

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL



ORIGINAL: ENGLISH

COMMISSION ON HUMAN RIGHTS
Thirty-first session
Item 14 of the provisional agenda

REPORT OF THE AD HOC COMMITTEE ON PERIODIC REPORTS

Chairman/Rapporteur: Mr. E.A. Srinivasan (India)

I. ORGANIZATION OF THE 1975 SESSION

Introduction

1. The mandate of the Ad Hoc Committee, in accordance with Economic and Social Council resolution 1074 C (XXXIX) of 28 July 1965, is to study and evaluate the periodic reports and other information received under the terms of the resolution and to submit to the Commission of Human Rights, comments, conclusions, and recommendations of an objective character.
2. Under Council resolution 1074 C (XXXIX), States Members of the United Nations or members of the specialized agencies and the specialized agencies were invited to submit reports on developments in human rights in the territories subject to their jurisdiction within a continuing three-year cycle scheduled as follows: (a) in the first year, on civil and political rights, the first such reports to cover the period ending 30 June 1965; (b) in the second year, on economic, social and cultural rights, the first such reports to cover the period ending 30 June 1966; (c) in the third year, on freedom of information, the first such reports to cover the period ending 30 June 1967. In resolution 1596 (L) of 21 May 1971, the Council, recognizing that the number of reporting obligations imposed upon Member States might make more difficult the preparation of comprehensive periodic reports on human rights each year, decided that Member States would henceforth be asked to submit periodic reports in a six-year cycle; once every two years in a continuing cycle; the first, on civil and political rights, to be submitted in 1972; the second, on economic, social and cultural, rights, in 1974; the third, on freedom of information, in 1976.
3. Accordingly, at its 1975 session the Ad Hoc Committee took up reports on economic, social and cultural rights for the period from 1 July 1969 to 30 June 1973 received from Governments and specialized agencies under Council resolution 1074 C (XXXIX), and also contributions from non-governmental organizations in consultative status.

Attendance

4. The Committee held its 1975 session at the Office of the United Nations at Geneva from 27 to 31 January 1975. Attendance at the session was as follows:

France	Mme. G. HIRLEMANN
India	Mr. E. A. SRINIVASAN
Peru	Mr. L. CHAVEZ-GODOY
Senegal	Mr. J.P. CRESPIN
Union of Soviet Socialist Republics	Mr. V. BLIOUDOV
United Kingdom	Mr. D. BROAD
United States of America	Mr. A.M. STILLMAN
Yugoslavia	Mr. T. BOJADZIEVSKI

5. The International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization were represented at the session.

Election of Officers

6. At its 75th meeting, on 27 January 1975, Mr. E.A. Srinivasan (India) was unanimously elected as Chairman/Rapporteur of the Committee.

Agenda

7. At its 74th meeting, on 27 January 1975, the Committee adopted the following agenda:

1. Election of officers
2. Adoption of the agenda
3. Study and evaluation of the periodic reports and other information relating to economic, social and cultural rights received under the terms of Economic and Social Council resolution 1074 C (XXXIX)
4. Possibility of refining and improving the present system of periodic reports
5. Suggestions for improving the Yearbook on Human Rights
6. Draft provisional agenda for the next session of the Ad Hoc Committee on Periodic Reports
7. Report of the Ad Hoc Committee to the Commission on Human Rights

Meetings of the Committee

8. The Committee held six formal meetings from 27 to 31 January 1975.

Documentation before the Committee

9. The Committee had before it:

(a) Reports on economic, social and cultural rights for the period 1 July 1969 to 30 June 1973 received from the following States Members of the United Nations: Afghanistan, Austria, Barbados, Bulgaria, Byelorussian Soviet Socialist Republic, Costa Rica, Czechoslovakia, Dahomey, Denmark, Egypt, El Salvador, Fiji, Finland, France, German Democratic Republic, Germany Federal Republic of, Ghana, Guatemala,

Hungary, Iraq, Israel, Italy, Jamaica, Japan, Kuwait, Luxembourg, Madagascar, Malaysia, Netherlands, Netherlands Antilles, New Zealand, Norway, Peru, Philippines, Poland, Romania, Rwanda, San Marino, Singapore, Syrian Arab Republic, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom, United States of America, Venezuela and Yugoslavia.

