



UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL
E/CN.4/1226
10 February 1977
Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Thirty-third session
Agenda item 16

REPORT OF THE AD HOC COMMITTEE ON PERIODIC REPORTS

Chairman/Rapporteur: Mrs. Nina Sibal (India)

I. ORGANIZATION OF THE 1977 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 on 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 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 once every two years in a continuing cycle, instead of every year as was the case under Council resolution 1074 C (XXXIX).
3. In accordance with Council resolutions 1074 C (XXXIX) and 1596 (L), the Ad Hoc Committee, at its 1977 session, took up reports on freedom of information for the period from 1 July 1970 to 30 June 1975 received from Governments and specialized agencies, and contributions on this subject-matter from non-governmental organizations in consultative status.

Attendance

4. The Committee held its 1977 session at the Office of the United Nations at Geneva, from 31 January to 4 February 1977. Membership at the session was as follows:

India	Mrs. Rajan Nehru Mrs. Nina Sibal
Italy	Mr. Ludovico Ortona
Peru	
Senegal	Mr. Youssouph Barro
Union of Soviet Socialist Republics	Mr. Michail E. Vezel
United Kingdom of Great Britain and Northern Ireland	Mr. David Broad
United States of America	Miss Gloria Gaston
Yugoslavia	Mrs. Gordana Diklic-Trajkovic

5. The International Labour Organisation was represented at the session.

Election of officers

6. At its 80th meeting, on 31 January 1977, Mrs. Nina Sibal (India) was unanimously elected as Chairman/Rapporteur of the Committee.

Agenda

7. At its 80th meeting the Committee unanimously 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 freedom of information 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 and suggestions for improving the Yearbook on Human Rights
 5. Draft provisional agenda for the next session of the Ad Hoc Committee on Periodic Reports
 6. Report of the Ad Hoc Committee to the Commission on Human Rights.

Meetings of the Committee

8. The Committee held seven formal meetings, from 31 January to 4 February 1977.

Documentation before the Committee

9. The Committee had before it:

(a) Reports on freedom of information for the period 1 July 1970 to 30 June 1975, received from the following States Members of the United Nations or members of specialized agencies: Austria, Barbados, Belgium, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Ecuador, Finland, France, German Democratic Republic, Germany (Federal Republic of), Greece, Guatemala, Honduras, Hungary, Iran, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kuwait, Luxembourg, Madagascar, Mali, Mauritius, Netherlands, New Zealand, Norway, Oman, Pakistan, Poland, Republic of Korea, San Marino, Somalia, Sri Lanka, Sweden, Switzerland, Thailand, Trinidad and Tobago, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America (E/CN.4/1214 and Add.1-18);

(b) Reports on freedom of information for the period 1 July 1970 to 30 June 1975, received from the following specialized agencies: International Bank for Reconstruction and Development (IBRD), International Labour Organisation (ILO), International Telecommunications Union (ITU), United Nations Educational, Scientific and Cultural Organization (UNESCO), and Universal Postal Union (UPU) (E/CN.4/1215 and Add.1-3);

(c) An analytical summary of the reports and other material on freedom of information for the period from 1 July 1970 to 30 June 1975 prepared by the Secretary-General in accordance with Commission on Human Rights resolution 16 B (XXIII) (E/CN.4/1224);

(d) A subject and country index of the reports on freedom of information prepared by the Secretary-General in accordance with Economic and Social Council resolution 1074 C (XXXIX) (E/CN.4/1225);

(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.13);

(f) A note by the Secretary-General concerning the Yearbook on Human Rights (E/CN.4/AC.20/L.31) and copies of the Yearbook on Human Rights for 1973-1974, 1/ prepared in accordance with Economic and Social Council resolution 1793 (LIV);

1/ United Nations publication, Sales No. E.76.XIV.1.

(g) Contributions from the following non-governmental organizations in consultative status (category II) received under the terms of Economic and Social Council resolution 1074 C (XXXIX): Baptist World Alliance, International Commission of Jurists, International Federation of University Women, World Young Women's Christian Association (E/CN.4/AC.20/NGO/R.11-R.13). Comments on the contributions of non-governmental organizations were received from the Governments of Canada, Denmark, Egypt, France, Indonesia, Jordan, New Zealand and the Socialist Republic of Viet Nam (E/CN.4/AC.20/NGO/R.13/Add.1-3).

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

10. The Ad Hoc Committee examined, at its 81st and 82nd meetings, held on 1 February 1977, the periodic reports and other information received under the terms of Economic and Social Council resolution 1074 C (XXXIX).

11. Several members expressed their appreciation for the system of periodic reports as a means of monitoring progress in the field of human rights, and to those Governments, specialized agencies and non-governmental organizations which had submitted reports. Some members, however, regretted that a greater number of periodic reports had not been received. It was considered important that Governments should report not only on the steps taken, but also on the difficulties encountered, since the Ad Hoc Committee could make useful recommendations only if it knew what the problems were at the national level.

