CHAPTER II
The Human Rights Committee, the principal organ of the implementation machinery is designed to see the implementation of rights enumerated in the Covenant on Civil and Political Rights. Since the inception of the preparatory work for formulating the draft Covenant by the Commission and subsequently its consideration by the Third Committee of the General Assembly, the composition, powers and functions of the Human Rights Committee were some of the key issues discussed and debated, and how they were resolved are analysed below.

Question of the Human Rights Committee:

The Commission's draft consisted provisions for the establishment of the Human Rights Committee but when the draft Covenant was considered and debated by the Third Committee, a protracted debate ensued on the question of the establishment of the Committee. Some East European members states and others\(^1\) opposed the

\(^1\)Mostly East European countries and some of the newly independent countries expressed that a Committee with obligatory competence would be a danger to the sovereignty of the young nations. See the statement of the representative of Guinea to the Third Committee of the General Assembly.

GAOR, 21st session, 3rd Committee Summary Records, 1420th mtg., 11 Nov., 1966, para 41.
provision of implementation machinery and, as such, also of establishment of the Committee on the following grounds:

One argument advanced was that the establishment of the Committee was that such a Committee, having its jurisdiction over the sovereign states, is against the principle of sovereignty of the nations and the principles of the non-interference in domestic affairs enshrined in Charter. They argued that any procedure under which a State Party or an individual would complain before an international organ that another State Party had violated the rights recognized in the Covenant would inevitably lead to interference into the domestic affairs of member states and would lead embittering of inter-state relations and increase international tensions. In defence of their ground of opposition an East European delegate went to the extent of saying that human rights could not be built upon the ruins of national sovereignty.\(^2\) It was argued that it should be borne in mind that it was the States Parties themselves which would have to implement the substantive articles of the Covenant because the observance of human rights was a domestic concern; therefore, there is no need to establish a new special

\(^2\)Representative of Romania, ibid., 1416th mtg., 6 Nov. 1966, para 16.
Committee. Furthermore, such a Committee might, at any time, be used by the great powers to intervene in the domestic affairs of the small States.

It was, therefore, suggested that measures of implementation of "The Covenant on Civil and Political Rights" should be based on the principles of the United Nations Charter in particular the principles of non-intervention in the domestic affairs of States laid down in Article 2, paragraph 7.

On the other hand, some members who were not convinced with the above given grounds were of the view that the proclamation of human rights was no longer enough, what was needed was an international system to protect these rights in case of their violation. They expressed, adoption of a system of international supervision in the field of civil and political rights would not be contrary to the Charter of the United Nations. They argued that by accepting the Covenant in the full exercise of their Sovereignty, States Parties

3 Representative Ukrainian Soviet Republic, ibid, 1415th mtg., 7 November 1966, para 8.

4 Representative of Niger, ibid, 1455th mtg., 12 December 1966, para 46.
would undertake obligations of an international character, and it could hardly be claimed that the provisions of that instrument were matters falling within exclusive domestic jurisdiction. Therefore, such a system could not be regarded as violating the principles of national sovereignty or non-intervention in the internal affairs of the states. Moreover, the very universality of human rights required the establishment of an effective and not merely declaratory system of international law. ⁵

Commenting upon the fear expressed by some of the member states, one member argued that only those states who would not honour their commitments, need to fear "intervention" from the Committee and that the Committee should not be regarded as an object of fear but as an instrument to promote and protect the human rights. ⁶

Another argument advanced against the creation of the Committee was that all human rights were intertwined formed an integral whole. Therefore, they expressed the view that there was no difference between the necessity of ensuring the respect of economic, social and cultural rights on the one hand and that of civil and political rights on the other hand, which would justify the adoption

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⁵ Representative of Uruguay, ibid, 1415th mtg., 7 Nov. 1966, para 16.

⁶ See the statement of the representative of a State Party to the Third Committee, ibid, 1417th mtg., 8 Nov. 1966, para 43.
of distinct systems of implementation of the Covenant on Civil and Political Rights should be identical in substance with the measures of implementation of the Covenant of Economic, Social and Cultural Rights. In other words, the system which had been approved for the implementation of the economic, social and cultural rights, namely the submission of reports to the Economic and Political Rights. And since the Third Committee had already decided not to establish any monitoring Committee in the case of economic, social and cultural rights there was no need to formulate an implementation machinery for the covenant on civil and political rights.