(E/CN.4/1155 and Add. 1-28);

(b) Reports on economic, social and cultural rights for the period from 1 July 1969 to 30 June 1973 received from the following specialized agencies:

Food and Agriculture Organization
International Labour Organisation
United Nations Educational, Scientific and Cultural Organization
World Meteorological Organization

(E/CN.4/1156 and Add.1-2);

(c) An analytical summary of the reports and other materials on economic, social and cultural rights for the period 1 July 1969 to 30 June 1973, prepared by the Secretary-General in accordance with Commission on Human Rights resolution 16 B (XXIII) (E/CN.4/1164 and Add.1);

(d) A subject and country index of the reports, prepared by the Secretary-General in accordance with Economic and Social Council resolution 1074 C (XXXIX) (E/CN.4/1165 and Corr. 1 and Add. 1);

(e) An up-to-date memorandum on the status of multilateral international agreements in the field of human rights concluded under the auspices of the United Nations, prepared by the Secretary-General, in accordance with Economic and Social Council resolution 1074 C (XXXIX) (E/CN.4/907/Rev. 11);

(f) A note by the Secretary-General relating to the item entitled "Suggestions for improving the Yearbook on Human Rights" (E/CN.4/AC.20/L.28);

(g) Contributions received under the terms of Economic and Social Council resolution 1074 C (XXXIX) from the following non-governmental organizations in consultative status:

Category I

International Co-operative Alliance
World Federation of Trade Unions

Category II

All-Pakistan Women's Association
Association for the Study of the World Refugee Problem
Boy Scouts World Bureau
Caritas Internationalis
International Air Transport Association
International Federation of Business and Professional Women
International Hotel Association
International Union of Architects
World Alliance of Young Men's Christian Associations
World Confederation of Organizations of the Teaching Profession
World Union of Catholic Women's Organization

II. STUDY AND EVALUATION OF THE PERIODIC REPORTS AND OTHER
INFORMATION RELATING TO ECONOMIC, SOCIAL AND
CULTURAL RIGHTS RECEIVED UNDER THE TERMS
OF ECONOMIC AND SOCIAL COUNCIL
RESOLUTION 1074 (XXXIX)

10. The Ad Hoc Committee examined at its 74th to 76th meetings held on 27 and 28 January 1975, the periodic reports and other information received under the terms of Economic and Social Council Resolution 1074 C (XXXIX). Members of the Committee expressed support for the system of periodic reports on human rights which in their view, in spite of certain shortcomings, provided a valuable means for the United Nations to follow the progress made in implementing the principles laid down in the international instruments which had been adopted in the field of human rights. The reports were useful in particular as a system of observing the incorporation in national legislation of the norms set forth in the international instruments, and as a direct means of exchange of information and experience between governments.

11. The members of the Committee expressed their appreciation of the analytical summary prepared by the Secretary-General (E/CN.4/1164 and Add.1) and considered it a valuable aid to their work, as well as a useful source of information to international lawyers and other persons interested in the promotion of human rights.

12. Members of the Ad Hoc Committee observed that only seven reports had been received by the 31 March 1974 deadline, but expressed satisfaction at the number of governmental reports, forty-eight in all, submitted during this reporting period. The responses demonstrated the interest of governments in the system.

13. Several members of the Ad Hoc Committee expressed the belief that the two-year reporting period in the new six-year cycle should enable more States to submit reports. It was suggested that in the preparation of their reports governments should be encouraged to follow closely the outline furnished by the Secretary-General and that reports should be provided in a precise and concise form. It was suggested that where extensive legislation, constitution provisions or statistical data were included these might be appended to the report as an annex, rather than appearing in the body of the document.

14. It was also suggested that governments should not only describe progress attained but provide more detailed information on difficulties which they had experienced in ensuring the full enjoyment of human rights, and on the methods and measures which were applied to overcome such difficulties.

15. Several members noted that the reports of governments indicated that United Nations instruments had an influence on the promulgation of new constitutions, constitutional amendments and the enactment of national legislation. However, members of the Committee noted that advances in economic, social and cultural rights could not be assessed only as they were reflected in legislation since the enjoyment of these rights could only result from the actual application of such legislation. The view was expressed that

notwithstanding evidence of a growing assumption of responsibility by governments for promoting the enjoyment of economic, social and cultural rights, their full enjoyment largely depends on the overall level of economic progress which governments are not always in a position to determine. Furthermore, without examining this aspect, it was difficult to evaluate precisely the level of enjoyment of economic, social and cultural rights and a certain incompleteness was therefore inevitably involved in the Committee's assessment.

