



General Assembly

Distr.
GENERAL

A/37/718
11 December 1982

ORIGINAL: ENGLISH

Thirty-seventh session
Agenda item 87

INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Report of the Third Committee

Rapporteur: Mr. Karl BORCHARD (Federal Republic of Germany)

I. INTRODUCTION

1. At its 4th plenary meeting, on 24 September 1982, 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) Publicity for the work of the Human Rights Committee: report of the Secretary-General;

" (d) 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."

and to allocate it to the Third Committee.

2. The Committee considered this item jointly with items 84, 85, 86 and 88 at its 47th, 50th to 53rd, 55th, 56th, 58th, 64th and 67th meetings, on 18, 23, 24, 26, 30 November and 6 and 7 December 1982. An account of the discussion of the Committee is contained in the relevant summary records (A/C.3/37/SR.47, 50-53, 55-56, 58, 64 and 67).

3. The Committee had before it the following documentation:
- (a) Report of the Human Rights Committee; 1/
 - (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 (A/37/406);
 - (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 (A/37/407 and Add.1);
 - (d) Publicity for the work of the Human Rights Committee: report of the Secretary-General (A/37/490);
 - (e) Report of the Economic and Social Council, 2/ chapter III, section I (A/37/3 (Part II)); chapter V, section A, and chapter VII (A/37/3 (Part I));
 - (f) Letter dated 25 October 1982 from the Chairman of the Human Rights Committee to the Secretary-General (A/C.3/37/6);
 - (g) Letter dated 18 October 1982 from the Permanent Representative of Democratic Kampuchea to the United Nations addressed to the Secretary-General (A/37/551-S/15460);
 - (h) Letter dated 9 November 1982 from the Permanent Representative of Democratic Kampuchea to the United Nations addressed to the Secretary-General (A/37/609-S/15486).
4. At the 47th meeting, on 18 November, the Special Assistant to the Director of the Centre for Human Rights made an introductory statement.

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/37/L.51

5. At the 58th meeting on 30 November, the representative of Denmark introduced a draft resolution (A/C.3/37/L.51) entitled "International Covenants on human rights", sponsored by Australia, the Central African Republic, Costa Rica, Cyprus,

1/ Official Records of the General Assembly, Thirty-seventh Session, Supplement, No. 40 (A/37/40).

2/ To be issued as Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 3 (A/37/3).

Denmark, Ecuador, Finland, Italy, the Netherlands, Nicaragua, Norway, Peru, Senegal, and Sweden, subsequently joined by Iceland. In introducing the draft resolution, the representative of Denmark orally revised operative paragraph 13 by replacing the words "to make the arrangements" by the words "to consider making arrangements", after the words "requests the Secretary-General".

6. At the 67th meeting, on 7 December, the representative of Denmark further orally revised the draft resolution by inserting the words "and the Committee on the Elimination of Discrimination against Women" after the words "the Committee on the Elimination of Racial Discrimination" in operative paragraph 11.

7. Canada then joined in sponsoring the revised draft resolution.

8. At the same meeting, the Director of the Centre for Human Rights made a statement on the administrative and financial implications of the draft resolution.

9. At the same meeting, the Committee adopted the draft resolution, as orally revised, without a vote (see para. 13, draft resolution I).

B. Draft resolution A/C.3/37/L.60 and Rev.1

10. At the 64th meeting, on 6 December, the representative of the Federal Republic of Germany introduced a draft resolution (A/C.3/37/L.60) entitled "Capital punishment", sponsored by Austria, Costa Rica, Denmark, the Dominican Republic, Germany, Federal Republic of, Greece, Italy, the Netherlands, Nicaragua, Norway, Portugal, Spain, Sweden and Uruguay as well as Cape Verde, France, Iceland, Panama and Solomon Islands.

11. At the 67th meeting, on 7 December, the representative of the Federal Republic of Germany introduced a revised draft resolution (A/C.3/37/L.60/Rev.1) sponsored by Austria, Cape Verde, Costa Rica, Denmark, the Dominican Republic, France, Germany, Federal Republic of, Greece, Iceland, Italy, Luxembourg, the Netherlands, Nicaragua, Norway, Panama, Portugal, Solomon Islands, Spain, Sweden and Uruguay as well as Honduras. The revisions called for:

(a) Deletion of the first three preambular paragraphs, which read:

"Having regard to Article 3 of the Universal Declaration of Human Rights and Article 6 of the International Covenant on Civil and Political Rights which protect everyone's right to life.

