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ON CIVIL AND
POLITICAL RIGHTS**



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HUMAN RIGHTS COMMITTEE

Eighth session

SUMMARY RECORD OF THE 179TH MEETING

held at the Palais des Nations, Geneva,
on Tuesday, 16 October 1979, at 10.30 a.m.

Chairman: Mr. MAVROMMATIS

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The meeting was called to order at 10.50 a.m.

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

1. Sir Vincent EVANS, summarizing the very useful discussion that had taken place at the previous meeting, said that members of the Committee in principle welcomed the proposals on the review of the contents and format of the United Nations Yearbook on Human Rights, although they regretted that they had not been consulted when the proposals had been drawn up. It would therefore be advisable if the Chairman were to send an official letter to the President of the Economic and Social Council setting out the points of view and suggestions put forward on the matter as they appeared in the relevant summary record. In his letter the Chairman could indicate that it would be helpful if any information of direct concern to the Committee which was to be included in the Yearbook were submitted for examination to the Committee, represented by its Chairman and two or three of its members.
2. Referring to the suggestion that the Yearbook on Human Rights should be published in the same format as the Yearbook of the International Law Commission and to the objections raised concerning the proliferation of yearbooks, he proposed that the official documents of the Committee should be made available to organizations, institutions and individuals who were interested in its work. The Secretariat could publish two bound volumes each year - one would contain the summary records of the Committee's meetings and the other the reports of States parties, additional reports, general guidelines and the Committee's rules of procedure, together with its decisions, including those submitted under the Optional Protocol which the Committee might decide to make public. Such arrangements would not entail too much outlay.
3. The CHAIRMAN said that the first yearbook, in its new format, would not appear for two or three years and that the relevant guidelines were sufficiently flexible. The Committee could therefore still express its views on the subject and entrust two or three of its members with the task of deciding what information should be included in the yearbook and making suggestions.
4. In the meantime, the Committee could endorse the proposal made by Sir Vincent Evans to transmit the Committee's observations to the President of the Economic and Social Council. It could also request the Secretariat to study the possibility of issuing publications on the Committee's work in order to make it better known internationally. In any event the Committee could revert to the matter either at its present or next session.
5. Mr. DIEYE thought that although the proposal to publish the Committee's own yearbook was the ideal solution, it was not realistic at the present time. Publication of the Committee's official documents therefore appeared to be a more satisfactory arrangement, although it might create a precedent. It was only really necessary to specify where those documents could be obtained. The secretariat should, for information purposes, prepare a note on the publications of other similar bodies of the Committee.
6. Mr. SADI said that the best publicity was efficiency, that was to say, improvement in the Committee's method of work.

7. Mr. BOUZIRI also considered that the Committee should improve its methods of work, although it could do so only gradually in the light of experience. Nevertheless, the Committee played an important role in the protection of human rights and the public should be made more familiar with its work, for it was never mentioned in the press. To remedy that omission, the Chairman, the Vice-Chairmen and the Rapporteur should, after each session, hold a press conference to recapitulate the work of the Committee including, in general, its work on communications. That was not the only solution, but it would be a first step in the right direction.
8. Mr. LALLAH agreed that closer relations with the press and, indeed, with all information bodies, should be established, so that not only the Committee itself but also the Covenant and the rights it was designed to protect would become better known. Any proposal along those lines should be encouraged.
9. Mr. OPSAHL supported the view expressed by Mr. Lallah that publicity should be given to human rights and to measures taken for their promotion, rather than to the Committee itself. It was disappointing to note that the information media ignored the views expressed in the Committee or failed to report them accurately. Publicity for the work of the Committee was a long-term task that entailed education rather than dissemination of information through the mass media. Educational information should be directed towards various professional groups: lawyers, journalists, professors, teachers, etc. It was a source of satisfaction that young people in the world were active in the cause of human rights, but their main concern was the concept underlying such rights and not the bodies dealing with the question.
10. Mr. DIEYE also considered that what should become better known was not so much the Committee as a body but rather what it could do to promote human rights. The Committee and other United Nations bodies dealing with human rights had admittedly met with a sceptical reaction from the public which questioned their usefulness and wondered whether their activities led to any substantive results. The type of publicity offered by journalists, always on the lookout for sensational news, was not suited to the Committee's needs. The public should be informed of the action taken by the Committee, and its most important aspects highlighted: examination of the reports of States parties to the International Covenant on Civil and Political Rights concerning measures taken to implement the rights embodied in the Covenant and consideration of communications received from individuals alleging that they had been victims of a violation, by a State party, of one of the rights set out in the Covenant. It was extremely important that people should know that they could inform the Committee of such violations.
11. One way of making the work of the Committee known would be for it to meet away from Geneva or New York, in regions where problems of human rights arose, as in Africa or Latin America. Such decentralization would, moreover, be in line with trends in the United Nations which, in September 1979, had organized

a seminar in Monrovia on the establishment of regional human rights commissions, in particular, in Africa. The organization of regional meetings would help to make public opinion more aware of the activities of the Human Rights Committee.

