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COMMUNICATIONS CONCERNING HUMAN RIGHTS

Note by the Secretary-General

1. The Economic and Social Council, in resolution 728 F (XXVIII), distinguishes between "communications which deal with the principles involved in the promotion of universal respect for, and the observance of, human rights" and "other communications concerning human rights", and requests the Secretary-General:

"(b) To compile before each session of the Commission a confidential list containing a brief indication of the substance of other communications concerning human rights, however addressed, and to furnish this list to members of the Commission, in private meeting, without divulging the identity of the authors of communications except in cases where the authors state that they have already divulged or intend to divulge their names or that they have no objection to their names being divulged;"

"(d) To inform the writers of all communications concerning human rights, however addressed, that their communications will be handled in accordance with this resolution, indicating that the Commission has no power to take any action in regard to any complaint concerning human rights;

"(e) To furnish each Member State concerned with a copy of any communication concerning human rights which refers explicitly to that State or to territories under its jurisdiction, without divulging the identity of the author, except as provided for in sub-paragraph (b) above;"

2. With respect to communications from individuals who allege that their rights, or the rights of persons close to them, have been violated, the Secretariat has always asked them whether they have any objection to their names being divulged unless it is clear from the communications that they will have no objection to

this being done. Certain difficulties arise, especially when no reply to the Secretariat's inquiry is received. In such cases, after an appropriate interval of time has elapsed to allow for a reply, the present practice is for the Secretariat to forward a copy of the communication to the Government concerned without divulging the author's identity. Sometimes, the text of the communication itself must be carefully edited in order to delete references to the author's identity, and it may be seriously mutilated thereby. Some Governments have raised objections upon receiving anonymous communications of this character. Others have pointed out that they cannot take any action on a complaint unless they know the name of the person involved.

3. It may be assumed that most people who write to the United Nations alleging violations of human rights do so without any knowledge of the Council resolution, or of the fact that their communications will be forwarded to the authorities against whom they are lodging a complaint. If they were aware of the procedure, they might not wish to write to the United Nations. The question arises, therefore, whether they should not be informed of the procedure and be given an opportunity to indicate whether they wish the procedure to be applied to their communications.
4. In a note submitted to the Council at its thirty-second session (E/3494), the Secretary-General drew attention to these difficulties and suggested that such communications might be dealt with as follows:

"The Secretariat would write to the author and explain the United Nations procedure for dealing with communications on human rights; (1) indicating, as required by paragraph (d) of resolution 728 F (XXVIII), that the Commission on Human Rights has no power to take any action in regard to any complaint concerning human rights; (2) asking the author, not only whether he has any objection to his name being divulged, but also whether he wishes the procedure to be applied; and (3) informing the author that if he does not reply, his communication will merely be filed by the Secretariat and thus neither be forwarded to the Government concerned, nor summarized in the confidential list of communications prepared for the Commission on Human Rights."

5. In the Council only a brief exchange of views took place.<sup>1/</sup> No objection was raised to points (1) and (2) of the suggestions. Some reservation was expressed with respect to point (3). It was agreed that the matter should be referred to the Commission on Human Rights.

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<sup>1/</sup> E/AC.7/SR.443, 447 and 448.