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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF A LONG-TERM PROGRAMME OF WORK OF THE COMMISSION

Ways and means of achieving, within the framework of the Committee for Programme and Co-ordination, intensified co-operation and co-ordination between various organs and secretariat units of the United Nations and of the specialized agencies whose work bears on the enjoyment of various aspects of human rights

Report submitted by the Secretary-General under resolution 10 (XXXI), paragraph 3(e), of the Commission on Human Rights

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INTRODUCTION

1. This report has been prepared pursuant to resolution 10 (XXXI), paragraph 3 (e), of the Commission on Human Rights. In that paragraph the Secretary-General was requested, taking into account the need for establishing a unified long-term programme of work in the field of human rights, to submit to the Commission at its thirty-second session a report on, in particular, "Ways and means of achieving, within the framework of the Committee on Programme and Co-ordination, intensified co-operation and co-ordination between various organs and secretariat units of the United Nations and of the specialized agencies whose work bears on the enjoyment of various aspects of human rights, with a view to developing the Commission's over-all approach and concern on the question of the realization of economic, social and cultural rights, including the procedures adopted and the results achieved towards further promotion of human rights and fundamental freedoms under the system of periodic reports".
2. Since the resolution expresses the Commission's wish to develop, through intensified co-operation and co-ordination, its over-all approach and concern on the question of the realization of economic, social and cultural rights, the purpose of this report is specifically to study questions relating to co-operation and co-ordination, within the United Nations system, in matters of economic, social and cultural rights. Furthermore the Commission has decided by its resolution 2 (XXXI) to keep on its agenda as a standing item with high priority the question of the enjoyment of economic, social and cultural rights.
3. In addition it should be noted that under article 19 of the International Covenant on Economic, Social and Cultural Rights, which entered into force on 3 January 1976, the Economic and Social Council may transmit to the Commission on Human Rights for study and general recommendation or for information the reports submitted by States Parties in accordance with articles 16 and 17 on the measures adopted and the progress made in achieving the observance of the rights recognized in the Covenant and the reports received from the specialized agencies in accordance with article 18 thereof.
4. In order to understand the complex problems presented by co-ordination in the field of human rights, and chiefly in that of economic, social and cultural rights, it seems essential to give first of all a brief general picture of the many organs and secretariat units concerned and of their functions. That will be the subject of chapter I of this report.
5. Chapter II will be concerned with the procedures and practice of co-operation and co-ordination in matters of human rights, and of economic, social and cultural rights in particular, within the United Nations system.
6. Chapter III will state various proposals and suggestions that have recently been made in the United Nations with regard to co-operation and co-ordination in this field.
7. Lastly, in chapter IV, some observations will be made on the main trends that now seem to be emerging with regard to ways and means of intensifying such co-operation and co-ordination.

Chapter I

GENERAL PICTURE OF THE ACTIVITIES OF VARIOUS ORGANS AND SECRETARIAT UNITS OF THE UNITED NATIONS AND OF THE SPECIALIZED AGENCIES BEARING ON THE ENJOYMENT OF HUMAN RIGHTS, AND OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS IN PARTICULAR

8. Several of these activities have already been described in detail in various reports issued by the United Nations. The reader is referred in particular to the study entitled United Nations action in the field of human rights; ^{1/} the reports submitted to the International Conference on Human Rights (Teheran, 1968) by the ILO (A/CONF.32/9), WHO (A/CONF.32/8), UNESCO (A/CONF.32/10) and FAO (A/CONF.32/16); and addendum 5 to the study on the realization of economic, social and cultural rights prepared by Mr. Manouchehr Ganji, the Commission's Special Rapporteur (E/CN.4/1108/Add.5).
9. Reference will be made in turn to:
- (a) The organs and secretariat units of the United Nations and of the specialized agencies whose activities concern human rights, and in particular economic, social and cultural rights; and
 - (b) The principal types of activities carried on by these organs and units in the field of human rights, and in that of economic, social and cultural rights in particular.
- A. Organs and secretariat units of the United Nations and of the specialized agencies whose activities concern human rights, and in particular economic, social and cultural rights
- (1) Organs and secretariat units of the United Nations
10. The responsibility for formulating and applying United Nations policies designed "To achieve international co-operation ... in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion" has been assigned mainly, by the terms of the Charter itself, to the General Assembly and the Economic and Social Council. Pursuant to Article 68 of the Charter, the Council established the Commission on Human Rights by its resolution 5 (I) of 16 February 1946.
11. It should be mentioned that the Security Council has several times had occasion to deal with questions relating to human rights in the exercise of its functions under the Charter, for example in connexion with the territories occupied by Israel, Namibia and Rhodesia.
12. The General Assembly, which under Articles 10 and 13 of the Charter may discuss any questions concerning human rights and make studies and recommendations thereon, has established various organs that deal directly with human rights, such as the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, and other organs whose activities are largely

^{1/} United Nations publication, Sales No. E.74.XIV.2.

concerned with this field, for example the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, and the United Nations Council for Namibia.

13. Under the International Convention on the Elimination of All Forms of Racial Discrimination, the General Assembly examines the annual reports of the Committee on the Elimination of Racial Discrimination (CERD). It will also receive from time to time reports and recommendations from the Economic and Social Council under article 21 of the International Covenant on Economic, Social and Cultural Rights, and the annual reports of the Human Rights Committee under article 45 of the International Covenant on Civil and Political Rights.

14. Many intergovernmental conferences have been convened by the General Assembly to discuss questions directly relating to human rights. In this connexion special mention should be made of the International Conference on Human Rights (Teheran, 1968) and the Conferences of Plenipotentiaries which prepared the Convention relating to the Status of Refugees (1951), the Convention relating to the Status of Stateless Persons (1954) and the Convention on the Reduction of Statelessness (1961).

The Economic and Social Council may, under Article 62 of the Charter, make recommendations for the purpose of promoting respect for human rights. The Council also bears the main responsibility for review and appraisal, with the assistance of a Committee established for that purpose by its resolution 1621 C (LI) of 30 July 1971, of the progress made in attaining the objectives of the Second Development Decade proclaimed by the General Assembly in its resolution 2626 (XXV). Lastly, under Articles 58, 63 and 64 of the Charter, the Council is the organ chiefly responsible for co-ordinating the activities of the United Nations and the specialized agencies in the economic, social, cultural and human rights fields. The Council performs this function with the aid of its Committee for Programme and Co-ordination.

16. As a result of the entry into force of the International Covenant on Economic, Social and Cultural Rights, it will be the duty of the Economic and Social Council to put into operation the system of reports from States Parties and specialized agencies provided for in articles 16 to 25 of the Covenant, and it is called upon to play a central role in the examination of those reports.

17. The Economic and Social Council and the Commission on Human Rights have from time to time established ad hoc temporary bodies to deal with various problems concerning human rights: for example the Ad Hoc Working Group of Experts on Southern Africa, which was set up under Commission resolution 2 (XXIII) and which also received a mandate from the Council in connexion with trade union rights, and the Ad Hoc Working Group on Chile established under Commission resolution 8 (XXXI).

18. The Commission on Human Rights has established a number of subsidiary organs on a permanent basis or for an indefinite period. The Sub-Commission on Freedom of Information and of the Press functioned until 1952. The Sub-Commission on Prevention of Discrimination and Protection of Minorities was established by the Commission on Human Rights at its first session, in 1947, under Council resolution 9 (II), and its terms of reference were drawn up by the Commission at its fifth session, in 1949. With the consent of the Commission and the Council, the Sub-Commission itself has established subsidiary organs such as the Working Group on Communications provided for in Council resolution 1503 (XLVIII) and the Group of Experts on Slavery.

19. The Commission on the Status of Women may, under its terms of reference, as laid down in resolution 11 (II) and subsequent resolutions of the Council, prepare recommendations and reports to the Council with a view to promoting women's rights, in particular in "economic, civil, social and educational fields".

20. In addition to the above-mentioned organs, which deal directly with questions concerning human rights, other United Nations organs are engaged in activities that may be connected with such questions. Mention may be made, in particular, of the Commission for Social Development, which reports to the Council; the Committee on Crime Prevention and Control, an expert body which advises the Council through the Commission for Social Development and, if necessary, through the Commission on Human Rights; the Population Commission; the Committee for Development Planning; the Advisory Committee on the Application of Science and Technology to Development, an expert body established by the Council in 1963; and the Committee on Housing, Building and Planning. The programmes of the United Nations regional economic commissions, which include a social development component, may also touch on matters in the human rights field.

21. These organs are assisted by various units of the United Nations Secretariat. The Division of Human Rights has the main responsibility for giving effect to the recommendations adopted by the General Assembly in the field of human rights, those of the Economic and Social Council in that field, and the resolutions of the Commission on Human Rights, the Sub-Commission and their subsidiary organs. Other units of the United Nations Secretariat whose work may relate to human rights questions include in particular: the Department of Economic and Social Affairs, and more especially the Centre for Social Development and Humanitarian Affairs and the Population Division; the Office of Legal Affairs; the Department of Political and Security Council Affairs, and more especially its Section for African Questions; and the Department of Political Affairs, Trusteeship and Decolonization, including the Office of the Commissioner for Namibia.

22. In addition to the United Nations organs and secretariat units referred to above, there are many autonomous or semi-autonomous bodies established by the United Nations General Assembly whose activities have some bearing on the promotion and protection of human rights. These autonomous or semi-autonomous bodies, which are described briefly in the paragraphs that follow, are essentially research and training institutions or organizations engaged in operational activities to promote economic and social development.

23. The United Nations Institute for Training and Research (UNITAR) was established by General Assembly resolution 1934 (XVIII) of 11 December 1963 as an autonomous institution within the framework of the United Nations to conduct research and provide high-level training in order to assist the Organization in achieving its major objectives. UNITAR's programmes, financed by voluntary contributions, are approved by an independent Board of Trustees and administered by an Executive Director. Several UNITAR studies, for example that on the effectiveness of measures to combat racial discrimination, are concerned with human rights questions.

24. By its resolution 2951 (XXVII) of 11 December 1972 the General Assembly established a United Nations University. An autonomous institution within the framework of the United Nations, the University is designed as a centre for co-ordinating various institutions, its task is to stimulate, in co-operation with UNESCO, action-oriented research into problems of vital importance to the future of mankind. The resolution specifies that the University's programmes are to include,

in particular, matters relating to human rights. The University is governed by a Council whose members serve in their personal capacity, and is headed by a Rector.