12. It was noted with satisfaction that in various countries, technological progress had brought about a noticeable increase in the volume of news disseminated. This development met the growing demand for accurate information, which had resulted from progress made in the field of public education.

13. Some representatives felt that, in many reports, emphasis had been placed on purely quantitative data, and that observations should be directed also towards the question of improving the quality of information being disseminated.

14. As was apparent from most reports, an important problem in this field was to strike a proper balance between freedom of information and the necessary limitations which should be placed on the exercise of this freedom in order to safeguard the rights of others and of society as a whole. The problem of protecting society against the influence of pornographic publications was also mentioned. Some representatives expressed the hope that, although certain emergency situations warranted a limitation of freedom of information, this would be of as temporary a duration as possible.

15. Certain delegations stressed the importance of regional agreements on freedom of information, particularly the Final Act of the Conference on Security and Co-operation in Europe. ^{2/} Some delegations expressed their disagreement with

^{2/} The Final Act of the Conference was signed at Helsinki on 1 August 1975.

the interpretation given in a few reports of pertinent parts of the Final Act; they also suggested that all signatories of the Final Act should endeavour to refrain from making unilateral interpretations of its provisions which might carry the danger of being selective or tendentious. However, another delegation did not agree with this opinion and stressed that these representatives expressed the views of their Governments, which interpret in their own way some provisions of the Final Act in an attempt to extract some other unilateral benefits to the detriment of many other States, including the socialist countries.

16. Regret was expressed over the absence in the reports of a number of countries, specialized agencies and non-governmental organizations of material on freedom of information in colonial and dependent territories. The opinion was voiced that, in any review of world developments in the field of freedom of information, one should stress the deplorable situation regarding that freedom in southern Africa where apartheid and racial discrimination still prevailed. More attention should be paid, in the view of some members, to the condemnation by the United Nations of war propaganda and of racist propaganda, and to relevant provisions of the United Nations Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples. One delegation expressed the view that fascist ideological propaganda should also be condemned. The view was also expressed that in a number of countries, such as Chile and others, far-reaching limitations on freedom of information had been introduced, so that the freedom of information those countries had previously enjoyed no longer existed.

17. The view was stressed by some members that especially in developing countries public information through the mass media could play a meaningful role in promoting economic and social development. However, these countries had been hampered so far because they had, of necessity, to be dependent, for their information, on a few large multinational press agencies, which did not understand their difficulties, and often misrepresented their efforts. With this in mind, many delegations supported the decision taken at the Nairobi Conference of UNESCO in November 1976, to endorse the Non-aligned Press Agencies Pool. This Pool would provide developing countries with alternative sources of information.

18. It was further stressed that in the socialist countries, since the mass media were not in the hands of private corporations or entrepreneurs but under public ownership, freedom of information was guaranteed for the majority - the working people - as they owned the media.

19. The analytical summary prepared by the Secretariat was generally considered a very useful document.

20. It was considered desirable that co-ordination be strengthened between the United Nations and UNESCO in the field of freedom of information.

21. Various observations were made on the report submitted by the International Commission of Jurists. Several representatives expressed serious reservations about the comments on various countries contained in this report, saying that they misrepresented the facts and were, in many respects, incomplete and inaccurate.

Some members did, however, consider that the report was useful. The wish was expressed that non-governmental organizations should make the maximum effort possible to submit informations that was recent, up to date and accurate, although it was realized that it would also be necessary to observe the deadlines stipulated by the Secretary-General.

III. POSSIBILITIES OF REFINING AND IMPROVING THE PRESENT SYSTEM
OF PERIODIC REPORTS AND SUGGESTIONS FOR IMPROVING
THE YEARBOOK ON HUMAN RIGHTS

22. It was generally agreed that Governments should be invited to adhere more closely to the outline of headings prepared by the Secretariat, in order to facilitate consideration of the reports on a comparative basis.

23. It was felt that the outline of headings on freedom of information should be supplemented in order to reflect the importance which several Member States attached to certain questions. Specifically, the Committee agreed that item III of the outline dealing with "Legislative and other measures adopted during the period" should include an additional section F entitled "Sources of information for news media", and that item V should further cover "... action taken with a view to ensuring that information plays a meaningful role in the process of economic and social developments".

24. There was a consensus that Governments should in general attempt to submit more concise reports, in order to enhance the impact of such information on the public. Without recommending a specific number of pages, the Committee felt that Governments should be invited to send reports of a "reasonable length".

25. It was generally felt that Governments should make a greater effort to clearly explain and summarize significant developments in a language readily understood by the general public, rather than submit lengthy texts of laws or Court decisions. While some members expressed doubts regarding the advisability of including any such texts in the reports, other representatives maintained that the judicious use of excerpts from these legal documents may on occasion facilitate the readers' understanding of relevant developments. Where, in the view of Governments, lengthy excerpts were necessary, these could be put in appendices to the report.

