



**REPORT  
OF THE  
HUMAN RIGHTS COMMITTEE**

**GENERAL ASSEMBLY**

**OFFICIAL RECORDS: THIRTY-SECOND SESSION**

**SUPPLEMENT No. 44 (A/32/44)**

**UNITED NATIONS**





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New York, 1977

**NOTE**

**Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.**

/30 September 1977/

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## I. ESTABLISHMENT AND MEMBERSHIP OF THE COMMITTEE

1. The International Covenant on Civil and Political Rights and the Optional Protocol thereto, adopted by the General Assembly in resolution 2200 A (XXI) of 16 December 1966, entered into force on 23 March 1976, in accordance with articles 49 of the Covenant and 9 of the Protocol, respectively. As at 31 August 1977, there were 44 States parties to the Covenant and 16 States parties to the Protocol (see annex I).

2. In accordance with articles 28 to 32 of the Covenant, the States parties at their first meeting, held on 20 September 1976 at United Nations Headquarters, elected by secret ballot the following 18 members of the Human Rights Committee from a list of persons nominated by the States parties: 1/

Mr. Mohamed Ben-Fadhel (Tunisia)

Mr. Ole Mogens Espersen (Denmark)

Sir Vincent Evans (United Kingdom of Great Britain and Northern Ireland)

Mr. Manouchehr Ganji (Iran)

Mr. Bernhard Graefrath (German Democratic Republic)

Mr. Vladimir Hanga (Romania)

Mr. Haissam Kelani (Syrian Arab Republic)

Mr. Luben G. Koulishhev (Bulgaria)

Mr. Rajsoomer Lallah (Mauritius)

Mr. Andreas V. Mavrommatis (Cyprus)

Mr. Fernando Mora Rojas (Costa Rica)

Mr. Anatoly Petrovich Movchan (Union of Soviet Socialist Republics)

Mr. Torkel Opsahl (Norway)

Mr. Julio Prado Vallejo (Ecuador)

Mr. Fulgence Seminega (Rwanda)

Mr. Walter Surma Tarnopolsky (Canada)

Mr. Christian Tomuschat (Germany, Federal Republic of)

Mr. Diego Uribe Vargas (Colombia)

The States parties decided that the term of office of the members of the Committee should begin on 1 January 1977.

3. The regular term of office of the members of the Committee is four years. In

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1/ For the decisions adopted at the First Meeting, see Official Records of the First Meeting of States Parties to the International Covenant on Civil and Political Rights (CCPR/SP/7).



accordance with article 32, paragraph 1, of the Covenant, the Chairman of the first meeting of the States parties chose by lot the names of the following nine members of the Committee whose terms shall expire at the end of two years:

Mr. Mohamed Ben-Fadhel  
Mr. Ole Mogens Espersen  
Mr. Bernhard Graefrath  
Mr. Rajsoomer Lallah  
Mr. Fernando Mora Rojas  
Mr. Torkel Opsahl  
Mr. Julio Prado Vallejo  
Mr. Fulgence Seminega  
Mr. Christian Tomuschat

## II. ORGANIZATION OF THE SESSIONS

### A. Sessions

4. The Human Rights Committee held two sessions in 1977. The first was held at United Nations Headquarters from 21 March to 1 April 1977. The second session was held at the United Nations Office at Geneva from 11 to 31 August 1977.
5. On behalf of the Secretary-General of the United Nations, Mr. William Buffum, Under-Secretary-General for Political and General Assembly Affairs, opened the first meeting of the Committee on 21 March 1977.
6. At the opening meeting of the second session, on 11 August 1977, the Director of the Division of Human Rights made a statement.

### B. Attendance

7. All the members attended both sessions of the Committee.

### C. Solemn declaration by members of the Committee

8. In accordance with article 38 of the Covenant, members of the Committee made the following solemn declaration:

"I solemnly undertake to discharge my duties as a member of the Human Rights Committee impartially and conscientiously."

### D. Election of officers

9. The Committee elected its Chairman and, after the adoption of the relevant rules of procedure, elected the other officers. The officers were the following:

Chairman: Mr. Andreas V. Mavrommatis

Vice-Chairmen: Mr. Luben G. Koulishév

Mr. Rajsoomer Lallah

Mr. Torkel Opsahl

Rapporteur: Mr. Diego Uribe Vargas

### E. Agenda

10. The agendas of the first and second sessions of the Committee were as follows:

### First session

1. Opening of the session by the Secretary-General or his representative
2. Solemn declaration by the members of the Committee in accordance with article 38 of the Covenant
3. Election of the Chairman of the Committee
4. Adoption of the agenda
5. Adoption of the rules of procedure of the Committee in accordance with article 39 of the Covenant
6. Election of the other officers of the Committee
7. Matters relating to the Committee's methods of work in respect of:
  - (a) The consideration of reports by States parties in accordance with article 40 of the Covenant
  - (b) The consideration of communications received in accordance with the provisions of the Optional Protocol to the International Covenant on Civil and Political Rights
8. Meetings of the Committee in 1977 and 1978
9. Annual report by the Committee on its activities to the General Assembly, through the Economic and Social Council, under article 45 of the Covenant and article 6 of the Protocol

### Second session

1. Adoption of further rules of procedure of the Committee in accordance with article 39 of the Covenant
2. Consideration of reports submitted by States parties under article 40 of the Covenant: initial reports of States parties due in 1977
3. Consideration of communications received in accordance with the provisions of the Optional Protocol to the Covenant
4. Question of the co-operation between the Committee and the specialized agencies concerned
5. Meetings of the Committee in 1978 and 1979.
6. Other matters
7. Annual report of the Committee on its activities to the General Assembly through the Economic and Social Council, under article 45 of the Covenant and article 6 of the Protocol

## F. Establishment of working groups

11. At its first session, the Committee established a working group composed of five of its members to meet at Geneva from 8 to 10 August 1977. The terms of reference of the working group were to, inter alia, examine communications submitted under the Protocol, consider the pending rules of procedure and make recommendations to the Committee thereon.
12. The members chosen for the working group were: Messrs. Kelani, Mora Rojas, Opsahl, Lallah and Graefrath. Messrs. Prado Vallejo, Evans, Hanga, Ben-Fadhel and Ganji were chosen as alternates.
13. At its opening meeting, on 8 August 1977, the working group elected Mr. Lallah as its Chairman-Rapporteur.
14. At its second session, the Committee established, in accordance with rule 89 of its provisional rules of procedure, a working group composed of five of its members to meet at Geneva from 9 to 13 January 1978. The working group is to make recommendations to the Committee regarding the fulfilment of the conditions of admissibility laid down in articles 1, 2, 3 and 5 (2) of the Protocol.
15. The members chosen for the working group were Messrs. Evans, Ganji, Graefrath, Lallah and Prado Vallejo. Messrs. Opsahl, Mavrommatis, Hanga, Ben-Fadhel and Mora Rojas were chosen as alternates.

### III. RULES OF PROCEDURE

16. Article 39 (2) of the Covenant provides that the Committee "shall establish its own rules of procedure". In order to facilitate its task, the Secretary-General prepared draft provisional rules (CCPR/C/L.2 and Add.1 and 2). These draft provisional rules were considered by the Committee at both sessions.

17. At its first session, the Committee adopted those rules of procedure comprising "General Rules", (rules 1 to 65), and "Reports from States parties under article 40 of the Covenant" (rules 66 to 71). It also adopted a number of rules pertaining to "Consideration of Communications received under the Optional Protocol" (rules 78 to 86 and 88) (see annex II below).

#### A. General rules

18. Consideration of the "General Rules" gave rise to several questions concerning the interpretation of the Covenant.

19. In considering draft rule 5 regarding the venue of sessions, the Committee decided to keep the provision that it may designate for its meetings a place other than United Nations Headquarters or the United Nations Office at Geneva "in consultation with the Secretary-General". The words "taking into account the rules applied on the subject by the United Nations" were deleted on the grounds that the Committee was not a United Nations body but a conventional organ established by the States parties to the Covenant.

20. The Committee also decided, when discussing the question of what items should be included in the provisional agenda for each regular session (draft rule.6) that the Secretary-General may propose items relating only to "his functions under the Covenant, the Protocol or these rules".

21. In considering draft rule 26 regarding the responsibility of the Secretary-General for keeping the members of the Committee informed of questions which may be brought before it for consideration, divergent viewpoints were expressed as to the form and scope of that rule (see CCPR/C/SR.5).

22. Some members were of the opinion that the rule should be drafted in such a way so as, on the one hand, not to prejudice the responsibility of the Secretary-General in this respect under other provisions of the rules of procedure and, on the other hand, to make him responsible for keeping the Committee informed of any questions which were to be brought before it for consideration and of any other matters of which the Committee should be aware having regard to its functions and responsibility. Certain decisions of the General Assembly and the Economic and Social Council and of human rights bodies within the United Nations system and regional organization were cited as examples.

23. Several members felt that the Secretariat's role should be purely of a technical nature and that the rules of procedure should not require it to take decisions on

matters of substance. Human rights covered a vast area and the Secretariat could clearly not inform members of the Committee of every development relating to it.

24. The representative of the Secretary-General said that a broad formulation of the rule would cause difficulties for the Secretary-General. He suggested that the Committee should formulate more specific requests in the light of its needs and added that such matters should be the subject of specific decisions by the Committee. The Secretariat would consult with the officers and members of the Committee in a continuous effort to establish the most satisfactory arrangements. On the one hand, he would not wish the Secretariat to do anything to influence unduly the decisions of the Committee by selecting information or going beyond its functions. On the other hand, he would encourage members of the Committee to communicate with the Secretariat concerning their specific needs and interests.

25. The Committee adopted draft rule 26 after amending it to the effect that the Secretary-General shall be responsible for informing the Committee without delay of any questions which may be brought before it for consideration.

26. In connexion with the right of the Committee during a session to revise the agenda and to defer or delete items and to add only urgent and important items (draft rule 9), divergent viewpoints were expressed as to whether the decision to add new items should be qualified by consensus or by a unanimous or two-thirds majority vote or be limited to urgent and/or important issues.

27. Consideration of draft rule 9 developed into a general legal discussion (see CCPR/C/SR.3, 4, 6, 7, 12, 13 and 14) covering also draft rules 49 and 51 in the light of article 39, paragraph 2 (b), of the Covenant concerning the majority vote needed for adoption of decisions by the Committee.

28. Some members maintained that experience gained recently, both inside and outside the United Nations, showed that there had been a trend among legal bodies towards the adoption of decisions on the basis of consensus. To provide for efforts to be made to reach decisions by consensus would not contravene the Covenant but would underscore the resolve of members to work harmoniously and in a spirit of co-operation. Efforts had been made throughout history to incorporate moral principles into positive law. The Committee now had an opportunity to do so and should take advantage of it. The proposal was not designed to change the rule regarding the voting procedure prescribed under the Covenant, but to ensure that efforts to reach a consensus should always precede a resort to voting.

29. All members were in agreement on the merits of trying to work by consensus, especially on procedural matters. Many of them thought, however, that consensus should be regarded merely as a working principle and not as a rule of procedure. To provide for it in the rules of procedure might considerably restrict the Committee's power of decision-making. It could mean more than a spirit of co-operation, implying rather the idea of compromise which would, in turn, be incompatible with the independence and impartiality to which the members of the Committee were committed. It was also pointed out that under article 39, paragraph 2 (b), of the Covenant, decisions of the Committee had to be made by a majority vote of the members present.

30. Replying to questions raised by members of the Committee concerning the matter of consensus in the light of article 39, paragraph 2 (b), of the Covenant, the

Legal Counsel of the United Nations (see CCPR/C/SR.12 and 13) pointed out that any provision which would rule out the possibility of a vote or require a larger majority than a majority of members present was contrary to the Covenant. However, nothing prevented the Committee from adding a provision to the effect that it would attempt to arrive at a consensus before taking a vote, on the express condition that the provision of the Covenant would be observed.

31. The Legal Counsel also said, in reply to a question concerning the provision in draft rule 49 for a two-thirds majority to reconsider decisions, that there was nothing to prevent stipulating such a rule for the reconsideration of decisions in order to safeguard the interests of individuals in accordance with the principle of acquired rights.

32. Members of the Committee generally expressed the view that its method of work normally should allow for attempts to reach decisions by consensus before voting, provided that the Covenant and rules of procedure are observed and that such attempts do not unduly delay the work of the Committee.

33. Members of the Committee agreed that the Chairman may at any meeting, and at the request of any member put the proposal to a vote.

34. The Committee decided that attention would be drawn to the above paragraphs 32 and 33 in a foot-note to rule 51 in the provisional rules of procedure of the Committee.

35. Consideration of draft rules 35 and 36 gave rise to a discussion of the practice currently followed by the Secretariat of the United Nations in regard to the production of summary records of the public and private meetings and of the mode of distribution to be adopted for such records and for documents of the Committee as provided for in draft rule 64, in the light of the provisions of the Covenant.

36. The representative of the Secretary-General explained (see CCPR/C/SR.6 and 14) that draft rules 35 and 36 had been based on the practice long followed in the Secretariat for the production of summary records. However, since the thirtieth session of the General Assembly, a new system had been put into effect. The summary records appeared initially in final form and were given general distribution. The participants had one week to submit their corrections which were then reproduced in a consolidated corrigendum issued shortly after the closure of the session. Whatever arrangements the Committee decides in its rules of procedure, it would have to adhere to the practice currently followed by United Nations bodies, unless it specifically asked to depart from it, subject to the approval of its request by the Committee on Conferences.

37. The Committee adopted rule 35 on the understanding that the current practice regarding summary records would be followed provisionally until the Committee had acquired the necessary experience to take a final decision.

38. Some members were of the opinion that, following the practice of the Committee on the Elimination of Racial Discrimination, the rule of general distribution (draft rule 36, para. 1) should not be applied to the summary records of the public meetings until the Committee gained some experience. Others maintained that the proposed rule was not in line with draft rule 64, paragraph 3, which provided that, in certain circumstances, the State party could decide that its report should

not be a document of general distribution. However, if the summary record of the meeting at which that report was considered was a document of general distribution, the content of the report would be revealed despite the decision of the State concerned.

39. Several members cautioned against the restriction of the distribution of summary records of the public meetings because this would amount to acting contrary to the spirit of the Covenant which anticipated the promotion of the right to information. Moreover, if summary records of the public meetings were not made generally available, the public would have to rely solely on information published in the press, which might not necessarily be accurate.

40. The Committee agreed to add at the end of draft rule 36, paragraph 1, the words: "unless, in exceptional circumstances, the Committee decides otherwise" (see CCPR/C/SR.6 and 16).

41. In considering draft rule 64, paragraph 1, members of the Committee differed on what distribution should be given to reports, formal decisions and all other official documents of the Committee and its subsidiary bodies.

42. Some members were of the opinion that documents of the Committee should be distributed only to the States parties and to others directly concerned as may be decided by the Committee. To give general distribution to such documents would depart from the provision of article 40, paragraph 4, of the Covenant governing the transmission of the reports and general comments of the Committee.

43. Several members argued that there was a difference between transmission and distribution of documents. Transmission, as envisaged in article 40 of the Covenant, was in the nature of formal submission designed to enable recipients to exercise their responsibilities. Distribution, on the other hand, was a means of making the documents known to the general public in conformity with the spirit of the Covenant. The general distribution rule should apply therefore, they maintained, to all documents of the Committee unless provided otherwise.

44. Members differed also on whether reports and other information submitted by States parties under article 40 of the Covenant should be documents of general distribution or whether a State party concerned should be allowed to request a more limited distribution as envisaged in draft rule 64, paragraph 3.