25. Among United Nations research institutions whose activities may have a bearing on human rights questions, mention may also be made of the United Nations Research Institute for Social Development (UNRISD) and the United Nations Research Institutes concerned with the prevention of crime and the treatment of offenders.

26. The organs engaged in operational activities include UNICEF, the Office of the United Nations High Commissioner for Refugees, UNRWA, UNCTAD, UNIDO, UNDP, UNEP and the World Food Council.

27. The United Nations Children's Fund (UNICEF), established by General Assembly resolution 57 (I) of 11 December 1946, was placed on a permanent footing by resolution 802 (VIII) of 6 October 1953. The function of the United Nations Children's Fund is to collaborate with Governments, especially those of developing countries, in their efforts to ensure the well-being of children and adolescents and to prepare them for adult life. UNICEF reports on its work to the General Assembly through the Economic and Social Council.

28. The Office of the United Nations High Commissioner for Refugees (UNHCR) was established in 1949 under General Assembly resolution 319 (IV), and its Statute was laid down in General Assembly resolution 428 (V) of 14 December 1950. The High Commissioner's mandate is, in essentials, to provide international protection for the fundamental rights and freedoms of refugees who fall within his competence and to seek permanent solutions for refugee problems by assisting Governments and, subject to certain conditions, private organizations to facilitate the voluntary repatriation of such refugees or, where that is not possible, their assimilation within new national communities. The High Commissioner submits annual reports to the General Assembly.

29. The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) was established by General Assembly resolution 302 (IV) of 8 December 1949. Its function is to supply, in co-operation with the Governments concerned, relief and services essential to the subsistence and well-being of Palestine refugees in the countries of the Near East. The Agency reports to the General Assembly each year.

30. The United Nations Conference on Trade and Development (UNCTAD) was established by resolution 1995 (XIX) of 30 December 1964 as a permanent organ of the Assembly to promote international trade, especially as a means of accelerating economic development, and to formulate principles and policies in those fields.

31. The United Nations Industrial Development Organization (UNIDO) was established by General Assembly resolution 2089 (XX) of 20 December 1965 as an autonomous organization within the United Nations to promote and accelerate the industrialization of the developing countries by encouraging the mobilization of national and international resources.

32. The United Nations Development Programme (UNDP), which was established by General Assembly resolution 2029 (XX) of 22 November 1965, came into existence when the United Nations Expanded Programme of Technical Assistance and the

United Nations Special Fund were combined to form a single programme of international co-operation for development. Assistance by UNDP, which may take the form of feasibility studies, training and extension courses and technical assistance, covers a wide range of activities which are designed for example, to promote health, social services and housing and to improve the administrative structures of developing countries.

33. By agreement with UNDP, these assistance projects are executed by the organizations of the United Nations system best qualified to do so.

34. The proposals of the Governments concerned are considered by the Inter-Agency Consultative Board, which is composed of the executive heads of the participating organizations and United Nations related agencies, before being approved by the competent UNDP bodies.

35. In accordance with the wishes of the United Nations Conference on the Human Environment held at Stockholm in June 1972, the United Nations Environment Programme (UNEP) ^{2/} was established by General Assembly resolution 2997 (XXVII) of 15 December 1972 in order to promote and co-ordinate, within the United Nations system, all activities relating to the human environment.

36. Pursuant to the recommendations of the World Food Conference (Rome, 1974), ^{3/} the General Assembly in resolution 3348 (XXIX), established a World Food Council to function as an organ of the United Nations; its members are nominated by the Economic and Social Council and elected by the General Assembly. The task of the World Food Council is to co-ordinate activities designed to promote and improve food production and distribution throughout the United Nations system, in accordance with the guidelines laid down in resolution XII of the World Food Conference.

(2) Specialized agencies

37. The United Nations, its autonomous or semi-autonomous organs and the various specialized agencies all seek to ensure respect for human rights in their own particular spheres of activity. But, although they all have this ultimate purpose, which is indeed explicitly stated in the constitutions of some of them, some organizations seem to be more directly concerned than others with the achievement of these rights. The terms of reference and structures of these organizations are briefly described below.

(a) International Labour Organisation (ILO)

38. Under the Constitution of the International Labour Organisation, including the Declaration of Philadelphia, the purposes and programmes of the ILO are concerned with several of the rights set forth in the International Covenant on

^{2/} See also document E/CN.4/1191.

^{3/} Idem.

Economic, Social and Cultural Rights and more particularly with the right to work, the right to social security and trade union rights and freedoms, and, in some respects, with the right to an adequate standard of living, the right to the protection of the family and the right to education. In addition, various ILO activities are closely related to certain civil and political rights and freedoms, such as the freedom of assembly, of association and of expression.

39. The International Labour Organisation endeavours to implement the principles of its Constitution by laying down norms and by the application of a number of procedures for ensuring that these norms are complied with. The Organisation also has assistance programmes to help Governments requesting such assistance gradually to achieve its standards.

40. One of the most distinctive features of the International Labour Organisation is the tripartite structure which characterizes all its organs and, above all, the General Conference and the Governing Body, with the exception of organs composed of experts appointed on an individual basis. Provision is made under this structure, for the delegation of each member State to include two representatives of the Government, one representative of the employers and one representative of the workers.

41. The International Labour Office, which acts as the Secretariat for the International Labour Organisation, is headed by a Director-General. It carries out the programmes of the International Labour Organisation in accordance with the instructions of the General Conference and the Governing Body.

(b) United Nations Educational, Scientific and Cultural Organization (UNESCO)

42. According to its Constitution, the purpose of UNESCO is to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms for the peoples of the world, without distinction of race, sex, language or religion.

43. To achieve its aims, UNESCO uses normative methods and a number of other means, such as the gathering and dissemination of information of educational, scientific or cultural interest, the provision of advisory services and technical assistance, the establishment of educational, scientific and cultural establishments and centres, the organization of congresses, seminars and symposia with the participation of specialists from various countries, the payment of subsidies to certain non-governmental organizations and the granting of advanced training fellowships.

44. The main organs of UNESCO are the General Conference, which meets every two years and in which all member States are represented, the Executive Board, the members of which are elected by the Conference and represent 40 member States, and the Secretariat, which is headed by a Director General.

(c) Food and Agriculture Organization of the United Nations (FAO)

45. This specialized agency deals with questions of nutrition, food and agriculture. Its activities in connexion with these matters include the adoption of certain technical standards and the execution of an operational assistance programme. As a result of the Freedom from Hunger Campaign, launched by FAO in 1960, hundreds of thousands of tons of food were distributed to persons suffering from malnutrition throughout the world. The World Food Programme, which has undertaken a far-reaching campaign of development assistance activities through the supply of food, was recently created jointly by the United Nations and FAO.

46. The main organs of the Food and Agriculture Organization are the General Conference, the Council and the Secretariat.

(d) World Health Organization (WHO)

47. WHO is the specialized agency of the United Nations system which deals with human health. Even before the adoption of the Universal Declaration of Human Rights, the Constitution of the World Health Organization, which dates from 1946, explicitly stated that "the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition". WHO carries out important campaigns to combat communicable diseases. In developing countries, it also carries out an extensive technical assistance programme covering every aspect of public health, in which the teaching and training of health personnel plays an important part. This programme is put into effect to a large extent through the network of regional WHO organizations. With regard to normative work, WHO has adopted sanitary regulations which, under articles 21 and 22 of its Constitution, come into force for all member States as soon as they have been duly notified.

48. The main WHO organs are the World Health Assembly, the Board and the Secretariat.

(e) International Bank for Reconstruction and Development (IBRD)

49. The International Bank for Reconstruction and Development (IBRD) and its affiliated organizations, namely, the International Development Association (IDA) and the International Finance Corporation (IFC), contribute to the realization of economic, social and cultural rights, both through the loans they grant to various countries to facilitate development projects and through various programmes of co-operation which they carry out with other organizations, such as FAO, UNIDO and UNESCO; the purpose of these programmes is to promote investment in agriculture, industry and education.

B. Principal types of activities of the various organs and secretariat units of the United Nations system bearing on the enjoyment of human rights

50. Despite the number and diversity of the organs and services concerned, activities relating to the enjoyment of human rights and, in particular, economic, social and cultural rights, may be divided, according to their nature and not merely on the basis of the organs which carry them out, into three main categories: (1) the formulation of norms; (2) the supervision of their application; and (3) information, education and assistance activities.

(1) Formulation of standards

(a) Formulation of standards by the United Nations

51. The standards adopted by the United Nations take the form either of recommendations, which are called "declarations" when they proclaim principles of great importance and lasting value, or of conventions, which are legally binding on the States parties to them.

52. The United Nations has used a variety of methods in evolving such standards. Many instruments were first prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities and were then considered in turn by the Commission on Human Rights and the Economic and Social Council and adopted by the General Assembly. Nevertheless, several instruments closely related to human rights, such as the Standard Minimum Rules for the Treatment of Prisoners and the Declaration on Social Progress and Development, were the result of the work of bodies other than the Commission on Human Rights and its Sub-Commission. Some Conventions, such as those relating to the Status of Refugees and the Status of Stateless Persons, were adopted by Conferences of Plenipotentiaries convened by the General Assembly. Recent declarations, such as those relating to the environment, population, food, and the status of women, were proclaimed by world conferences convened by the General Assembly or the Economic and Social Council.

53. It should be noted at this point that, frequently, several United Nations bodies have taken part in the preparation of instruments of this kind, using a variety of techniques for consultation, co-operation and co-ordination. Moreover, in many cases, such as the preparation of the International Covenants on Human Rights, the specialized agencies concerned were consulted and then submitted proposals which were taken into account. Co-operation and co-ordination of this kind will be considered in greater detail in chapter II.

(b) Formulation of standards by the specialized agencies

54. Under the Constitution of the International Labour Organisation, the Governing Body submits proposals for conventions and recommendations to the International Labour Conference. In addition to the Governments of the member States, representative industrial organizations also have the right to submit proposals on such matters to the Governing Body. The tripartite membership of the Governing Body and other organs of the ILO makes it possible for employers' and workers' representatives to participate closely with Government delegates in the decision-making process.

55. UNESCO has adopted a number of conventions dealing with various aspects of the right to education, the right to information, the right to culture and copyright. Most of these conventions were adopted by the General Conference of UNESCO. Some of them were adopted by conferences of States convened by the Organization.

56. According to their respective constitutions, the general conferences of a number of specialized agencies and, in particular, those of the ILO, UNESCO, WHO and FAO, have the authority to make recommendations to their members. The recommendations of the ILO and UNESCO are subject to a procedure of preparation

and adoption which is similar to the one used for conventions. In accordance with their constitutions and relevant agreements, the other organizations of the United Nations system and, in particular, the United Nations, are consulted with regard to the preparation of the standards adopted by the specialized agencies.

