



Tenth session

DRAFT INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Observations by specialized agencies

In response to an invitation made in accordance with resolution 833 (IX) of the General Assembly (see A/2907), the International Labour Office has forwarded to the Secretary-General, in a letter dated 9 June 1955, the following observations on the draft International Covenants on Human Rights:

Geneva, 9 June 1955

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"The Governing Body of the ILO has from time to time presented to the Commission on Human Rights its observations on the draft clauses of the international covenants dealing with matters coming within the province of the ILO, and several of its suggestions have been taken into account by the Commission. Thus, at its 120th session (November 1952) the Governing Body expressed satisfaction that, in accordance with the views previously expressed by it, the articles on economic and social rights covering matters within the competence of the ILO, as approved by the Commission on Human Rights at its eighth session, were in general framed as brief clauses of a general nature, and expressed the hope that this principle would be maintained in subsequent discussion of these provisions in other organs of the United Nations. At its 125th session (May 1954) the Governing Body also noted with satisfaction that at its tenth session the Commission on Human Rights had to a large extent taken into account its views for framing the implementation clauses of the draft covenant on economic, social and cultural rights.

"There are, however, certain observations made by the Governing Body in connexion with the implementation clauses of the draft Covenant on Civil and Political Rights that were not taken into account by the Commission on Human Rights, and that the Governing Body at its 125th session requested the Director-General to bring to the notice of the General Assembly when it considered the draft international covenants.

"These observations are as follows:

"1. At its ninth session the Commission on Human Rights deleted from the draft covenant an article which it had previously adopted (article 53), which was designed to eliminate conflicts of competence in regard to the implementation of civil and political rights between the proposed Human Rights Committee on the one hand and other organs of the United Nations or the specialized agencies on the other. This article stated: 'The [Human Rights] Committee shall deal with any matter referred to it under article 52, but however it shall not take action with regard to any matter: (a) for which any organ or specialized agency of the United Nations competent to do so has established a special procedure by which the States concerned are governed; (b) with which the International Court of Justice is already seized'.

"The Governing Body has emphasized the importance it attaches to the insertion in the draft Covenant on Civil and Political Rights of a clause similar in effect to the one quoted above in order to prevent any duplication between the competence of the proposed Human Rights Committee and the International Labour Organisation in questions for which a special procedure has been set up by the ILO.

"2. The draft Covenant on Civil and Political Rights and the draft Covenant on Economic, Social and Cultural Rights provide, as regards their implementation, for a system of reports with which the specialized agencies are associated in so far as the reports relate to matters falling within the purview of those agencies. The Governing Body however noted certain differences between the two covenants as regards participation by the specialized agencies in the reporting system.

"For example, article 49, 1 (b) of the draft Covenant on Civil and Political Rights does not include the stipulation contained in article 18, paragraph 1, of the draft Covenant on Economic, Social and Cultural Rights to the effect that the reports will be requested from the States parties to the covenant in accordance with a programme to be established by the Economic and Social Council after consultation not only with the States parties to this covenant, but also with the specialized agencies concerned.

"Again, article 49, paragraphs 3 and 4, of the draft Covenant on Civil and Political Rights provides that all reports concerning the implementation of the covenant shall be submitted to the Secretary-General of the United Nations for the Economic and Social Council and that the specialized agencies shall receive such parts of the reports concerning the rights as fall within their respective fields of activity, whereas the draft Covenant on Economic, Social and Cultural Rights stipulates that the reports concerning the implementation of the covenant shall be submitted to the Secretary-General of the United Nations for

the Economic and Social Council, and that any State party which is also a member of a specialized agency shall at the same time transmit, in respect of matters falling within the purview of that agency, a copy of its report, or relevant extracts therefrom, as appropriate, to that agency (article 17, paragraphs 2 (a) and (b)).

"Finally, article 49 of the draft Covenant on Civil and Political Rights does not include, in its present form, any stipulation similar to that contained in article 18, paragraph 3, of the draft Covenant on Economic, Social and Cultural Rights to the effect that where information concerning the implementation of certain rights has already previously been furnished to a specialized agency, it will not be necessary for the States parties to reproduce that information in their reports but that a precise reference to the information so furnished will suffice.

"Accordingly, the Governing Body felt that since the draft Covenant on Civil and Political Rights deals with matters such as forced labour and trade union rights, the clauses concerning the reports on the implementation of this covenant should, with a view to preventing any possibility of duplication, contain references to co-operation with specialized agencies, similar to those concerning the reports on the implementation of the Covenant on Economic, Social and Cultural Rights. It would therefore be desirable:

"(a) That article 49, paragraph 1 (b) should provide that the reports to be prepared under the Covenant on Civil and Political Rights concerning rights falling within the purview of a specialized agency should be requested from the States parties to the covenant by the Economic and Social Council after consultation not only with the States parties but also with that specialized agency;

"(b) That article 49, paragraph 4, of the covenant should provide that any State party to the Covenant on Civil and Political Rights which is also a member of a specialized agency should communicate to it a copy of its reports or relevant extracts therefrom concerning the observance of rights falling within the field of activity of that agency at the same time as they transmit such reports to the Secretary-General of the United Nations;

"(c) That article 49 of the covenant should provide that where information on the observance of civil and political rights within the province of a specialized agency has already been furnished by a State party to the specialized agency concerned, it will not be necessary for that State party to reproduce that information in its reports to the Secretary-General but that a precise reference to the information so furnished will suffice."