45. Some members who were of the opinion that reports and other information submitted by States parties under article 40 of the Covenant should, without exception, be documents of general distribution argued that the Committee had a clear obligation to let it be known how States parties to the Covenant were fulfilling their obligations. It should not, therefore, be left to the choice of the States parties to decide on the question of distribution.

46. All members agreed finally that reports, formal decisions and all other official documents of the Committee and its subsidiary bodies shall be documents of general distribution unless the Committee decided otherwise. They also agreed that reports and additional information submitted by States parties pursuant to article 40 of the Covenant shall be documents of general distribution. Other information provided by a State party shall also be given general distribution unless the State party concerned requests otherwise (rule 64, paras. 1 and 3).



47. As regards reports, formal decisions and other official documents of the Committee and its subsidiary bodies relating to articles 41 and 42 of the Covenant and to the Protocol, members were in agreement (see CCPR/C/SR.8, 9, 16 and 17) that, as envisaged in draft rule 64, paragraph 2, they should have restricted distribution, i.e. that they shall be distributed by the Secretariat to all members of the Committee, to the States parties concerned and, as may be decided by the Committee, to members of its subsidiary bodies and to others concerned.

#### B. Reports from States parties

48. In considering draft rules 66 and 67 concerning reports to be submitted by States parties under article 40 of the Covenant, most members felt that the provision in draft rule 67 concerning the determination by the Committee of the "normal periodicity and the scope of reports subsequent to the submission of the initial reports by States parties" was vague in some respects and did not correspond to the intention of article 40, paragraph 1 (b), of the Covenant. The term "normal periodicity" was not the correct one because, under that subparagraph, the Committee could request reports whenever it desired. The word "scope" could be subject to various interpretations (see CCPR/C/SR.9).

49. All members agreed that draft rule 67 should be deleted and be replaced by a new paragraph 2 in rule 66 to the effect that whenever the Committee requested States parties to submit reports under article 40, paragraph 1 (b) of the Covenant, it should determine the dates by which such reports shall be submitted. The original paragraph 2 of draft rule 66 would become paragraph 3.

50. Consideration of the rule of procedure to be adopted regarding the attendance by the representatives of the States parties concerned at the Committee meetings at which their reports were to be examined raised some questions as to whether emphasis should be placed on the right of the Committee to invite States to send representatives to those meetings (draft rule 69), or that such emphasis should be placed on the right of States to send their representatives if they wished to do so (see CCPR/C/SR.10).

51. All members agreed that a balance should be struck between the right of States parties concerned to attend meetings at which their reports were to be examined and the right of the Committee to seek further information and, accordingly, to request the presence of representatives of such States to answer its questions. Since draft rule 69 did not meet those requirements, the Committee adopted, instead, the formulation in rule 64A of the rules of procedure of the Committee on the Elimination of Racial Discrimination which members of the Committee considered clear and sufficient for the purpose.

#### C. Transmission of communications to the Committee

52. In connexion with the role of the Secretary-General in the transmission of communications to the Committee, it was agreed that, although his actions were mainly of an administrative and technical nature, and should not involve decisions concerning the admissibility of communications, he could, nevertheless, solicit, as appropriate, clarifications from authors, with a view to facilitating the subsequent work of the Committee and its subsidiary bodies. This would apply both where it was

unclear whether an author intended his communication to be submitted to the Committee or not, and where the information furnished by an author appeared to be insufficient.

53. In addition to preparing regularly lists of communications containing brief summaries of their contents, as envisaged in draft rule 80 (adopted as provisional rule 79), the Committee adopted an additional rule (provisional rule 81) which requires the Secretary-General to circulate to the members of the Committee a summary of the relevant information obtained. In this manner, the Committee would have before it a working document pertaining to each communication submitted for consideration.

54. With regard to the general rules concerning the consideration of communications, the discussion focused mainly on the provisions of draft rule 86, which envisaged that the Committee or its subsidiary body could at any time request a State party to take interim measures to avoid irreparable damage to a victim of an alleged violation.

55. Although there was strong support for the principle embodied in the proposed rule, several members were of the opinion that it went beyond the power conferred on the Committee under the Optional Protocol. It was pointed out, in this connexion, that under article 5, paragraph 4, of the Protocol the action of the Committee was limited to the forwarding of its views to the State party concerned.

56. As adopted, the rule provides that the Committee, and not its subsidiary body, may inform a State party of its views whether interim measures may be desirable to avoid irreparable damage to a victim of an alleged violation.

57. Finally, the Committee adopted draft rule 89, providing for the establishment of one or more working groups to examine communications and to make recommendations to the Committee on questions concerning their admissibility.

#### D. Admissibility of communications

58. At its second session, the Committee had before it a revised text of the draft provisional rules of procedure concerning the admissibility under consideration of communications submitted under the Optional Protocol drawn up by its Working Group (CCPR/C/WG.1/CRP.1). The revised text was aimed at making the handling of communications more practical and effective and at avoiding undue delays. The Committee based its consideration of these rules on the revised text of its Working Group.

59. All members of the Committee agreed that the order in which the articles were presented in the Protocol should not be interpreted to reflect a chronological order of the procedures to be followed in dealing with communications. The Protocol, they maintained, laid down the conditions for admissibility but did not establish the procedure to be followed in determining admissibility. This task was expressly left for the Committee.

60. Members differed on whether draft rule 91 which provided for a time-limit for admission of communications after the date of exhaustion of available domestic remedies was in conformity with the spirit and the letter of the Protocol.

61. Some members were of the opinion that the proposed rule was a matter of substance and that, in the absence of a provision to that effect in the Protocol, it was at variance with its spirit. It was also pointed out that the rules of procedure were not likely to be known to the public in various countries and that the general rule of law that ignorance of the law was no defence, could not apply here at least for some time. Moreover, complaints frequently concerned violations of a continuing character.

62. Other members, who were of the opinion that the establishment of a time-limit for the admission of complaints was a generally accepted principle or practice of domestic and international law, agreed nevertheless that there was no urgent need for a decision to be taken on this matter and that the reconsideration of such a rule could be reverted to if future experience so justified.

63. Consideration of draft rule 92 gave rise to a general discussion concerning the submission of communications on behalf of alleged victims.

64. All members were in agreement that the rules of procedure should make it possible for a communication to be submitted by someone other than the alleged victim of a violation of human rights and that the provisions of the Protocol could not be interpreted so as to limit the right of submission of a communication to the alleged victim himself. They differed, however, on who could submit a communication on behalf of the individual concerned and under what conditions that could be done.

65. Some members argued that a person submitting a communication on behalf of an alleged victim had to be authorized to do so.

66. Several members did not agree to the use of the word "authorized". The word was considered too restrictive, as it eliminated the possibility of submitting a communication on behalf of an alleged victim who was unable, for reasons beyond his control, to submit it himself or to authorize another person to act on his behalf. Furthermore, the word "authorized" could be construed as referring to criteria of domestic law and to their application by national authorities. This would be almost tantamount to investing the Government concerned with veto power on the question of receivability of communications.

67. The Committee finally agreed that normally, the communication should be submitted by the individual himself or by his representative, but that it may, however, consider a communication submitted on behalf of an alleged victim by others when it appeared that he was unable to submit the communication himself. 2/

68. In considering paragraph 2 of draft rule 92, members of the Committee differed on whether the proposed draft reflected a true interpretation of the last sentence of paragraph 2 of article 5 of the Protocol. The question at issue was whether the Committee may consider a communication where the application of the remedies, not only on the national level but also on the international level, was unreasonably prolonged. A typesetting discrepancy between the text of the Protocol in the various languages, as reproduced in official United Nations publications, complicated the question at issue.

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2/ Adopted as rule 90 (1) (b) (see annex II).

69. Some members were of the opinion that the exception should not apply to the case where the matter was being examined under another procedure of international investigation or settlement. This could amount, it was maintained, to competing with another international body or to passing judgement on its procedures. Moreover, the word "remedies" was primarily a term of domestic law and the exception provided for in the last phrase of paragraph 2 of article 5 of the Protocol could not be meant to refer to the unreasonable prolongation of procedure of international investigations.

70. Several other members expressed the view that, under article 5 (2) of the Protocol, the Human Rights Committee would be fully justified in dealing with matters pending before other international procedure, when the said procedures were unreasonably prolonged. The debates in the Third Committee of the General Assembly in 1966 clearly showed that this had been the intention of the sponsors, unopposed by other delegates.

71. An official opinion of the Legal Counsel of the United Nations, as read out by the representative of the Secretary-General, maintained the view that the last sentence of paragraph 2 of article 5 of the Protocol should be read in conjunction with the whole of the preceding sentence which combined both subparagraphs (a) and (b).

72. The Legal Counsel of the United Nations based his opinion mainly on clarifications given by the sponsors of article 5 (2) of the Protocol before the Third Committee (A/C.3/L.1411/Rev.2) which were not met by any objections. According to the Legal Counsel, the last sentence of article 5 (2) of the Protocol appeared on a new line in each official language of the original text of the Protocol. However, the same sentence appeared on the same line as provision (b) of the said paragraph in the original English text of the Protocol as well as in the certified true copies dated 29 March 1967. This he maintained contained a typographical error.

73. Members of the Committee agreed that the text of the proposed rule should be brief and that it should indicate that the Committee shall consider a communication, which is otherwise admissible, whenever the circumstances referred to in article 5 (2) of the Protocol apply. 3/

74. In considering draft rule 93 members of the Committee were in agreement that, although it was under no obligation to transmit the text of the communication to the State party concerned at the initial stage of the procedure, no communication may, however, be declared admissible unless the State party concerned has received the text of the communication and has been given an opportunity to furnish information or observations relevant to the question of admissibility.

75. Members of the Committee differed, however, on whether to provide in the rule for time-limits for the receipt of additional information and observations from the State party concerned or from the author of the communication. They also differed on the extent of such time-limits in the light of the need for the Committee to act as expeditiously as possible, on the one hand, and on the other hand, of the time which in practice may be necessary to obtain a reply particularly in the case of

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3/ Adopted as rule 90 (2) (see annex II).

developing countries which might have communication difficulties or of federal states because of the various authorities involved.

76. All members finally agreed not to provide for precise time-limits for the sake of flexibility and in order to avoid any legal complications that might develop if either party failed to submit any information or observations within the specified period. They agreed, however, that a time-limit should be indicated whenever information or observations were requested from either party to any particular communication.

77. Concern was expressed, however, over the delays which these procedural requirements for the determination of admissibility of communications would entail, in particular in view of the long intervals between sessions.

78. Some members proposed that in order to minimize delays, the Secretary-General be authorized to seek, between sessions, on behalf of the Committee, information or observations concerning the question of admissibility from the State party concerned or the author of the communication. They maintained that such a proposal was a technical and practical one and did not involve any issue of principle.

79. Other members were opposed to delegating such power to the Secretary-General because that would mean delegating to him the power to decide whether additional information or observations should be requested and to indicate time-limits for submission thereof. This, it was maintained, might be construed as unconstitutional under the Protocol and it might be unacceptable to the Secretary-General.

80. The Committee finally agreed that additional information or observations relevant to the question of admissibility of communications may be requested through the Secretary-General by the Committee or by a Working Group established under rule 88. All members also agreed that the Committee or the Working Group shall indicate a time-limit for the submission of such information and observations with a view to avoiding undue delay. 4/

81. In considering draft rule 94 (2) concerning the possibility of reviewing its decision at a later date after having declared a communication inadmissible, the Committee was divided on the conditions to be laid down for that purpose in the rule.

82. Some members were of the opinion that the communication may have been previously declared inadmissible on grounds other than those mentioned in article 5 (2) of the Protocol, namely, "that the same matter is not being examined under another procedure of international investigation or settlement; and that the individual has exhausted all available domestic remedies". They maintained that the Committee should be able to review its decision upon the written request of the individual or anybody acting on his behalf containing information to the effect that reasons which prompted the Committee to have declared the communication inadmissible no longer exist or that the application of the remedies referred to in article 5 (2) of the Protocol were unreasonably prolonged.

83. Other members were, however, of the opinion that the rule should provide only that the Committee may review its decision upon the written request of the individual

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4/ Adopted as rule 91 (1) (see annex II).

or anybody acting on his behalf containing information to the effect that the matter is no longer pending before other international organs or that available domestic remedies have been exhausted or that the remedies were now unreasonably prolonged. They maintained that review should be possible in these cases because of the temporary nature of these two conditions. The Committee could not review a decision of inadmissibility that it had already taken based on the fact that the complainant had failed to meet some other conditions for admissibility as laid down in rule 91 since this required a new communication containing information that did not exist in the first communication. Moreover, they maintained the draft should be restricted and should not give the impression that it was easy for any disappointed complainant to request reconsideration of his communication.

84. The Committee finally agreed that it may review its decision on inadmissibility on receipt of a written request by or on behalf of the individual concerned containing information to the effect that the reasons for inadmissibility referred to in article 5 (2) of the Protocol no longer apply. 5/

#### E. Consideration of communications

85. In considering draft rule 95, the Committee decided not to provide in the rule for a precise time-limit whereby the author of a communication may submit comments on any statement submitted by the State party concerned following receipt by the latter of the Committee's decision declaring his communication admissible. Members of the Committee agreed to leave the indication of such time-limits to the discretion of the Committee. 6/

86. Consideration of draft rule 96 gave rise to a discussion on whether members of the Committee who were unable to agree with the views of the Committee as a whole may attach their individual opinions to the views of the Committee.

87. Some members of the Committee maintained that if individual opinions were to be appended to the views of the Committee which were to be transmitted to the States parties concerned it would weaken the opinion of the majority as well as the moral authority of the Committee. They further maintained that such a provision would be contrary to the spirit of consensus prevalent in the Committee and in conflict with article 5 (4) of the Protocol which speaks only of the views of the Committee. It was also pointed out that in some internal legal systems majority decisions are legally binding and published dissenting votes have no effect whatsoever. This was not the case here, they added, because the views of the Committee were not judgements and only morally binding. Moreover, it was maintained, such a provision might result in lengthy dissenting opinions which would in turn create confusion and disappointment to the authors of communications and could tempt the Government of the State party concerned to utilize dissenting opinions for its own purposes.

88. Other members of the Committee held the view that the provision on individual opinions was not beyond the scope of the Protocol which laid down the duties of the Committee but not its functions. They maintained that it was not contrary to the spirit of consensus since the latter is not a principle but a method of work. It

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5/ Adopted as rule 92 (2) (see annex II).

6/ Adopted as rule 93 (3) (see annex II).

was maintained that Committee members were entitled to the benefit of the right of dissent as provided for in article 19 of the Covenant, in particular because a situation might arise in the future whereby members of the Committee could not agree on a major point. Far from weakening the opinion of the majority, they said, such a provision would strengthen the function of the Committee.

89. The Committee finally agreed that a member of the Committee may request that a summary of his individual opinion shall be appended to the views of the Committee when they are communicated to the individual and to the State party concerned. 7/

90. Having completed consideration of the pending rules of procedure under the Protocol as submitted in a draft revised text by the Working Group, the Committee decided to revert to draft rule 87 concerning the withdrawal of a communication upon a request of the author which was not considered during the first session of the Committee on the basis of the draft preliminary rules of procedure as prepared by the Secretary-General (CCPR/C/L.2/Add.2).

91. Some members were of the opinion that article 5 (1) of the Protocol makes the Committee duty-bound to consider communications received under the Protocol and leaves it to its discretion to continue or discontinue consideration of the communication in the light of information and observations received. The Committee, they maintained, may never be able to ascertain that the withdrawal was freely decided, in particular when made by somebody acting on behalf of the alleged victim.

