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Thirty-eighth session
Agenda item 96

INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Report of the Third Committee

Rapporteur: Mrs. Moussokoro SANGARE-KABA (Guinea)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 23 September 1983, 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".

At its 4th plenary meeting, on the same day, the Assembly decided to allocate the item to the Third Committee.

2. The Committee considered this item jointly with items 93, 94, 95 and 97 at its 49th to 54th, 56th, 57th and 59th meetings, on 21, 23, and 25 November and from 28 November to 1 December 1983. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/38/SR.49-54, 56, 57 and 59).

3. The Committee had before it the following documentation:

- (a) Report of the Economic and Social Council, chapter V, section A, and chapter VII (A/38/3 (Part I)); 1/
- (b) Report of the Human Rights Committee; 2/
- (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 (A/38/392);
- (d) Letters dated 7 February and 11 May 1983 from the Permanent Representative of Democratic Kampuchea to the United Nations addressed to the Secretary-General (A/38/88-S/15595 and A/38/203-S/15758);
- (e) Letter dated 24 October 1983 from the Permanent Representative of the Sudan to the United Nations addressed to the Secretary-General transmitting the text of the resolutions adopted by the Seventieth Inter-Parliamentary Conference, held at Seoul on 12 October 1983 (A/38/529).
4. At the 49th meeting, on 21 November, the Assistant Secretary-General, Centre for Human Rights, made an introductory statement.

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/38/L.35

5. At the 54th meeting, on 28 November, the representative of Iraq introduced a draft resolution (A/C.3/38/L.35), entitled "Inclusion of Arabic among the official and working languages of the meetings of the States parties to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and the Human Rights Committee", sponsored by Algeria, Bahrain, Democratic Yemen, Djibouti, Egypt, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates and Yemen as well as Turkey, subsequently joined by Somalia.
6. At the 56th meeting, on 29 November, the representative of Iraq, on behalf of the sponsors, orally revised the draft resolution by deleting the words "and the International Covenant on Economic, Social and Cultural Rights" in the title and the operative part, and the words "and the Sessional Working Group of the Economic and Social Council" in the operative part.

1/ To be issued as Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 3 (A/38/3).

2/ Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 40 (A/38/40).

7. A statement by the Secretary-General on the administrative and financial implications of the draft resolution, as orally revised, was circulated in document A/C.3/38/L.50.

8. At its 57th meeting, on 30 November, the Committee adopted draft resolution A/C.3/38/L.35, as orally revised, without a vote (see para. 13, draft resolution I).

B. Draft resolution A/C.3/38/L.39

9. At the 54th meeting, on 28 November, the representative of Finland introduced a draft resolution (A/C.3/38/L.39), entitled "International Covenants on Human Rights", sponsored by Australia, Bulgaria, Cyprus, Denmark, Ecuador, Finland, Iceland, Italy, the Netherlands, Nicaragua, Norway, Peru, Senegal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland as well as Costa Rica, subsequently joined by Canada.

10. At its 57th meeting, on 30 November, the Committee adopted draft resolution A/C.3/38/L.39 without a vote (see para. 13, draft resolution II).

C. Draft resolution A/C.3/38/L.41

11. At the 54th meeting, on 28 November, the representative of Italy introduced a draft resolution (A/C.3/38/L.41), entitled "Reporting obligations of the States parties to the International Covenants on Human Rights", sponsored by Australia, Finland, and Italy as well as Austria and the Netherlands, subsequently joined by Canada.

12. At its 57th meeting, on 30 November, the Committee adopted draft resolution A/C.3/38/L.41 without a vote (see para. 13, draft resolution III).

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

Inclusion of Arabic among the official and working languages of the meetings of the States parties to the International Covenant on Civil and Political Rights and the Human Rights Committee

The General Assembly,

Aware of the need to achieve greater international co-operation and to promote harmonization of its activities in the field of human rights,

Bearing in mind General Assembly resolutions 3190 (XXVIII) of 18 December 1973, 34/226 of 20 December 1979 and 35/219 of 17 December 1980 relating to the introduction of Arabic as an official and working language in the General Assembly and its Main Committees,

Decides that henceforth Arabic shall be included among the official and working languages of the meetings of the States parties to the International Covenant on Civil and Political Rights 3/ as well as of the Human Rights Committee, and requests the Secretary-General to take appropriate measures to that end.