(2) Supervision of the application of standards

57. Organizations of the United Nations system are increasingly adopting procedures for the international supervision of the application of the standards they have adopted. These procedures include: (a) procedures for examining reports; (b) procedures of communication or complaint by means of which a State, and in certain cases a non-governmental organization or private individual, may draw the attention of an international body, to the non-observance of the provisions of an instrument relating to human rights, including economic, social and cultural rights; and (c) inquiry procedures.

(a) Procedures for examining reports

(i) Procedures adopted by the United Nations for examining reports

System of periodic reports on human rights established by Economic and Social Council resolution 624 B (XXII)

58. In connexion with resolution 10 (XXXI), paragraph 3 (e), of the Commission on Human Rights, which makes a special mention of the system of periodic reports on human rights, reference is made below to the main features of this procedure, the conclusions reached by the bodies examining reports concerning economic, social and cultural rights, and the evaluation of the system within the United Nations.

59. The system of periodic reports on human rights established by Economic and Social Council resolution 624 B (XXII) of 1 August 1956 was later the subject of Council resolutions 888 B (XXXIV), 1074 C (XXXIX), 1693 (LII) and 1230 (XLII) and of a number of resolutions of the Commission on Human Rights.

60. In its present form the system of periodic reports provides for the examination in the first place by an ad hoc Committee of the Commission on Human Rights (which then submits its findings to the plenary Commission) of reports from the Governments of Member States of the United Nations and of the specialized agencies, as well as from the specialized agencies themselves, describing developments and the progress achieved with regard to the rights enumerated in the Universal Declaration of Human Rights and the right of peoples to self-determination. These reports are transmitted in accordance with the following biennial cycle: in 1972, reports on civil and political rights; in 1974, reports on economic, social and cultural rights; in 1976, reports on freedom of information; and so on.

61. The reports, published in extenso, are accompanied by a summary, together with a subject and a country index, prepared by the Secretary-General. Non-governmental organizations in consultative status with the Economic and Social Council are requested to submit objective comments on the situation in the field of human rights to assist the Commission in its consideration of the periodic reports. The States to which these comments relate may also comment on the matter. All these documents are likewise communicated to the Commission on the

Status of Women and to the Sub-Commission. The procedure may lead to the adoption of general recommendations of an objective character by the Commission on Human Rights and the Economic and Social Council.

62. The Commission on Human Rights has on a number of occasions drawn attention to certain apparent general trends emerging from the study of the reports on economic, social and cultural rights. For example, the Commission, in its resolution 16 (XXIII), expressed the belief that the reports on economic, social and cultural rights revealed the following trends as of special importance and common interest: (a) the concern of member States to implement human rights according to standards established in United Nations instruments; (b) the constructive efforts in law and practice in States with varying systems of government and at different stages of development to promote the right to education, including the interest shown in the question of adult education, the right to social security, the rights of the child and the family, including the provision of special care and assistance for motherhood and childhood, the right to work and the right to an adequate standard of living; (c) the attempts by various States to overcome difficulties with respect to the implementation of economic, social and cultural rights, and, notably, the concern to make available remedies for the violation of those rights.

63. In resolution 12 (XXXI), the Commission noted with satisfaction the encouraging number of reports received and commended the efforts made by reporting Governments with different economic and social systems to promote the enjoyment of economic, social and cultural rights by increasing numbers of their population, in accordance with the standards set forth in relevant international instruments. The Commission also drew attention to a number of conclusions that might be drawn from the reports received.

64. The Economic and Social Council, in resolution 1074 C (XXXIX) of 28 July 1965, expressed its belief that the reporting system was not only a source of information, but also a valuable incentive to Governments' efforts to protect human rights and fundamental freedoms and to the implementation of the Universal Declaration of Human Rights, the Declaration on the granting of independence to colonial countries and peoples and the Declaration on the Elimination of All Forms of Racial Discrimination.

65. The Commission, in part B of resolution 16 (XXIII), considered that the task of the United Nations bodies concerned in identifying important trends in the periodic reports would be facilitated in future by concentrating on material of an objective character revealing characteristics such as the following: (a) the influence on Member States of United Nations instruments which contain principles and norms for the protection of human rights and fundamental freedoms and, in particular, measures adopted to implement such instruments; (b) the common interest of a number of States in particular aspects of the rights under consideration; (c) experience of difficulties in the field of human rights which might be of interest to other States; (d) new developments or methods which might be helpful in overcoming such difficulties; (e) the participation of increasing numbers of the population in the enjoyment of human rights. The Commission believed that those principles formed an adequate basis for an objective evaluation of the periodic reports by the United Nations bodies concerned.

66. The Economic and Social Council, in resolution 1693 (LII) of 2 June 1972, directed the Ad Hoc Committee on Periodic Reports to hold a special session in order to submit to the Commission on Human Rights its findings and recommendations concerning the effectiveness of the present system of collecting and disseminating information about the realization of human rights, giving particular attention to the Yearbook on Human Rights and its relation to periodic reports. In that part of the Ad Hoc Committee's report dealing with periodic reports, 4/ it was pointed out that the present system was the best available means for following national developments in the field of human rights, at least until the coming into force of the International Covenants on Human Rights.

67. In its recommendations, 5/ the Committee expressed the view that the present system of periodic reports should be maintained, and in particular that the reports should continue to be published in full in four languages, that the analytical summaries should also continue to be reproduced in four languages, and that the subject and the country indexes should be continued. 5/ If recommended, however, that the Commission on Human Rights and its Ad Hoc Committee should keep under continuing review the possibility of improving the present system of periodic reports and of establishing a closer relationship between that system and the Yearbook on Human Rights. These recommendations were adopted by the Commission on Human Rights in resolution 22 (XXIX) of 4 April 1973 and later by the Economic and Social Council, at its 54th session, in the decision dated 18 May 1973.

68. The report submitted by the Secretary-General to the thirtieth session of the General Assembly in accordance with General Assembly resolution 3221 (XXIX), on "alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms", 6/ summarizes the suggestions made by a number of Governments, specialized agencies and non-governmental organizations with a view to improving the present system of periodic reports.

Procedures for examining reports from States instituted under international instruments relating to human rights and other United Nations Conventions

69. A number of conventions adopted within the United Nations or under its auspices provide for the submission by the States parties of reports on the measures they have adopted to give effect to the instrument concerned.

70. Under article 9 of the Convention on the Elimination of All Forms of Racial Discrimination, the States Parties undertake to submit to the Committee of Experts established by this instrument periodic reports on the legislative, judicial,

4/ E/CN.4/1104, paras. 14-18.

5/ E/CN.4/1104, para. 27 B.

6/ A/10235, paras. 134-139.

administrative or other measures which they have adopted and which give effect to the provisions of the Convention. The Committee may request further information from the States Parties; for that purpose, it has invited the representatives of those States to take part in the discussion concerning their reports. The Committee may make suggestions and general recommendations based on the examination of the reports and submit them to the States Parties and the General Assembly.

71. Under article 17 of the International Covenant on Economic, Social and Cultural Rights, the reports from the States Parties, which may indicate factors and difficulties affecting the degree of fulfilment of obligations under the Covenant, must be furnished in stages, in accordance with a programme to be established by the Economic and Social Council after consultation with the States Parties and the specialized agencies concerned. Article 18 provides for close co-operation with the specialized agencies; the Council may make arrangements with them for the purpose of their reporting to it on the observance of the provisions of the Covenant falling within the scope of their activities. The Council may transmit to the Commission on Human Rights for study and general recommendation the reports submitted by States and the specialized agencies (article 19).

72. The International Covenant on Civil and Political Rights provides for the establishment of a Human Rights Committee consisting of eighteen members who shall be nationals of States Parties and serve in their personal capacity; the Committee shall study the reports which the States Parties are required to submit, in accordance with article 40, within one year of the entry into force of the Covenant and thereafter whenever the Committee so requests, on the measures they have adopted which give effect to the rights recognized in the Covenant. The Committee then prepares its own report and submits such general comments as it may consider appropriate.

(ii) Procedure regarding periodic reports in the International Labour Organisation

73. Under article 22 of the Constitution of the International Labour Organisation, States members agree to make an annual report to the International Labour Office on the measures they have taken to give effect to the provisions of Conventions they have ratified. A committee of experts, established by the Governing Body, makes a preliminary study of the reports of Governments in order to determine whether their legislation and practice appear to conform to the conventions whose provisions they have undertaken to apply. The report of the committee of experts is distributed to the Governments of the member States. Furthermore, the ILO General Conference, at each of its sessions, appoints a Committee on the application of conventions and recommendations; this Committee, like all bodies of the Conference, must have a tripartite membership. This Committee also examines the reports of Governments, with the aid of the experts' findings, taking into account any supplementary explanations and comments that member States may have made. Governments may give an account to this Committee of the difficulties they encounter and indicate the measures they intend to take to overcome them.

74. In addition, under article 19 (5) of the ILO Constitution, member States undertake to inform the Director-General of the measures taken to bring the Conventions adopted by the International Labour Organisation before the competent

national authority in order to give effect to them and, in case of non-ratification, they are required to report to the Director-General on the position of their law and practice in regard to the matters dealt with in the Convention and state the difficulties which prevent or delay the ratification of such Convention. In accordance with article 19 (6) of the Constitution, similar information must likewise be communicated with regard to recommendations adopted by the General Conference of the ILO.

(iii) Procedures adopted by other specialized agencies regarding reports

75. The reports procedure is also used in connexion with various matters by other specialized agencies. For example, the submission of periodic reports to the General Conference of UNESCO is obligatory for States parties to the 1960 Convention against Discrimination in Education.

(b) Procedures of communication and complaint

(i) Procedures of communication and complaint adopted by the United Nations

76. The Human Rights Committee established pursuant to the International Covenant on Civil and Political Rights is competent, according to article 41 of that instrument, to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant. The Committee may receive and consider communications only if they are submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee and if they concern a State Party which has also made such a declaration. The Committee makes available its good offices to the States concerned. If a friendly solution based on respect for human rights is not reached, the Committee examines the matter thoroughly and prepares its report.

77. Pursuant to the Optional Protocol to the International Covenant on Civil and Political Rights, the Committee is competent, in certain circumstances, to consider communications from individuals claiming to be victims of violations of the Covenant by a State Party to the Protocol.

