Multiculturalism and the Human Rights Committee

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I. Introduction

The present writer has served for the past twenty years (1987-2006) as a member of the Human Rights Committee established by the International Covenant on Civil and Political Rights. In this paper, based on his experience in the Committee, he attempts to illustrate how the Committee has been dealing with the issue of multiculturalism in its main activities, i.e. consideration of States Parties’ reports under the Covenant as well as of individual communications under the Optional Protocol attached to the Covenant. The term “multiculturalism” used in this paper implies an attitude to recognize the existence of different values and concepts stemming from a variety of cultures and traditions.¹

However, before proceeding with the attempt, one thing needs to be emphasized. That is, the essential task of the Human Rights Committee is to implement universal standards of human rights as reflected in the provisions of the Covenant. At the same time, it must be admitted that one and the same Covenant provision may be subject to different interpretations and applications in the process of its implementation. Indeed, article 31, paragraph 2, of the Covenant provides: “In the election of the Committee, consideration shall be given to equitable geographical distribution of membership and to the

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¹ See, for example, Japan Society of International Law, Kokusai Kankei-ho Jiten [Dictionary of International Law and Relations] (2nd ed., 2005), p.594.
representation of the different forms of civilization and of the principal legal systems.” Thus, the Committee as a whole may be implementing universal human rights standards as reflected in the Covenant provisions, but the interpretation and application of those provisions by each of the Committee members may not necessarily be the same, which is sometimes evidenced by separate opinions as opposed to majority views adopted by the Committee in disposing of individual communications. Moreover, even if all Committee members are in agreement in their interpretation and application of a particular Covenant provision, some States Parties may disagree with the Committee.

Another thing to be emphasized is that this paper does not claim to be a comprehensive and systematic survey of the Human Rights Committee’s dealings with multiculturalism. Rather, it presents an impressionistic picture of how, in the eyes of the present writer, the Committee has been disposing of the issue of multiculturalism.

II. Multiculturalism in the Committee’s Practice

As indicated above, the two main activities of the Committee are the consideration of States Parties’ reports under the Covenant and the consideration of individual communications under the Optional Protocol. Hereafter references will be made to either of these activities as appropriate. For convenience sake, the Committee’s dealings with multiculturalism will be divided into those of a general nature and those in specific categories of human rights enumerated in different articles of the Covenant.

II.A. Multiculturalism in General

There is only one case under this heading: the Egyptian declaration made upon its ratification of the Covenant. Egypt signed the Covenant on 4 August 1967, but made the following declaration when it ratified the Covenant later on 14 January 1982:

United Nations, Multilateral Treaties Deposited with the Secretary-General, Status as at 31 December 1995, p.113.