DRAFT RESOLUTION II

International Covenants on Human Rights

The General Assembly,

Recalling its resolution 33/51 of 14 December 1978, 34/45 of 23 November 1979, 35/132 of 11 December 1980, 36/58 of 25 November 1981 and 37/191 of 18 December 1982,

Having noted the report of the Secretary-General 4/ on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights 5/ and the Optional Protocol to the International Covenant on Civil and Political Rights, 5/

Noting with appreciation that, following its appeal, more Member States have acceded 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,

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

3/ See resolution 2200 A (XXI), annex.

4/ A/38/392.

5/ See resolution 2200 A (XXI), annex.

Recalling Economic and Social Council decision 1983/184 of 29 July 1983, in which the Council invited the General Assembly at its thirty-eighth session to consider the possibility of rescheduling the meetings of the Human Rights Committee so that its report could be submitted to the Assembly through the Council at its first regular session,

1. Notes with appreciation the report of the Human Rights Committee on its seventeenth, eighteenth and nineteenth sessions, 6/ and expresses satisfaction with 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;

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, and in those instances in which it is not possible to do so, to inform the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social, and Cultural Rights when those reports will be submitted;

5. Notes with satisfaction that the majority of States parties to the International Covenant on Civil and Political Rights, and an increasing number of States parties to the International Covenant on Economic, Social and Cultural Rights, have been represented by experts for the presentation of their reports, thereby assisting the Human Rights Committee and the Economic and Social Council in their work, and hopes that all States parties to both Covenants will arrange such representation in the future;

6. 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;

7. 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;

8. Emphasizes the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocol thereto;

9. 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 those bodies;

10. Requests the Secretary-General to submit to the General Assembly at its thirty-ninth 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;

11. Urges the Secretary-General to take further positive steps to ensure that adequate publicity and other arrangements are made to enable the Human Rights Committee and the Economic and Social Council to implement effectively their respective functions under the International Covenants on Human Rights within existing resources;

12. Urges the Secretary-General also to expedite arrangements for publication of the official public records of the Human Rights Committee in bound volumes, as indicated in General Assembly resolution 37/191, starting with its first session;

13. 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 III

Reporting obligations of the States parties to the International Covenants on Human Rights

The General Assembly,

Recalling its resolution 37/44 of 3 December 1982,

Mindful of the obligation of all States parties to the International Covenants on Human Rights 7/ to comply fully with their provisions, including articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights which

7/ Resolution 2200 A (XXI), annex.

require the submission of periodic reports in accordance with the programme established by the Economic and Social Council,

Having examined the report of the Secretary-General, 8/ in which he indicates that a large number of delays occur in the submission of reports on the implementation of the International Covenant on Economic, Social and Cultural rights,

Noting that the report of the Secretary-General emphasizes the interrelationship of problems affecting the reporting system under various human rights instruments,

1. Takes note with appreciation of the report of the Secretary-General;
2. Reiterates the importance it attaches to the reporting systems established by the International Covenants on Human Rights;
3. Requests the Secretary-General to transmit his report to the Economic and Social Council, which is entrusted with the consideration of the reports of States Parties to the International Covenant on Economic, Social and Cultural Rights under article 16 thereof;
4. Requests the Economic and Social Council and its Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights to consider the suggestions contained in the report of the Secretary-General with a view to improving the situation regarding the submission of reports under the Covenant;
5. Requests the Secretary-General to consider the possibility of convening, in accordance with the suggestion contained in the report of the Human Rights Committee 9/ - and within existing resources - a meeting of the Chairmen of the bodies entrusted with the consideration of reports under the relevant human rights instruments in order to consider the report of the Secretary-General, taking into account the results of General Assembly resolution 38/20 of 22 November 1983 and of the present resolution;
6. Requests the Secretary-General to inform the General Assembly at its thirty-ninth session of the views and suggestions expressed at the above meeting, if it is convened.

8/ A/38/393.

9/ Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 40 (A/38/40).