92. Other members pointed out that they could not agree that the Committee may continue consideration of the communication if it had ascertained that the withdrawal was freely decided by the author because this would give the Committee the right to proceed with its consideration of the communication upon its own initiative.

93. Members of the Committee finally agreed that there was no urgent need to provide for a rule on the matter at this stage and that the question could be reverted to when the Committee has gained more experience.

94. The Committee also decided that the rules adopted at both sessions should be renumbered accordingly and that consideration of the draft rules of procedure under article 41 of the Covenant should be postponed to future sessions since this article had not yet come into force.

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7/ Adopted as rule 94 (3) (see annex II).

#### IV. CONSIDERATION OF REPORTS

95. In accordance with article 40 of the Covenant, States parties undertake to submit reports on the measures they have adopted which give effect to the rights recognized therein and on the progress made in the enjoyment of those rights. The initial reports are to be submitted within one year of the entry into force of the Covenant for the States parties concerned.

96. At its first session, the Committee had before it a note by the Secretary-General (CCPR/C/1) indicating, inter alia, that he had sent notes verbales dated 20 May and 8 November 1976 to the 35 States parties for whom the Covenant had entered into force on 23 March 1976, drawing their attention to the provision of article 40 of the Covenant and requesting them to send their reports before 22 March 1977 for transmission to the Committee (see annex III).

97. By the appointed time the Committee had before it three reports submitted by three States parties, issued in documents CCPR/C/1/Add.1-3.

98. The Committee decided to begin consideration of the reports of States parties at its second session and requested the Secretary-General to notify the States parties accordingly. The Secretary-General was also requested to inform the States parties concerned of the provisions of rule 68 of the rules of procedure concerning their representation at the meetings of the Committee at which their reports were to be examined. As regards States parties whose reports were due for submission, but not yet received, the Committee decided that they should be requested to submit their reports as soon as possible for transmission to the Committee.

99. The Committee also decided to aim at considering about 10 reports during its second session.

100. At its second session, the Committee had before it 11 reports submitted by 11 States parties issued in documents CCPR/C/1/Add.1-11.

101. In compliance with its decision at its first session, the Committee approved the time-table for consideration of the 11 reports in the alphabetical order of the reporting States, starting with the country whose name was drawn by lot (CCPR/C/L.5).

102. Reports submitted by six countries were considered by the Committee in the following order for convenience: Syrian Arab Republic, Cyprus, Tunisia, Finland, Ecuador and Hungary.

103. Pressed for time and desirous to formulate some guidelines for reporting under article 40 of the Covenant before considering further reports, the Committee decided to postpone to its third session consideration of the remaining five reports already before it.



## A. General discussion

104. Before beginning consideration of the initial reports before it, the Committee held a preliminary exchange of views on the procedure to be followed in the consideration of reports submitted by States parties under article 40 of the Covenant.

105. The examination of States' reports was considered by various members as the most important function of the Committee. It was generally agreed that the main purpose of the consideration of the reports should be to assist States parties in the promotion and protection of the human rights recognized in the Covenant. The debates of the Committee on the reports of the States parties should be conducted in a constructive spirit, taking fully into account 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, as well as to achieve real progress in the enjoyment of human rights in States parties to the Covenant.

106. The view was expressed that, in this spirit, the Committee was called upon, under article 40 of the Covenant, to try to identify the relevant factors and to assess the progress accomplished as well as the difficulties encountered by the States parties in the promotion and protection of human rights.

107. According to several members, in order to enable the Committee to conduct such a thorough examination of the reports, the States parties should be invited to provide information, not only on the Constitution and ordinary legislation, but also on administrative measures and on remedies available for alleged violations of human rights. Significant Court decisions should be reported upon. Some members felt that the full texts of, or extracts from, relevant laws, regulations and judicial decisions should be appended to the reports.

108. The opinion was further voiced that the consideration by the Human Rights Committee of States' reports would have its full meaning only if legislative and administrative measures were viewed in the context of the economic, social and cultural conditions prevailing in each country.

109. In the view of some members, the Committee should request information and pay due attention to various developments and policies in the social and economic fields of relevance for the promotion of human rights because implementation of the Covenant required a wide variety of efforts from all sectors of society.

110. Several members considered it essential that, in the future, with a view to facilitating the Committee's task of consideration of reports, the States parties should, when preparing their reports, follow as far as possible a uniform pattern, based on the order of the articles of the Covenant. These members suggested that the Committee, perhaps with the assistance of a working group, should draw up guidelines for this purpose.

111. It was agreed after some discussion that, at least for the initial reports to be considered at the present session, the procedure to be followed by the Committee would be to invite the representative of the State party to make an oral introduction of the reports, followed by questions from members of the Committee. The representative of the State party would be given an opportunity to answer these questions orally or to refer them to his Government for additional information.

## B. Summaries of consideration of reports

112. The following pages contain summaries of the presentation by the representatives of the reporting States concerned of the six initial reports considered by the Committee, together with their explanations and replies to the questions posed by members of the Committee.

### Syrian Arab Republic 8/

113. At its 26th meeting, on 16 August 1977, the Committee considered the initial report submitted by the Government of the Syrian Arab Republic under article 40 of the Covenant.

114. In a brief oral introduction, the representative of the Syrian Arab Republic stressed that her country, which had age-old humanistic traditions, was making every possible effort to eliminate all aspects of under-development inherited from periods of foreign domination and to establish a social order fully in accordance with modern values. These efforts were being made in spite of the need to take exceptional measures to meet external aggression.

115. The questions put by members of the Committee are summarized below:

(a) Information was sought concerning the remedies available to individuals for the safeguarding of their human rights. It was indicated that there existed in the Syrian Arab Republic, on the one hand, civil and penal jurisdictions and, on the other hand, administrative courts to which individuals could submit complaints alleging violation of their rights by executive and administrative authorities.

(b) More detailed information was requested on the laws governing the equality of men and women. The representative of the Government stressed that article 45 of the Constitution guaranteed women every opportunity to contribute effectively in the economic, social, cultural and political fields. They have full opportunity for education. They are guaranteed equal pay for equal work. Efforts continue to be made by the Government to remove all obstacles which hinder their development and full participation in society, including some difficulties stemming from cultural traditions.

(c) Questions were asked concerning the offences in respect of which the death sentence may be imposed, the frequency of death sentences and how such sentences were being carried out. In reply, it was said that the death sentence may be imposed only for the most serious crimes, in accordance with the Penal Code. It was carried out rarely, only in cases of offences against society or against the security of the State. Most of the time, death penalties were commuted to imprisonment for life or hard labour.

(d) Some members asked clarification regarding the laws in force in the Syrian Arab Republic to ensure the implementation of articles of the Covenant prohibiting torture and, especially, the remedies available for victims of torture or ill-treatment. The representative of the Government stressed that, under the Constitution and the Penal Code, every person guilty of torture was severely punished. In addition, public officials guilty of arbitrary arrest would be sentenced to a term of hard labour.

(e) Information was requested concerning the prohibition of slavery and forced labour, in accordance with article 8 of the Covenant. It was said that Syria had never known slavery, because this concept runs counter to the laws of Islam. Imprisonment with hard labour was a criminal penalty which may be imposed only by a Court. In most cases, hard labour was inflicted as a result of the commutation of a death sentence.

(f) Questions were asked regarding the treatment imposed upon pre-trial detainees as distinct from that meted out to convicted prisoners. The representative of the Syrian Arab Republic stated in reply that the treatment accorded to persons suspected, formally accused, and convicted differed, notably as regards the place of detention. Suspects were usually kept in police stations, whereas accused persons were imprisoned, though separately from convicted prisoners.

(g) Some members sought more information concerning the laws on immigration, emigration and deportation. The Committee was informed that Syria, traditionally a country of transit, knew in principle no restriction as regards entering and leaving the country. Only the state of war had required limitations on such movements. The representative of the Government also said that an alien who was lawfully in the territory could only be expelled from the country if he had committed a crime or if he had entered the country illegally.

(h) Some members requested more information concerning the implementation of article 20 (1) of the Covenant on the prohibition of war propaganda. The representative of the Government replied that implementation of this article in Syria had necessarily to be viewed in the context of the present critical situation of resistance to external aggression.

(i) Questions were put on measures taken to guarantee freedom of religion and belief. The Committee was informed that there was no discrimination against Christianity and Judaism, and that the three religions - Islam, Christianity, Judaism - were freely practised. Those who fail to respect any of these religions may be severely punished. A clear distinction was made, however, between religion, on the one hand, and subversive political movements and racist ideologies, on the other hand.

(j) Clarification was sought on policies and measures to ensure full equality of all persons before the law. The representative of Syria emphasized that the policy of the Government was to eliminate or reduce inequalities stemming from wealth, property, rank or social distinctions.

(k) Clarification was further requested on the various legal categories of property rights recognized in Syria, in relation to social and political structures. In reply, the representative of Syria said that "public ownership" referred to property belonging to the people as a whole, such as essential natural resources. "Collective ownership" applied to property owned by associations. The amount of property which may be owned by any individual, quite adequate for one family, was limited to avoid the economic exploitation of others.

(l) What was the legal technique of incorporation of the Covenant into domestic law?

(m) Was it open for any individual to invoke before the Courts or administrative authorities the provisions of the Covenant and claim annulment of a law or measure on grounds of incompatibility with the Covenant?

(n) Are there any derogations to the Covenant or the Constitution in force at the present time and, in the affirmative, what are the nature and effect of such derogations? The Committee would like to be informed about the laws and regulations which are in force in time of public emergency.

(o) In connexion with article 6 of the Covenant, what has the State done to reduce infant mortality and improve the life expectancy of the people?

(p) Are there at present in Syria people not convicted of crime who are detained for political reasons? If so, what are the reasons for their detention and what are the conditions of custody?

(q) Are remedial procedures easily accessible to all in practice, in particular as regards the financial aspects?

(r) In article 28 of the Penal Code referring to the treatment of convicted persons, what is meant by the expression "in a manner appropriate to his conduct".

(s) The Committee would like to have more detailed information on the implementation of the provisions contained in article 14 of the Covenant. For example, the Committee would like to see the full text of the law of criminal procedure.

(t) As regards freedom of expression, what is meant by the right to "constructive criticism, in a manner that will safeguard the soundness of the domestic structure and strengthen the socialist system", in article 38 of the Constitution? Is the press subject to government control?

(u) What are the limitations imposed on the right of peaceful assembly?

#### Cyprus 9/

116. The initial report submitted by Cyprus under article 40 of the Covenant was considered by the Committee at its 27th and 28th meetings, on 17 August 1977. In introducing the report, the representative of the Government pointed out that Cyprus had been among the first States to ratify the Covenant. He explained the brevity and incompleteness of the information furnished by the crisis conditions which Cyprus had been experiencing. He outlined the procedure of incorporation of international treaties into the domestic law of Cyprus and referred in general terms to the legislation for the protection of human rights in Cyprus. His Government would forward a fuller additional report which would indicate progress made in the enjoyment of human rights in Cyprus as well as difficulties affecting the implementation of the Covenant.

117. Questions were posed by members of the Committee and the representative of the Government of Cyprus replied to some of them. With regard to the other queries, he

assured the Committee that they would be transmitted to his Government and that the replies thereto would be included in a fuller report to which the texts of relevant laws would be attached.

118. The questions of the members of the Committee are summarized below:

(a) Some members of the Committee inquired into the place of international treaties, and especially the Covenant, in the hierarchy of legal norms applicable in Cyprus. The answer was that, immediately below the Constitution, which was the supreme law of the country stood international agreements, which prevailed over ordinary legislation. Cyprus had ratified the Covenant as well as the European Convention on Human Rights.

(b) In reply to questions regarding the mandate of the Special Committee of Government Experts referred to in the report, the representative of Cyprus said that this Committee had been established to study both Covenants and make recommendations for the implementation of the articles of the Covenant in respect of which no corresponding provisions were expressly included in the Constitution of Cyprus.

(c) In response to queries regarding the control of the constitutionality of laws, the representative of Cyprus said that the question of the compatibility of a law with the Constitution could be examined by the courts, and that the Supreme Court could declare a law to be unconstitutional.

(d) Clarification was sought regarding the procedure for amending the human rights provisions of the Constitution. Assuming that the provisions of the Covenant were incorporated in the form of ordinary legislation, one member also asked whether these statutory provisions could be amended by the Parliament by normal voting procedure. The representative of Cyprus stated that such questions were theoretical because his Government had no intention of making any amendments to the legal rules for the protection of human rights at present in force.

(e) One member of the Committee asked what was the procedure for co-ordinating the human rights provisions contained in different international instruments to which Cyprus was a party. In reply it was said that such a co-ordination was carried out by the courts as part of their function to apply the law of the land. The relevant norms were always interpreted by judges in the best interest of the individuals concerned.

(f) Questions were asked regarding limitation and suspension of the rights set forth in the Covenant. The representative of Cyprus said that reasonable limitations of rights existed in Cyprus, in terms similar to those prevailing in most other countries. According to article 183 of the Constitution, in case of war the Council of Ministers proclaimed a state of emergency under which certain human rights were suspended. The proclamation was considered by the House of Representatives which could reject or confirm it. In case of rejection the Act had no legal effect.

(g) Requests for clarification were made concerning the institutions and procedures established in Cyprus to ensure the effective observance of human rights, including remedies available to individuals in case of violation of human rights. Questions were asked, in particular regarding the access of all persons to

remedies on a basis of equality and the availability of legal aid. The representative of Cyprus said that, with regard to violations of human rights by the administration, the persons concerned had a direct recourse to the competent administrative body which was obliged to give an answer within 30 days. If the answer was negative or if the administration remained silent, he could submit a recourse to the Supreme Court. The individual had access to the courts through various procedures in many cases of alleged violations of his human rights. In criminal proceedings, a lawyer was appointed by the courts to defend the accused, if he had not himself retained a lawyer.

(h) One member of the Committee wished to receive information on the kind of offences in respect of which capital punishment may be imposed. The representative of Cyprus, stressing that article 7 of the Constitution guaranteed the right to life and corporal integrity, explained that capital punishment was carried out in Cyprus only in execution of death sentences imposed in accordance with law for premeditated murder, treason and capital offences in time of war.

(i) One member of the Committee asked if freedom of religion in Cyprus meant that the people professing different religions were treated on an equal footing. In reply, it was confirmed that, in accordance with article 18 of the Constitution, in Cyprus all religions were equal and there was no discrimination whatsoever in this respect.

(j) In response to a question regarding the prohibition of war propaganda, it was said that Cyprus was a small country which had no intention to unleash a war, and that measures taken against war propaganda would be explained in a further report.

(k) What articles of the Covenant had not been reflected in the Constitution and ordinary legislation of Cyprus?

(l) Could relevant provisions of the Covenant be invoked in the courts of the country and in dealings with administrative authorities and did they prevail over any legislation or administrative acts inconsistent with them?

(m) Were there any prisoners in Cyprus detained on grounds other than criminal?

#### Tunisia 10/

119. The Committee considered the provisional report submitted by Tunisia at its 28th and 29th meetings, on 17 and 18 August 1977, respectively.

120. The report was introduced by the representative of the State party who informed the Committee that a supplementary report had been submitted to the Secretariat and that it would be available to the Committee shortly as document CCPR/C/1/Add.7/Rev.1. In his substantive introduction, the representative of Tunisia explained that the Covenant had been incorporated into domestic law and that, in cases of conflict between international law and domestic law, the former would prevail. He described in detail the provisions in the Constitution which

guarantee the civil and political rights of the people and compared them with those of the Covenant. He made special mention of the provisions concerning equality of the sexes, the right of the child, freedom of expression and the right of peaceful assembly. He informed the Committee that, in 1956, Tunisia had adopted a Code of Personal Status which prohibited polygamy and recognized the equality of rights of men and women in divorce. The penal institutions were now organized with a view to re-educating and rehabilitating offenders. Members of the Committee expressed their appreciation for the detailed additional information provided by the representative of Tunisia in his introduction.