In support of this argument, reference was made to the General Assembly Resolution 543 (VI) in which it was emphasised that both Covenant should contain as many similar provisions as possible, particularly in so far as the reports to be submitted by States on the implementation of these rights are concerned. 7

In case such a Committee established, it was warned, it would widen the division between closely related human rights, and that if some human rights were to be considered

7 See, UN Yearbook, 1951, p.484.
in violation from others by entirely different bodies all human rights would suffer. Moreover, the Economic and Social Council could hardly consider the implementation of economic, social and cultural rights without being informed about the position of civil and political rights. Therefore, observance of each set of rights was necessary for the enjoyment of other. And, it was suggested that the implementation system of the two Covenants should be same and nothing more than reporting was needed and the Covenant on Civil and Political Rights did not require its own control system and compulsory reporting system. The Economic and Social Council was sufficient.

In response to above arguments it was contended that identical implementation measures would be ineffective and clearly insufficient since the General Assembly had in 1951, decided that the two categories of rights were fundamentally different in nature, and both categories clearly required different systems of implementation. As such the control mechanism, envisaged for civil and political rights in the draft prepared by the Commission was entirely appropriate. In justification of the different

8 Representative of Czechoslovakia, GAOR, 21st session, 3rd Committee Summary Records, 1416th mtg., 8 Nov. 1966, para 23.

system of implementation for the two Covenants it was further argued that the objective of the two Covenants on economic, social and cultural rights was that State should take positive action to satisfy the economic, social and cultural rights of individual, whereas the objective of the other Covenant was that the State should avoid certain actions specially action which would violate the attributes of the person as an autonomous rational and free human being. A control mechanism, therefore, was needed in the latter case, the possibility of action by the State in violation of a Civil and Political Rights recognised by the Covenant. In other words, action contrary to positive international law required the establishment of a system of international protection. 10

In further clarification thereof it was argued that civil and political rights and freedom were more precise in character and depended largely for their effective enjoyment upon the availability of effective remedies in particular instances. Thus, these rights by their nature could more appropriately be dealt with by a special Committee created for the purpose. 11

10 Ibid, para 15.

Yet another argument advanced by the East European members against the establishment of the Committee was that there were many United Nations bodies concerned with human rights matters and therefore, it would be unwise to set up a new international organ since that would result in duplication of function. In support of this argument it was reminded that the Third Committee had already decided against the establishment of a special committee in the case of the Covenant on Economic, Social and Cultural Rights because it had deemed it unnecessary to add to the number of the UN bodies and it had preferred to leave the examination of reports to the Economic and Social Council. Indeed, the same reasons were expressed against the establishment of a special committee for the implementation of the Covenant on Civil and Political Rights. Apart from this the establishment of such a special Committee, entrusted to receive and consider the reports, would relegate the Economic and Social Council to a role of secondary importance; although under the Charter it had been given the responsibility for the whole field of human rights. Furthermore, to withhold from the Council responsibility for considering manner in which the Covenant was being implemented would be to disregard the

12 Ibid, 1415th mtg., 7 Nov. 1966, para 91.

contribution of the specialized agencies, many of which had specific responsibilities in the field of Political Rights.\textsuperscript{14}

On the other hand, quite contrarily to the above expressed views a number of other States Parties, however, favoured the establishment of the proposed Committee. Their views were that while the Council in co-operation with the specialized agencies had taken useful action to promote economic, social and cultural rights, its record was somewhat less impressive in the field of civil and political rights. Furthermore, burdened with many tasks, the Council might not give more than perfunctory treatment to the reports on Civil and Political Rights. Therefore, the Committee provided for in the Commission's draft would be best suited to carry out a thorough and objective examination of such reports.\textsuperscript{15}

\textsuperscript{14}For example, the United Nations Educational Scientific and Cultural Organization in addition to its general concern with education was also concerned with freedom of information, the elimination of propaganda for war and racial discrimination and provides technical assistance with regard to media of information all of which was relevant to Articles 19 and 26 of the Draft Covenant. see the:

GAOR, 21st session, 3rd Committee Summary Records, 1416th mtg., 8 Nov. 1966, para 23.