78. In accordance with articles 11 to 13 of the International Convention on the Elimination of All Forms of Racial Discrimination, the Committee established by that instrument is competent to consider communications from States Parties alleging violation of the Convention by another State Party. In article 14 there is an optional clause concerning the consideration of communications from individuals.

79. The Optional Protocol to the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Racial Discrimination make it clear that their provisions in no way limit the right of petition granted to colonial peoples by other international instruments. In accordance with article 15 of the Convention, the Committee on the Elimination of Racial Discrimination receives copies of the petitions from the bodies of the United Nations which deal with matters directly related to the objectives of the

Convention and makes recommendations on pertinent petitions which are before those bodies from inhabitants of territories to which General Assembly resolution 1514 (XV) on the Granting of Independence to Colonial Countries and Peoples applies.

80. Pursuant to resolution 1503 (XLVIII) of the Economic and Social Council, a working group of the Sub-Commission on Prevention of Discrimination and Protection of Minorities meets once a year, before the sessions of the Sub-Commission, to consider all communications, in particular from individuals, including replies of Governments thereon, received under Council resolution 728 F (XXVIII) and, in confidence, draws the attention of the Sub-Commission to those communications which appear to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms within the terms of reference of the Sub-Commission. The Sub-Commission, in its turn, considers in private meetings the communications brought before it by the working group and any replies of Governments relating thereto, with a view to determining whether to refer to the Commission on Human Rights particular situations which appear to reveal a consistent pattern of gross and reliably attested violations of human rights. The Commission, after it has examined the Sub-Commission's report, is requested to determine:

(a) whether the situation requires a thorough study and recommendations to the Economic and Social Council; or (b) whether it may be a subject of an investigation by an ad hoc committee provided that the State concerned gives its express consent and offers its co-operation, that all available means at the national level have been exhausted, and that it does not relate to a matter which is being dealt with under other procedures of the United Nations, the specialized agencies or regional organizations or to a matter which the State concerned wishes to submit to other procedures in accordance with international agreements to which it is a party.

(ii) Representation and complaint procedures of the ILO

81. Articles 24 and 25 of the ILO Constitution give industrial associations of employers or of workers the right to make representations to the International Labour Office if they consider that a Member has failed to secure the effective observance of any ILO Convention to which it is a party. The Governing Body communicates such representations for comment to the Governments against which they are made. If no statement is received from those Governments within a reasonable time or if the statement is not deemed to be satisfactory, the Governing Body has the right to publish the representation and the statement, if any, made in reply to it.

82. The procedure for dealing with complaints instituted by articles 26 to 34 of the ILO Constitution is open to member States which, having ratified a convention, consider that another member State party to the Convention is not securing the effective observance of it. In addition, the Governing Body may adopt the same procedure either of its own motion or at the request of a delegate to the Conference. The Governing Body may call upon the Government in question to supply all necessary explanations and to set up a Commission of Inquiry to prepare a report and make recommendations, which are published. If the Government lodging the complaint or the Government in question does not accept the recommendations, it has the right, under article 29 of the Constitution, to refer the complaint to the International Court of Justice, whose decision is final. In the event of any

Member failing to carry out within the time specified the recommendations, if any, contained in the report of the Commission of Inquiry, or those contained in the decision of the International Court of Justice if the complaint was referred to that body, the Governing Body may recommend to the Conference such action as it may deem wise to secure compliance therewith.

(iii) Fact-Finding and Conciliation Commission established to examine complaints relating to trade-union rights

83. This body was established by the Governing Body of the ILO acting in close co-operation with the Economic and Social Council. In resolution 277 (X) of 17 February 1950, the Council accepted on behalf of the United Nations the services of the Fact-Finding and Conciliation Commission on Freedom of Association. The Council decided to forward to the Governing Body of the ILO, with a view to possible referral to the Commission, all allegations regarding infringements of trade-union rights received from Governments or trade-union or employers' organizations against member States of the ILO. In the case of complaints against States which are not members of the ILO, South Africa for example, a different procedure is applied.

(iv) Complaint procedure of UNESCO

84. A Protocol to the Convention against Discrimination in Education, adopted by the UNESCO General Conference in 1962, instituted a Conciliation and Good Offices Commission to be responsible for seeking the settlement of any disputes which might arise between States Parties to the Convention.

(c) Investigation procedures

85. Within the United Nations and certain specialized agencies, in particular the ILO, bodies, often of an ad hoc nature, have been established to investigate specific situations with a view to determining whether the facts examined tend to reveal the existence of violations of human rights. It is often, but not always, legally necessary for a complaint to be filed before such procedures can be set in motion. Frequently the investigatory bodies are given wide powers to fulfil their terms of reference, such as the right to receive written information and complaints, the right to hear witnesses, to visit certain sites, etc., and they are frequently required to co-ordinate their activities closely with those of other bodies of the United Nations system.

86. Among the human rights investigatory bodies recently established by the United Nations, mention may be made of the General Assembly Special Committee, to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories and the ad hoc Working Groups of experts of the Commission on Human Rights in Southern Africa (resolution 2 (XXIII) of the Commission on Human Rights and on Chile (resolution 8 (XXXI) of the Commission on Human Rights). The General Assembly Special Committee on Apartheid and the General Assembly Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples have adopted procedures providing, inter alia, for the hearing of witnesses and the consideration

of petitions which are to some extent in the nature of investigatory procedures. In so far as the ILO is concerned, mention may be made of the inquiry procedures provided for by article 26 of the Constitution and those of the Fact-Finding and Conciliation Commission on Freedom of Association.

(3) Information, educational and assistance activities

87. The United Nations Human Rights programme includes a number of activities designed to promote observance of these rights as a whole by fostering awareness of the problems and facilitating the search for solutions. In this connexion, mention may be made of the studies of the Commission on Human Rights and the Sub-Commission and certain UNITAR studies; the dissemination to the public of norms and information relating to pertinent United Nations activities; the organization of seminars and the granting of follow-up fellowships under the programme of advisory services in the field of human rights. Related programmes of the specialized agencies, such as UNESCO's activities relating to education in human rights, pursue the same goals.

88. Various operational programmes relating to protection, assistance and technical co-operation are directly concerned with the achievement of certain human rights, such as the rights of the child, the rights of refugees, the right to freedom from hunger, and rights relating to health and education. This is the case, for example, with the activities of UNICEF, the Office of the High Commissioner for Refugees, UNRWA, the World Food Programme and several assistance and technical co-operation activities of the ILO, FAO, WHO and UNESCO.

89. In general, it may be said that all the activities of the United Nations system which are designed to stimulate economic and social development and to achieve the objectives of the Second Development Decade contribute to the implementation of economic, social and cultural rights.

90. Although these activities cover very different fields (education, agriculture, industry, trade, science, technology etc.) and although the organizations which carry them out differ in their expertise, there is little difference in the procedures adopted for these programmes and the methods by which they are carried out.

91. In the United Nations, the work programmes prepared by the Secretary-General, which have recently come to form part of a biennial medium-term plan, are examined by the Committee for Programme and Co-ordination and the Economic and Social Council after they have been, in the case of semi-autonomous organizations, submitted to their governing bodies. The programmes are then finally approved by the General Assembly. As will be seen in chapter II, the Committee for Programme and Co-ordination is also responsible for co-ordinating the various programmes. Programmes financed by voluntary contributions, however, such as those of UNDP, are finally approved by the governing bodies of those organizations. In the case of the specialized agencies, most of which also draw up medium-term programmes, projects under the work programmes are prepared by the secretariat, examined by the executive body and eventually adopted by the plenary body, such as the Assembly or the General Conference.

Chapter II

PROCEDURES AND PRACTICES IN THE UNITED NATIONS SYSTEM FOR CO-OPERATION AND CO-ORDINATION WITH REGARD TO HUMAN RIGHTS

92. In section A, we shall first briefly recapitulate the principal institutions and procedures which have been established with a view to ensuring the co-ordination of all the activities of the United Nations system in the economic, social, cultural and human rights fields. Section B will describe some practical aspects and results of co-operation and co-ordination concerning human rights within the United Nations system.

A. The principal institutions and procedures designed to co-ordinate the activities of the United Nations system in the economic, social, cultural and human rights fields

93. The need to ensure the co-ordination of the activities of the United Nations system in the economic, social, cultural and human rights fields was emphasized, at the very birth of the United Nations in several Articles of the Charter.

94. Under the title "International economic and social co-operation", Chapter IX of the Charter provides, in Article 57, that the various specialized agencies shall be brought into relationship with the United Nations under agreements defining that relationship. Article 58 provides that "the Organization shall make recommendations for the co-ordination of the policies and activities of the specialized agencies". Under Article 60, responsibility for the discharge of these co-ordination functions is vested in the General Assembly and, under its authority, in the Economic and Social Council.

95. Under Article 63 of the Charter, it is the Economic and Social Council which enters into agreements with the specialized agencies defining the terms on which the agencies concerned are brought into relationship with the United Nations, such agreements to be subject to approval by the General Assembly. This Article goes on to provide that the Council may co-ordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the Members of the United Nations. Article 64 provides that the Economic and Social Council may take appropriate steps to obtain regular reports from the specialized agencies, including reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly.

96. Article 66 provides that the Council may, with the approval of the General Assembly, "perform services" at the request of the specialized agencies in particular.

97. Under Article 70, the Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies.

98. Certain provisions relating to co-ordination are also embodied in the constituent acts of specialized agencies, such as article 12 of the Constitution of the ILO.

99. It will be noted that the Charter makes no specific reference to the co-ordination of the activities of the various bodies and departments of the United Nations - a problem whose importance did not emerge until a later stage, as the number and complexity of these bodies and departments increased. In particular, as we have seen in chapter I, the past decade has been characterized by the establishment of several autonomous or semi-autonomous bodies within the United Nations system.

100. The above-mentioned principles of the Charter relating to co-ordination have been put into effect, firstly, through the conclusion of agreements between the United Nations and the specialized agencies. Except in the case of the International Bank for Reconstruction and Development and its affiliated organizations and the International Monetary Fund, these various agreements define in very similar terms the conditions under which the specialized agencies are brought into relationship with the United Nations.

101. Under these agreements, the United Nations recognizes the agency concerned as a specialized agency vested with responsibility for taking appropriate steps in accordance with its basic instrument, with a view to attaining the objectives laid down in that instrument. For its part, the agency concerned agrees to take all necessary steps to submit to its appropriate bodies any recommendations which the General Assembly or the Economic and Social Council might address to it within the context of their functions as defined by the Charter under international economic and social co-operation and the co-ordination of the policies and activities of the specialized agencies.