121. The questions put by members of the Committee are summarized below:

(a) Noting that many articles of the Tunisian Constitution stated that limitations to human rights are to be "laid down by law", some members asked for more detailed information regarding the statutory grounds for limitations. In reply, it was said, with various examples, that these limitations were imposed on reasonable grounds for the safeguarding of public order. They were not wider in scope or more severe than those which were permitted under several articles of the Covenant.

(b) Clarification was requested on the implementation of the principle of equality of the sexes, in particular as regards divorce and inheritance. The representative of the Government stressed that both spouses had equal rights to initiate divorce proceedings. The law concerning inheritance still provided that women receive only one half of the amount allocated to men. According to some commentators, this rule might be justified on the ground that men were legally bound to contribute to household expenses, whereas wives were to a certain extent free to do so or not.

(c) The question was asked whether there had been a state of emergency since Tunisia attained independence and, if so, what laws had been suspended and which provisions of the Covenant had been affected. The reply was that a state of emergency had been proclaimed once and that was before the coming into force of the Covenant.

(d) In answer to a request for information concerning available remedies, the representative of the Government said that Tunisia had established a dual system of jurisdictions, civil and criminal courts, on the one hand, and administrative courts, on the other. Appeals procedures were available before the civil and criminal courts, but not before the administrative courts. The right to counsel was guaranteed before all jurisdictions.

(e) Information was sought regarding the imposition of the death penalty. The reply was that capital punishment was imposed only for the gravest crimes such as parricide, and that it was rarely carried out. A request for pardon was automatically sent to the Head of State.

(f) Some members asked whether there were at present persons who were detained for political reasons. The representative of Tunisia said that political trials in Tunisia concerned mainly some students who were guilty of subversive activities and created public disorder. Political prisoners were detained not because of their opinions, but because of their attempts to overthrow the Government or because they had committed acts of violence. There were only a few such

prisoners at the present time. More precise information regarding the number of such detainees would be forwarded later.

(g) Some members requested clarification on the limitations which may be imposed on freedom of movement. The answer was that all persons, citizens and foreigners alike, were as a rule quite free to travel through the country and across frontiers. There were some reasonable restrictions, however, such as the requirement of a government authorization for visiting areas where military bases were located.

(h) Questions were put concerning the legal conditions for the establishment and functioning of associations and, in particular, whether there was only one trade union allowed in each economic sector. It was said in reply that non-profit-making associations needed prior administrative authorization. Workers were free to join or not to join trade unions, which were federated in a few nationwide organizations. The right to strike was recognized, but strikes were considered illegal if they were organized without prior attempt at conciliation. No one had been imprisoned because of participation in a strike.

(i) In answer to queries regarding the legal status of children born out of wedlock, it was stated that such children had the same rights as legitimate children, after a legal finding had been made as to the identity of the parents.

(j) Further information was requested on nationality requirements for the exercise of political rights, particularly considering article 21 of the Constitution which limited to persons "born of Tunisian fathers" eligibility for election to the National Assembly. The representative of Tunisia replied that this requirement was a reasonable one, in accord with article 25 of the Covenant, since it was meant to ensure a minimum degree of patriotism among the members of the most powerful organs of the State. The representative of Tunisia further gave precisions concerning the Law of Nationality.

(k) Whether and, if so, under what conditions, could the individual request the courts or administrative authorities to apply the Covenant against a law or regulation contrary to its provisions.

(l) Whether or not there is provision for corporal punishment and, if so, the grounds upon which, and the manner in which, it may be inflicted.

(m) Further information on the conditions under which pre-trial detention may be ordered and on the length of such detention, as well as on the extent to which pre-trial detainees may enjoy assistance by counsel.

(n) More detailed information concerning the organization, competence, and procedure of the administrative and judicial courts.

(o) Whether there are courts or tribunals which deal specifically with political offences and, in the affirmative, whether there is a right of appeal against the decisions of such courts.

(p) Further information concerning the conditions under which freedom of expression and freedom of association may be exercised.



(q) Information on measures in the economic and social fields which have affected civil and political rights.

122. The representative of the Government assured the Committee that, in compliance with its request, he would make arrangements to provide the Committee with the texts of the Constitution, the Civil Code, the Code on Nationality and other pertinent legislation relevant to the mandate of the Committee.

Finland 11/

123. The initial report submitted by Finland under article 40 of the Covenant was considered by the Committee at its 30th meeting, on 18 August 1977. The report was introduced by the representative of the Government of Finland, who informed the Committee that most of the rights recognized in the Covenant were considered to be sufficiently guaranteed by the Constitution or ordinary legislation. In a few cases, however, where the existing legislation was found to be at variance with the provisions of the Covenant, reservations had been made at the time of ratification. At present the Constitution was being revised, taking into account the provisions of the Covenant. It was hoped that some of the reservations made would be withdrawn in the foreseeable future. Except for matters covered by reservations, the Covenant prevailed in cases of conflict with national legislation.

124. Questions were posed by members of the Committee and the representative of the Government of Finland replied to a number of them. With regard to the other questions, he assured the Committee that they would be transmitted to his Government and that the replies to them would be included in the additional information to which the texts of relevant laws would be attached.

125. The questions of the members of the Committee are summarized below:

(a) Some members of the Committee asked to what extent human rights and fundamental freedoms were enjoyed by every person in Finland, as required by the Covenant, and not only by "every Finnish citizen", the formula used in the Constitution. The representative of the Government stressed that the wording of the Constitution was obsolete in this respect and that every person in Finland was equal before the law. Some legislation, for example in the field of social welfare, was applied only to Finnish citizens. The fact that according to article 23 of the Constitution the President of the Republic should be elected from among the natural born citizens of Finland could not reasonably be considered as discrimination against other persons. Such conditions were common to many countries.

(b) One member of the Committee requested clarification concerning the reservation to article 14, paragraph 1, of the Covenant regarding Court judgements which need not be delivered in public. The representative of Finland replied that it had been considered necessary to take into account the Finnish legislation which authorized the courts to pronounce judgements in private if publication could offend morality or endanger national security. This reservation would be withdrawn in the near future.

(c) A query was put as regards the meaning of the reservation of Finland to article 14, paragraph 3 (d), of the Covenant, concerning the right of the accused to have legal assistance assigned to him in any case when the interests of justice so require. The representative of Finland explained that, under existing legislation, the Court may not assign a legal counsel to assist an accused, although the interests of justice would so require if the accused whose trial is not paid for by the State does not wish to hire counsel. The reservation will be withdrawn after a bill establishing a public defender's system in criminal cases is adopted by Parliament.

(d) Some questions were raised concerning the grounds for Finland's reservation to article 20, paragraph 1, of the Covenant on the prohibition of war propaganda. Clarification was further requested as to why paragraph 2 of this article, prohibiting the advocacy of national, racial or religious hatred, was acceptable to the Government of Finland, while paragraph 1, on war propaganda, had been rejected. The concept of "war propaganda" had appeared so vague to the Government of Finland that inclusion of this concept in Finnish law was regarded as leading to undue restriction of freedom of expression. Penal sanctions could not be provided for on such ill-defined grounds. The hesitations of the Government had also been based on the opinion that article 20, paragraph 1, seemed to encompass the expression of views in favour of the legitimate use of force in accordance with the principles of the United Nations, namely self-defence, action under Chapter VII of the Charter, and wars of national liberation. Paragraph 2 of article 20 was acceptable to the Government of Finland, since racial discrimination had acquired a well-defined meaning in accordance with the international Conventions on the elimination of all forms of racial discrimination and against apartheid. However, taking into account the comments of the Committee the representative of Finland was inclined to recommend personally to his Government withdrawal of the reservation to article 20, paragraph 1, of the Covenant.

(e) What was the legal provision setting forth the principle of prevalence of international treaties over domestic law?

(f) Was there a tendency in the implementation in Finland of the rights set forth in the Covenant which would lead to the review of reservations?

(g) On what subject-matters would it be impossible to bring the Finnish legislation into full conformity with the Covenant and to withdraw the relevant reservations?

(h) What limitations and restrictions may be imposed in Finland upon the exercise of the rights set forth in the Covenant?

(i) To what extent may the rights set forth in the Covenant and the Constitution be derogated from in accordance with the procedure prescribed for amendment of constitutional laws set forth in article 95 of the Constitution? Were there any precedents?

(j) What effective remedies were available to individuals in Finland to ensure respect for their human rights and fundamental freedoms?

(k) Was there a need for the reservation to article 10, paragraph 2 (b), of

the Covenant, concerning the separation of accused juveniles from adults, since this article, according to one interpretation, did not seem to prohibit reasonable exceptions?

(1) Was there a need for the reservation to article 14, paragraph 7, recognizing the principle "non bis in idem", since, according to some members, it was legal in almost all countries to institute new proceedings on account of the discovery of additional facts.

126. The Committee noted with appreciation the serious and conscientious approach of the Finnish Government to the question of implementation of the Covenant and its careful scrutiny of the existing legislation in this respect. Some members of the Committee were of the view that ratification and implementation of the Covenant with reservations was better than its non-ratification. In their opinion, the making of reservations may usefully clarify the legal situation wherever there was an obvious discrepancy between the Covenant and existing domestic legislation. In their view, the reservations made by Finland were fully in accordance with international law as elaborated in the Vienna Convention on the Law of Treaties of 1969. Others held the view that some of the reservations made by Finland were not really necessary and feared that too many reservations or reservations on certain grounds or relating to certain clauses may distort the meaning of the Covenant. They stressed that under the Vienna Convention a State may not make reservations incompatible with the essential object and purpose of a treaty. Members of the Committee expressed the wish that the Government of Finland send a supplementary report concerning Finnish legislation and implementation of the rights set forth in the Covenant.

#### Ecuador 12/

127. The report submitted by the Government of Ecuador under rule 40 of the Covenant was considered by the Committee at its 31st and 32nd meetings, on 19 August 1977.

128. In his introductory statement, the representative of Ecuador stated that the provisions of the Covenant had been fully incorporated in the domestic law of his country. He went on to give a detailed analysis of each of the provisions of the Covenant as compared to similar principles embodied in the Constitution of Ecuador. With regard to the implementation of articles 22 and 25 of the Covenant, he was pleased to inform the Committee that the necessary steps were being taken to return to a fully constitutional form of Government early in 1978. Two draft Constitutions had been prepared and the people would approve one of them by means of a referendum which was scheduled to take place in 1978. The right to freedom of association was fully guaranteed in the country. Political parties enjoyed full possibilities of engaging in political activities and they had already begun with their campaign for the referendum and for the election of members of Parliament and the President of the State. The representative of Ecuador informed the Committee that there were at present no political prisoners in Ecuador.

129. The questions put to the representative of Ecuador are summarized below:

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12/ CCPR/C/1/Add.8.

(a) The question was put whether the Covenant by reason of its ratification had become part of the domestic law of Ecuador so that a citizen could invoke it in the courts if he believes that his right has been violated. It was stated in reply that, when the Government ratified the Covenant it issued an Executive Decree approving the Covenant and incorporating it in the domestic law of the Republic. The individual had full recourse before the courts for violation of the rights so incorporated, but so far there had been no cases of denouncement of this nature.

(b) Noting that article 141 (17) of the Constitution obliges the authorities to take action on petitions within 30 days, some members asked what steps could be taken in case of silence of the administration beyond 30 days. The representative of the Government replied that, if the petition relates to a matter of taxation, the absence of a reply ipso jure signifies that the taxpayer wins his case. However, if the petition deals with another subject, the petitioner should submit a complaint to the competent administration.

(c) Clarification was sought whether the law recognized the right of everyone, even a person who was not a victim or representative of the victim, to complain before the courts in violation of human rights (actio popularis). The representative of Ecuador said that the two draft Constitutions which will be put to a referendum both contain provisions on this matter.

(d) Information was requested on measures taken by the Government to reduce infant mortality. It was said in reply that this matter had been of great concern to the Government, since Ecuador has a very high rate of child mortality. Twenty years ago the Government had begun to provide more medical assistance to the people through local hospitals. Medical staff has been increased and health centres have been established in small settlements and parishes. All these measures have played an important role in reducing infant mortality. It was hoped that in the future this could be reduced to tolerable limits.

(e) More detailed information was requested on the protection of the accused, in particular accused persons detained pending trial. The representative of the Government said that no one may be held in "preventive detention" for more than 24 hours without being brought before a judge. During that period he may contact a lawyer at any time.

(f) Clarification was sought on the position of aliens, in particular concerning the right to protection against arbitrary expulsion, set forth in article 13 of the Covenant. It was replied that the immigration law laid down detailed provisions concerning the expulsion of aliens. One of the grounds for expulsion was interference with internal politics of the country. Only Ecuadorians have the right to take part in the political life of the country.

(g) The question was asked whether the past political system had any adverse and possibly lasting effect on the enjoyment of the rights set forth in the Covenant, in particular with regard to the access of the people to courts and whether the organization of the courts was still a special and temporary one or whether it was now in full conformity with the Constitution. In reply it was said that the organization of the courts, based on the Constitution was as follows: there are judges at the Provincial and Canton levels who are appointed by the higher courts, namely the Provincial Courts and the Supreme Court whose judges in turn were appointed by the Congress of the Republic. No judge belongs to the armed

forces, except of course those of the Military Tribunals. A Special Tribunal was in function from 1972 to 1974, but no such extraordinary jurisdiction exists at present.

(h) More information was requested on protection of the inviolability of the home. The representative of the Government stated that in Ecuador, the home was a sacred place. The police could only enter and search it for any investigation if they can show a search warrant issued by a competent authority.

(i) Some members wished to know the exceptions, if any, to the prohibition to intercept, open or search papers, business records, letters and private documents, as provided in article 141 (9) of the Constitution. The representative of the Government mentioned that, in case of bankruptcy ("quiebra y bancarrota"), on the basis of a duly issued warrant by the judge, an accountant may be asked to examine the financial situation of the company which has been declared bankrupt ("en quiebra y bancarrota"). Another exception occurred when a minority of shareholders was not satisfied with the report of the company. At their request, the judge may appoint an expert to look into the matter. Still another exception was the power of the Taxation Tribunal to examine the tax situation of certain persons.

(j) Questions were asked concerning the conditions under which freedom of expression and the profession of journalist may be exercised, especially in the light of article 141 (10) of the Constitution which states that "the primary object of journalism is the defence of national interests" and that journalism constitutes "a social service". It was said that in 1970 a new law governing the practice of journalism had been enacted in Ecuador. The Committee will be provided with a copy of this legislation. Only those who were graduated from a school of journalism and those who had been journalists for more than five years came under the purview of this law. Ecuador has no official press, and the Government has no share in the Ecuadorian press. It possesses a State radio broadcasting company and it publishes the Official Register which contains the texts of laws and decrees. As an example of the freedom of the press in Ecuador, the representative of the Government mentioned the case of a Minister of State who had accused a journalist of writing a slanderous article against him. The case was brought to the Court which decided in favour of the journalist. There exists in Ecuador a Court for Printing Matters which handles cases relating to the press. It is composed of prominent journalists under the Chairmanship of a lawyer appointed by the Supreme Court. Press offences are libels, calumnies, reports based on false facts and attacks against the honour of a person.