\textsuperscript{15}See the UN Doc. A/6546, Dec. 1966, para 199, p.57.
Apart from the fact that the Council was already over-burdened with work, it was unlikely that its members would be parties to the Covenant. Its membership was too large for it to serve efficiently and rapidly as a conciliation body. Furthermore, the Committee, which was to be composed of persons of high moral standing serving in their personal capacity and not as government representative, would certainly be better able than the Council to work impartially. The establishment, therefore, of a special Committee, was preferred to entrusting the matter to the Council, because first, the Council was clearly over-burdened with work; secondly, the Committee would consist of persons chosen by States signatories and possessing special competence in the sphere of human rights; thirdly, the Committee members would be more impartial and further removed from political considerations since they would serve in an individual capacity. Such a system would not constitute interference in a country's internal affairs, since the Committee's role would be no more than that of an arbitrator.

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16 GAOR, 21st session, 3rd Committee Summary Records, 1417th mtg., 8 Nov. 1966, para 41.
17 Ibid.
18 Ibid, 1416th mtg., 8 Nov., 1966, para 431.
It was further argued that the creation of such a body as the proposed Committee would create an unnecessary and unjustifiable financial burden on the United Nations and its members.

On the other hand, countries which were advocating for the establishment of the Committee held the view that the financial considerations should not deter from establishing effective implementation measures for an instrument of such importance. 19

Finally, it was decided that elimination of the Human Rights Committee would weaken the Covenant. The arguments, against the establishment of the Committee, discussed above were not considered of much importance. What was considered of much importance was that without an adequate protection system the Covenant would be no more than an undertaken by the States to respect a set of human rights most of which were already implicitly or explicitly proclaimed in the UN Charter and the Universal Declaration of Human Rights. 20 The essential question was the extent to which the standards laid down in the

19 Ibid, 1418th mtg., 9 Nov., 1966, para 43.
Covenant would have binding force. If there were no measure of implementation providing for effective control, the instrument would have no real meaning and it would be little more than a reiteration of the Universal Declaration of Human Rights.\(^2^1\) Thus, the stress was given on the vital importance and the seriousness of the instrument and it was considered that the effectiveness of the Covenant would lie in the strength of its implementation provisions. Since the different nature of the two sets of rights had been widely recognized, the idea that there should be no difference in the approach to the both Covenants and that because it had been deemed unnecessary to establish a Committee under the Covenant on Economic, Social and Cultural Rights, there was no need to establish Committee under the Covenant on Civil and Political Rights could not gain the majority support. Thus, it was felt that without establishment of the proposed Committee the Covenant would be no more than empty words. Hence, the establishment of the Committee became an internationally accepted idea.

\(^2^1\)Ibid, para 18.
Question of Strength of the Membership of the Committee:

The Human Rights Committee established under the Article 23 of the Covenant on Civil and Political Rights constitute of eighteen members. But it should be noted here that the draft Covenant envisaged a nine member Committee and the original proposals before the Commission asked for the establishment of a seven member Committee. When the question relating to strength of the membership of the Committee was discussed the two points of view were expressed. First was for the small size and second was for the large size.

Those who were in favour of small size were of the view that the delicate task of consideration was best performed by a small body and so long as the functions of the Committee continued to be those defined by the existing articles it was not necessary to have more than seven members at the most.

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23 At the 346th meeting of the Human Rights Commission the representative of United Kingdom proposed that the Committee should consist of seven members, see Report of the Ninth session of the Human Rights Commission (1953), p.58.

The second point of view was that it was necessary to have as large a number as possible, since the Committee would have many tasks to perform including fact findings which would require a large number than conciliation proper.\(^\text{25}\) There might also be some division of work among the members of the Committee and working groups, sub-committee might be established.\(^\text{26}\) Moreover, it would be inadvisable to leave decisions affecting the actions of States to a majority of a small Committee with provision for quorum of only five members.\(^\text{27}\) Furthermore, a smaller number would also make it difficult to give considerations to equitable geographical distribution and to the representation of the various forms of civilization.

In the light of these arguments the Commission rejected the seven-members Committee proposal and decided that the Committee shall consist of nine members. But when the question was discussed by the Third Committee of the General Assembly even nine members Committee was considered inadequate. Taking into consideration the increase in the

\(^{25}\) Ibid.

\(^{26}\) Ibid.