102. The agency concerned agrees to hold exchanges of views with the United Nations on these recommendations and to report to the United Nations in due course on the steps taken to give effect to the recommendations.

103. Lastly, it declares its intention to co-operate in any other measures which might prove necessary to ensure the effective co-ordination of the activities of the specialized agencies and those of the United Nations. It agrees, in particular, to participate in any body or bodies that the Council might establish with a view to facilitating such co-ordination, to co-operate with these bodies and to furnish any information that might be necessary in the performance of this task.

104. Provision is made for reciprocal representation. The United Nations will be invited to attend the meetings of the principal bodies of the agency concerned and any conferences which it may convene, and to participate, without the right to vote, in their deliberations. The agency concerned will be invited to participate under the same conditions in the meetings of the Economic and Social Council and its commissions and committees, and in any meetings of the Main Committees of the General Assembly which might be of interest to the agency. Lastly, the agency concerned will be invited to participate under the same conditions in the Trusteeship Council and its representatives may attend the plenary meetings of the General Assembly in an advisory capacity.

105. The agreements also provide for the right of each of the two organizations, after prior consultations, to include questions in the agenda of certain bodies of the other organization, for the fullest and most speedy exchange of information and documents and for administrative, budgetary and financial arrangements designed to prevent, as far as possible, the establishment of competing or overlapping departments within the United Nations and the specialized agencies.

106. Most of the specialized agencies have concluded among themselves co-operation agreements which, taking into account their different situations and in particular the special responsibilities exercised by the United Nations in the field of co-ordination, are based on the agreements concluded with the United Nations under Articles 57 and 63 of the Charter. The agreements concluded between specialized agencies provide in particular for reciprocal representation at meetings of the principal organs, the exchange of information and documentation, and consultations on questions of common interest. Several of these agreements define the respective fields of action of two agencies in related spheres of competence. Lastly, certain provisions provide for joint activities and lay down the manner in which they are to be carried out.

107. In resolutions 1768 (LIV) of 18 May 1973 and 1906 (LVII) of 2 August 1974, the Economic and Social Council requested its Policy and Programme Co-ordination Committee, one of its subsidiary sessional bodies, to meet, as an exception, between the Council's sessions in 1975 to review, in particular, the agreements between the United Nations and the specialized agencies with a view to recommending to the Council such modifications and additional provisions as might be necessary in the existing agreements. The Committee, after considering a report by the Secretary-General and the views of the executive heads of the specialized agencies, submitted an interim report to the Economic and Social Council at its fifty-eighth session ^{1/}. This question of the possible review of the agreements between the United Nations and the agencies was included in the work programme of the Ad Hoc Committee established by the General Assembly at its seventh special session (1975) to re-examine the structures of the economic and social sectors of the United Nations system.

108. Since the autonomous or semi-autonomous bodies such as the Office of the High Commissioner for Refugees, UNCTAD, UNIDO and UNDP, juridically speaking form part of the United Nations, they are not brought into relationship with the Council by agreements similar to those concluded with the specialized agencies. The decisions establishing these bodies, however, all provide that they shall be given guidelines by the General Assembly in accordance with procedures to be determined by the Assembly. In some cases, the Assembly's decision specifies that the Economic and Social Council, through which the body concerned must report annually to the Assembly, shall transmit to the Assembly such observations as it is prompted to make on such reports, in particular with regard to co-ordination matters.

109. In order to assist it in its co-ordination activities, the Economic and Social Council has established two bodies, one of an intergovernmental character and the other of an administrative character, which meet between sessions of the Council to study the problems to which the co-ordination of the activities of the various organizations in the system give rise and to report to the Council on the subject.

110. The intergovernmental body, which was originally established by resolution 798 (XXX) of 3 August 1960 in the form of an ad hoc working group of the Council, has undergone a series of changes as a result of various decisions of the Council, including resolution 920 (XXXIV) of 3 August 1962, resolution 1171 (XLI) of 5 August 1966 and resolution 1472 (XLVIII) of 13 January 1970. It is now known as the "Committee for Programme and Co-ordination".

111. In the field of co-ordination proper, the terms of reference of this Committee have been defined as follows in the annex to resolution 1472 (XLVIII). It assists the Council in discharging its co-ordination functions under Articles 58, 63 and 64 of the Charter of the United Nations and, in particular, it keeps under review the activities of the United Nations and its related agencies and programmes, studies the present procedures for co-ordination and co-operation, and submits its conclusions to the Council on the issues and problems arising thereon. It may prepare and submit to the Council recommendations to the specialized agencies, the General Assembly and Members of the United Nations, as envisaged under Article 63, paragraph 2, of the Charter. It receives continuing authority from the Council to review programmes and procedures in particular sectors on a system-wide basis as well as the inter-action of different sectors. It is competent to examine the effectiveness of existing co-ordination machinery.

112. The Council, in resolution 1472 (XLVIII), also emphasized the need for co-operation between the Committee for Programme and Co-ordination, the Advisory Committee on Administrative and Budgetary Questions and the Joint Inspection Unit, in order to promote harmony between the views of these bodies, all of which are responsible for considering, from different angles, co-ordination questions.

113. In addition, as has been mentioned in chapter I, section B (3), of this report, the Committee for Programme and Co-ordination has, in particular, been empowered, under resolution 1472 (XLVIII), to undertake an annual review of the totality of the work programme of the United Nations in the economic, social and human rights fields (including the work programmes of UNCTAD and UNIDO) and to assist the Council and the Assembly in the establishment of programme priorities within the United Nations.

114. The Council and the Committee for Programme and Co-ordination itself have on several occasions expressed their concern about the conditions which should be fulfilled to enable this Committee to carry out effectively functions of such broad scope. In resolution 1472 (XLVIII), the Council endorsed the idea that to that end, "the amount of time and the frequency of meetings of the Committee for Programme and Co-ordination should be adjusted, if necessary". At the conclusion of its fifteenth session (17-24 March 1975), the Committee for Programme and Co-ordination stated that:

"While, as a whole, it felt that it had the potential to do the important and necessary task of reviewing and analysing the programmes of the United Nations in the economic, social and human rights fields, the circumstances under which it was forced to operate at its fifteenth session did not enable it to carry out its functions as fully as it should have. Among the most serious constraints was the very short time available to review the documentation which prevented most members of the Committee from consulting with the appropriate ministries in their Governments on substantive positions. An equally serious limitation was the very short time allowed for the meeting of the Committee itself" 2/.

2/ Economic and Social Council, Official records, Fifty-eighth session, Supplement No.7, E/5632, para. 96.

Similarly, at the above-mentioned exceptional session of the Policy and Programme Co-ordination Committee of the Council, several delegations, taking account of these circumstances, "expressed regret that the Committee for Programme and Co-ordination had not fully developed its potential." ^{3/} A number of proposals and suggestions for increasing the effectiveness of the Committee for Programme and Co-ordination are at present being considered. ^{4/}

115. The Administrative Committee on Co-ordination (ACC) was established by the Secretary-General pursuant to Economic and Social Council resolution 13 (III) of 21 September 1946, which requested him "to establish a standing committee of administrative officers consisting of himself, as chairman, and the corresponding officers of the specialized agencies brought into relationship with the United Nations, for the purpose of taking all appropriate steps, under the leadership of the Secretary-General, to ensure the fullest and most effective implementation of the agreements entered into between the United Nations and the specialized agencies". This Committee reports to the Economic and Social Council.

116. The Administrative Committee on Co-ordination has established several subsidiary bodies, including a preparatory committee which meets shortly before its sessions to undertake a preliminary examination of the questions on its agenda and to report thereon.

117. At present the executive heads of the various autonomous and semi-autonomous bodies established by the Assembly participate, together with those of the existing 15 specialized agencies and the International Atomic Energy Agency, in the work of the Administrative Committee on Co-ordination. The representation of the Secretariat of the United Nations itself varies according to the nature of the questions considered and their interest for different departments. Thus the meetings of the Administrative Committee on Co-ordination and its subsidiary committees give these departments an opportunity to strengthen their co-operation within the actual framework of the United Nations.

118. In resolution 1643 (LI), which it adopted on 30 July 1971, the Economic and Social Council made the following evaluation of the role of the Administrative Committee on Co-ordination:

"... in accordance with the constitutional provisions and responsibilities of each of its components, the Administrative Committee on Co-ordination, in carrying out its functions as the main co-ordinating body at the secretariat level, can, inter alia, effectively assist the Council in fulfilling its task of co-ordinating the activities of the system in the economic, social and related fields by providing the necessary information and basic data, by serving as a clearing-house for matters that can more effectively be dealt with on a system-wide basis, by providing a suitable forum for consultations at the secretariat level on work programmes and by performing such other tasks as may be specifically entrusted to it by the Council."

^{3/} E/5633, para. 9.

^{4/} See, for example, Economic and Social Council, Official records, Fifty-eighth session, Supplement No.7, E/5632, para. 100.

119. With a view to ensuring the harmonization of co-ordination efforts at all levels within the United Nations system, the Council has, in various resolutions, established and confirmed the practice of joint meetings of the Committee for Programme and Co-ordination and the Administrative Committee on Co-ordination.

120. The total work-load of the Council and its subsidiary bodies responsible for co-ordination has increased considerably during the past 10 years. Among the reasons for this, mention may be made, firstly, of the Council's increased responsibilities in the sphere of economic and social development, in particular as a result of the adoption of the programme for the Second United Nations Development Decade and the adoption of General Assembly resolution 3202 (S-VI) of 1 May 1974 concerning the measures to be taken by the United Nations system to implement the Declaration on the Establishment of a New International Economic Order.

121. Secondly, there has been a parallel increase in the Council's responsibilities in the sphere of human rights. In particular, in resolution 3057 (XXVIII) of 2 November 1973 proclaiming the Decade for Action to Combat Racism and Racial Discrimination, the General Assembly instructed the Council to consider every two years reports from Member States on the action taken under the Programme for the Decade, to co-ordinate the various aspects of the Programme and to evaluate the relevant activities. This very year, 1976, as a result of the entry into force of the International Covenant on Economic, Social and Cultural Rights, the Council is called upon to draw up the programme for the submission of reports from States and specialized agencies and it will subsequently have to consider those reports. In accordance with articles 18, 22 and 26 of this Covenant, the Council will be required to undertake new tasks of co-ordination with the specialized agencies with regard to the implementation of this instrument.