(k) Some members asked questions regarding implementation of the principle of equality of rights of men and women in marriage. The representative of the Government stated that, before 1945, the wife had several legal incapacities: she was not allowed to sign a contract without her husband's authorization and she could not have her own bank account. A law of 1945 introduced considerable improvement in her legal status, according to her rights equal to those of the husband.

(l) Information was requested on the conditions for the establishment of family property rights as provided in article 142 (4) of the Constitution. A couple may establish a family property for the benefit of the children or for their own benefit. An unmarried person may likewise establish such a property, which is inalienable, but the amount is limited to 200,000 sucros or about \$US 45,000. In case of divorce the property will be divided.

(m) In the light of recent political developments in the country, clarification was sought regarding the limitations on the exercise of political rights by members of the armed forces and members of religious communities as provided in article 141, paragraph 15, of the Constitution. The representative of the Government replied that, in Ecuador in order to guarantee fully democratic elections, any interference from military and religious groups in political campaigns was prohibited.

(n) Information was requested on the implementation of article 148, paragraph (p) of the Constitution stating that no one may hire minors below 12 years of age as domestic servants, in relation to article 143 (5) of the Constitution which makes elementary education compulsory. It was said in reply that elementary education at public schools is free and compulsory until the age of 12. There is no upper age for school attendance. In accordance with the Labour Code, employers who hire minors must allow them to go to school at least four hours a day. In the evening, after office hours, there are many adults who attend elementary school classes. Illiteracy used to be about 39 per cent in Ecuador. Now, as a result of special efforts of the Government it has been reduced to 27 per cent.

(o) Noting that Ecuador has sizable groups of indigenous population, some members requested information on measures taken by the Government to prevent discrimination against these peoples and to safeguard their linguistic and cultural identity. The representative of the Government stressed that, since the foundation of the Republic, there had been no discrimination against indigenous population in Ecuador. They can go to school and have access to all the public services: for example, there are no separate seats in public transport and in the theatres. The great majority of these indigenous people are bilingual. Teaching at the rural schools is bilingual. In general, teachers and the parish priest understand and speak both Spanish and Quechua.

(p) Noting that article 146 of the Constitution emphasizes that ownership has a social function and that land should be cultivated for the benefit of the people, some members asked for information on existing social legislation to implement this provision of the Constitution. In reply, it was stated that an Ecuadorian law on Agrarian Reform had been enacted in 1965 to ensure the implementation of this provision and to guarantee that land will be exploited in such a way that it will increase the production so as to fulfil the needs of the population.

(q) Questions were put regarding limitations on freedom of industrial and commercial undertaking. The representative of the Government said that private monopolies were prohibited and that only the State was entitled to have a monopoly in certain fields. At present the State has a monopoly only as regards the marketing of fuel. Another limitation is the manufacture of arms and explosives which is the exclusive right of the Army. Mention should also be made of the sale of drugs and narcotics which can be purchased only from an authorized chemist on prescription.

(r) In the context of article 26 of the Covenant on equality before the law, clarification was requested on the meaning of the terms "concertajo" and "huasipungo". In reply to this question the representative explained that the term "concertajo" was a legacy from the Spanish colonial régime. It is similar to the system of serfdom which existed in Spain during the Middle Ages. In 1870, the

system was officially abolished but in practice it continued to exist until the end of the nineteenth century. At present the system is no longer in existence. The term "huasipungo" which is a Quechuan word also was meant to describe an inequitable system of land holding and exploitation. Under this system, an agricultural worker could be provided with a house and a plot of land. In return for this favour he would not receive his full payment in money for his labour. This system does not exist any longer, as it was abolished by the Agrarian Reform Law.

### Hungary 13/

130. The initial report submitted by Hungary under article 40 of the Covenant was considered by the Committee at its 32nd and 33rd meetings, on 19 and 22 August 1977: The Government of Hungary had further drawn the attention of the Committee to a questionnaire concerning the study on "the individual's duties to the community" undertaken by the Sub-Commission under its resolution 9 (XXVII). The representative of Hungary emphasized that the provisions of the Covenant were applied as part and parcel of the national law of his country, and that the Hungarian State was making increasing efforts to develop co-operation with all States parties in implementation of the Covenant. For instance, the visa requirement had been abolished in the relations of Hungary with a number of countries.

131. The representative of Hungary replied to a number of the questions asked by members of the Committee. He gave assurances that unanswered questions would be transmitted to his Government, and that replies to them would be included in an additional report. The texts of the Constitution, the Criminal Code and the Code on criminal procedure were subsequently forwarded to the Committee.

132. The questions of the members of the Committee are summarized below:

(a) Some members of the Committee requested information on the measures taken in Hungary to implement article 3 of the Covenant concerning equality of men and women. The representative of the Hungarian Government stated that the equality of all Hungarians was guaranteed by the Constitution and that there was no discrimination based on sex. There was full opportunity for Hungarian women to participate in social life and to be elected to the highest posts.

(b) Clarification was requested concerning the regulations in force in Hungary governing the conduct of police and other authorities in relation to pre-trial arrest and detention. In reply, it was indicated that arrests may be made only in cases defined by law and only upon presentation to the suspect of a written warrant indicating the grounds for arrest. The detained person shall be heard within 24 hours and he shall be informed of the charges and his right to choose counsel.

(c) One member of the Committee asked whether there were any exceptions to the rule that the investigation of cases of persons detained under remand should be terminated within 30 days and that trial should be held within 30 days of the filing of indictment. The reply was that the Hungarian law was very strict and allowed no exceptions.

(d) In answer to a question regarding the existence of political prisoners, the Government's representative stated that there were no political prisoners in Hungary.

(e) Statistical information was sought on the number of people who had applied for passports to travel abroad and the number of cases when passports had been refused. The representative of Hungary stated that in 1976, 92 per cent of applications for emigrant passports had been satisfied. A number of Hungarian emigrants could not adjust to the society of the host country and wanted to return home. In 1976, more than 3 million Hungarians had visited other countries and more than 9 million people had visited Hungary. During the last three years considerable investments had been made for accommodating tourists. New regulations had come into force to speed up the granting of visas.

(f) Some members requested information on existing guarantees against discrimination on ground of religion. The representative of Hungary stressed that to ensure the freedom of conscience the Church had been separated from the State. Religion was considered a private affair of citizens and there were no laws regulating their religious life. There was no discrimination against any religion. The maintenance of denominational schools was financially supported by the State and ministers of religion received salaries from public funds.

(g) Some members of the Committee requested information regarding the implementation of freedom of expression in particular for persons who dissented from government policies. The representative of Hungary said that there existed full freedom of expression in his country. Citizens had the right to criticize the management of public affairs and were never punished for it. They address their grievances to the Deputies in Parliament. They could also express their views in numerous associations. There were legal restrictions aimed at the protection of national security, which were common to other countries. Cases of punishment for breaking such rules were few.

(h) A query was put concerning the manner in which the right to freedom of association was given effect. The representative of Hungary drew attention to the system of representative councils which had been established at all levels (local, regional, national) and in various sectors of economic and social life. Besides the Party, there were various associations in the country which contributed to the building up of a socialist society. The officers of all these councils and associations were freely elected.

(i) Information was sought on the implementation of article 26 of the Covenant concerning equality before the law. The representative of Hungary said that equality before the law was fully guaranteed by the Constitution. For instance, in accordance with this principle, a person held for a crime could not be granted conditional release against payment of a sum of money. The citizens of all the nationalities of the country could defend themselves in their mother tongues before the courts. In case of infringements of their right to equality before the law, they could apply to higher bodies.

(j) What did the report mean by the terms "a valid instrument of national law" which had embodied "the civil and political rights contained in the Covenant" when the Hungarian People's Republic had been established?



(k) By what juridical act had the Covenant become part and parcel of the national law of Hungary?

(l) What was the relationship between the provisions of the Covenant and those of the Constitution and other laws in case of conflict?

(m) Might the provisions of the Covenant be invoked by individuals in proceedings before the courts or in their dealings with administrative authorities?

(n) Were foreign women married to Hungarians and Hungarian women married to foreigners equal before the law?

(o) What were the measures taken in Hungary to reduce infant mortality and increase the life expectancy?

(p) Could there be any instance of imprisonment for debts in Hungary?

(q) What were precisely the limitations on freedom of speech, freedom of the press and freedom of assembly imposed by Act II of 1972 on Health, Act I of 1976 on National Defence and Decree No. 21/1953 (V.15) of the Council of Ministers on the Regulation of Matters Relating to Animal Health? Were they the only limitations to those freedoms?

(r) Precisely, in what manner were the political rights recognized in article 25 of the Covenant implemented? What forms of participation of Hungarian citizens in public affairs were there other than taking part in elections?

### C. Status of submission of reports

133. In accordance with rule 69 of the provisional rules of procedure of the Committee, the representative of the Secretary-General informed the Committee that 16 initial reports had been received out of the 35 reports which were due on 22 March 1977. An additional initial report (United Kingdom) which was due on 20 August 1977 had been received in time (see annex III). States parties whose reports were due by 1 August 1977 but had not yet been submitted were the following: Barbados, Bulgaria, Byelorussian Soviet Socialist Republic, Colombia, Costa Rica, Germany, Federal Republic of, Iraq, Jamaica, Jordan, Kenya, Lebanon, Mali, Mongolia, Romania, Rwanda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay and Yugoslavia.

134. The representative of the Secretary-General also informed the Committee that, in compliance with the decision taken by the Committee at its first session, notes verbales were sent on 8 June 1977 to the States parties whose reports had been due on 22 March 1977 requesting them to send their reports as soon as possible for appropriate transmission to the Committee.

135. The Committee decided, in accordance with rule 69 (1) to transmit, through the Secretary-General, to the States parties concerned, a reminder concerning the submission of their initial reports. The Committee also decided that such reminders should be accompanied by the provisional rules of procedure as adopted at both the first and second sessions as well as by the General guidelines as adopted at this session (see annexes II and IV respectively).

### D. General guidelines for submission of reports by States parties

136. The Committee discussed guidelines for the States parties regarding the form and contents of the reports to be submitted under article 40 of the Covenant. The Committee had before it draft guidelines prepared by two of its members which were revised by them in accordance with suggestions made by other experts.

137. A view was expressed that the term "guidelines" was too strong for a document of such a nature, which should be better called "suggestions". On the other hand, it was argued that the term guidelines was used in similar circumstances in the context of the Committee on the Elimination of Racial Discrimination and was quite appropriate because it did not mean "directives". The Committee decided that the document should be called "General guidelines".

138. During the discussion of part II of the draft guidelines concerning information on each of the articles of the Covenant, some members expressed the view that the guidelines should not request the States parties to describe reservations made on signature, ratification or accession because it was felt that the States parties had no obligation under the Covenant to report on the subject-matter covered by reservations and, it was, at any rate, easy for the Committee to obtain the texts of reservations from the Secretariat. Some other members were of the opinion that the General guidelines should contain a separate paragraph which would request an explanation of the reasons for which the reservations were made. As far as derogations under article 4 of the Covenant were concerned, several members of the Committee felt that they should not be mentioned in the

General guidelines because, in particular, this might be misinterpreted as weakening the provision of article 4 (3) of the Covenant requiring that notification of any derogation and of the reasons therefor be made "immediately". The Committee decided not to refer in the General guidelines to reservations or derogations under article 4 of the Covenant.

139. Having agreed upon the above amendments and having made some stylistic changes in the draft, the Committee adopted the General guidelines.

140. The Committee decided that these General guidelines should be sent to all States parties in accordance with the relevant rule of procedure. It also decided that in the accompanying letter of the Secretary-General to those States parties who had already submitted initial reports, it should be mentioned that it was at their discretion to send to the Committee reports revised, or additional information, in accordance with the General guidelines.

141. The General guidelines as adopted by the Committee are reproduced in annex IV to this report.

E. Transmission of relevant parts of reports to the specialized agencies

142. In order to comply with rule 67 of the provisional rules of procedure, the representative of the Secretary-General suggested that, if the Committee agreed, the specialized agencies might be given the whole texts of the reports already submitted with special reference to those parts which appeared to fall within their fields of competence. The fact that these relevant parts were scattered throughout the reports would involve some difficulties in extracting them for transmission to the specialized agencies concerned.

143. Some members of the Committee pointed out that co-operation with the specialized agencies was very important and that the transmission of reports to them would be a positive response to their offer for co-operation with the Committee.

144. Other members of the Committee, however, were of the opinion that transmission of the reports or parts thereof to the specialized agencies concerned would be premature at this stage. Supplementary information, it was maintained, could be expected from States parties which had already submitted their initial reports, following the receipt of the General guidelines as adopted by the Committee and in the light of the discussions that took place during the consideration of some reports at this session. The view was also expressed that the transmission of the whole text of the reports to the specialized agencies concerned might be inconsistent with article 40 of the Covenant which spoke only of transmission of such parts of the reports as may fall within their field of competence.

145. The Committee agreed to postpone to its next session a decision on the matter.

## V. CONSIDERATION OF COMMUNICATIONS

146. At its first session, the Committee was informed by the representative of the Secretary-General that some communications were submitted or appeared to be submitted for consideration by the Human Rights Committee. Their transmission to the Committee would follow the adoption of the relevant provisional rules of procedure governing his role in this regard.

147. At its second session, the Committee began consideration of communications received in accordance with the provisions of the Protocol.

148. The Committee had before it (a) lists of communications, prepared by the Secretary-General in accordance with rule 79 of its provisional rules of procedure containing brief summaries of the contents of communications received as at 30 June 1977; (b) fact sheets, prepared by the Secretary-General, containing a detailed description of the contents of most of the listed communications; and (c) recommendations from the Committee's Working Group relating to its examination of these communications. Since the above-mentioned documents were confidential, they were made available to the members of the Committee only.

149. Two communications were declared inadmissible on the grounds that the claims related to events prior to the entry into force of the Covenant and the Protocol for the State party concerned and that they did not concern any of the civil and political rights referred to in the Covenant.

150. In a number of cases the Committee decided to transmit the communications to the State party concerned under rule 91 of its provisional rules of procedure, requesting from the State party information and observations relevant to the question of admissibility. In several of these cases, the Committee also decided to request additional information from the authors, mainly on the grounds and circumstances justifying their acting on behalf of the alleged victims, including the authors' reasons for believing that the alleged victims would approve the authors' acting on their behalf and the authors' reasons for believing that the alleged victims are unable to act on their own behalf.

151. In some instances, the authors were requested to furnish information on the efforts made or steps taken by the alleged victims or on their behalf to exhaust domestic remedies, or to give details of the facts of unsubstantial allegations, and, in one instance, to furnish additional information concerning the identity of the alleged victims on whose behalf the author was acting.

152. Under rule 88 of its provisional rules of procedure the Committee decided to deal jointly with two communications, which concerned the same alleged victim, and to request the authors to submit further information relating to the question of admissibility of their communications.

153. In several cases the Committee decided that the State party and the authors concerned should be informed that, as a rule, the Committee can only consider an alleged violation of human rights which occurred on or after the date of entry into force of the Covenant and the Protocol for the State party concerned, unless

it is an alleged violation which, although occurring before that date, continued or had effects which themselves constituted a violation after that date.

154. The Committee decided on a six weeks' time-limit for the submission of information and observations under rule 91 of its provisional rules of procedure. A further four weeks' time-limit was set for the submission by either party of comments on the information or observations obtained, should they wish to do so.

155. Accordingly, it is envisaged that the Committee will resume consideration at its next session of many of the communications which were before it at its second session, with a view to reaching a decision on their admissibility.

