

**INTERNATIONAL
COVENANT
ON CIVIL AND
POLITICAL RIGHTS**



Distr.
GENERAL
CCPR/C/SR.47
16 January 1978
ENGLISH
Original: FRENCH

HUMAN RIGHTS COMMITTEE

Third Session

SUMMARY RECORD OF THE 47th MEETING

held at the Palais des Nations, Geneva,
on Monday, 16 January 1978, at 10.50 a.m.

Chairman: Mr. MAVROMMATIS

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OPENING STATEMENT BY THE CHAIRMAN

1. The CHAIRMAN declared open the third session of the Human Rights Committee. After noting that the mandate of half the members of the Committee was to expire at the end of 1978, he stressed the need to make as much progress as possible before then in considering the reports of Governments and the communications transmitted to the Committee.

2. So far, the Committee had drafted the bulk of its rules of procedure, prepared guidelines for the establishment of reports and held a useful exchange of views on the procedure for considering them; it had then begun its consideration of the reports and communications. Personal relations which were a guarantee of success for the future had been forged among the members of the Committee, which seemed to have gained an enviable reputation and to have commanded respect. Far from being considered inquisitorial, its work was regarded as an effort to assist sovereign States to comply with their statutory obligations in the area of human rights and fundamental freedoms.

3. At its previous session, the Committee had expressed the hope that its Chairman would be invited to present its annual report to the General Assembly. After some discussion, the Third Committee of the General Assembly had concluded that it was not desirable that the Chairman of the Committee should go to New York for that purpose.

4. The Working Group responsible for making recommendations to the Committee on the admissibility of communications from individuals had met at Geneva from 9 to 13 January 1978, under the chairmanship of Sir Vincent Evans. It had made a very thorough examination of the question and, for precisely that reason, had been unable to complete its work. It would thus be necessary to arrange for the Group to hold at least one more meeting.

5. After stating that the General Assembly had discussed and settled the question of the emoluments of the members of the Committee, in conformity with article 35 of the Covenant, he announced that he had been informed by Mr. Mora Rojas that the latter greatly regretted that he would be unable to attend the third session of the Committee. It was also possible that the Rapporteur, Mr. Oribe Vargas, might not be able to attend, in which case it might perhaps be necessary to replace him for the duration of the session, although the Committee did not have to adopt a report for the time being. To avoid difficulties regarding a quorum, it would be desirable for the members of the Committee to take care in future to give sufficient advance notice to the Secretariat and to the Chairman if they were unable to be present.

STATEMENT BY THE DIRECTOR OF THE DIVISION OF HUMAN RIGHTS

6. Mr. VAN BOVEN (Director, Division of Human Rights) said it was gratifying that the work of the Human Rights Committee, started a year previously, had received widespread appreciation. At its thirty-second session, the General Assembly of the United Nations had been unanimous in its praise of the Committee for the responsibility and seriousness with which it had approached its task. In issue No. 19 of its Review, the International Commission of Jurists had stated that the Committee had made a promising start at its first two sessions and that it was evident that there was a constructive and positive relationship, based on mutual respect, between the members of the Committee. For its part, the Third Committee of the General Assembly had paid considerable attention to the Committee's first annual report and had adopted a resolution which had been unanimously approved by the General Assembly (resolution 32/66).

7. The representatives of Member States in the Third Committee had considered a number of problems connected with the relationship between the Human Rights Committee, on the one hand, and United Nations bodies specialized agencies, States Parties, the public at large and individuals, on the other.

8. With respect to the relationship between the Committee and United Nations bodies, some members of the Third Committee had expressed reservations concerning the advisability of inviting the Committee's Chairman to present its report to the General Assembly, in accordance with the wish expressed by the Committee (A/32/44, para. 185). One of the reasons that had been given was the need to preserve the independence of the Committee which, having been established by a special convention, could not be considered a Charter organ. An invitation to its Chairman might give the impression that the Human Rights Committee was accountable to the Assembly which, in fact, was required neither to supervise the Committee's activities nor to give it instructions. The Third Committee had also considered the question of the extent to which the Committee was entitled to take decisions having financial consequences without the prior authorization of the General Assembly, but that question had not been settled.

9. The relationship between the Human Rights Committee and the specialized agencies (article 40, para. 3 of the Covenant) raised a question of co-operation which was still before the Committee. Some representatives in the Third Committee had welcomed the readiness of the ILO and UNESCO to lend their full co-operation when questions falling within the scope of their competence and activities were under consideration.

10. It had also been stated in the Third Committee that a relationship of confidence should be established between the States Parties and the Committee and that the Committee already seemed to have won the confidence not only of the States Parties but also of other States. A number of representatives had stressed the importance of paragraph 105 of the Committee's report (A/32/44) which referred to the need to maintain and develop friendly relations among Member States of the United Nations in accordance with the principles of the Charter of the United Nations, and the hope had been expressed that the Committee would develop with each State Party a dialogue which would encourage respect for human rights.

11. The need for close rapport with the public - which the Committee had recognized in providing that, unless decided otherwise, its official documents should be documents of general distribution - had not been disputed. The fact that members of the Committee had felt that the general public had a legitimate interest in knowing the main trends of the Committee's approach in its consideration of communications had also been regarded as important. The view had been expressed in the Third Committee that the widest possible publicity should be given to the Committee's work in order to enhance public awareness of the contents of the Covenant and of the Committee's efforts to monitor the implementation of its provisions.

12. Regarding the relationship between the Committee and individuals, representatives had stressed the desirability of making all individuals more conscious of human rights and had expressed the hope that more States would ratify not only the Covenants but also the Optional Protocol, thus giving more individuals access to the Committee.