26. Several members expressed doubts about the usefulness of the subject and the country index, and considered that it should be discontinued because of the time and expense involved in its preparation. While some representatives considered that the memorandum by the Secretary-General on the status of multilateral treaties in the field of human rights could also be dispensed with as duplicating other Secretariat publications, some other members felt that this document was very useful. The Committee agreed to review this question at its next session.

27. Several members stressed that, in their opinion, steps should be taken to alleviate the reporting burden of Member States in the field of human rights, a burden which was becoming increasingly heavy, in particular due to the coming into force of the International Covenants on Human Rights. The fact that less than one third of the Member States of the United Nations had submitted reports to the present session was an indication of the large number of reports required at present

from Governments. This situation might be detrimental to the quality and completeness of the reports. It was therefore agreed that a recommendation should be made to the Economic and Social Council to adopt a three-year, instead of the present biennial, reporting cycle: The first series of reports, on civil and political rights including freedom of information, to be submitted in 1979, and the second series of reports, on economic, social and cultural rights to be presented in 1982. Furthermore, it was said that the new cycle would synchronize with the reporting demands under the International Covenant on Economic, Social and Cultural Rights as formulated in Council resolution 1988 (LX) of 11 May 1976.

28. The Committee felt that States Parties to the International Covenant on Civil and Political Rights need not submit reports on those rights under Council resolution 1074 C (XXXIX). This provision was parallel to the recommendation in Council resolution 1988 (LX) which avoided a duplication of reporting in the field of economic, social and cultural rights.

29. Regarding the Yearbook on Human Rights, several members commended the Secretariat for the very competent manner in which the 1973-1974 Yearbook had been compiled, under its condensed and more readable format. One view was, however, that with the new heavy demands on the Secretariat, especially since the coming into force of the Covenants, it was to be considered whether the Yearbook served a useful purpose proportionate to the effort and expense involved in its preparation. The Ad Hoc Committee agreed to consider at its next session the question as to whether the publication of the Yearbook should be continued.

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

30. At its 86th meeting, on 4 February 1977, the Ad Hoc Committee on Periodic Reports considered the item relating to the draft provisional agenda for its next session in 1979, which had been included in the agenda of its present session pursuant to paragraph 3 of Economic and Social Council resolution 1894 (LVII). The Committee took note of the items suggested for inclusion in the provisional agenda of its 1979 session and of the list of documents which would be expected to be submitted at that time.

V. CONSIDERATION OF DRAFT RESOLUTIONS

31. At the 83rd meeting, on 2 February 1977, the representative of the United Kingdom of Great Britain and Northern Ireland introduced a draft resolution entitled "Possibilities of refining and improving the present system of periodic reports and suggestions for improving the Yearbook on Human Rights (E/CN.4/AC.20/L.32).

32. Following an exchange of views at the 83rd and 84th meetings, the draft resolution, as orally revised, was adopted without a vote at the 84th meeting on 2 February 1977. (For the text, see below, paragraph 35, draft resolution I.)

33. At the 85th meeting, on 3 February 1977, the Chairman/Rapporteur presented a working paper containing a draft resolution prepared on the basis of various proposals and suggestions submitted by members of the Committee.

34. Following an exchange of views, the draft resolution, as orally revised, was adopted without a vote at the 85th meeting, on 3 February 1977. (For the text, see below, paragraph 35, draft resolution II.)

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

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

I

The Commission on Human Rights,

Recommends that the Economic and Social Council adopt the following draft resolution:

"The Economic and Social Council,

"Recalling its resolution 1074 C (XXXIX) of 28 July 1965 concerning periodic reports on human rights and reports on freedom of information,

"Bearing in mind its resolution 1596 (L) of 21 May 1971,

"Recalling also its resolution 1988 (LX) of 11 May 1976,

"Recalling also its resolution 1793 (LIV) of 18 May 1973,

"Believing that it is only through the timely submission of concise reports by Member States and specialized agencies and of other objective information which may be submitted in accordance with Economic and Social Council resolution 888 B (XXXIV) of 24 July 1962 by non-governmental organizations in consultative status that the international community can appreciate both the progress achieved and the problems still to be overcome in the field of the further promotion and development of human rights,

"Believing also that the value of these reports rests on their being submitted by as many States as possible,

"1. Decides that Member States shall be asked in future to submit periodic reports once every three years in a continuing cycle; the first report, on civil and political rights and freedom of information, to be submitted in 1979, and the second, on economic, social and cultural rights, to be submitted in 1982;

"2. Further decides that States parties to the International Covenant on Civil and Political Rights which submit reports under article 40, paragraph 1, of that Covenant need not submit reports on similar questions under the reporting procedure established under Economic and Social Council resolution 1074 C (XXXIX) of 28 July 1965;