\(^{27}\) See Article 39, para 2, draft Covenant on Civil and Political Rights.
membership of the United Nations and having realized the
need to make the Committee a broadly representative body
of all forms of civilization, the Afro-Asian countries
proposed that its membership should be increased from
nine to eighteen. In that case it was hoped that prospects
for universal recognition of the Covenant enhanced
accordingly. That proposal was warmly received by the
Third Committee. As a result the Committee's composition
came to be of eighteen members. 28

Question of Election Body:

The question that what would be the most competent
and appropriate body to elect the members of the Committee
was subject of contentious debate and discussion at the
Commission as well as when the matter was considered by
the Third Committee. While some members (during the
discussion at Third Committee), were of the view that
the members of the Committee should be elected by the States
Parties to the Covenant, others were in favour of the
International Court of Justice and considered it as most
appropriate body to elect the members of the Committee.

28 It was adopted by 88 votes to none with three
absentensions, see GAOR, 21st session, 3rd Committee
Summary Records, 1420th mtg., 11 Nov. 1966, para 11.
On the other hand, few were neither in favour of States Parties nor the International Court of Justice. They proposed that General Assembly would be most suitable body to elect the Committee impartially.

Those favoured the proposals that the Committee should be elected by the States Parties to the Covenant were of the opinion that only those states which had ratified or acceded to the Covenant should have the right not only to nominate candidates but also to elect members of the Committee. Since a fact finding and conciliation Committee and not a court was to be set up, it was undesirable to over emphasize on any judicial aspect of the competence of the Committee by entrusting the election to International Court of Justice. It would also be unwise to request the General Assembly to elect the Committee since that organ would include States which would not be parties to the Covenant and would therefore have no rights or obligation thereunder.

On the other hand who favoured the election by the International Court of Justice held the view that it would be unwise to leave the final choice of the members of the Committee to the States Parties alone. They argued that the rights of States Parties were safeguarded because the choice would be restricted to their nationals nominated
by those States themselves. It was therefore contended that election should not take place in a political atmosphere of a meeting of representative of States. What was most important was that the Committee should command the confidence of the individual victims of infraction of the Covenant. Election by the Court, it was argued, would guarantee objectivity and impartiality and contribute to the prestige and importance of the Committee.

But the other group of delegations which was neither in favour of Court nor of States Parties, held the view that elections of the members of the Committee should be carried out by a representative body of a Universal character such as the General Assembly rather than by States' Parties or the Court, since the promotion of and respect for human rights was a collective responsibility of the United Nations. Therefore, there was no question about the impartiality of the General Assembly, it was argued, which elected members of the principal organs of the United Nations including the Judges of the International Court of Justice.

But this proposal was also opposed on the ground that consideration of universality and impartiality were taken fully into account when it was decided that election
should not be the monopoly of a group of States, however, directly interested but should be entrusted to the Court. They argued that the court was also more removed from political considerations than the General Assembly.

Having considered all these proposals and suggestions the majority of the members were not in favour of entrusting any role, in the election and related affairs, to the International Court of Justice, as it was provided in the Commission's draft. In fact, most of the members were of the view that the States Parties should have full responsibility in the election process. As a result, the Afro-Asian countries proposed an amendment which called for the elimination of the role of the International Court of Justice in the election of members of the Committee. 29 This proposal was adopted. 30 Consequently, now the States Parties to the Covenant are authorised to elect the members of the Committee. 31


30 It was adopted by 83 to none with 9 abstention, see GAOR, 21st session, 3rd Committee Summary Records, 1421 mtg., 14 Nov., 1966, para 61.

31 See Article 29 of the Covenant on Civil and Political Rights.
Question of Eligibility of the Members:

The other important issues which were discussed in great detail were relating to eligibility, nomination and election of the members of the Committee.

The draft Covenant provided that the Committee shall be composed of the nationals of the States Parties to the Covenant who shall be persons of high moral standing and recognized competence in the field of human rights consideration being given to the usefulness of the participation of some persons having a judicial or legal experience. 32

When the draft Covenant was considered by the Third Committee of the General Assembly the question of membership was discussed again. Provision relating to nationality of the members was accepted without any change. Some changes, however, were proposed in the clause, which speaks that the members should be persons of high moral standing, 33 by the Afro-Asian countries. Their objection was on the word 'standing'. They proposed that the word 'standing' should be substituted by the word character. 34

32 See Article 27 of the draft Covenant.

33 Ibid, para 2.

Committee accepted the proposal.\textsuperscript{35} The present provision of the Covenant requires that the members of the Human Rights Committee shall be persons of high moral character.\textsuperscript{36}