16. It was pointed out by some members that the enactment of legislation and the adoption of policies in the area of human rights were not in themselves sufficient to promote these rights; unless the individuals were made aware of the existence of these rights they remained inoperative. It was suggested that governments undertake the dissemination of information on the rights, services and benefits available.

17. It was noted that significant advances were reported regarding the improvement of employment conditions, the elimination of racial discrimination and the control of narcotics. It was pointed out that in these areas where international norms existed greater progress in national legislation was observed.

18. The following elements in the reports were deemed particularly noteworthy:

- (a) the positive influence on national legislation and policies of international instruments adopted under the auspices of the United Nations and the specialized agencies, in particular with reference to the improvement of conditions of employment, improved standards of living, and the elimination of discrimination;
- (b) increase in the right to benefit from a better state of physical and mental health, particularly in the areas of assistance to the elderly, to young people and to working women;
- (c) the useful role of international co-operation in controlling narcotics;
- (d) the progress and development in the areas of social security and the right to work.

19. Members of the Committee expressed their appreciation for the valuable contributions of the specialized agencies. They noted specific aspects of recent ILO and UNESCO activities in the field of economic, social and cultural rights and the usefulness of the specialized agencies' methods of monitoring the incorporation in national legislation of international norms. It was further observed that highly technical fields, such as conditions of employment readily lent themselves to the adoption of national legislative standards.

III. POSSIBILITY OF REFINING AND IMPROVING THE PRESENT SYSTEM
OF PERIODIC REPORTS (AGENDA ITEM 4) AND SUGGESTIONS
FOR IMPROVING THE YEARBOOK ON HUMAN RIGHTS
(AGENDA ITEM 5)

20. The Economic and Social Council at its fifty-fourth session in 1973 endorsed the recommendation of the Commission on Human Rights that the Ad Hoc Committee on Periodic Reports should keep under continuing review the possibility of refining and improving the system of periodic reports, and requested the Ad Hoc Committee to keep under review suggestions for improving the Yearbook on Human Rights. Accordingly, these items were included in the agenda of the Ad Hoc Committee.

21. The Ad Hoc Committee at its 77th meeting, held on 28 January 1975, decided that inasmuch as agenda items 4 and 5 were closely linked they would be considered jointly.

22. The view was expressed that the system of periodic reports as it now existed served as an exchange of valuable information and did function in a fairly efficient manner.

23. Several members thought efforts should be made to obtain greater uniformity in the reports and possibly a reduction in their volume. Although it was agreed that in no way should the freedom of expression of governments be limited, guidelines as to length might be offered. Such guidelines might include the recommendation that reports, if necessary, be accompanied by a summary.

24. One member expressed the view that there was a certain amount of duplication between the system of periodic reports and the publication of the Yearbook on Human Rights and foresaw a possibility of further duplication when the International Covenants would come into force. He also noted that the reporting system was a costly undertaking for governments as well as the Secretariat. It was suggested that at the end of the current six-year cycle the Committee would be in a better position to make a detailed assessment of the system.

25. Similarly, it was felt with respect to the Yearbook on Human Rights that suggestions for improvement should appropriately await the publication of the volume presently in preparation.

IV. DRAFT PROVISIONAL AGENDA FOR THE NEXT SESSION OF THE
AD HOC COMMITTEE ON PERIODIC REPORTS

26. At its 78th meeting, on 29 January 1975, the Ad Hoc Committee on Periodic Reports considered the item relating to the draft provisional agenda for its next session in 1977, which had been included in the agenda of its present session pursuant to paragraph 3 of resolution 1894 (LVII) of the Economic and Social Council. The Committee took note of the items suggested for inclusion in the provisional agenda of its 1977 session and of the list of documents which would be expected to be submitted at that time.

V. CONSIDERATION OF DRAFT RESOLUTION

27. At its 78th meeting, held on 29 January 1975, the Chairman/Rapporteur presented a working paper containing a draft resolution prepared on the basis of various suggestions and proposals put forward by members of the Committee. Following discussion the draft resolution as amended was adopted unanimously at the 79th meeting, held on 31 January 1975.

