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PERIODIC REPORTS ON HUMAN RIGHTS

Memorandum by the Secretary-General

1. The Commission on Human Rights at its fourteenth session had before it summaries prepared by the Secretary-General (E/CN.4/757 and Adds.1-4) and by the specialized agencies (E/CN.4/758 and Adds.1-2) of the first series of periodic reports on human rights covering the years 1954-1956 submitted by Governments in accordance with resolution 624 B (XXII) of the Economic and Social Council. The Commission noted that only thirty-five Governments had sent reports, and expressed the hope that Governments which had not done so would send reports before the fifteenth session. It decided to consider the matter further at that session. The Commission also requested the Secretary-General, in consultation with the specialized agencies, to submit to the Commission at its fifteenth session suggestions for a more detailed plan to guide Governments in preparing future triennial reports and also for the avoidance of duplication between his summary of reports and the reports of the specialized agencies (E/3088, para. 30).
2. The Secretary-General has now received a total of forty-one reports^{1/} covering the period 1954-1956. These are summarized in document E/CN.4/757 and addenda 1-6.

^{1/} Australia, Austria, Brazil, Byelorussian SSR, Cambodia, Ceylon, Chile, China, Costa Rica, Czechoslovakia, Denmark, Dominican Republic, Finland, France, Federal Republic of Germany, Hungary, India, Indonesia, Israel, Japan, Luxembourg, Mexico, Morocco, Nepal, Netherlands, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, El Salvador, Spain, Sudan, Sweden, Ukrainian SSR, USSR, United Kingdom of Great Britain and Northern Ireland, United States of America and Viet-Nam.

3. The Secretary-General faced a number of problems in summarizing this first series of periodic reports. Difficulties arose from the volume and widely divergent nature of the material submitted and from the late date of submission of the majority of the reports. In some instances Governments simply forwarded to the Secretary-General collections of statutes or other material or references thereto leaving the Secretary-General with the responsibility of choosing what material to bring to the attention of the Commission, a responsibility that should properly be assumed by Governments.

4. Some difficulties also stemmed from the fact that, in this first series, many Governments concentrated on describing the present status of the various rights. It may be assumed that in future the main emphasis will be placed on developments during the three-year period under review and a recommendation to this effect is included in the suggestions attached.

5. A more basic problem, however, arises from the fact that the purpose of the reporting system is possibly not clearly understood. The Commission decided, when initiating the system (E/2844, paragraph 23, resolution I), that it would consider "general developments and progress achieved in the field of human rights and measures taken to safeguard human liberty in States Members of the United Nations and of the specialized agencies", and transmit to the Council "comments, conclusions and recommendations of an objective and general character in accordance with the Charter of the United Nations".

6. In drawing up the attached "Suggestions to Assist Governments in Preparing Triennial Reports on Human Rights" the Secretary-General has interpreted the underlying purpose of the reporting system as being to obtain from Governments concise statements describing and explaining significant developments relating to the rights enumerated in the Universal Declaration and the right of peoples to self-determination. The reports should mention any difficulties encountered and the manner in which such difficulties have been overcome, and any significant progress achieved in promoting human rights. In this way Governments will have an opportunity to exchange their knowledge and share experiences, and assist one another in the promotion of human rights through the medium of the Commission on Human Rights.

7. This interpretation takes into account the distinction which the Economic and Social Council has drawn, in resolution 683 D (XXVI), between information furnished annually for the Yearbook on Human Rights and that provided in the triennial reports. The Yearbook is to include mainly texts or extracts from texts of new constitutions, constitutional amendments, legislation, general Government decrees and administrative orders and reports on important court decisions. The Council recommended that in their reports Governments "avail themselves of the opportunity to evaluate and interpret events, to indicate difficulties encountered and to discuss techniques found to be of particular value", referring, where desirable, to the factual information in the Yearbook.

8. In the attached Suggestions to Assist Governments in Preparing Triennial Reports on Human Rights, Part A contains suggestions concerning the kind of developments that should be reported, Part B deals with the rights to be covered. Attention is drawn, under appropriate articles of the Declaration, to certain Conventions to which Governments may wish to refer when reporting on the relevant right.

9. As regards rights within the purview of specialized agencies, it is suggested that, in principle, States members of the agencies should report in respect of such rights to the agency concerned and not to the Secretary-General. Experience with the first series of reports has shown that the agencies most interested in the reporting system are the ILO and UNESCO. An addendum to this document will be issued as soon as the consultations with the specialized agencies have been completed.