B. Some practical aspects and results of co-operation and co-ordination in the human rights field

122. Within the general context of the institutions described in section A above, there have been numerous examples of co-operation and co-ordination with respect to human rights. Without attempting to give an exhaustive list, we shall mention below a few illustrations which appear typical and which refer mainly to economic, social and cultural rights. We shall deal with co-ordination, firstly between governing bodies and then at the secretariat level.

(1) Co-operation and co-ordination between policy-making organs

123. With respect to the formulation of standards it will be recalled, for instance, that it was as a result of an exchange of views between the Economic and Social Council and the ILO that in 1948 the International Labour Conference adopted the Convention concerning Freedom of Association and Protection of the Right to Organize and in 1957 the Convention concerning the Abolition of Forced Labour.

124. Similarly, it was at the invitation of both the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission that the Governing Body of the ILO decided to include the subject of discrimination in the field of employment and occupation in the agenda of the fortieth session of the International Labour Conference. Subsequently, in 1958, the Conference adopted a Convention and a recommendation on the subject.

125. The same is true of the Convention against Discrimination in Education adopted by the General Conference of UNESCO in 1960. The matter had been the subject of a study by the Sub-Commission.

126. The Declaration of the Principles of International Cultural Co-operation, adopted by the General Conference of UNESCO on 4 November 1966, was the outcome of a great deal of work in pursuance of resolution 803 (XXIII), in which the Economic and Social Council, in July 1960, had invited UNESCO to study the possibilities of formulating principles regarding relations and exchanges in the fields of education, science and culture.

127. There was active co-operation between the Commission on Human Rights and the specialized agencies at many stages of the process of drawing up the International Covenant on Economic, Social and Cultural Rights, in respect both of various substantive articles and of certain provisions for implementation. At the request of the General Assembly or the Council, the specialized agencies on several occasions submitted their written comments and suggestions, sometimes detailed, on the text of the draft and, in addition, they presented comments in the form of oral statements to the Commission, in accordance with the inter-agency agreements. 5/ For example, it will be remembered that, as a result of these exchanges of views, the comments of the ILO were given considerable attention in article 8 (rights of trade unions), the suggestions of FAO were taken fully into account in the drafting of article 11 (2) (right to be free from hunger) and those of WHO and UNESCO influenced the contents of article 12 (right to health) and article 13 (right to education) respectively.

128. In connexion with the formulation of standards, reference can also be made to more complex cases of co-operation and co-ordination, consisting of exchanges of views or even of joint work, which have involved various United Nations governing bodies as well as those of some autonomous organs and specialized agencies. This was the case, for instance, with the Declaration of the Rights of the Child, the initiative for which came from the Commission for Social Development and the draft of which was worked out by the Commission on Human Rights, with the help of comments from UNICEF and other organizations. The Declaration on the Protection of All Persons from being subjected to Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, proclaimed by the General Assembly at its thirtieth session (1975), was the fruit of the combined activities of, principally, the Sub-Commission, the Commission on Human Rights and the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, due regard being paid to the relevant work of WHO on questions of medical ethics.

129. In the matter of supervision of the application of standards, there are just as many examples of co-operation and co-ordination between governing bodies.

130. The procedures adopted by the United Nations for the consideration of reports, such as, for instance, that instituted by resolution 624 (XXII), of the Economic and Social Council or the procedure specified in articles 16 to 24 of the International Covenant on Economic, Social and Cultural Rights, provide for the submission of reports by the specialized agencies to the examining organ.

5/ For detailed information concerning the process of consulting the specialized agencies when the Covenant was being prepared, see document A/2929 - Annotations on the text of the draft International Covenants on Human Rights.

131. Furthermore, the agencies are entitled, in accordance with the agreements linking them to the United Nations, to make comments and suggestions in the Commission on Human Rights and the Council when the reports are under consideration. In fact, statements are often made by representatives of the specialized agencies and are highly appreciated by the members of the Commission and the Council.

132. Some of the bodies responsible for considering reports are mixed organs, set up jointly by two organizations. A case in point is the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning the Status of Teachers.

133. Some of the procedures for dealing with communications or complaints in the United Nations system take into account the need to avoid conflicts of jurisdiction with other organs. An example is the procedure instituted by resolution 1503 (XLVIII) of the Council. According to this resolution, the Commission on Human Rights is not to set up an ad hoc investigating committee if the situation under consideration relates to a matter which is being dealt with under other procedures of the United Nations or the specialized agencies.

134. Several United Nations investigations into alleged violations of human rights have been carried out in close co-operation with the competent specialized agencies. For instance, the Ad hoc Working Group of Experts on South Africa of the Commission on Human Rights, which was instructed by resolution 1236 (XLII) and subsequent decisions of the Council to enquire into trade union rights, discrimination against black workers and other related questions, had the benefit, in accordance with the Council's request, of the full co-operation of the ILO, the agency mainly competent in such matters. This co-operation took the form of communication of documents and of oral statements by representatives of the ILO to the Working Group of Experts.

135. Some investigatory organs, such as the 1951 joint United Nations/ILO Ad hoc Committee on Forced Labour, were established jointly by two organizations. The Fact-Finding and Conciliation Commission on Freedom of Association was set up by the ILO, at the request of the Council, which in resolution 277 (X) accepted the services of that investigatory organ on behalf of the United Nations.

136. Co-operation and co-ordination in respect of educational, information and assistance activities are carried out in a variety of ways.

137. The competent specialized agencies were consulted in connexion with the preparation of virtually all the reports and studies prepared by committees, rapporteurs or special rapporteurs of the Commission on Human Rights and the Sub-Commission. The agencies constitute one of the main sources of information to be used by the special rapporteurs of the Sub-Commission, according to that body's basic resolution on the method whereby its studies are to be prepared.

138. The two recent studies by the Sub-Commission on the exploitation of labour through illicit and clandestine trafficking 6/, prepared by Mrs. Halima Warzazi with the help of the Secretariat, were drawn up in close co-operation with the ILO, which, for its part, was preparing a new convention and a recommendation concerning the protection of migrant workers. In addition, full account was taken of the parallel programmes on migrant workers being carried out by the Commission for Social Development, the Population Commission, UNESCO, WHO and other organizations.

6/ E/CN.4/Sub.2/351 and E/CN.4/Sub.2/L.629.

139. The study entitled "The widening gap: a study of the realization of economic, social and cultural rights" ^{7/}, submitted by Mr. Manouchehr Ganji to the twenty-ninth and thirtieth sessions of the Commission on Human Rights, offers an example of sustained co-operation between a United Nations Special Rapporteur and various divisions of the Secretariat, the Committee on Review and Appraisal, the regional economic commissions, autonomous organs such as UNCTAD, UNIDO and UNDP, and the specialized agencies. Not only were these bodies given the opportunity to send written comments to the Special Rapporteur but their competent senior officials were directly consulted by him.

140. The Programme for the Decade for Action to Combat Racism and Racial Discrimination, established by General Assembly resolution 3057 (XXVIII) invites all the organizations of the United Nations system - as well as other organizations concerned - to intensify and co-ordinate more closely their efforts towards ensuring the eradication of racism and racial discrimination. The measures provided for include: a world-wide campaign of information and education; a series of new studies and research on discrimination and racial prejudice; seminars on certain aspects of the campaign against racial discrimination; and measures to assist the peoples struggling against racial discrimination and apartheid, in particular through the establishment of an international fund financed by voluntary contributions.

141. In a series of resolutions, and more particularly in resolution 3151 D (XXVIII) of 14 December 1973, ^{8/} the General Assembly requested the Special Committee on Apartheid to intensify its co-operation with the other organs concerned, especially with respect to consultations with specialized agencies and the dissemination of information. The General Assembly recommended the holding of joint meetings of the principal organs concerned or the establishment of joint working parties to consider means of co-ordinating their programmes of work and requested all the United Nations organs concerned to hold consultations with the Special Committee on Apartheid before undertaking any studies or investigations relating to apartheid in South Africa, in order that duplication might be avoided.

142. The Special Committee on Apartheid has occasionally co-operated with the Commission on Human Rights and its Working Group of Experts on South Africa. It was, moreover, on the initiative of the Special Committee that the Commission on Human Rights established this Ad hoc Working Group of Experts, in resolution 2 (XXIII) of 1967, with the initial mandate of investigating complaints transmitted by the Committee. Earlier, in 1966, an international seminar on apartheid had been organized, by the Secretary-General at the request of the General Assembly, at Brasilia, Brazil, after thorough consultations with the Commission on Human Rights and the Special Committee.

143. The United Nations is also increasingly concerned to encourage and co-ordinate the activities of the various organizations in the system with a view to promoting the right of colonial peoples to self-determination and independence. The Special Committee on the situation with regard to the Implementation of the Declaration

^{7/} E/CN.4/1108 and Addenda; E/CN.4/1131.

^{8/} See also, for example, resolutions 5206 (XXIV), 2671 (XXV), 2775 (XXVI), 2923 (XXVII) and 3324 (XXIX). Reference may also be made to the various reports of the Special Committee on Apartheid of the General Assembly, such as: A/9622, paras. 56-61 and 164-186, and A/9022, paras. 52-60.

on the Granting of Independence to Colonial Countries and Peoples has paid considerable attention to these matters. For example, on the basis of that Committee's proposals the General Assembly, in resolution 3329 (XXIX), stressed the need to increase the dissemination of information on decolonization and in resolution 3328 (XXIX) and 3246 (XXIX), in particular, it called upon the specialized agencies and other organizations within the United Nations system to increase their assistance to the peoples of colonial territories. This last topic was taken up in detail by the Economic and Social Council, which in resolution 1804 (IV) appealed for action, as a matter of priority, to bring about a more effective co-ordination of assistance programmes within the United Nations system for the peoples of such territories, for those of the liberated areas and for their liberation movements.

(2) Co-operation and co-ordination at secretariat level

144. In several cases, the governing bodies have expressly entrusted to the Secretary-General the responsibility for carrying out certain duties regarding human rights. In carrying out these mandates, the Secretary-General endeavours to integrate the activities of the various sectors of the Secretariat and to co-ordinate the work of the United Nations Secretariat with that of the secretariats of the other organizations concerned within the United Nations system. Often, indeed, the need for such co-operation is expressly mentioned in the texts of the pertinent resolutions.

145. A number of reports and studies with which the Secretary-General was expressly entrusted have therefore been the subject of co-operation with the specialized agencies in their preparation. Reference may be made, for instance, to the Secretary-General's report on "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms", 9/ submitted to the General Assembly at its thirtieth session pursuant to resolution 3221 (XXIX), in which he was requested to prepare a report based, in particular, on the views of the specialized agencies. At the level of the Commission on Human Rights, mention should be made of the numerous reports on "human rights and scientific and technological developments" which that body requested of the Secretary-General and which were prepared in consultation with the competent organs of the United Nations, particularly the Advisory Committee on the Application of Science and Technology to Development and, for certain aspects, with the very valuable co-operation of the specialized agencies, particularly WHO and UNESCO.

