the other exclusively, with communications.
9. With regard to the question of the views of the Special Rapporteurs, he considered that a Special Rapporteur should not be requested to prepare a final draft until the positions of the members of the Committee on difficult cases converged, so as to avoid a great deal of fruitless effort.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

10. Mr. HOUSHMAND (Representative of the Secretary-General) recalled that, with regard to the question of publicity for its work, the Committee had decided to request the Secretary-General to take the necessary steps to ensure the annual publication of its documentation in two volumes. One would incorporate the summary records of the Committee's meetings, and the other the reports submitted by States parties under

article 40 of the Covenant as well as other relevant documents. The Third Committee of the General Assembly was currently considering the Committee's annual report, in which that decision appeared. It could be anticipated that in its draft resolution on the Covenants, the Third Committee would endorse the request of the Human Rights Committee. A statement of the financial implications of the publications in question had been prepared by the Secretariat, and would be submitted to the General Assembly at the appropriate time. At its fifteenth session, the Committee would be informed of any decisions which the Assembly might take in that regard.

11. At its thirteenth session, the Committee had held a preliminary discussion on the question of the publication of selected decisions taken by it under the Optional Protocol. The members of the Committee had agreed that the matter should be further explored, from the standpoint of both the format and modalities of publication of those decisions, having due regard to the financial implications. Subsequently, a staff member of the Division of Human Rights had been assigned to the project and requested in particular to prepare a tentative layout including the texts of decisions taken at the various procedural stages, texts of final views, references, and an index. As Sir Vincent Evans had been the author of the working paper used originally by the Committee, the Secretariat had made the necessary arrangements for the member of the Division working on the project to confer with Sir Vincent Evans for a few hours during the current session. In view of the progress made, the Secretariat would be in a position to submit to the Committee, at its fifteenth session, more concrete proposals and material which could be used as a model for future publications. The Director of the Division of Human Rights had recently had the opportunity to discuss the project with the Budget Division and the Department of Public Information in New York. However, it was only when, in the light of the decisions and wishes of the Committee, it was known what form the publication would take and how much work it would entail that it would be possible to prepare the relevant statement of financial implications.

12. Sir Vincent EVANS said that he was much encouraged by the follow-up to his suggestion concerning the publication of selected decisions taken by the Committee under the Optional Protocol. The person selected by the Secretariat to carry out the preparatory work was an excellent choice; his mastery of the subject and the work he had already done would enable specific proposals to be placed before the Committee at its next session.

13. The CHAIRMAN paid tribute to the work done by the Secretariat on that point and said that the Committee endorsed the comments of Sir Vincent Evans.

14. He then read out a letter addressed by the Committee to the United Nations Secretary-General concerning expenses which might be incurred by members of the Committee for medical or dental treatment of an emergency nature during their period of service with the Committee. As the members of the Committee acted in a personal expert capacity, their Governments did not usually accept responsibility for the payment of medical or dental expenses incurred abroad. However, those expenses sometimes constituted a very heavy burden for members of expert committees such as the Human Rights Committee. Under the United Nations rules governing compensation, the cost of treatment was not reimbursed by the Organization. Since it understood that the Advisory Committee on Administrative and Budgetary Questions had already recommended that the Secretary-General should examine the feasibility of the United Nations providing insurance coverage in such cases, the Human Rights Committee urged that a solution to the question should be found as a matter of urgency and hoped that the General Assembly would take the necessary decisions at its current session.

SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT
(agenda item 3) (continued)

15. The CHAIRMAN informed the Committee that, since it had not been possible to give further consideration to the case of Iran for lack of time, he proposed, with the Committee's approval, to send the Iranian Government a letter reflecting the comments made on the subject by members of the Committee, to which would be attached the summary record of the meeting, and requesting it once again, but in stronger terms, to submit its report to the Committee.

16. It was so decided.

17. The CHAIRMAN said that the Committee had to consider the reports of Guinea, Rwanda, Guyana, Iceland and Austria at its forthcoming sessions; at the next session, it would also have to examine the report of Uruguay, if received, and to hear the replies of Jordan. Furthermore, as a substantial part of the next session was to be devoted to communications, the Committee would be able to examine only four reports. It might consider those of Guinea, Rwanda and Guyana, as well as that of Uruguay and the replies of Jordan.

18. Mr. BOUZIRI, referring to the reports of the first three countries mentioned by the Chairman, which were very thin, said he wondered whether there was any point in studying reports which were not really reports. The Chairman might request the Governments of those countries to make their reports fuller or, if necessary, offer them the assistance of the Secretariat.

19. The CHAIRMAN said that steps had already been taken along those lines, but to no avail, and that it was difficult to postpone further the consideration of the reports of the countries in question. However, when it informed the Governments concerned that their reports would be considered at the next session, the Secretariat might indicate that they should be prepared to provide additional information, either orally or in writing, so as to make their reports more consistent with the general guidelines adopted by the Committee.

20. Mr. TARNOPOLSKY said that it would be appropriate for the Committee to consider what position it should take when reports were unduly brief or the replies of representatives of Governments were clearly inadequate or unrelated to the questions put. He had in mind, in particular, the questions which had been put to the representatives of Morocco, none of which had received a reply, either oral or written; in his view, the Committee should not tolerate such a practice. In that specific case, he thought that, since nothing in the rules of procedure prevented it from doing so, the Committee should revert to the question at one of its forthcoming sessions.

21. Sir Vincent EVANS, referring to the procedure for the submission of reports under article 40 of the Covenant, recalled that he had informed the Committee that one Government was already in a position to submit a detailed and comprehensive supplementary report if the Committee would take account of that fact in setting the date for submission of its second report. He wondered whether the Committee was prepared to take an ad hoc decision to modify the date of submission of that country's second periodic report. Furthermore, he thought that the decision on periodicity should be made more flexible, in the interests of the Committee and of the various countries. He asked whether he could convey to the Government in question the Committee's assurances that, in setting the date for the submission of the second periodic report, account would be taken of the submission of its supplementary report.

22. The CHAIRMAN replied that since several countries were in a similar situation, the Committee would study the question at its next session. For the moment, Sir Vincent Evans might inform the Government concerned that the Committee was giving consideration to its case.

23. Mr. BOUZIRI said he was sure that other Governments would be prepared to follow the example of the Government of the Federal Republic of Germany and host a session of the Committee; it would be useful, therefore, if the Secretariat could indicate the financial implications involved.

24. Mr. PRADO VALLEJO, supported by Mr. BOUZIRI, asked whether the Secretariat could try to solve the problem of transportation, which arose at each session for some members of the Committee.

25. The CHAIRMAN assured the Committee that the matter would be given careful consideration.

CLOSURE OF THE SESSION

26. After thanking the Government of the Federal Republic of Germany for its invitation and its hospitality on behalf of the Human Rights Committee, and after an exchange of courtesies, the CHAIRMAN declared the session closed.

The meeting rose at 11.40 a.m.