## VI. QUESTION OF CO-OPERATION WITH THE SPECIALIZED AGENCIES

156. At its first session, the Committee had before it the text of letters dated 29 November 1976 and 16 February 1977 (CCPR/C/L.3) from the International Labour Organisation (ILO), as well as a telegram dated 29 March 1977 (CCPR/C/L.3/Add.1) from the United Nations Educational, Scientific and Cultural Organization (UNESCO) concerning the question of the possible co-operation of those specialized agencies with the Committee.

157. The Committee decided to take note with appreciation of the offers of co-operation made to it by the ILO and UNESCO, to inform them of the provisions of the rules of procedure concerning them and to consider the matter at its second session.

158. At its second session, the Committee had again before it the letters received from both the ILO and UNESCO contained in document CCPR/C/L.3 and Add.1 concerning their possible co-operation with the Committee.

159. For lack of time the Committee decided, with regret, to postpone consideration of this question and to give it due priority at its third session. The Committee meanwhile decided that the agencies concerned should be officially informed of the dates of its future sessions.

## VII. FUTURE MEETINGS OF THE COMMITTEE

160. The Committee decided to hold its second session at Geneva from 11 to 31 August 1977.

161. At that session, the Committee considered its calendar of meetings for 1978/1979.

162. The Committee was informed by the Secretariat that the calendar of meetings of United Nations organs and related bodies already approved by the Economic and Social Council which would be submitted to the General Assembly at its forthcoming session for final approval provided for two sessions of the Committee in 1978, namely, the third session, at Geneva, from 9 to 27 January and the fourth session, in New York, from 10 to 28 July. In view of the holding of three major conferences in 1978 and because of reconstruction work which would limit the facilities available at Headquarters, a change in the dates and venues of the third and fourth sessions of the Committee could not be accepted. It was pointed out, however, that if the Committee decided to have a working group of its members meeting for one week immediately before the third session, this could be arranged. In that case, the Working Group would meet on 9 January and the Committee from 16 January to 3 February. The Committee was further informed that an additional session could be accommodated at Geneva in the autumn of 1978 if the Committee so decided at the present session, so as to enable the Secretariat to bring the request in due time to the attention of the competent United Nations bodies and services.

163. Members of the Committee decided that the information submitted to them by the Secretariat left them with no choice but to accept reluctantly the calendar for 1978 as it was. They decided, however, to record their strong reservations to the way this was done without taking due account of the decision of the Committee at its first session that it should meet alternately in New York in winter and at Geneva in summer. They further decided to convey to the Secretary-General their strong feelings about this matter.

164. Some members pointed out that the venue of the sessions of the Committee should not necessarily be limited to both Geneva and New York. It was maintained that arrangements could be made so as to enable the Committee to meet at other places, either at the invitation of a State party or at the headquarters of the United Nations regional commissions. Other members requested the Secretariat to explore further the possibility for the Committee of holding one of its 1978 sessions at Vienna.

165. Some members were of the opinion that a third regular session would be needed in 1978 in view of the number of reports expected to be submitted under article 40 of the Covenant and the follow-up required of the reports which have been or will be submitted for consideration at the third and fourth sessions. It was pointed out that much work could be anticipated in the light of the rules of procedure as adopted at this session with regard to communications already dealt with or expected to reach the Committee. It would also be necessary to hold meetings of working groups before each session of the Committee.

166. Some other members expressed their reservations on the determination at this stage of the need for a third session in 1978 and expressed their belief that the Committee should be able to cope with its anticipated programme of work within two regular three-week sessions in 1978. Any decision on the need for a third session to be taken at this stage was considered premature.

167. The Committee finally decided that necessary measures should be taken to include a third regular session in the calendar of meetings to be held from 23 October to 3 November 1978 at Geneva, it being understood that the Committee at its fourth session would review the progress of its work in order to determine at that time whether it could dispense with the additional session.

168. In considering its calendar of meetings for 1979, the Committee decided that its first 1979 session should be held in New York in March/April, and that its second 1979 session should be held at Geneva in July/August, in accordance with the principle of rotation that it had already established.



## VIII. OTHER MATTERS

### A. Methods of work of the Committee in connexion with the handling of communications

169. Members of the Committee exchanged views, in public session, on various questions pertaining to the handling of communications. The discussion focused mainly on questions relating to the handling of communications at the admissibility stage, either by the Committee or its subsidiary bodies, or by the Secretariat of the United Nations.

170. Members of the Committee were of the opinion that, although the principle of confidentiality should govern their deliberations when dealing with communications, a minimum of information should be made available in the report of the Committee without divulging the contents of the communications, the nature of the allegations, the identity of the author and the name of the State party against which the allegations were made. It was felt that the general public had a legitimate interest in knowing the main trends in the approach of the Committee in its consideration of communications.

171. In this connexion, the idea was advanced by various members that the Secretariat might, before the next session of the Committee, prepare a draft model for communications intended for submission to the Committee, based on the discussion of the Committee and its Working Group at the present session.

172. It was stressed that the Secretary-General should not be restrictive in his determination as to which communications should be submitted to the Committee under the Optional Protocol. It was a fact that a new procedure, such as that established by the Protocol, would need a number of years to become known to the public. The Secretary-General should therefore point out to the authors of communications the existence of this procedure wherever appropriate and point out to them the possibility of addressing their communications to the Human Rights Committee. If any doubt existed the Secretary-General should seek clarification under rule 80 of the provisional rules of procedure of the Committee.

173. It was noted that in many of the cases which the Committee had dealt with at its present session, the alleged violations of the rights set forth in the Covenant had their origin in events which took place prior to the entry into force of the Covenant and the Protocol for the States parties concerned. In this connexion, it was suggested that the Secretary-General should regard it as an appropriate function under rule 80 of the provisional rules of procedure to point out to authors of communications, where appropriate, that the Committee can only consider an alleged violation of human rights occurring on or after the date of entry into force of the Covenant and the Protocol for the State party concerned, unless, the alleged violation, although occurring before that date, continues, or has effects which themselves constitute a violation, after that date.

174. It was further pointed out that no rule in the provisional rules of procedure dealt with the question of the language in which authors could submit their communications. The view was expressed that authors should be able to write

in the language of their choice. This would put a burden on the Secretariat, but it was hoped that those branches of the Secretariat which were entrusted with servicing the bodies involved in the implementation of the Protocol would be adequately equipped to deal with this difficulty. In this connexion, it was suggested that the initial acknowledgement sent to authors should be drafted in the language in which they submitted their communications and dispatched not later than 10 to 20 days after the receipt of their communication. The view was also expressed that communications received in languages other than the working languages of the Committee should be translated in full.

175. It was suggested that the application by the Committee of rule 86 of its provisional rules of procedure concerning the question of interim measures to avoid irreparable damage to an alleged victim should not be subject to the prior inclusion of the communications in the lists of communications prepared under rule 79 of the provisional rules of procedure. Thus the Committee would be in a position to apply rule 86 at an early stage in urgent cases.

176. As part of its efforts to make its work better known and also in order to build confidence among the public in the competence and integrity of the Committee, it was suggested that the Committee should publish its final decisions. In this connexion, it was pointed out that in view of the principle of confidentiality the Committee should proceed with caution. It should avoid any action which might discourage Member States which have not, so far, ratified the Covenant and the Protocol from becoming States parties.

177. Also in the interest of publicity it was suggested that the Covenant and the Protocol should be translated into the various languages of States parties and widely disseminated.

#### B. Assistance required from the Secretariat

178. It was stressed by several members that, in order to carry out its functions in connexion with the servicing of the Human Rights Committee and its subsidiary bodies both during and between sessions, the Secretariat should be provided with adequate resources. At present, the number of staff assigned to perform these functions appeared to be insufficient.

179. Responding to the various suggestions directed to the Secretariat, the Deputy Director of the Division of Human Rights stated that the Division was acutely aware of the need for increased manpower to enable it to carry out its duties and obligations in this connexion. The Deputy Director made it clear that the Division of Human Rights would have difficulties in providing the most efficient servicing to the Human Rights Committee, if it were not enabled to recruit the additional staff needed for this purpose.

180. The Committee expressed the hope that the necessary resources would be allocated to enable the Division to provide appropriate facilities for the effective performance of the functions of the Committee.

## IX. ANNUAL REPORT OF THE COMMITTEE

181. Article 45 of the Covenant provides that the Committee shall submit to the General Assembly of the United Nations, through the Economic and Social Council, an annual report on its activities.

182. In accordance with the above-mentioned article, the Committee decided that there should be one annual report covering the sessions of the Committee in each calendar year and that its report for 1977 should be prepared at the end of its second session.

183. The Committee authorized its Chairman to communicate with the President of the Economic and Social Council in order to ensure that the Council would be seized of the report of the Committee in time for transmission to the regular session of the General Assembly.

184. In conformity with the above-mentioned decision, the Chairman addressed to the President of the Economic and Social Council a letter in which he expressed the Committee's wish that the Council would make, at its sixty-second session, the appropriate arrangements to ensure the transmission of the annual report of the Human Rights Committee to the General Assembly at its thirty-second session as required under the Covenant. The said letter, dated 6 April 1977, was reproduced in document E/5929 and placed before the Council at its sixty-second session (for the text, see annex V). In accordance with the decision 242 (LXII) taken by the Council at its 2060th meeting, on 13 May 1977, an item entitled "International Covenant on Civil and Political Rights: report of the Human Rights Committee", was included in the agenda of the resumed sixty-third session of the Council.

185. The Committee expressed the wish that its Chairman be invited to present its annual report to the General Assembly.

ANNEX I

States parties to the International Covenant on Civil and Political Rights and to the Optional Protocol

A. States parties to the International Covenant on Civil and Political Rights

<u>State party</u>	<u>Date of receipt of the instrument of ratification or accession (a)</u>	<u>Date of entry into force</u>
Barbados	5 January 1973 (a)	23 March 1976
Bulgaria	21 September 1970	23 March 1976
Byelorussian Soviet Socialist Republic	12 November 1973	23 March 1976
Canada	19 May 1976 (a)	19 August 1976
Chile	10 February 1972	23 March 1976
Colombia	29 October 1969	23 March 1976
Costa Rica	29 November 1968	23 March 1976
Cyprus	2 April 1969	23 March 1976
Czechoslovakia	23 December 1975	23 March 1976
Denmark	6 January 1972	23 March 1976
Ecuador	6 March 1969	23 March 1976
Finland	19 August 1975	23 March 1976
German Democratic Republic	8 November 1973	23 March 1976
Germany, Federal Republic of	17 December 1973	23 March 1976
Guyana	15 February 1977	15 May 1977
Hungary	17 January 1974	23 March 1976
Iran	24 June 1975	23 March 1976
Iraq	25 January 1971	23 March 1976
Jamaica	3 October 1975	23 March 1976
Jordan	28 May 1975	23 March 1976
Kenya	1 May 1972 (a)	23 March 1976
Lebanon	3 November 1972 (a)	23 March 1976
Libyan Arab Jamahiriya	15 May 1970 (a)	23 March 1976
Madagascar	21 June 1971	23 March 1976
Mali	16 July 1974 (a)	23 March 1976

<u>State party</u>	<u>Date of receipt of the instrument of ratification or accession (a)</u>	<u>Date of entry into force</u>
Mauritius	12 December 1973 (a)	23 March 1976
Mongolia	18 November 1974	23 March 1976
Norway	13 September 1972	23 March 1976
Panama	8 March 1977	8 June 1977
Poland	18 March 1977	18 June 1977
Romania	9 December 1974	23 March 1976
Rwanda	16 April 1975 (a)	23 March 1976
Spain	27 April 1977	27 July 1977
Surinam	28 December 1976 (a)	28 March 1977
Sweden	6 December 1971	23 March 1976
Syrian Arab Republic	21 April 1969 (a)	23 March 1976
Tunisia	18 March 1969	23 March 1976
Ukrainian Soviet Socialist Republic	12 November 1973	23 March 1976
Union of Soviet Socialist Republics	16 October 1973	23 March 1976
United Kingdom of Great Britain and Northern Ireland	20 May 1976	20 August 1976
United Republic of Tanzania	11 June 1976 (a)	11 September 1976
Uruguay	1 April 1970	23 March 1976
Yugoslavia	2 June 1971	23 March 1976
Zaire	1 November 1976 (a)	1 February 1977

B. States parties to the Optional Protocol

<u>State party</u>	<u>Date of receipt of the instrument of ratification or accession (a)</u>	<u>Date of entry into force</u>
Barbados	5 January 1973 (a)	23 March 1976
Canada	19 May 1976 (a)	19 August 1976
Colombia	29 October 1969	23 March 1976
Costa Rica	29 November 1968	23 March 1976
Denmark	6 January 1972	23 March 1976
Ecuador	6 March 1969	23 March 1976
Finland	19 August 1975	23 March 1976
Jamaica	3 October 1975	23 March 1976
Madagascar	21 June 1971	23 March 1976
Mauritius	12 December 1973 (a)	23 March 1976
Norway	13 September 1972	23 March 1976
Panama	8 March 1977	8 June 1977
Surinam	28 December 1976 (a)	28 March 1977
Sweden	6 December 1971	23 March 1976
Uruguay	1 April 1970	23 March 1976
Zaire	1 November 1976 (a)	1 February 1977

## ANNEX II

### Provisional rules of procedure as adopted at the first and second sessions of the Human Rights Committee

#### PART I. GENERAL RULES

##### I. SESSIONS

###### Rule 1

The Human Rights Committee (hereinafter referred to as "the Committee") shall hold sessions as may be required for the satisfactory performance of its functions in accordance with the International Covenant on Civil and Political Rights (hereinafter referred to as "the Covenant").

###### Rule 2

1. The Committee shall normally hold two regular sessions each year.

2. Regular sessions of the Committee shall be convened at dates decided by the Committee in consultation with the Secretary-General of the United Nations (hereinafter referred to as "the Secretary-General"), taking into account the calendar of conferences as approved by the General Assembly.

###### Rule 3

1. Special sessions of the Committee shall be convened by decision of the Committee. When the Committee is not in session, the Chairman may convene special sessions in consultation with the other officers of the Committee. The Chairman of the Committee shall also convene special sessions:

(a) At the request of a majority of the members of the Committee;

(b) At the request of a State Party to the Covenant.

2. Special sessions shall be convened as soon as possible at a date fixed by the Chairman in consultation with the Secretary-General and with the other officers of the Committee, taking into account the calendar of conferences as approved by the General Assembly.

###### Rule 4

The Secretary-General shall notify the members of the Committee of the date and place of the first meeting of each session. Such notification shall be sent, in the case of a regular session, at least six weeks in advance and, in the case of a special session, at least 18 days in advance.

## Rule 5

Sessions of the Committee shall normally be held at the Headquarters of the United Nations or at the United Nations office at Geneva. Another place for a session may be designated by the Committee in consultation with the Secretary-General.

## II. AGENDA

### Rule 6

The provisional agenda for each regular session shall be prepared by the Secretary-General in consultation with the Chairman of the Committee, in conformity with the relevant provisions of the Covenant and of the Optional Protocol to the International Covenant on Civil and Political Rights (hereinafter referred to as "the Protocol"), and shall include:

- (a) Any item the inclusion of which has been ordered by the Committee at a previous session;
- (b) Any item proposed by the Chairman of the Committee;
- (c) Any item proposed by a State Party to the Covenant;
- (d) Any item proposed by a member of the Committee;
- (e) Any item proposed by the Secretary-General relating to his functions under the Covenant, the Protocol or these rules.

### Rule 7

The provisional agenda for a special session of the Committee shall consist only of those items which are proposed for consideration at that special session.