"3. Requests the Ad Hoc Committee on Periodic Reports at its next session to consider the desirability of the continued publication of the Yearbook on Human Rights;

"4. Reaffirms the necessity for all Member States to submit reports in the future;

"5. Invites Member States, in submitting their periodic reports, to follow closely the outline of headings for reports sent to them by the Secretary-General and to pay great attention to the guidelines contained in paragraph 1 of Commission on Human Rights resolution 16 B (XXIII), which was adopted on 22 March 1967;

"6. Considers in particular that the assessment of progress and problems in the promotion and protection of human rights by the Commission on Human Rights and its Ad Hoc Committee on Periodic Reports on Human Rights can be of practical value to the extent that Governments also include in their reports detailed information on legislative and other measures taken with the aim of overcoming specific difficulties encountered."

II

The Commission on Human Rights,

Having considered, with the assistance of its Ad Hoc Committee on Periodic Reports on Human Rights, the reports on freedom of information for the period 1 July 1970 to 3 June 1975 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.4/1214 and Add.1, Add.1/Corr.1 and Add.2-19; E/CN.4/1215 and Add.1-2, Add.2/Corr.1 and Add.3),

Noting with appreciation the analytical summary (E/CN.4/1224) prepared by the Secretary-General,

Stressing the importance of article 19 of the Universal Declaration of Human Rights, article 19 of the International Covenant on Civil and Political Rights and the decisions of United Nations bodies relating to freedom of information,

1. Considers that reports received from Member States of the United Nations or members of specialized agencies, from specialized agencies and from non-governmental organizations for the period 1 July 1970 to 30 June 1975 reveal the following:

(a) Significant developments in the field of freedom of information through the enactment of new legislation, the establishment of new State organs and adherence to international agreements of co-operation for the exchange of information;

(b) The growing role of mass media as an instrument for the promotion of the economic, social and cultural policies of States;

(c) The signing or ratification by many States, of international agreements or conventions for co-operation in the use of new technical means in the field of information, and noticeable progress at the technical level, with a resulting increase in the volume of information gathered and disseminated by the mass media;

(d) The positive influence of United Nations decisions on legislation enacted during the period;

(e) Additions in the national legislation enacted by several States to better protect the individual and his privacy against misuse of the freedom of information;

(f) That limitations in the exercise of freedom of information are provided for, by the respective constitutions and relevant legislation of reporting States, to limit this freedom in the interest of public order or in situations of national emergency;

(g) That the raising of the level of public education is an effective method to promote the right to freedom of information;

2. Regrets that a number of States have still not submitted reports on freedom of information;

3. Deplores the absence of reports on freedom of information in some territories still under colonial rule;

4. Welcomes the decision taken by the nineteenth General Conference of the United Nations Educational, Scientific and Cultural Organization, held at Nairobi, from 26 October to 30 November 1976, to endorse the Non-aligned Press Agencies Pool, as a means of providing developing countries with alternative sources of information;

5. Recognizes that information through the mass media is a powerful means of involving various sectors of society in the process of economic and social development;

6. Requests States Members of the United Nations or members of specialized agencies, specialized agencies and non-governmental organizations, in preparing their reports:

(a) To adhere as closely as possible to the "outline of headings" sent out by the Secretary-General in accordance with Commission resolution 16 B (XXIII);

(b) To submit reports of a reasonable length, including only where necessary excerpts from legal documents and, wherever possible, putting them in appendices to their reports;

(c) To pay increased attention to the full realization of the right to freedom of information which implies not only the way information is imparted to the population but also the way in which all those persons residing temporarily or permanently in the territory can have access to information;

(d) To provide data on the quality, as well as the quantity, of the information being disseminated;

7. Recommends

(a) That the issuance of the subject and country index, prepared under Economic and Social Council resolution 1074 C (XXIX), be discontinued;

(b) That the Ad Hoc Committee on Periodic Reports should, at its next session, review the appropriateness of the present requirement, under Economic and Social Council resolution 1074 C (XXXIX), to issue the document entitled "Status of multilateral treaties in the field of human rights concluded under United Nations auspices";

(c) That Governments, specialized agencies and non-governmental organizations, should observe the time-limits suggested by the Secretary-General; and that non-governmental organizations in particular should ensure that their reports contain information as recent and as up to date as possible;

(d) That specialized agencies and also the non-governmental organizations in consultative status, whose contributions are very useful, should as far as possible, in the interest of economy, report only on areas directly related to their field of concern.

VII. ADOPTION OF THE REPORT

36. At its 86th meeting, on 4 February 1977, the Ad Hoc Committee on Periodic Reports on Human Rights considered the draft report on the work of its 1977 session and adopted it, as orally amended, without a vote.