146. Within the framework of the Programme of Advisory Services in the Field of Human Rights, it is the responsibility of the Secretary-General to organize seminars, at the request of, and in co-operation with governments with due regard for the respective areas of competence of the specialized agencies. As has already been mentioned, the agencies are usually consulted on the subject of the agenda and other aspects well before the opening date of such seminars. Representatives of the competent specialized agencies are invited and play an active part in the seminars, to which they make a significant contribution.

147. In January 1974, in the context of World Population Year, the Secretary-General, at the request of the Population Commission, organized an international expert symposium on "Population and human rights" at Amsterdam, in co-operation with the Government of the Netherlands. As regards its substance and the choice of participants, this symposium was prepared by the Population Division in close collaboration with the Division of Human Rights. The specialized agencies were consulted and submitted several of the basic documents. This symposium is an example of particularly harmonious and fruitful co-operation, within the United Nations system, to promote human rights in connexion with new problems that are of importance for a large number of countries.

148. Even in the case of activities which are entrusted to intergovernmental organs, committees of experts or rapporteurs, and not specifically to the Secretariat, the latter performs a great deal of work in its general role of assistance, in accordance with the Charter: research, collection of documentation, preparation of draft studies or draft reports, liaison work with various organizations and individuals, at the request of the organs or rapporteurs concerned, and so forth. This assistance role varies in importance and degree of institutionalization from one organization to another, but it is always to be found.

149. In carrying out these assistance activities, and in keeping with the inter-agency agreements and the directives of the General Assembly and the Economic and Social Council, the secretariat of each organization in the system co-operates with those of the other organizations and endeavours to achieve effective co-ordination so as to prevent duplication of work. In this connexion, we shall limit ourselves to mentioning, among a very large number of examples, the work of the Division of Human Rights in assisting the rapporteurs and special rapporteurs of the Commission on Human Rights and the Sub-Commission in the preparation of their studies, and the fruitful working relations that have been developed to that end with the secretariats of the ILO, UNESCO, WHO and other organizations. The United Nations Secretariat co-operates also with those of the various specialized agencies in assisting the various Groups of Experts of the Commission on Human Rights responsible for investigating specific situations, in accordance with the instructions of those bodies.

150. Some of the matters on which there is co-operation between secretariats are the subject of exchanges of views at formal meetings in the Committees or Sub-Committees of the Administrative Committee on Co-ordination. For example, the Division of Human Rights has been represented at meetings of the Sub-Committees on youth and population questions of the Administrative Committee on Co-ordination. Ad hoc meetings have been held on the subject of the implementation of the Covenants. As a general rule, these discussions have proved extremely useful.

151. Much of the work of co-operation and co-ordination among secretariats in the human rights field, however, is done by less formal means: occasional meetings of a small number of senior officials with no rigid procedure; interviews, or even telephone conversations. These methods have no doubt been feasible in the human rights field because of the relatively small number of officials in each secretariat who deal with such matters. On the whole, they have been conducive to rapid action and positive results in a constructive atmosphere of mutual confidence.

152. If we consider the whole range of co-operation and co-ordination activities in respect of human rights, it becomes plain that co-operation and co-ordination in the human rights field, as in other fields, are the more effective when they take place at all stages of the development of a policy. It is desirable, for instance, that the necessary contacts between organizations should take place from the initial stage of the preparation of the studies and preliminary drafts of instruments. If this is not done, it may be difficult at later stages of the drafting of conventions and declarations to take proper account of the different programmes and approaches. Similar comments can be made with regard to operational assistance activities. It appears however, that as far as activities for the promotion and protection of human rights are concerned, the need for ab initio co-ordination in connexion with every programme and project has, generally speaking, been well understood. In achieving such co-ordination, the role of the secretariats is important, since they are involved throughout, from the initial to the final stage of the implementation of a project.

Chapter III

SOME PROPOSALS AND SUGGESTIONS BY GOVERNMENTS AND ORGANIZATIONS CONCERNING CO-OPERATION AND CO-ORDINATION IN THE UNITED NATIONS SYSTEM IN MATTERS OF HUMAN RIGHTS

153. Over the last 10 years, a considerable number of proposals and suggestions concerning co-operation and co-ordination in the human rights field within the United Nations system have been made by governments, by various United Nations organs, by specialized agencies and by non-governmental organizations. Such proposals and suggestions are to be found, in particular, in the following texts:

- (a) draft resolutions and amendments submitted by Member States at the International Conference on Human Rights, held at Teheran in 1968, and reproduced in the Final Act of the Conference (A/CONF.32/41);
- (b) the revised recommendations of the Special Rapporteur of the Commission on Human Rights, Mr. Ganji, on the question of the realization of economic, social and cultural rights (E/CN.4/1131);
- (c) the analysis of the replies of Member States to the Secretary-General, who, in accordance with resolution 10 (XXX) of the Commission, had invited them to make known their views on the Commission's future programme of work (E/CN.4/1168 and Addenda);
- (d) the analysis of the replies of Member States and the specialized agencies to the Secretary-General, who, in accordance with resolution 3221 (XXIX) of the General Assembly, had invited them to make known their views on "ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms" (A/10235);
- (e) a report on these matters presented in 1974 by the Administrative Committee on Co-ordination (E/5488); and
- (f) the report of the Group of Experts on a New United Nations Structure for Global Economic Co-operation (E/AC.62/9).

154. We shall mention below those of the proposals and suggestions which seem to have been most frequently repeated.

A. Some proposals and suggestions regarding co-ordination in the elaboration of standards

155. In a draft resolution submitted to the International Conference on Human Rights, the Government of the Ukrainian Soviet Socialist Republic stressed that the United Nations should intensify its co-ordinating role in respect of its own organs as well as the specialized agencies in formulating norms and principles in the field of fundamental human rights and freedoms. This proposal was not considered due to lack of time.

156. In his revised recommendations, submitted in 1974 to the Commission on Human Rights, the Special Rapporteur of the Commission on the question of the realization of economic, social and cultural rights considered, inter alia,

that the Commission should promote work at the international level on the formulation of standards, norms and indicators in these fields, and he stressed the need for increased co-operation between all organs concerned to this end. 1/

157. The Administrative Committee on Co-ordination in 1974^{2/} expressed the view that the fundamental concerns in the co-ordination of the legislative work of international organizations, within and outside the United Nations system, given the overriding purpose of developing an integrated system of international treaty law, should be to prevent unnecessary duplication; to prevent conflict between the obligations undertaken by the States under different instruments; and to ensure that statutory provisions on complex technical subjects are established by the organizations most competent to do so.

158. Replying to the request of the Secretary-General on alternative ways and means of promoting human rights within the United Nations system under General Assembly resolution 3221 (XXIX), UNESCO proposed that an international body be set up whose function would be, inter alia, to co-ordinate standard-setting activities within the United Nations system on specific issues falling within the competence of various bodies in the field of human rights and to promote the ratification of existing instruments. 3/

B. Some proposals and suggestions regarding co-ordination in the implementation of standards and in operational activities for the realization of economic, social and cultural rights

159. At the International Conference on Human Rights (Teheran, 1968), the Governments of Czechoslovakia, Denmark and Italy proposed that the General Assembly should draw the attention of the Economic and Social Council and of the Commission on Human Rights to the need for studying co-ordination between existing international implementation procedures in the field of human rights, in consultation with the organizations concerned, with a view to avoiding duplication and possible contradictions between the evaluations of the various implementing organs. 4/ The Government of Nigeria proposed that the committees in the field of human rights already established or which may be created under the implementation provisions of international conventions should be merged into a single body. 5/ These proposals were not considered due to lack of time.

160. The Administrative Committee on Co-ordination, when discussing the co-ordination of international standard-setting activities, in 1974, considered that in view of the importance of achieving uniform interpretation of standards, analysis of compliance with standards should as far as possible be carried out by those with the greatest competence in the field. Where more than one organization has a concern in an instrument, it would be desirable for provision for co-operation to be made in the terms of the instrument itself and for such co-operation to bear both on mutual representation and on full exchange of information and observations as appropriate. 6/

1/ E/CN.4/1131, para. 169 (17).

2/ E/5488, para. 204.

3/ A/10235, paras. 120 and 121.

4/ A/CONF.32/C.2/L.34, para. 1.

5/ A/CONF.32/C.2/L.28, para. 10.

6/ E/5844.---

161. The Special Rapporteur of the Commission on Human Rights on the Realization of Economic, Social and Cultural Rights recommended that appropriate contacts and co-operation be established between all interested organs and secretariat units of the United Nations system, particularly through meetings, exchange of information and consultations, with a view to promoting in a constructive way an awareness of human rights considerations in economic and social development projects.^{7/}

162. In its report,^{8/} the Committee of experts on the new United Nations structure for international economic co-operation, established by General Assembly resolution 3343 (XXIX) of 17 December 1974, made a number of far-reaching recommendations for greater co-ordination and, to some extent, integration of all organs and secretariat units of the United Nations system concerned with international economic co-operation. These proposals for co-ordination which are at present being studied in depth by another Experts' Committee established by the Seventh Special Session of the General Assembly, can be considered as aiming at the full realization of economic, social and cultural rights. In addition, the Committee of Experts on the United Nations structure expressed some views on strengthening the United Nations organs concerned with human rights, which will be referred to in Section C. below.

C. Some proposals and suggestions concerning the role of the Commission on Human Rights in the co-ordination of activities in the field of human rights and ways of strengthening the capacity of the Commission to carry out such functions

163. Recently, various Governments have expressed the view that the Commission on Human Rights should play a more active role regarding the co-ordination of United Nations activities in the field of human rights. One may mention in that respect, inter alia, the replies of certain Governments submitted in 1974 on the question of the formulation of a long-term programme of work of the Commission on Human Rights.^{9/}

164. In connexion with such views, several Governments have felt that raising the status of the Commission on Human Rights so as to provide for its direct reporting to the General Assembly would minimize duplication of efforts and facilitate the co-ordination of activities in the field of human rights.^{10/} Similar proposals had been made already at the International Conference on Human Rights (Teheran, 1968) ^{11/} and at various times during debates at the Commission on Human Rights and the Third Committee, ^{12/} and they were expressed again by some members of the Group of Experts on the New United Nations Structure for International Economic Co-operation. ^{13/} It was also suggested during the deliberations of this Experts' Group that this "Human Rights Council", reporting directly to the General Assembly, could, inter alia, perform the tasks which the entry into force of the Covenant on Economic, Social and Cultural Rights entails. Some other members of the Experts' Group suggested, alternatively, that the Economic and Social Council should transmit the Commission's reports to the General Assembly without debate.