10. With respect to rights being studied by other organs or under other reporting systems, the suggestion is made that Governments should draw specific attention to the information which they wish to bring before the Commission on Human Rights.

11. With respect to the time for submitting reports, it is suggested, in Part C, that they should be sent as soon as possible and not later than six months after the year ending the three-year period under review. The Secretary-General needs a minimum of six months for the preparation and circulation of the summary, including the considerable amount of translation work involved.

12. If the interpretation of the reporting system outlined above is accepted, it should be possible for the Government reports to be more concise and much

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E/CN.4/776
English
Page 4

shorter than the majority of those submitted in the first series, thus enabling the Secretary-General to prepare a topical summary of more reasonable length for the Commission.

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ANNEX

SUGGESTIONS TO ASSIST GOVERNMENTS IN PREPARING
TRIENNIAL REPORTS ON HUMAN RIGHTS

1. Reports should cover the three-year period under review. They should be confined to developments of particular significance. They should deal with rights enumerated in the Universal Declaration of Human Rights and the right of peoples to self-determination.

These general suggestions are elaborated further below.

A. SUGGESTIONS CONCERNING DEVELOPMENTS TO BE REPORTED

2. Governments should concentrate on evaluating and interpreting significant events and experiences, and explaining important legislative and other measures taken during the period under review.

3. In compiling their reports, Governments might consider developments which have arisen in connexion with: constitutional provisions, laws or decrees, judicial decisions, administrative regulations or measures.

4. In particular, they might describe and explain:

- (a) the background and need which gave rise to the enactment of, or changes in the instruments or arrangements referred to above;
- (b) the manner in which such instruments, or arrangements, are applied and enforced;
- (c) important judicial decisions;
- (d) difficulties encountered;
- (e) techniques found to be of value in promoting human rights or in combating difficulties;
- (f) progress achieved;
- (g) other significant events and experiences.

5. Since the Economic and Social Council has recommended, in resolution 683 D (XXVI), that information furnished annually for the Yearbook should consist primarily of texts, or extracts from texts, of various instruments, Governments should not include any such texts as part of their triennial reports. If appropriate, they may make references to them.

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B. SUGGESTIONS CONCERNING THE RIGHTS TO BE COVERED

6. Governments should report significant developments relating to the rights enunciated in the Universal Declaration of Human Rights and also to the right of peoples to self-determination subject to the suggestions relating to rights within the purview of the specialized agencies. Governments should concentrate on reporting significant developments rather than attempting to cover seriatim every right set forth.

7. In preparing their reports Governments may wish to bear in mind the provisions of the following Conventions.

With respect to article 3 of the Declaration:

The Convention on the Prevention and Punishment of the Crime of Genocide adopted on 9 December 1948 (General Assembly resolution 763).

With respect to article 4 of the Declaration:

The Slavery Convention signed at Geneva on 25 September 1926 and amended by the Protocol opened for signature or accession at the Headquarters of the United Nations, New York, on 7 December 1953;

The Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery of 7 September 1956 (E/CONF.24/23);

The Convention for the Suppression of Traffic in Persons and of the Exploitation or Prostitution of Others approved on 2 December 1949 (General Assembly resolution 317 (IV)).

With respect to article 14 of the Declaration:

The Convention relating to the Status of Refugees of 28 July 1951 (A/CONF.2/108);

The Convention relating to the Status of Stateless Persons of 4 September 1954 (E/CONF.17/5/Rev.1).

With respect to article 15 of the Declaration:

The Convention on the Nationality of Married Women of 29 January 1957.

With respect to article 21 of the Declaration:

The Convention on the Political Rights of Women approved, on 20 December 1952 (General Assembly resolution 640 (VII)).

Rights within the purview of the specialized agencies

/This Section will be issued separately when the consultations with the specialized agencies have been completed./

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Rights studied by other United Nations organs

8. Some rights enumerated in the Universal Declaration are already under study by organs of the United Nations other than the Commission on Human Rights and Governments have been asked or may be asked for information relating to them. In such cases, Governments should only report those developments which they wish to bring specifically to the attention of the Commission on Human Rights. It may be sufficient for this purpose to make precise reference to reports already submitted or to United Nations publications. This would apply, inter alia, to Trust and Non-Self-Governing Territories where reporting systems are already in operation.

C. SUGGESTIONS CONCERNING THE TIME OF SUBMISSION OF REPORTS

9. Governments should submit their reports as soon as possible and not later than six months after the year which ends the three-year period on which they are reporting. Reports should be as succinct as possible.