### Rule 8

The first item on the provisional agenda for any session shall be the adoption of the agenda, except for the election of the officers when required under rule 17 of these rules.

### Rule 9

During a session, the Committee may revise the agenda and may, as appropriate, defer or delete items; only urgent and important items may be added to the agenda.

### Rule 10

The provisional agenda and the basic documents relating to each item appearing thereon shall be transmitted to the members of the Committee by the Secretary-General, who shall endeavour to have the documents transmitted to the members at least six weeks prior to the opening of the session.



### III. MEMBERS OF THE COMMITTEE

#### Rule 11

The members of the Committee shall be the 18 persons appointed in accordance with articles 28 to 34 of the Covenant.

#### Rule 12

The term of office of the members of the Committee elected at the first election shall begin on 1 January 1977. The term of office of members of the Committee elected at subsequent elections shall begin on the day after the date of expiry of the term of office of the members of the Committee whom they replace.

#### Rule 13

1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, the Chairman of the Committee shall notify the Secretary-General, who shall then declare the seat of that member to be vacant.

2. In the event of the death or the resignation of a member of the Committee, the Chairman shall immediately notify the Secretary-General, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect. The resignation of a member of the Committee shall be notified by him in writing directly to the Chairman or to the Secretary-General and action shall be taken to declare his seat vacant only after such notification has been received.

#### Rule 14

A vacancy declared in accordance with rule 13 of these rules shall be dealt with in accordance with article 34 of the Covenant.

#### Rule 15

Any member of the Committee elected to fill a vacancy declared in accordance with article 33 of the Covenant shall hold office for the remainder of the term of the member who vacated the seat on the Committee under the provisions of that article.

#### Rule 16

Before assuming his duties, each member of the Committee shall give the following solemn undertaking in open Committee:

"I solemnly undertake to discharge my duties as a member of the Human Rights Committee impartially and conscientiously."

#### IV. OFFICERS

##### Rule 17

The Committee shall elect from among its members a Chairman, three Vice-Chairmen and a Rapporteur.

##### Rule 18

The officers of the Committee shall be elected for a term of two years. They shall be eligible for re-election. None of them, however, may hold office if he ceases to be a member of the Committee.

##### Rule 19

The Chairman shall perform the functions conferred upon him by the Covenant, the rules of procedure and the decisions of the Committee. In the exercise of his functions, the Chairman shall remain under the authority of the Committee.

##### Rule 20

If during a session the Chairman is unable to be present at a meeting or any part thereof, he shall designate one of the Vice-Chairmen to act in his place.

##### Rule 21

A Vice-Chairman acting as Chairman shall have the same rights and duties as the Chairman.

##### Rule 22

If any of the officers of the Committee ceases to serve or declares his inability to continue serving as a member of the Committee or for any reason is no longer able to act as an officer, a new officer shall be elected for the unexpired term of his predecessor.

#### V. SECRETARIAT

##### Rule 23

1. The secretariat of the Committee and of such subsidiary bodies as may be established by the Committee (hereinafter referred to as "the Secretariat") shall be provided by the Secretary-General.

2. The Secretary-General shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the Covenant.

Rule 24

The Secretary-General or his representative shall attend all meetings of the Committee. Subject to rule 38 of these rules, he or his representative may make oral or written statements at meetings of the Committee or its subsidiary bodies.

Rule 25

The Secretary-General shall be responsible for all the necessary arrangements for meetings of the Committee and its subsidiary bodies.

Rule 26

The Secretary-General shall be responsible for informing the members of the Committee without delay of any questions which may be brought before it for consideration.

Rule 27

Before any proposal which involves expenditure is approved by the Committee or by any of its subsidiary bodies, the Secretary-General shall prepare and circulate to the members of the Committee or subsidiary body, as early as possible, an estimate of the cost involved in the proposal. It shall be the duty of the Chairman to draw the attention of members to this estimate and to invite discussion on it when the proposal is considered by the Committee or subsidiary body.

VI. LANGUAGES

Rule 28

Chinese, English, French, Russian and Spanish shall be the official languages, and English, French, Russian and Spanish the working languages of the Committee.

Rule 29

Speeches made in any of the working languages shall be interpreted into the other working languages. Speeches made in an official language shall be interpreted into the working languages.

Rule 30

Any speaker addressing the Committee and using a language other than one of the official languages shall normally provide for interpretation into one of the working languages. Interpretation into the other working languages by interpreters of the Secretariat may be based on the interpretation given in the first working language.

### Rule 31

Summary records of the meetings of the Committee shall be drawn up in the working languages.

### Rule 32

All formal decisions of the Committee shall be made available in the official languages. All other official documents of the Committee shall be issued in the working languages and any of them may, if the Committee so decides, be issued in all the official languages.

## VII. PUBLIC AND PRIVATE MEETINGS

### Rule 33

The meetings of the Committee and its subsidiary bodies shall be held in public unless the Committee decides otherwise or it appears from the relevant provisions of the Covenant or the Protocol that the meeting should be held in private.

### Rule 34

At the close of each private meeting the Committee or its subsidiary body may issue a communiqué through the Secretary-General.

## VIII. RECORDS

### Rule 35

Summary records of the public and private meetings of the Committee and its subsidiary bodies shall be prepared by the Secretariat. They shall be distributed in provisional form as soon as possible to the members of the Committee and to any others participating in the meeting. All such participants may, within three working days after receipt of the provisional record of the meeting, submit corrections to the Secretariat. Any disagreement concerning such corrections shall be settled by the Chairman of the Committee or the Chairman of the subsidiary body to which the record relates or, in the case of continued disagreement, by decision of the Committee or of the subsidiary body.

### Rule 36

1. The summary records of public meetings, of the Committee in their final form shall be documents of general distribution unless, in exceptional circumstances, the Committee decides otherwise.

2. The summary records of private meetings shall be distributed to the members of the Committee and to other participants in the meetings. They may be made available to others upon decision of the Committee at such time and under such circumstances as the Committee may decide.

## IX. CONDUCT OF BUSINESS

### Rule 37

Twelve members of the Committee shall constitute a quorum.

### Rule 38

The Chairman shall declare the opening and closing of each meeting of the Committee, direct the discussion, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The Chairman, subject to these rules, shall have control over the proceedings of the Committee and over the maintenance of order at its meetings. The Chairman may, in the course of the discussion of an item, propose to the Committee the limitation of the time to be allowed to speakers, the limitation of the number of times each speaker may speak on any question and the closure of the list of speakers. He shall rule on points of order. He shall also have the power to propose adjournment or closure of the debate or adjournment or suspension of a meeting. Debate shall be confined to the question before the Committee, and the Chairman may call a speaker to order if his remarks are not relevant to the subject under discussion.

### Rule 39

During the discussion of any matter, a member may at any time raise a point of order, and the point of order shall immediately be decided by the Chairman in accordance with the rules of procedure. Any appeal against the ruling of the Chairman shall immediately be put to the vote, and the ruling of the Chairman shall stand unless overruled by a majority of the members present. A member may not, in raising a point of order, speak on the substance of the matter under discussion.

### Rule 40

During the discussion of any matter, a member may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, one member may speak in favour of and one against the motion, after which the motion shall immediately be put to the vote.

### Rule 41

The Committee may limit the time allowed to each speaker on any question. When debate is limited and a speaker exceeds his allotted time, the Chairman shall call him to order without delay.

### Rule 42

When the debate on an item is concluded because there are no other speakers, the Chairman shall declare the debate closed. Such closure shall have the same effect as closure by the consent of the Committee.

### Rule 43

A member may at any time move the closure of the debate on the item under discussion, whether or not any other member or representative has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall immediately be put to the vote.

### Rule 44

During the discussion of any matter, a member may move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted, and they shall immediately be put to the vote.

### Rule 45

Subject to rule 39 of these rules, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

- (a) To suspend the meeting;
- (b) To adjourn the meeting;
- (c) To adjourn the debate on the item under discussion;
- (d) For the closure of the debate on the item under discussion.

### Rule 46

Unless otherwise decided by the Committee, proposals and substantive amendments or motions submitted by members shall be introduced in writing and handed to the Secretariat, and their consideration shall, if so requested by any member, be deferred until the next meeting on a following day.

### Rule 47

Subject to rule 45 of these rules, any motion by a member calling for a decision on the competence of the Committee to adopt a proposal submitted to it shall be put to the vote immediately before a vote is taken on the proposal in question.

### Rule 48

A motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended. A motion which has thus been withdrawn may be reintroduced by another member.

## Rule 49

When a proposal has been adopted or rejected, it may not be reconsidered at the same session unless the Committee so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers in favour of the motion and two speakers opposing the motion, after which it shall immediately be put to the vote.

## X. VOTING

### Rule 50

Each member of the Committee shall have one vote.

### Rule 51 a/

Except as otherwise provided in the Covenant or elsewhere in these rules, decisions of the Committee shall be made by a majority of the members present.

### Rule 52

Subject to rule 58 of these rules, the Committee shall normally vote by show of hands, except that any member may request a roll-call, which shall then be taken in the alphabetical order of the names of the members of the Committee, beginning with the member whose name is drawn by lot by the Chairman.

### Rule 53

The vote of each member participating in a roll-call shall be inserted in the record.

### Rule 54

After the voting has commenced, it shall not be interrupted unless a member raises a point of order in connexion with the actual conduct of the voting. Brief statements by members consisting solely of explanations of their votes may be permitted by the Chairman before the voting has commenced or after the voting has been completed.

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a/ In connexion with rule 51, attention is drawn to paragraphs 32 and 33 of the annual report of the Committee, which read as follows:

"... The members of the Committee generally expressed the view that its method of work normally should allow for attempts to reach decisions by consensus before voting, provided that the Covenant and the rules of procedure are observed and that such attempts do not unduly delay the work of the Committee.

"... Bearing in mind paragraph 32, the Chairman may at any meeting, and at the request of any member shall, put the proposal to a vote."

#### Rule 55

Parts of a proposal shall be voted on separately if a member requests that the proposal be divided. Those parts of the proposal which have been approved shall then be put to the vote as a whole; if all the operative parts of a proposal have been rejected, the proposal shall be considered to have been rejected as a whole.

#### Rule 56

1. When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments to a proposal are moved, the Committee shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom and so on until all the amendments have been put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.

2. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

#### Rule 57

1. If two or more proposals relate to the same question, the Committee shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted.

2. The Committee may, after each vote on a proposal, decide whether to vote on the next proposal.

3. Any motions requiring that no decision be taken on the substance of such proposals shall, however, be considered as previous questions and shall be put to the vote before them.

#### Rule 58

Elections shall be held by secret ballot, unless the Committee decides otherwise in the case of an election to fill a place for which there is only one candidate.

#### Rule 59

1. When only one person or member is to be elected and no candidate obtains in the first ballot the majority required, a second ballot shall be taken, which shall be restricted to the two candidates who obtained the greatest number of votes.

2. If the second ballot is inconclusive and a majority vote of members present is required, a third ballot shall be taken in which votes may be cast for any eligible candidate. If the third ballot is inconclusive, the next ballot shall be restricted to the two candidates who obtained the greatest number of votes in the third ballot and so on, with unrestricted and restricted ballots alternating, until a person or member is elected.



3. If the second ballot is inconclusive and a two-thirds majority is required, the balloting shall be continued until one candidate secures the necessary two-thirds majority. In the next three ballots, votes may be cast for any eligible candidate. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the two candidates who obtained the greatest number of votes in the third such unrestricted ballot, and the following three ballots shall be unrestricted, and so on until a person or member is elected.

#### Rule 60

When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining in the first ballot the majority required shall be elected. If the number of candidates obtaining such majority is less than the number of persons or members to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice the places remaining to be filled; provided that, after the third inconclusive ballot, votes may be cast for any eligible candidate. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

#### Rule 61

If a vote is equally divided on a matter other than an election, the proposal shall be regarded as rejected.

### XI. SUBSIDIARY BODIES

#### Rule 62

1. The Committee may, taking into account the provisions of the Covenant and the Protocol, set up such sub-committees and other ad hoc subsidiary bodies as it deems necessary for the performance of its functions, and define their composition and powers.

2. Subject to the provisions of the Covenant and the Protocol and unless the Committee decides otherwise, each subsidiary body shall elect its own officers and may adopt its own rules of procedure. Failing such rules, the present rules of procedure shall apply mutatis mutandis.

### XII. ANNUAL REPORT OF THE COMMITTEE

#### Rule 63

As prescribed in article 45 of the Covenant, the Committee shall submit to the General Assembly of the United Nations, through the Economic and Social Council, an annual report on its activities, including a summary of its activities under the Protocol as prescribed in article 6 thereof.

XIII. DISTRIBUTION OF REPORTS AND OTHER OFFICIAL  
DOCUMENTS OF THE COMMITTEE

Rule 64

1. Without prejudice to the provisions of rule 36 of these rules of procedure and subject to paragraphs 2 and 3 of the present rule, reports, formal decisions and all other official documents of the Committee and its subsidiary bodies shall be documents of general distribution unless the Committee decides otherwise.

2. All reports, formal decisions and other official documents of the Committee and its subsidiary bodies relating to articles 41 and 42 of the Covenant and to the Protocol shall be distributed by the Secretariat to all members of the Committee, to the States Parties concerned and, as may be decided by the Committee, to members of its subsidiary bodies and to others concerned.

3. Reports and additional information submitted by States Parties pursuant to article 40 of the Covenant shall be documents of general distribution. The same applies to other information provided by a State Party unless the State Party concerned requests otherwise.

XIV. AMENDMENTS

Rule 65

These rules of procedure may be amended by a decision of the Committee, without prejudice to the relevant provisions of the Covenant and the Protocol.

PART II. RULES RELATING TO THE FUNCTIONS OF THE COMMITTEE

XV. REPORTS FROM STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT

Rule 66

1. The States Parties to the Covenant shall submit reports on the measures they have adopted which give effect to the rights recognized in the Covenant and on the progress made in the enjoyment of those rights. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the Covenant.

2. Whenever the Committee requests States Parties to submit reports under article 40, paragraph 1 (b), of the Covenant, it shall determine the dates by which such reports shall be submitted.

3. The Committee may, through the Secretary-General, inform the States Parties of its wishes regarding the form and contents of the reports to be submitted under article 40 of the Covenant.

### Rule 67

1. The Secretary-General may, after consultation with the Committee, transmit to the specialized agencies concerned copies of such parts of the reports from States members of those agencies as may fall within their field of competence.

2. The Committee may invite the specialized agencies to which the Secretary-General has transmitted parts of the reports to submit comments on those parts within such time-limits as it may specify.

### Rule 68

The Committee shall, through the Secretary-General, notify the States Parties as early as possible of the opening date, duration and place of the session at which their respective reports will be examined. Representatives of the States Parties may be present at the meetings of the Committee when their reports are examined. The Committee may also inform a State Party from which it decides to seek further information that it may authorize its representative to be present at a specified meeting. Such a representative should be able to answer questions which may be put to him by the Committee and make statements on reports already submitted by his State, and may also submit additional information from his State.

### Rule 69

1. At each session the Secretary-General shall notify the Committee of all cases of non-submission of reports or additional information requested under rules 66 and 70 of these rules. In such cases the Committee may transmit to the State Party concerned, through the Secretary-General, a reminder concerning the submission of the report or additional information.

2. If, after the reminder referred to in paragraph 1 of this rule, the State Party does not submit the report or additional information required under rules 66 and 70 of these rules, the Committee shall so state in the annual report which it submits to the General Assembly of the United Nations through the Economic and Social Council.