The next condition for the eligibility of membership of the Committee provided in the draft Covenant was that consideration shall be given to the usefulness of the participation of some persons having a judicial or legal experience.\textsuperscript{37} During the discussion of such phrases were that such a phrase created an impression that the Committee would be a judicial body when in fact that was not the case. Moreover, persons of high moral standing and recognized competence in the field of human rights would inevitably include persons with judicial and legal qualifications and states when considering candidates for nomination were hardly likely to overlook the nominations of jurists. On the other hand, it was recognized that the scope of appointment to the Committee should include a

\textsuperscript{35}The amendment was adopted by 87 votes to one with one abstention, see GAOR, 21st session, 3rd Committee Summary Records, 1420\textsuperscript{th} mtg., 11 Nov. 1966, para 11.

\textsuperscript{36}Article 28, para 2 of the Covenant on Civil and Political Rights.

\textsuperscript{37}Article 27, para 2 of the draft Covenant.
wider range of persons such as statesman, historians as well as jurists.  

Therefore, an amendment was proposed by India and the likeminded nations (Afro-Asian nations) to delete the word "a judicial" in paragraph 2, line fourth, of the Article. The Third Committee adopted this amendment. Thus, the new provision states that in the composition of the Committee consideration shall be given to the usefulness of "the participation of some persons having legal experience.

Question of Nomination Procedure:

After having decided the question of Election body and eligibility for the membership of the Committee, the discussion started on the procedure of nomination of the candidates for the election of the members of the Committee. The draft Covenant provided that the Committee may not include more than one national of the same state, and consideration shall be given to equitable geographical


40 It was adopted by 88 votes to none with three abstentions, see GAOR, 21st session, 3rd Committee Summary Records, 1420th mtg., 11 Nov. 1966, para 11.

41 Article 28, para 2 of the International Covenant on Civil and Political Rights.
distribution of membership and the representation of the different forms of civilization. When the Commission considered the questions it was generally agreed that in the election of the Committee consideration should be given to equitable geographical distribution, but there was some disagreement as to the representation of the main or the different forms of civilization. It was expressed that reference to the main forms of civilization implied a classification of civilization into principal and secondary or major and minor categories which might not be well founded. It, therefore, was suggested that main form of civilization should be changed to different forms and degrees of civilization. While the expression different forms of civilization was considered appropriate objections were raised against the expression "different degrees of civilization" on the ground that it implied a hierarchy of cultural levels which should not be introduced in the Covenant. Hence, the Commission rejected the word main and substituted it by the word different. As a result the draft Covenant incorporated a provision which said that in the election of the Committee consideration shall be given to equitable distribution of membership.

42 See the draft Article 30.
and to the representation of the different forms of civilization. When the draft Covenant was being debated in the Third Committee the Soviet delegation sought clarification of the meaning of the phrase "different forms of civilization" which seemed to him to represent a rather vague notion. In his opinion it was not very advisable to use these terms in the Covenant. In addition, however, the delegate suggested the inclusion of the words "and principal legal systems" after the words "the different forms of civilization". The orally revised version of the amendment was unanimously accepted.

Rules of Procedure:

Regarding the functioning of the Committee, the matter was discussed in the Third Committee and it was decided by consensus that the Committee would formulate its rules of procedure for its proper and effective functioning. In support of this decision the Indian representative expressed "that a legal document such as...

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43 GAOR, 21st session, 3rd Committee Summary Records, 1422 mtg., 22 Nov. 1966, para 5.

44 See Article 31 of the Covenant on Civil and Political Rights.
the Covenant could not or should not describe in detail the method of functioning of the Human Rights Committee. It was expedient that the new organ should be allowed to determine itself." In accordance with this decision the Human Rights Committee formulated its provisional Rules of Procedure and adopted them on 3rd December, 1979. The details relating to the application of these rules in functioning of the Committee are discussed below.

Rules relating to Sessions of the Committee:

The Rules of Procedure provides that the Committee shall normally hold two sessions regularly. However, it may hold as many sessions as required for the satisfactory performance of its functions. Apart from this, a special session may also be called to consider a matter of special importance at the request of a majority of the members of the Committee or at the request of a State Party to the Covenant.

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45 See GAOR, 21st session, Third Committee Summary Records, 1425th mtg., 17 Nov. 1966, para 26.


