

PAKISTAN

Special Decisions or Action taken Re: Reporting, Including Urgent Action Procedure

CERD A/8418 (1971)

Annex V

Text of communication sent to 17 states parties under article 9 of the Convention adopted at the third session of the Committee on 23 April 1971

At its third session, the Committee on the Elimination of Racial Discrimination, in discharge of its responsibilities under article 9, paragraph 2, of the International Convention on the Elimination of All Forms of Racial Discrimination, continued its consideration of the reports submitted by States Parties in accordance with paragraph 1 of that article.

It may be recalled that the Committee on the Elimination of Racial Discrimination is called upon, under article 9, paragraph 2, of the Convention, to submit annual reports to the General Assembly on its activities and to make suggestions and general recommendations based on the examination of reports and information received from the States Parties to the Convention.

In its communication adopted at its first session on 28 January 1970 CERD/C/R.12 contained in A/8027, annex III A) and transmitted to the States Parties in a note verbale by the Secretary-General on 27 February 1970, a copy of which is forwarded herewith, the Committee has laid down the type of information which it would expect to receive in pursuance of the provisions of article 9 of the Convention.

At its second session, on 16 September 1970, the Committee adopted a communication (A/8027, annex III B) addressed to States Parties whose reports under article 9 had been received, requesting them to compare the reports they had submitted with the communication adopted at the first session (CERD/C/R.12) and to furnish the Committee with information on those points which their reports did not cover. This communication was transmitted to the States Parties concerned by the Secretary-General in a note verbale dated 13 October 1970.

The Committee would appreciate it if the Government of [Pakistan] would once again compare the information it has submitted with the communication adopted at the first session of the Committee and to furnish the Committee with all pertinent information by 15 July 1971. In this connection, attention is drawn to the summary records of the [41st - 58th] meetings of the third session of the Committee (CERD/C/SR.[41-58]), at which it discussed the report already submitted by [Pakistan].

The summary records referred to above will be forwarded by the Secretary-General as soon as they are available in final form.

CERD A/8418 (1971)

III. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

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D. Action on requests for participation in the deliberations of the Committee

1. Action on a request made by a State Party (Pakistan)

84. During the third session, the Chairman announced at the 58th meeting that he had received the following communication from the Permanent Representative of Pakistan to the United Nations:

"The Permanent Representative of Pakistan has requested that the Pakistan delegation be able to present its comments on the observations made in the Committee covering the report presented by Pakistan under article 9, paragraph 1."

85. As the provisional rules of procedure made no provision for a request of that kind, the Chairman put the request before the Committee for a decision.

86. In their statements, Messrs. Haastrup, Aboul Nasr, Partsch, Rossides, Sayegh, and Tarassov, and Mrs. Owusu-Addo opposed the request.

87. Messrs. Haastrup and Partsch pointed out that the Committee had already closed its discussion of the report from Pakistan, and should not reopen it. Regarding the question in principle the statements made by all the members who spoke on the subject showed general agreement on the following: in accordance with article 9 of the Convention, a State Party could furnish "information", on its own initiative or at the request of the Committee, in the form of reports submitted to the Secretary-General for consideration by the Committee; and it could also make "comments" on such "suggestions and general recommendations" as the Committee might make. But there was no provision in article 9 of the Convention enabling a State Party to participate in the Committee's consideration of a report submitted by it, or to comment on observations made by individual members in the course of the Committee's deliberations. However, Mr. Partsch thought that the Committee "should be able to invite Governments to explain their views", although he admitted that "the intention of the authors of the Convention in that regard was not clear".

88. In the light of the statements made at the meeting, the Chairman declared that the consensus was against granting the request made by the Permanent Representative of Pakistan and that "the request was therefore rejected".

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Chapter V. Review of the implementation of the Convention in States parties whose reports are seriously overdue

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C. Action taken by the Committee to ensure submission of reports by States parties

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504. At its forty-second session, the Committee, having emphasized that the delays in reporting by States parties hampered it in monitoring implementation of the Convention, decided that it would continue to proceed with the review of the implementation of the provisions of the Convention by the States parties whose reports were overdue by five years or more. In accordance with a decision taken at its thirty-ninth session, the Committee agreed that this review would be based upon the last reports submitted by the State party concerned and their consideration by the Committee. At its forty-ninth session, the Committee further decided that States parties whose initial reports were overdue by five years or more would also be scheduled for a review of implementation of the provisions of the Convention. The Committee agreed that in the absence of an initial report, the Committee would consider all information submitted by the State party to other organs of the United Nations or, in the absence of such material, reports and information prepared by organs of the United Nations. In practice the Committee also considers relevant information from other sources, including from non-governmental organizations, whether it is an initial or periodic report that is seriously overdue.

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509. Following its seventieth session, the Committee decided to schedule at its seventy-first session a review of the implementation of the Convention in the following States parties whose initial and periodic reports were seriously overdue: Malawi, Namibia, Nicaragua, Pakistan and Togo. Namibia, Nicaragua and Togo were withdrawn from the list prior to the seventy-first session following the submission of their overdue reports.

510. The review of the implementation of the Convention by Pakistan was postponed at the request of the State party, which indicated its intention to submit its overdue reports shortly. The Committee requested submission of the report by 31 December 2007 and informed the State party that in the event of non-receipt of the report by the set deadline, it would reschedule the examination of the situation in Pakistan without a report at its seventy-third session, with a view to adopting concluding observations on the basis of other information made available to it, including reports from non-governmental sources.

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