### Rule 70

1. When considering a report submitted by a State Party under article 40 of the Covenant, the Committee shall first satisfy itself that the report provides all the information required under rule 66 of these rules.

2. If a report of a State Party to the Covenant, in the opinion of the Committee, does not contain sufficient information, the Committee may request that State to furnish the additional information which is required, indicating by what date the said information should be submitted.

3. If, on the basis of its examination of the reports and information supplied by a State Party, the Committee determines that some of the obligations of that State Party under the Covenant have not been discharged, it may, in accordance with article 40, paragraph 4, of the Covenant, make such general comments as it may consider appropriate.

## Rule 71

1. The Committee shall, through the Secretary-General, communicate to the States Parties for their observations the general comments it has made under article 40, paragraph 4, of the Covenant on the basis of its examination of the reports and information furnished by States Parties. The Committee may, where necessary, indicate a time-limit for the receipt of observations from States Parties.

2. The Committee may also transmit to the Economic and Social Council the comments referred to in paragraph 1 of this rule, together with copies of the reports it has received from the States Parties to the Covenant and the observations, if any, submitted by them.

## XVI. COMMUNICATIONS FROM STATES PARTIES UNDER ARTICLE 41 OF THE COVENANT

/The draft rules relating to this chapter, as prepared by the Secretary-General and presented to the Human Rights Committee in document CCPR/C/L.2/Add.1 have not yet been considered by the Committee./

## XVII. PROCEDURE FOR THE CONSIDERATION OF COMMUNICATIONS RECEIVED UNDER THE OPTIONAL PROTOCOL

### A. Transmission of communications to the Committee

#### Rule 78

1. The Secretary-General shall bring to the attention of the Committee, in accordance with the present rules, communications which are or appear to be submitted for consideration by the Committee under article 1 of the Protocol.

2. The Secretary-General, when necessary, may request clarification from the author of a communication as to his wish to have his communication submitted to the Committee for consideration under the Protocol. In case there is still doubt as to the wish of the author, the Committee shall be seized of the communication.

3. No communication shall be received by the Committee or included in a list under rule 79 if it concerns a State which is not a party to the Protocol.

#### Rule 79

1. The Secretary-General shall prepare lists of the communications submitted to the Committee in accordance with rule 78 above, with a brief summary of their contents, and shall circulate such lists to the members of the Committee at regular intervals. The Secretary-General shall also maintain a permanent register of all such communications.

2. The full text of any communication brought to the attention of the Committee shall be made available to any member of the Committee upon his request.

## Rule 80

1. The Secretary-General may request clarification from the author of a communication concerning the applicability of the Protocol to his communication, in particular regarding:

- (a) The name, address, age and occupation of the author and the verification of his identity;
- (b) The name of the State Party against which the communication is directed;
- (c) The object of the communication;
- (d) The provision or provisions of the Covenant alleged to have been violated;
- (e) The facts of the claim;
- (f) Steps taken by the author to exhaust domestic remedies;
- (g) The extent to which the same matter is being examined under another procedure of international investigation or settlement.

2. When requesting clarification or information, the Secretary-General shall indicate an appropriate time-limit to the author of the communication with a view to avoiding undue delays in the procedure under the Protocol.

3. The Committee may approve a questionnaire for the purpose of requesting the above-mentioned information from the author of the communication.

4. The request for clarification referred to in paragraph 1 of the present rule shall not preclude the inclusion of the communication in the list provided for in rule 79, paragraph 1, above.

## Rule 81

For each registered communication the Secretary-General shall as soon as possible prepare and circulate to the members of the Committee a summary of the relevant information obtained.

### B. General provisions regarding the consideration of communications by the Committee or its subsidiary bodies

## Rule 82

Meetings of the Committee or its subsidiary bodies during which communications under the Protocol will be examined shall be closed. Meetings during which the Committee may consider general issues such as procedures for the application of the Protocol may be public if the Committee so decides.

### Rule 83

The Committee may issue communiqués, through the Secretary-General, for the use of the information media and the general public regarding the activities of the Committee at its closed meetings.

### Rule 84

1. A member shall not take part in the examination of a communication by the Committee:

(a) If he has any personal interest in the case; or

(b) If he has participated in any capacity in the making of any decision on the case covered by the communication.

2. Any question which may arise under paragraph 1 above shall be decided by the Committee.

### Rule 85

If, for any reason, a member considers that he should not take part or continue to take part in the examination of a communication, he shall inform the Chairman of his withdrawal.

### Rule 86

The Committee may, prior to forwarding its final views on the communication to the State Party concerned, inform that State of its views whether interim measures may be desirable to avoid irreparable damage to the victim of the alleged violation. In doing so, the Committee shall inform the State Party concerned that such expression of its views on interim measures does not imply a determination on the merits of the communication.

## C. Procedures to determine admissibility

### Rule 87

The Committee shall decide as soon as possible and in accordance with the following rules whether or not the communication is admissible under the Protocol.

### Rule 88

1. The Committee shall deal with communications in the order in which they are received by the Secretariat, unless the Committee decides otherwise.

2. The Committee may, if it considers appropriate, decide to deal jointly with two or more communications.

### Rule 89

1. The Committee may establish one or more Working Groups of no more than five of its members to make recommendations to the Committee regarding the fulfilment of the conditions of admissibility laid down in articles 1, 2, 3 and 5 (2) of the Protocol.
2. The rules of procedure of the Committee shall apply as far as possible to the meetings of the Working Group.

### Rule 90

1. With a view to reaching a decision on the admissibility of a communication, the Committee shall ascertain:

- (a) that the communication is not anonymous and that it emanates from an individual, or individuals, subject to the jurisdiction of a State party to the Protocol;
- (b) that the individual claims to be a victim of a violation by that State party of any of the rights set forth in the Covenant. Normally, the communication should be submitted by the individual himself or by his representative; the Committee may, however, accept to consider a communication submitted on behalf of an alleged victim when it appears that he is unable to submit the communication himself;
- (c) that the communication is not an abuse of the right to submit a communication under the Protocol;
- (d) that the communication is not incompatible with the provisions of the Covenant;
- (e) that the same matter is not being examined under another procedure of international investigation or settlement;
- (f) that the individual has exhausted all available domestic remedies.

2. The Committee shall consider a communication, which is otherwise admissible, whenever the circumstances referred to in article 5 (2) of the Protocol apply.

### Rule 91

1. The Committee or a Working Group established under rule 88 may, through the Secretary-General, request the State party concerned or the author of the communication to submit additional written information or observations relevant to the question of admissibility of the communication. The Committee or the Working Group shall indicate a time-limit for the submission of such information or observations with a view to avoiding undue delay.

2. A communication may not be declared admissible unless the State party concerned has received the text of the communication and has been given an opportunity to furnish information or observations as provided in paragraph 1 of this rule.

3. A request under paragraph 1 of this rule shall include a statement of the fact that such a request does not imply that any decision has been reached on the question of admissibility.

#### Rule 92

1. Where the Committee decides that a communication is inadmissible under the Protocol it shall as soon as possible communicate its decision, through the Secretary-General, to the author of the communication and, where the communication has been transmitted to a State party concerned, to that State party.

2. If the Committee has declared a communication inadmissible under article 5 (2) of the Protocol, this decision may be reviewed at a later date by the Committee upon a written request by or on behalf of the individual concerned containing information to the effect that the reasons for inadmissibility referred to in article 5 (2) no longer apply.

#### D. Procedures for the consideration of communications

#### Rule 93

1. As soon as possible after the Committee has taken a decision that a communication is admissible under the Protocol, that decision and the text of the relevant documents shall be submitted, through the Secretary-General, to the State party concerned. The author of the communication shall also be informed, through the Secretary-General, of the decision of the Committee.

2. Within six months, the State party concerned shall submit to the Committee written explanations or statements clarifying the matter under consideration and the remedy, if any, that may have been taken by that State.

3. Any explanations or statements submitted by a State party pursuant to this rule shall be communicated, through the Secretary-General, to the author of the communication who may submit any additional written information or observations within such time-limit as the Committee shall decide.

#### Rule 94

1. The Committee shall consider the communication in the light of all written information made available to it by the individual and by the State party concerned and shall formulate its views thereon. For this purpose the Committee may refer the communication to a Working Group of not more than five of its members to make recommendations to the Committee.



2. The views of the Committee shall be communicated, through the Secretary-General, to the individual and to the State party concerned.

3. Any member of the Committee may request that a summary of his individual opinion shall be appended to the views of the Committee when they are communicated to the individual and to the State party concerned.

## ANNEX III

Status of submission of reports by States parties as at 31 August 1977

<u>State party</u>	<u>Initial report is due on</u>	<u>Status</u>
Barbados	22 March 1977	
Bulgaria	22 March 1977	
Byelorussian Soviet Socialist Republic	22 March 1977	
Canada	18 August 1977	
Chile	22 March 1977	Submitted
Colombia	22 March 1977	
Costa Rica	22 March 1977	
Cyprus	22 March 1977	Submitted
Czechoslovakia	22 March 1977	Submitted
Denmark	22 March 1977	Submitted
Ecuador	22 March 1977	Submitted
Finland	22 March 1977	Submitted
German Democratic Republic	22 March 1977	Submitted
Germany, Federal Republic of	22 March 1977	
Hungary	22 March 1977	Submitted
Iran	22 March 1977	Submitted
Iraq	22 March 1977	
Jamaica	22 March 1977	
Jordan	22 March 1977	
Kenya	22 March 1977	
Lebanon	22 March 1977	
Libyan Arab Jamahiriya	22 March 1977	Submitted
Madagascar	22 March 1977	Submitted
Mali	22 March 1977	
Mauritius	22 March 1977	Submitted

<u>State party</u>	<u>Initial report is due on</u>	<u>Status</u>
Mongolia	22 March 1977	
Norway	22 March 1977	Submitted
Romania	22 March 1977	
Rwanda	22 March 1977	
Sweden	22 March 1977	Submitted
Syrian Arab Republic	22 March 1977	Submitted
Tunisia	22 March 1977	Submitted
Ukrainian Soviet Socialist Republic	22 March 1977	
Union of Soviet Socialist Republics	22 March 1977	
United Kingdom of Great Britain and Northern Ireland	19 August 1977	Submitted
Uruguay	22 March 1977	
Yugoslavia	22 March 1977	

## ANNEX IV

### General guidelines regarding the form and contents of reports from States parties under article 40 of the Covenant

1. Under article 40 of the International Covenant on Civil and Political Rights each State party has undertaken to submit, within one year of the entry into force of the Covenant in regard to it and thereafter whenever the Human Rights Committee established under the Covenant so requests, reports on the measures which it has adopted to give effect to rights recognized in the Covenant and on the progress made in the enjoyment of those rights. Article 40 also provides that the reports shall indicate the factors and difficulties, if any, affecting the implementation of the Covenant.

2. In order to assist it in fulfilling the tasks entrusted to it pursuant to article 40 of the Covenant, the Committee has decided that it would be useful to inform States parties of its wishes regarding the form and contents of reports. Compliance with the following guidelines will help to ensure that reports are presented in a uniform manner and enable the Committee and States parties to obtain a complete picture of the situation in each State as regards the implementation of the rights referred to in the Covenant. This will also reduce the need for the Committee to request additional information under its rules of procedure.

3. The report should be in two parts as follows:

Part I: General. This part should describe briefly the general legal framework within which civil and political rights are protected in the reporting State. In particular it should indicate:

(a) Whether any of the rights referred to in the Covenant are protected either in the Constitution or by a separate "Bill of Rights", and, if so, what provisions are made in the Constitution or in the Bill of Rights for derogations and in what circumstances.

(b) Whether the provisions of the Covenant can be invoked before and directly enforced by the courts, other tribunals or administrative authorities or whether they have to be transformed into internal laws or administrative regulations to be enforced by the authorities concerned.

(c) What judicial, administrative or other competent authorities have jurisdiction affecting human rights.

(d) What remedies are available to an individual who claims that any of his rights have been violated.

(e) What other measures have been taken to ensure the implementation of the provisions of the Covenant.

Part II: Information in relation to each of the articles in parts I, II and III of the Covenant. This part should describe in relation to the provisions of each article:

- (a) The legislative, administrative or other measures in force in regard to each right;
- (b) Any restrictions or limitations even of a temporary nature imposed by law or practice or any other manner on the enjoyment of the right;
- (c) Any other factors or difficulties affecting the enjoyment of the right by persons within the jurisdiction of the State;
- (d) Any other information on the progress made in the enjoyment of the right.

4. The report should be accompanied by copies of the principal legislative and other texts referred to in the report. These will be made available to members of the Committee. It should be noted, however, that, for reasons of expense, they will not normally be reproduced for general distribution with the report except to the extent that the reporting State specifically so requests. It is desirable therefore that, when a text is not actually quoted in or annexed to the report itself, the report should contain sufficient information to be understood without reference to it.

5. The Committee will welcome at any time information on any significant new development in regard to the rights referred to in the Covenant, but in any event it intends, after the completion of its study of each State's initial report and of any additional information submitted, to call for subsequent reports under article 40 (1) (b) of the Covenant. The aim of such further reports will be to bring the situation up to date in respect of each State.

6. On the basis of reports prepared according to the above guidelines the Committee is confident that it will be enabled to develop a constructive dialogue with each State party in regard to the implementation of the Covenant and thereby contribute to mutual understanding and peaceful and friendly relations among nations in accordance with the Charter of the United Nations.

ANNEX V

Letter dated 6 April 1977 from the Chairman of the  
Human Rights Committee to the President of the  
Economic and Social Council\*

Further to our conversation of 30 March 1977, I should like to set out in writing the points which I brought to your attention in connexion with the activities of the Human Rights Committee.

As you will recall, the Committee, established by the International Covenant on Civil and Political Rights to carry out the functions provided for by that Covenant and its Optional Protocol, is to submit, in accordance with article 45 of the Covenant, to the General Assembly of the United Nations, through the Economic and Social Council, an annual report on its activities.

Rule 2 of the provisional rules of procedure of the Committee, adopted at the Committee's first session held at Headquarters from 21 March to 1 April last, provides that the Committee shall normally hold two regular sessions each year. Accordingly, the Committee decided to schedule its second session for 11 to 31 August 1977 and to tentatively schedule for subsequent years one session in January and one session in July or August. In the light of this calendar of meetings and taking into consideration that by decision of the first meeting of States parties to the International Covenant on Civil and Political Rights the term of office of members of the Committee begins on 1 January, the Committee's annual report to the General Assembly is expected to cover the two sessions held in each calendar year.

The question therefore arises as to when it would be possible for the Economic and Social Council to be seized of the Committee's report so as to enable it to perform its functions under the Covenant and for the report to be transmitted to the General Assembly for the Assembly's timely consideration. In this connexion, the effective implementation of the Covenant would appear to require that the Committee's report be considered by the Assembly in the year of its adoption.

It is anticipated that the Committee's report on its first two sessions will be available for distribution by 1 October 1977 and that the same would apply to future reports on the assumption that the Committee maintains a similar calendar of meetings.

It will, of course, be for the Council to determine in the light of the specific constitutional nature of the Committee and of the Council's practice in relation to other bodies reporting through it to the General Assembly what modus operandi it may wish to follow in the case of the reports submitted by the Committee.

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\* Previously issued under the symbol E/5929.

I would therefore be grateful if you could bring this matter to the attention of the Council at its forthcoming sixty-second session in order that appropriate arrangements may be made to ensure the transmission of the annual report of the Human Rights Committee to the General Assembly as required under the Covenant.

Your personal assistance in obtaining from the Council a satisfactory decision would be greatly appreciated.

(Signed) Andreas V. MAVROMMATIS





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