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COMMISSION ON HUMAN RIGHTS

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS  
AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF  
THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Report prepared by the Secretary-General pursuant to  
decision 4 (XXXIII) of the Commission on Human Rights

Addendum

Comments and observations of Member States (continued)

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

[19 May 1978]

In reply to the Secretary-General's note of 15 October 1977, the Government of the United Kingdom of Great Britain and Northern Ireland has the following comments on the coexistence in the Commission on Human Rights of public and confidential procedures for examining allegations of violations of human rights and fundamental freedoms, with a view to determining how the procedural difficulties that might arise in the simultaneous application of both procedures could be avoided.

The United Kingdom Government has welcomed the growth of international interest and activity in the promotion and protection of human rights. This evolution is reflected in the texts of Economic and Social Council resolutions 728 F (XXVIII), 1235 (XLII) and 1503 (XLVIII). The United Kingdom Government greatly values the procedure authorized by resolution 1503 (XLVIII) whereby the Commission is entitled to examine on a confidential basis communications from individuals, groups or non-governmental organizations which appear to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms and, if it finds it necessary, to instigate an investigation into these abuses. This in no way infringes the rights of sovereign States, but demonstrates proper international concern about conditions in certain countries which do not meet the standards set out in the United Nations Charter, the Universal Declaration on Human Rights, and the International Covenants on Civil, Political, Economic, Cultural and Social Rights. The United Kingdom Government would like to see the 1503 procedure grow in effectiveness.

The United Kingdom Government considers that the element of confidentiality in the 1503 procedure is important. It makes possible a thorough investigation of communications, whilst protecting the identity of those who have sent them and the reputation of governments from ill-founded attack. This encourages governments who

are sceptical of the procedure's usefulness, or who frankly oppose it, to accept or co-operate with the Commission. Offending States are more likely to heed measured criticism from the Commission if it is made privately than if it takes the form of polemical exchanges in open session. The stigma (which may eventually bring about change) remains, but is not broadcast to the world. There is less need for defensive intransigence which could lead to harsher repression.

But the confidential procedure should not impede the protection and promotion of human rights within the Commission: the intention was that it should expand rather than restrict this work. Confidential measures should be complementary to public ~~methods~~. The United Kingdom Government suggests that the Chairman's statement at the end of the confidential session should be slightly more detailed than hitherto, and that consideration of communications should be speeded up; but it recognizes that these improvements alone would not meet the expectations of parliaments and of the interested public.

The general climate of public opinion is an important weapon in the struggle to see acceptable standards apply throughout the world. ~~If, in view of a member~~ of the Commission, the confidential procedure fails to deal effectively with an offending country, then that member State is entitled to propose to its colleagues on the Commission that the country be discussed in public session. If conditions in a country being considered under the 1503 procedure deteriorate significantly, a new situation arises and there is then no reason (neither in paragraph 5 nor in 6 (b) of resolution 1503) why this should not be subject to public debate. If important new evidence comes to light about conditions which are already being scrutinized confidentially, then members of the Commission should consider formally in closed session whether this same situation should be raised publicly. If a government fails to co-operate by not answering a communication addressed to it, or by failing to facilitate an investigation recommended after confidential consideration of its record, then it would seem permissible to deal with the matter in public. Non-collaboration by a country should not be allowed to make the 1503 procedure ineffective. Finally, it should always be possible, when the situation in a particular country is serious enough to demand urgent consideration, as the use of the confidential procedure is likely to be protracted, to call for open discussion in the Commission, even if the 1503 procedure has not been previously used in that case.

The United Kingdom Government is conscious that the proper observance of procedures is necessary for the smooth operation of the Commission. But the aim of both public and confidential procedures for the airing of human rights violations is to try to eliminate these violations. The United Kingdom Government is sure that both procedures can be used more flexibly at the United Nations Commission on Human Rights.

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