12. The CHAIRMAN pointed out that a proposal had been made at the current session of the General Assembly to hold meetings on certain aspects of human rights in the developing countries.

13. Mr. MOVCHAN said that the doubts expressed about the need to publish anything on the work of the Human Rights Committee and on the effectiveness of the Committee itself led him to revert to the question of publicity. He stressed the importance of Economic and Social Council resolution 1979/37 concerning the Yearbook on Human Rights, by which the Council had decided to enlarge the scope of the Yearbook, which would in future not be limited to the work of the Human Rights Committee or any other committee, but would include other detailed information about the human rights situation in various countries.

14. The very establishment of the Human Rights Committee had been the result of efforts by the Member States of the United Nations in the field of human rights. There was no denying the paramount importance of certain achievements in that field, namely, the fact that just after the Second World War, in spite of difficulties of all kinds and differences between social systems, various States had reached the conclusion that there were certain common human rights standards; the recognition throughout the world of the right to self-determination as a fundamental human right; the fact that human rights standards were not limited to civil and political rights but now covered economic, social and cultural rights; the legal obligation for States to respect the rules set forth in the Covenants of which they were signatories and the establishment of machinery for monitoring States' compliance with that legal obligation; the fact that States were under a duty to submit periodic reports to an international body on the measures they had taken to give effect to rights recognized, for example, in the International Covenant on Civil and Political Rights; the presence at meetings of the Human Rights Committee of representatives of governmental and non-governmental organizations; and the fact that the Committee could raise any question it wished concerning the exercise of the rights recognized in the Covenants and the obligation of the State in question to answer those questions.

15. The establishment of the Human Rights Committee had been an event of major importance and, since its creation, its members had drawn up rules of procedure, agreed upon methods of work and adopted the idea of consensus, which had already enabled it to overcome the inevitable political difficulties that arose, and would enable it to do so in the future. The Committee had drawn up guidelines for States concerning the submission of reports. It had already examined the reports of 26 States; ministries were drafting their periodic reports with great care, and a study of those reports and the questions asked by members of the Committee suggested how and in what respects national legislation should be amended or improved.

16. Some doubts had been expressed about the way in which communications were examined. In his opinion, the examination of communications from individuals was not as important as the examination of the reports of States, which dealt with the human rights situation of the entire population of a specific country. It should, however, be noted that no communication submitted to the Committee had escaped scrutiny, either at the stage at which its admissibility was examined, or that at which a request for clarification was addressed to the Government in question, or yet - once those steps had been taken - when it became necessary to take a decision on it. Consequently, it was unfair to say that the Committee was ineffective and its work should be brought to the attention of the public. However, the experts who made up the Committee were unable to deal with every question which arose or take any decision regardless of its nature. They were subject to certain limitations imposed on them by the Charter of the United Nations and the International Covenant on Civil and Political Rights.

17. Lastly, he said he was in favour of the publication of a booklet devoted to the Human Rights Committee, providing that there were no financial obstacles to that procedure; and he reaffirmed that, although the Committee's working methods could be improved, the value of the work it had accomplished so far was beyond dispute.

18. Sir Vincent EVANS recognized that the Committee's methods of work had to be reviewed and improved in the light of experience. However, the Committee should not be over-modest as regards its accomplishments: for example, the fact that Governments had sent high-level representatives to the Committee to reply, on their behalf, to questions relating to the observation of the rights set forth in the Covenant in itself represented remarkable progress in the field of human rights; procedure of that kind would have been unthinkable ten years previously. The holding of meetings or seminars, not only at Geneva and New York, but also in other regions of the world, as advocated by Mr. Dieye, was a good way of informing the public, but in that respect documentary information was equally important. It would be well if the Secretariat were to prepare a booklet, in as many languages as possible, which would be placed on sale in bookstores acting as distributors for United Nations publications and deal not only with the rights recognized in the Covenant but also with the measures taken by States to apply the provisions of the Covenant and the practical role played by the Committee in that respect.