"Noting its resolution 2857 (XXVI) of 20 December 1971,

"Mindful of its resolution 32/61 of 8 December 1977,";

(b) Insertion of the words "and fortieth" after "thirty-ninth" operative paragraph 2; and

(c) Replacement of the words "thirty-eighth session" by "thirty-ninth session" in operative paragraphs 2 and 3.

12. At the same meeting, the Committee adopted draft resolution A/C.3/37/L.60/Rev.1 by a recorded vote of 52 to 23, with 53 abstentions (see para. 13, draft resolution II).

The voting was as follows:

In favour: Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Burma, Canada, Cape Verde, Chile, Colombia, Costa Rica, Cyprus, Denmark, Dominican Republic, Ecuador, Fiji, Finland, France, Gabon, Germany, Federal Republic of, Greece, Grenada, Guatemala, Honduras, Iceland, Ireland, Israel, Italy, Ivory Coast, Japan, Kenya, Luxembourg, Mauritania, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Papua New Guinea, Peru, Portugal, Spain, Suriname, Sweden, Togo, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Afghanistan, Bahrain, Burundi, Guinea, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Nigeria, Oman, Philippines, Qatar, Saudi Arabia, Sierra Leone, Singapore, Somalia, Sudan, Syrian Arab Republic, United Arab Emirates, Yemen.

Abstaining: Algeria, Angola, Bahamas, Bangladesh, Barbados, Benin, Bhutan, Botswana, Bulgaria, Byelorussian Soviet Socialist Republic, Central African Republic, Chad, Congo, Cuba, Czechoslovakia, Egypt, El Salvador, Ethiopia, German Democratic Republic, Guinea-Bissau, Guyana, Hungary, India, Jamaica, Lesotho, Liberia, Madagascar, Malawi, Mali, Mongolia, Morocco, Nepal, Niger, Pakistan, Paraguay, Poland, Romania, Rwanda, Senegal, Sri Lanka, Thailand, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Viet Nam, Yugoslavia, Zaire, Zambia.

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

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

DRAFT RESOLUTION I

International Covenants on Human Rights

The General Assembly,

Recalling its resolutions 33/51 of 14 December 1978, 34/45 of 23 November 1979, 35/132 of 11 December 1980 and 36/58 of 25 November 1981,

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,

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 useful work of the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights,

Taking note of Economic and Social Council resolution 1980/30 of 2 May 1980 on the development of public information activities in the field of human rights and the report of the Secretary-General on the publicity for the work of the Human Rights Committee, 4/

1. Notes with appreciation the report of the Human Rights Committee on its fourteenth, fifteenth and sixteenth 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 that have extended their co-operation to the Human Rights Committee in submitting their reports under article 40 of the Covenant and urges States parties that 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 that have been requested by the Human Rights Committee to provide additional information to comply with that request;

3/ A/37/406.

4/ A/37/490.

5/ Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 40 (A/37/40).

4. 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 that have not yet done so to submit their reports as soon as possible;
5. Takes note of Economic and Social resolution 1982/33 of 6 May 1982 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;
6. Emphasizes the importance of States parties sending experts to present their reports under the International Covenants on Human Rights;
7. Again invites all States that 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, the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women 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-eighth session a report 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;
13. Takes note with appreciation of the request of the Human Rights Committee that its official records be made available annually in bound volumes - one volume to contain the summary records of public meetings of the Committee and a second volume to contain other public documents of the Committee, including reports of States parties under article 40 of the Covenant - and requests the

Secretary-General to consider making arrangements within existing resources which he deems the most suitable and economical for publishing these annual volumes;

14. Requests the Secretary-General to continue to take all possible steps to ensure that the Centre for 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 and its resolution 36/59 of 25 November 1981 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,

1. Takes note of the report of the Secretary-General; 6/
2. Requests the Commission on Human Rights to consider 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, at its thirty-ninth and fortieth sessions, taking into account the documents considered by the General Assembly on this subject as well as the views of the Governments thereon, and to submit through the Economic and Social Council a report to the Assembly at its thirty-ninth session;
3. Decides to resume at its thirty-ninth session, under the item entitled "International Covenants on Human Rights", the consideration 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, with a view to considering what steps may be taken in this area.
