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ON CIVIL AND  
POLITICAL RIGHTS



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HUMAN RIGHTS COMMITTEE

GENERAL COMMENTS

adopted by the Human Rights Committee under Article 40,  
paragraph 4 of the International Covenant on Civil and  
Political Rights (up to April 1989)

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\* / The number in square brackets indicates the session at which the General Comment was adopted. Other details relating to the adoption of the General Comments are provided in the annex.

GENERAL COMMENTS

under Article 40, paragraph 4, of the International Covenant on Civil and Political Rights

Introduction \*\*/

The Committee wishes to reiterate its desire to assist States parties in fulfilling their reporting obligations. These general comments draw attention to some aspects of this matter but do not purport to be limitative or to attribute any priority between different aspects of the implementation of the Covenant. These comments will, from time to time, be followed by others as constraints of time and further experience may make possible.

The Committee so far has examined 77 initial reports, 34 second periodic reports and, in some cases, additional information and supplementary reports. This experience, therefore, now covers a significant number of the States which have ratified the Covenant, at present 87. They represent different regions of the world with different political, social and legal systems and their reports illustrate most of the problems which may arise in implementing the Covenant, although they do not afford any complete basis for a world-wide review of the situation as regards civil and political rights.

The purpose of these general comments is to make this experience available for the benefit of all States parties, in order to promote their further implementation of the Covenant; to draw their attention to insufficiencies disclosed by a large number of reports; to suggest improvements in the reporting procedure and to stimulate the activities of these States and international organizations in the promotion and protection of human rights. These comments should also be of interest to other States, especially those preparing to become parties to the Covenant and thus to strengthen the co-operation of all States in the universal promotion and protection of human rights.

GENERAL COMMENT 1 [13] (Reporting obligation)

States parties have undertaken to submit reports in accordance with article 40 of the Covenant within one year of its entry into force for the States parties concerned and, thereafter, whenever the Committee so requests. Until the present time only the first part of this provision, calling for initial reports, has become regularly operative. The Committee notes, as appears from its annual reports, that only a small number of States have submitted their reports on time. Most of them have been submitted with delays ranging from a few months to several years and some States parties are still in default despite repeated reminders and other actions by the Committee. The fact that most States parties have nevertheless, even if somewhat late, engaged in a constructive dialogue with the Committee suggests that the States parties normally ought to be able to fulfil the reporting obligation.

\*\*/ See Report of the Human Rights Committee, Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 40 (A/36/40), annex VII.

(表紙)

1989年5月19日付市民的及び政治的権利に関する国際規約人権委員会国連文書 (CCPR/C/21/Rev. 1)

一般的性格を有する意見

市民的及び政治的権利に関する国際規約第40条4に基づき市民的及び政治的権利に関する国際規約人権委員会採択(1989年4月まで)

(1頁の表題)

一般的な性格を有する意見

市民的及び政治的権利に関する国際規約第40条4に基づいて

はじめに

(1頁パラ1)

市民的及び政治的権利に関する国際規約人権委員会(以下委員会という。)は、締約国の報告義務を援助したいと考えている。この一般的な性格を有する意見は、報告義務についての問題のいくつかを取り上げているが、委員会はそれらの問題だけに関心を限定したり、市民的及び政治的権利に関する国際規約(B規約:以下規約という。)実施上のさまざまな問題のうちあるものが特に重要であると考えているわけではない。時間的な制約や経験の積み重ねに応じて、他の問題に関する意見も加えられていくことになるだろう。

(1頁パラ2)

委員会は現在までに77の第一回報告、34の第二回定期報告と、いくつかの追加情報と満足報告を検討してきた。したがって、現在のところ87を数える規約批准国の相当数が報告を行ったことになる。規約の締約国は世界中の異なる政治、社会並びに法体制をもつ地域にまたがっており、それらの国からの報告は規約実施の際に起こってくる問題のほとんどを具体的に示している。しかしこの報告だけでは、市民的及び政治的権利の状況について世界的に見直すための完全な基礎資料が提供されたとはいえない。

(1頁パラ3)

この一般的な性格を有する意見の目的は、規約の実施を促進するため全ての締約国がこの報告活動を活用できるようにすること、多くの報告が不十分であった点に締約国の注意を促すこと、達成された進歩を報告活動のなかで示唆し、人権の保護並びにその促進についての締約国や国際機関の活動を鼓舞することである。また、この一般的な性格を有する意見は締約国以外の国、とりわけこれから規約締約国となろうとする国にとっても有益であり、世界的な人権の保護・促進に向けた全ての国家の協力を強化するため有益なものとなろう。