19. Mr. HANGA said that the Committee's activities - and in particular the efforts it was making to implement the provisions of the Covenant in all the countries which had acceded to it - should be known throughout the world. There were several ways of learning about the Committee's activities. The simplest was to read the summary records of its meetings. The Yearbook to be published would also provide very detailed information on the Committee's work. The press, which was sometimes called the Fourth

Estate, was also called upon to play an important role. In that respect, he pointed out that sometimes there were discrepancies between the English and French texts of press communiqués, and he urged that both versions should be the same, so that the public would be accurately informed.

20. With regard to exchanges of information about experience, in addition to the proposal to allow representatives of the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization to attend the Committee's meetings, it should be possible for the Committee to send one or more of its members as observers to the meetings held by those agencies or to other conferences, such as the congress which was to be held in the near future in Australia on the abolition of the death penalty. Lastly, it was the duty of the members of the Committee, who were concerned with the practical aspects of human rights, to make the Committee's work known by publishing articles and studies in reviews or newspapers.

21. Mr. SADI said he failed to see why the Committee should refuse to engage in self-criticism. In any event, he had simply expressed the view that greater efficiency would provide the best starting-point for publicizing the Committee's work. The Committee was still in its early stages, and was trying to learn from its mistakes in order to become more efficient - and all members of the Committee would agree that efficiency was essential. To be sure, it was not enough to take a critical attitude, but as regards suggestions, the Committee was swamped with them.

22. It had been suggested that the Covenant should be given greater publicity, but the question was one of publicity which would benefit the Committee's work. After all, the functions of the Committee were spelled out in the Covenant, particularly in article 28, and he did not think that the Committee could go beyond publicity of the functions assigned to it by the Covenant. Nor did he believe that it was the Committee's function to give greater publicity to the Covenant or to tell States that more publicity should be given to the Covenant.

23. Press communiqués were, of course, important, but unfortunately they were drafted in a hurry and were, on the whole, inaccurate. In spite of his sympathy for those who had to work under the pressure of time, he thought it better not to have any press communiqués at all than to have inaccurate ones. Perhaps press communiqués could be checked by the Chairman of the Committee.

24. Mr. PRADO VALLEJO was of the view that the Committee could make recommendations concerning the publication of the Yearbook on Human Rights. Whatever its format, the Yearbook would certainly be extremely useful to the Committee and in promoting human rights.

25. The pessimism shown by some members concerning the Committee's work was unjustified. The Committee was the first universal body with any authority to express opinions on the reports of States and on communications submitted by individuals concerning certain acts of the authorities of their countries. During its three years of existence, the Committee had already accomplished important work, and what was needed was an attempt to improve the system. There was certainly room for criticism, but no reason for lack of optimism.

26. The Committee had done good work and States sent high-level delegations to introduce their reports and reply to the Committee's questions. The communications submitted by individuals under the Optional Protocol came mainly from Latin America, and revealed the importance that was attached to the Committee in that region. At the previous session the Committee had for the first time taken a decision on a communication deemed to be admissible; it would probably take other decisions of the same kind at the current session. The procedure might perhaps have been slow, but no one could say that it had not been responsible and discreet. The Committee's decision had created a very favourable impression in Latin America.

27. The Committee had performed its task in the best possible way, but perhaps its work did not receive enough publicity. In that connexion he reminded the Committee of his proposal that it should hold a session in Latin America which, if implemented, would help to publicize the Committee's work and promote human rights. Self-criticism was important, but what was needed even more was to find ways of overcoming problems.

28. It had been pointed out that the members of the Committee could promote human rights in the course of their professional work. He himself had organized a seminar in Quito, with the assistance of Mr. Urribe Vargas, on methods of promoting human rights at the subregional level. He hoped that another member of the Committee would go to Quito the following year to help publicize the functions and work of the Committee.

29. The Covenant was simply a code of conduct which, while not eliminating violations, made it possible for them to be revealed and condemned and for efforts to be made to solve any problems that arose. What was important was to promote and ensure respect for the individual. That was a continuing task and not one that the Committee could have achieved in three years of work. Consideration of the reports of States and the dialogue between representatives of States and the Committee enabled the Committee to keep Governments informed of the human rights problems which they had to solve for the better implementation of the provisions of the Covenant. In accordance with the Covenant, Governments had to indicate how they were improving the human rights situation in their countries. The Committee contributed to the improvement of that situation and to the promotion of human rights.