VI. DRAFT RESOLUTION RECOMMENDED FOR ADOPTION
BY THE COMMISSION ON HUMAN RIGHTS

28. The Ad Hoc Committee on Periodic Reports on Human Rights recommends to the Commission on Human Rights the adoption of the following draft resolution:

The Commission on Human Rights,

Having considered, with the assistance of its Ad Hoc Committee on Periodic Reports on Human Rights, the reports on economic, social and cultural rights for the period 1 July 1969 to 30 June 1973, received from States Members of the United Nations or members of specialized agencies and from specialized agencies, as well as information received from non-governmental organizations in consultative status, in accordance with Economic and Social Council resolution 1074 C (XXXIX) of 28 July 1965 (E/CN.4/1155 and Add. 1-28; E/CN.4/1156 and Add. 1 and 2),

Noting with appreciation the analytical summary of the periodic reports on economic, social and cultural rights (E/CN.4/1164 and Add.1), the subject and country index of these reports (E/CN.4/1165 and Add.1) and the memorandum on the status of multilateral treaties in the field of human rights concluded under the auspices of the United Nations (E/CN.4/907/Rev.11), prepared by the Secretary-General,

Recalling Economic and Social Council resolution 1596 (L) of 21 May 1971 in which the Council decided that Member States would henceforth be asked to submit periodic reports once every two years in a continuing six-year cycle, instead of every year, as was the case under Council resolution 1074 C (XXXIX),

1. Notes with satisfaction the encouraging number of reports received and expresses the hope that the participation of governments in the reporting system will continue to increase;
2. Calls upon all member governments to participate in the reporting system;
3. Recommends that governments provide more detailed information in their periodic reports on difficulties which they have experienced in ensuring the full enjoyment of human rights, and on the methods and measures which were applied to overcome such difficulties;

4. Recommends to governments and to specialized agencies the usefulness of:

(a) submitting concise and precise reports;

(b) following as closely as possible in their reports the outline of headings furnished by the Secretary-General, and concentrating on information relevant to the reporting period and the provisions of Economic and Social Council resolution 1074 C (XXXIX);

5. Commends the notable efforts made by reporting governments with different economic and social systems and material resources 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;

6. Notes the importance of all persons concerned being made aware of the services and benefits available to them under national legislation relating to the enjoyment of economic, social and cultural rights and invites Governments to disseminate information on these rights, services and benefits;

7. Considers that on the basis of the information contained in the reports on economic, social and cultural rights, attention can be drawn to the following:

(a) the significant influence on national legislation and policies of international instruments adopted under the auspices of the United Nations and the specialized agencies, in particular as regards the improvement of conditions of employment and improved standards of living and the elimination of all forms of discrimination;

(b) the importance of creating at the national level adequate socio-economic conditions as a prerequisite for the realization of economic, social and cultural rights;

(c) constitutional and legislative measures by an increasing number of governments providing to a greater number of people the right to work and the right to social security;

(d) the adoption of legislation by governments to ensure the right to rest and leisure;

(e) the increased emphasis of governments on the provision of adequate food and proper housing;

(f) new legislation for the protection and improvement of the human environment;

(g) the increased concern of governments for the improvement of the standard of health and the adoption of appropriate legislation for this purpose;

(h) measures taken by governments to provide more effective medical services and to ensure the healthy development of the child;

- (i) the useful role of international co-operation in controlling narcotics;
 - (j) more governments reporting the institution of free and compulsory primary education;
8. Appreciates the reports submitted by the specialized agencies and the comments submitted by non-governmental organizations and commends their important contribution to economic, social and cultural rights,
9. Recommends that those States which have not yet ratified or acceded to the International Covenant on Economic, Social and Cultural Rights accelerate to the extent possible internal procedures leading to ratification or accession in order to strengthen the role of the United Nations in the promotion of economic, social and cultural rights.

VII. ADOPTION OF THE REPORT

29. At its 79th meeting, held on 31 January 1975, the Ad Hoc Committee considered the draft report on the work of its 1975 session (E/CN.4/AC.20/L.29 and Add. 1-2) and adopted it, as amended, unanimously.