^{7/} E/CN.4/1131, para. 169 (17).

^{8/} E/AC.62/9, Annex III.

^{9/} These replies were summarized in documents E/CN.4/1168 and addenda.

^{10/} See for instance A/10235, paras. 116 and 117.

^{11/} See for instance A/CONF.32/L.14, para. 1, A/CONF.32/C.2/L.28, para. 11.

^{12/} See for instance E/CN.4/SR.1324 and A/C.3/SR.1643, para. 5.

^{13/} E/AC.62/9, para. 62.

165. It was recognized, at the same time, by many Governments that various measures should be taken to strengthen the capacity of the Commission on Human Rights to deal with its increased workload including eventually more activities pertaining to co-ordination. Such suggestions, concerning inter alia the extension of the Commission's sessions or the holding of more than one annual session, and increased reliance on sessional or intersessional working groups, were analysed in particular in the 1975 Secretary-General's report on alternative approaches and ways and means of promoting human rights within the United Nations system. 14/

14/ A/10235, paras. 109-122.

Chapter IV

OBSERVATIONS ON THE MAIN TRENDS THAT SEEM TO BE EMERGING WITH REGARD TO WAYS AND MEANS OF ACHIEVING INTENSIFIED CO-OPERATION AND CO-ORDINATION IN THE UNITED NATIONS SYSTEM IN MATTERS OF HUMAN RIGHTS

166. Since the foundation of the United Nations and perhaps more particularly since the beginning of the 1960s, the peoples of the world have become increasingly aware of the need for effective international action to solve various problems of vital importance for the future of mankind, such as the maintenance of peace, disarmament, economic and social development, decolonization and the protection and promotion of human rights and freedoms. It has been pointed out that the latter problem has a significant bearing on the solution of the others. By many, true respect for these rights and freedoms are regarded as the ultimate supreme objective of United Nations activities. As so many of the instruments adopted by the United Nations have emphasized, the raison d'être of all economic development efforts is to promote the dignity and well-being of the individual and to bring about a just distribution of the benefits of progress.^{1/} At the same time, it has been affirmed, that economic and social development demands respect for fundamental human rights and freedoms.^{2/} It may therefore be said that the "human rights" element, the "human factor", is present, implicitly at least, in most United Nations programmes and that matters connected with human rights have a central place in the concerns and activities of the United Nations. Consistent and effective international action in this field must be one of the Organization's highest priorities. Despite occasional changes in the emphasis placed on one aspect or another of worldwide protection of human dignity and the suddenness with which certain problems connected with the violation of human rights arise, it is obvious that in this as in other fields effective action presupposes the programming and co-ordination of projects along with adequate resources.

167. It is not until recently that emphasis seems to have been laid on this latter aspect in the United Nations with regard to human rights. Only in the last few years has the Commission on Human Rights tried to draw up its own unified long-term programme of work and it is at its last session in 1975 - the thirty-first - that it concentrated in its resolution 10 (XXXI) on the problem of co-ordination between the various United Nations organs and services whose activities are in one way or another concerned with human rights. For a long time, such activities were mainly of a normative character, engaged in by a small number of bodies, and presented no great problems as regards priorities or co-ordination. The situation is of course quite different today because the United Nations has not only extended the scope of its basic concepts concerning human rights to encompass many scientific, technological, demographic and economic questions but also diversified its methods of action, so that monitoring the application of standards and information, education and aid activities are receiving as much if not more attention than work on legislation. This has increased the complexity of human rights programmes and opened the door to dispersion and duplication of efforts. The co-ordination of human rights activities within the United Nations system has thus become both more necessary and more difficult to achieve.

^{1/} See, for instance, the International Development Strategy for the Second United Nations Development Decade, General Assembly resolution 2626 (XXV), para. 7.

^{2/} World Population Plan of Action, para. 14 (b).

168. Under the Charter, it is the Economic and Social Council, assisted by its subsidiary organs - the Committee for Programme and Co-ordination and the Administrative Committee on Co-ordination - which bears the main responsibility for co-ordinating human rights activities and harmonizing them with economic, social and cultural programmes. However, this is only one of the Council's functions. It must, in particular, review the substantive aspects of all economic development problems, which, too, have become extremely complex. Their study is, in fact, so demanding that, by its resolution 1768 (LIV) of 18 May 1973, the Council decided in principle to concentrate its attention on them every other year. The Council must also deal with the substantive questions submitted to it by the Commission for Social Development, the Population Commission, the Commission on the Status of Women, the Advisory Committee on the Application of Science and Technology to Development and many other organs and agencies. Being faced with what the General Assembly has described as "an extraordinarily heavy programme of work",^{3/} the Council, as was seen in chapter II, has entrusted its Committee for Programme and Co-ordination with increasingly responsible tasks. The Committee, however, has stressed the great difficulties it too was having in discharging those responsibilities, including in particular co-ordination in matters of human rights. At the present time, the Economic and Social Council is continuing its efforts at rationalization, in accordance with General Assembly resolution 3341 (XXIX) and its own resolution 1768 (LIV), with a view to satisfactory fulfilment of the whole of its mandate. In paragraph 3 of the latter resolution, it reaffirmed its resolve to continue to discharge its responsibilities in human rights matters.

169. Numerous proposals and suggestions have been and continue to be considered for strengthening the Council's ability to carry out its latest tasks. In that connexion, reference must be made to Council resolution 1768 (LIV) and to General Assembly resolution 3341 (XXIX), which inter alia envisages the possibility of convening meetings of the Council as necessary throughout the year and requests the Council to consider such modifications as might be necessary in the existing pattern of interagency co-operation. The report of the Group of Experts on the Structure of the United Nations System in the economic and social field^{4/} makes some significant proposals concerning the Council and its work. In accordance with General Assembly resolution 3362 (S-VII) of 16 September 1975, the Ad Hoc Committee on the Restructuring of the Economic and Social Sectors of the United Nations System has begun its endeavours to increase the capability of the United Nations system to deal effectively with problems of international economic co-operation and development, in the light, in particular, of the Programme of Action on the Establishment of a New International Economic Order and of the Charter of Economic Rights and Duties of States.

170. The results of this new in-depth review of United Nations structures and methods of co-ordination in the economic, social and human rights fields cannot be predicted. It appears, however, that at present the prevailing trend in the Council, in view of the magnitude of its work programme, is, as it decided in its resolution 1768 (LIV), "to focus attention on major issues" and "establish adequate policy guidelines and directives for the activities of the United Nations system".

^{3/} General Assembly resolution 3341 (XXIX) of 17 December 1974.

^{4/} Document E/AC.62/9.

171. In the circumstances there is reason to expect that co-ordination on human rights in the United Nations, while subject to general review by the Committee for Programme and Co-ordination and by the Council, will become increasingly important in the fields of interest and activities of the Division of Human Rights, which are very directly influenced by the discussions held and views expressed in the governmental bodies and groups of experts engaged in human rights activities in accordance with the provisions of the Charter or set up under those provisions.

172. The Commission on Human Rights should assume an important role in this respect by bearing in mind problems of priorities and co-ordination when considering the various items on its agenda. This suggestion would be consistent with the views recently expressed by the Secretary-General on co-ordination in general with regard to the designation of a lead agency in each field throughout the system.^{5/} Such an approach would have the considerable advantage of entrusting much of the work of co-ordination in human rights to the United Nations organs that are mainly and directly responsible for dealing with them from the substantive point of view. The experience acquired through such substantive work, which by its nature has often led the Commission to examine the related activities of other United Nations bodies and specialized agencies, would undoubtedly prove very useful for a clearer understanding of the problems of co-ordination in human rights matters.

173. What is more, during the last five years, and in particular when it considered Mr. Ganji's report, the Commission has been giving increasing attention to economic, social and cultural rights, and has thus become more familiar with many of the activities of autonomous United Nations organs and of specialized agencies in those fields. At its last session, it decided to keep such questions on its agenda each year and to give them high priority. If, moreover, the Economic and Social Council, making use of the powers with which it is vested under article 19 of the Covenant on Economic, Social and Cultural Rights, referred the reports of the specialized agencies submitted in accordance with that Covenant to the Commission on Human Rights for study and recommendation, the Commission would then have highly relevant data at its disposal on which to base its recommendations to the Council, including those on co-ordination as regards economic, social and cultural rights.

174. Admittedly, the Commission on Human Rights, as it has itself pointed out, has also had difficulties in carrying out an increasingly heavy programme of work. Several suggestions have been made to improve that situation, such as longer sessions, special or additional sessions and increased use of the system of working groups.^{6/} These difficulties seem, however, less serious than they seemed two or three sessions ago. There are grounds for hoping that, by such means as better use of meeting time, informal consultations among members, more frequent meetings of its Bureau during sessions that deal with problems of co-ordination and possibly the rearrangement of some agenda items, the Commission could devote the necessary time to major co-ordination problems. It might also consider enlisting for the purpose the assistance of the Sub-Commission, which at its last session drew up a five-year programme of work that might enable it to set aside certain meetings for questions of co-ordination.

^{5/} See, for instance, document E/5524, para. 25 (c), of 30 May 1974.

^{6/} See, for instance, E/CN.4/1168 and addenda, and A/10235.

175. With regard to inter-secretariat co-operation, there would not seem to be any need for major changes in current practice, which is highly flexible and informal in its methods, and has produced constructive results on the whole. It can no doubt be continued in future in many areas. Although the questions to be dealt with are becoming more complex, the services and staff members responsible for them usually remain the same over relatively long periods, and this facilitates contacts and makes it possible to employ rapid and direct methods of co-ordination.

176. The procedures of the Administrative Committee on Co-ordination and of its ad hoc committees and groups continue to be available and could undoubtedly be very useful on questions that are particularly complex and that call for an extensive exchange of views among a number of services. That might be the case, for instance, for certain questions of co-ordination with the specialized agencies in the implementation of the Covenants on Human Rights.

177. Without prejudice to future work on the restructuring of the United Nations system and the rationalization of the Council's activities, the views and suggestions put forward in this chapter would seem to be the most appropriate at the present time for optimum implementation of flexible and effective co-ordination based on the experience acquired in dealing with substantive questions of human rights, without the need for new bodies and most probably without major financial implications.