48 Ibid, Rule 1 and 3.
Regarding the date and place of the session Rules of Procedure provides that Secretary General shall notify the members of the Committee of the date and place of each session at least six weeks in advance in the case of a regular session and at least eighteen days in advance in the case of a special session. It also provides that the Secretary General shall prepare the provisional agenda for regular sessions with the consultation of the Committee in conformity with the relevant provisions of the Covenant. The provisional agenda most probably shall consist the items inclusion of which had been decided by the Committee at its previous session, proposed by the Chairman of the Committee, by the State Party to the Covenant, by a member of the Committee and proposed by the Secretary General relating to his functions under the Covenant, the protocol or the Rules and Procedure. However, during a session, the Committee may revise the agenda and may as appropriate defer or delete items and may include only urgent and important items. But it is to be noted here that in case of agenda for the special session, only those items can be included which are proposed for consideration at that special session.

51 Ibid.
52 Ibid Rule 9
Rules relating to the Officers of the Committee:

Regarding the election of the officers of the Committee, their term of office, powers and functions, the Rules of Procedure provides that the Committee shall elect from its members a Chairman, three Vice-Chairmen and a Rapporteur.\(^{54}\) They will hold the office for a term of two years and will be eligible for reelection.\(^{55}\)

Different functions entrusted to Chairman \textit{inter alia} included the Chairman shall declare the opening and closing of each meeting of the Committee, direct the discussion, ensure observance of the Rules of Procedure, accord the right to speak, put questions to vote and announce decision. The Chairman, subject to the Rules of Procedure, 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 numbers of times each speaker may speak on any question. 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.\(^{56}\)

\(^{54}\) Ibid, Rule 17.

\(^{55}\) Ibid, Rule 18.

\(^{56}\) Ibid, Rule 38.
If in the unanimous opinion of the members of the Committee a member of the Committee has ceased to carry out his functions for any cause, other than absence of temporary character, the Chairman shall notify the Secretary General who shall then declare the seat of that member to be vacant. However, in case of death or the resignation of a member 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. It should be noted here that in the absence of Chairma, the Vice-Chairman acts in the place of Chairman and at that time he exercises the same rights and duties as the Chairman.

Rules relating to Conduct of Business:

How the proceedings of the Committee would be regulated? How a motion can be moved? How the members of the Committee would use their powers during the meetings? For these and related matters rules of procedure provides detailed provisions which have been discussed below.


58 Ibid.
Motions:

Rules of procedure speaks that during the discussion of any matter, a member may move the adjournment of the debate on the item under discussion, motion to suspend meeting, adjourn meeting and for the closure of the debate on the item under discussion. But in case of adjournment motion, 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. In case of the motion on the closure of the debate, on the item, under discussion, 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. However, in case of the motion on the suspension or adjournment of the meeting no discussion shall be permitted and they shall immediately be put to the vote.

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

59 Ibid, Rules 40, 41, 42 and 43.
60 Ibid, Rule 40.
61 Ibid, Rule 43.
Decision Making:

The Rules of Procedure provides that each member of the Committee shall have one vote and decisions of the Committee shall be made by a majority of members present.\(^{63}\) It was generally agreed that Committee's method of working should allow for attempts to reach decisions by consensus before voting, provided that the Covenant and the Rules of Procedure were observed and that such attempts did not unduly delay the work of the Committee. The Rules of Procedure further provides that 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 alphabetic order of the names of the members of the Committee, beginning with the members whose name is drawn by lot by the Chairman.\(^{64}\)

The Rules of Procedure contains wide-ranging provisions for election to fill the vacancies. It provides that to fill the vacancies the elections shall be held by secret ballot unless the Committee decides otherwise. It speaks in the case of an election when only one person or member is to be elected and no candidate

\(^{63}\) Ibid, Rule 50.

\(^{64}\) Ibid, Rule 52.
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. 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. 65 In case when two-third majority is required and second ballot fails to secure required majority, the balloting fails to secure required majority, the balloting shall be continued until one candidate secures the necessary two-third majority. 66

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

65 Ibid, Rule 59.

66 Ibid.
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 candidates. 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 and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.67

Apart from the above discussed subjects the Rules of Procedure contains wide-ranging provisions which covers almost all the aspects of the functioning of the Human Rights Committee and the reference of them have given when the related subjects have been discussed in the ensuing chapters.

67 Ibid, Rule 60.