13. In its resolution 32/66, the General Assembly had noted with appreciation the report of the Committee and the efforts it had made to achieve uniform standards in the implementation of the Covenant and the Protocol. It had requested the Secretary-General to keep the Committee informed of the activities of the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Committee on the Elimination of Racial Discrimination. Consequently, arrangements had been made to transmit to the members of the Committee the reports on the latest session of each of those bodies, together with the summary records of the resumed sixty-third session of the Economic and Social Council and of the meetings of the Third Committee relating to the Committee's report.

14. With regard to the emoluments of the members of the Committee, he stated that, following the suggestion of the Secretary-General and taking into account the exceptional practice followed with regard to members of the International Law Commission, the International Narcotics Control Board and the Administrative Tribunal, annual lump sums of \$2,500 and \$1,000 respectively would be paid to the Chairman of the Committee and to each of its other members, pending consideration of the whole question of emoluments by the General Assembly at its next session.

15. The General Assembly had approved the proposals made by the Division of Human Rights concerning the allocation of resources to enable it to provide appropriate facilities for the effective performance of the Committee's functions.

16. Mention should also be made of the fact that the Dominican Republic had acceded to the two Covenants and to the Optional Protocol on 4 January 1978, thus bringing the total number of States Parties to the Covenant to 45 and that of States Parties to the Protocol to 17. Lastly, 18 States Parties had submitted reports under article 40 of the Covenant, but 20 other States had yet to do so.

17. In conclusion, he expressed the hope that the session which had just begun would be a fruitful one and noted that the Committee would have the benefit of the work carried out by its Working Group on the consideration of communications received under the Protocol.

ADOPTION OF THE AGENDA (item 1 of the provisional agenda) (CCPR/C/L.7)

18. The CHAIRMAN said that the provisional agenda (CCPR/C/L.7) had been drawn up in the light of the suggestions made at the previous session. He pointed out that the question of the provisional rules of procedure had not been included as the Committee had not felt that there was any urgent need to consider the few points still pending. On the other hand, a new item, "Status of submission of reports by States Parties under article 40 of the Covenant", had been placed on the agenda. That item had to be taken up separately because a number of reports had not reached the Secretariat in time. It was proposed to consider some reports during the first week of the session and others in the last week. As in the past, the Committee would adopt a flexible attitude to enable it to overcome any difficulties which the submission of certain reports might raise.

19. Sir Vincent EVANS, referring to item 4 of the provisional agenda, said that before he expressed his views on the list of reports to be examined and the dates for their consideration, it might be advisable for the Secretariat to provide some information on the status of the reports which States were required to submit under article 40 of the Covenant. The report of Madagascar, for instance, had only recently been received by the members of the Committee and it might be premature to consider it at the present session. Other reports might also warrant special treatment.

20. The CHAIRMAN fully agreed with Sir Vincent. He stated that one State had asked for consideration of its report to be deferred and that other reports were to be supplemented by addenda. Moreover, the Secretariat did not know yet whether certain States wished to be represented when their reports were being considered.
21. Mr. TOMUSCHAT pointed out that consideration of item 6 of the provisional agenda, "Question of the co-operation between the Committee and the specialized agencies concerned", had already been postponed twice and that it had been decided, at the end of the previous session, to give it priority. As the penultimate item on the provisional agenda, it was again liable not to receive the attention it deserved. Article 40, paragraph 3 of the Covenant specifically provided for co-operation between the Committee and the specialized agencies, which would be equally useful to both sides. Moreover, under rule 67, paragraph 2 of its provisional rules of procedure, the Committee could invite the specialized agencies to comment on the reports submitted by States. The Committee must therefore express its views on the question of co-operation if its examination of reports from States was not to be considered incomplete. He consequently proposed that the order of items 5 and 6 should be reversed.
22. The CHAIRMAN said that he had intended to make a similar suggestion.
23. Mr. OPSAHL agreed with Mr. Tomuschat's point of view. He was not, however, sure that the Committee, in adopting the agenda, undertook to complete it in the order in which the items had been listed. It would be best if the question of co-operation between the Committee and the specialized agencies were taken up first, for instance under item 2 ("Organizational and other matters"). The Committee would then know what attitude to adopt with regard to any reports that related to the competence of specialized agencies.
24. The CHAIRMAN stated that, in accordance with the practice of the Committee, items need not necessarily be considered in the order in which they appeared on the agenda. Moreover, it was always possible to revert to a question that had already been discussed.
25. Mr. MOVCHAN pointed out that the task of the Committee was to give guidelines to Governments and to establish friendly relations with them in order to advance the cause of human rights; it was generally felt that the Committee had performed that task well so far.
26. With regard to the agenda, he endorsed the views expressed by the Chairman. The adoption of the agenda did not bind the Committee in any way with regard to the order in which it took up the various items, nor indeed did it do so with respect to the reports to be examined or the time-table for their consideration.
27. Mr. LALLAH stressed the need to establish the best possible relations with States Parties to the Covenant. When those States came to the Committee, it should try to show them how they could contribute to the implementation of the Covenant. At the previous session, the dialogue between the Committee and States had been a very valuable source of information.
28. The agenda must be regarded as flexible. The Committee had placed rather strict limitations in its provisional rules of procedure on items which could be added to the agenda after its adoption, but it had not made any stipulation with regard to the order in which items were to be considered.

29. The Bureau might make some suggestions on the reports from States to be considered and the order in which they should be examined.

30. The CHAIRMAN suggested that the Bureau should meet for that purpose before the Committee's next meeting. If he heard no objection, he would take it that the Committee wished to adopt the provisional agenda (CCPR/C/L.7).

31. It was so decided.

The meeting rose at 11.40 a.m.