30. As with any human endeavour, the Committee's work could be improved. That should be done by learning from experience. There was nothing to justify the pessimism which had been voiced for, as a citizen of a Latin American country, he knew that the Committee had worked well. No doubt efforts were needed to improve its work still further, but they must be made in a spirit of optimism.

31. Mr. KOULISHEV said that there were two aspects to the question of publicity. The first concerned information about the Committee's work for the public at large, and that connexion he supported the idea of publishing a booklet on the Committee's functions. The second aspect concerned more detailed information for government departments and lawyers. For that purpose a concise publication on the work and documents of the Committee would be very useful. He also wondered whether a comprehensive study could be published on the work of the Human Rights Committee in the next two or three years, as had been done for the Committee on the Elimination of Racial Discrimination.

32. Mr. TOMUSCHAT thought that most of the comments made were quite apposite. It was not the Committee as such that mattered but the exercise of human rights by individuals throughout the world. That was why the Covenant and the work of the Committee should be more widely publicized. There were, admittedly, certain shortcomings. The Committee had received only 50 communications under the Optional Protocol whereas -- since 22 States were parties to the Protocol -- a deluge of communications might have been expected. The fact that no communication had been received from certain States parties did not necessarily mean that those States had no human rights problems, particularly as the exercise of human rights was not a finite concept. It would seem, therefore, that the procedure under the Optional Protocol was not sufficiently well known. In that respect, it would certainly be very useful to have a rather simpler booklet than the one published in respect of the Committee on the Elimination of Racial Discrimination.

33. Thought should also be given to the problem of making the Committee's work on reports of States parties better known. The dialogue between members of the Committee and representatives of States which submitted reports should be continued largely within the States themselves and should cover the question whether human rights were scrupulously respected there. To that end, the documents produced by the Committee would be extremely important. As achievements in human rights matters were always open to question, the Committee should request the Governments of all States parties, through their representatives, to submit their reports not only to the Committee but also to their people with a view to the establishment of a fruitful dialogue between the Governments and citizens.

34. The CHAIRMAN said that while the Committee's methods of work had perhaps not been as good as they might, it was nonetheless impossible to claim that the Committee had made mistakes. The Committee's reputation was at least as good as that of any body which had been doing similar work for a number of years. However, there was certainly room for many improvements, which had yet to be decided upon.

35. Regarding the Committee's effectiveness, a great deal had been said about countries submitting reports and about the Committee's procedures. It should be noted in that connexion that one of the countries submitting a report had transmitted the summary records of the Committee's proceedings to its law reform commission for use in its work. Another country was considering some of the points raised in the Committee regarding its criminal procedure. A third had set up a standing committee to determine whether its domestic law was fully compatible with its obligations under the Covenant. Regarding communications, he mentioned the case of an alleged victim of violations of human rights whose life had probably been saved by the fact that the Committee had asked for her to be examined by a doctor. Another case, about 18 months earlier, was that of a person who had eventually not been extradited to a country where she was in danger of being sentenced to death. Another victim of alleged violations of human rights would be - or had already been - released. Those cases showed that the action taken by the Committee was effective, even if it could not change political systems or situations from one day to the next. There was therefore no need for despair about the effectiveness of the Committee's work.

36. It seemed unlikely that the Committee could do much to achieve greater results through the information media, but that did not mean that it should not try. If the Committee agreed, the officers of the Committee could take the necessary steps to organize a press conference with the assistance of the Secretariat. As in the case of the Committee on the Elimination of Racial Discrimination, a booklet could be published on the functions and work of the Human Rights Committee. The secretariat could indicate whether such a publication was feasible, but the members of the Committee must be prepared to support it.

37. The Committee seemed unanimous in considering that its sole aim in seeking publicity was to ensure that its work would help to promote human rights. Such publicity could, of course, be of assistance. In order to make the Human Rights Committee and its work better known, he asked the Secretariat whether it would be possible, when the General Assembly took a decision on the work of the Committee, to include in the resolution to be adopted a provision on the holding of a session of the Committee elsewhere than at Geneva or New York. Seminars were certainly very useful and he was prepared to go anywhere in the world to take part in them. If the costs of participants were not covered by the organizing countries it might be possible to obtain funds from the budget of the Division of Human Rights.

38. It would be advisable to keep Mr. Koulishev's suggestion on the agenda, since it involved a long-term project. If the Committee agreed, he would try, with the Secretariat's help, to give effect to the various ideas which had been put forward, now that consideration of the subsidiary item before the Committee had been completed.

The meeting rose at 12.55 p.m.